

NEW LEGISLATION
September 12, 2022

Temp. No.	Introduced	Committee	Description
A-92	9/12/22	Fin	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, without competitive bidding, with Go Sustainable Energy, LLC for the evaluation of distributed energy resources such as solar and battery storage, and declaring an emergency.
A-93	9/12/22	Fin	An ordinance establishing the OneOhio Fund #228 as part of the OneOhio Opioid Settlement, and declaring an emergency.
A-94	9/12/22	Fin	An ordinance providing for supplemental appropriations for capital expenditures of the City of Cuyahoga Falls in the Electric, Sewer, and Water Funds in relation to the Automated Meter Reading Project, and declaring an emergency.
A-95	9/12/22	Fin	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, without competitive bidding, with Glendhill Road Machinery Company to purchase the dump body, hydraulics, and electronic controls to complete the new #948 tandem axle cab and chassis for the Street Division, and declaring an emergency.

Temp. No.	Introduced	Committee	Description
A-96	9/12/22	Fin	An ordinance providing for the issuance and sale of bonds in the maximum principal amount of \$3,875,000 for the purpose of paying the costs of the acquisition and installation of water system meters for use by the water and sanitary sewer systems, together with all necessary appurtenances thereto, and declaring an emergency.
A-97	9/12/22	Fin	An ordinance providing for the issuance and sale of bonds in the maximum principal amount of \$3,335,000, for the purpose of paying the costs of the acquisition and installation of electric system meters, together with all necessary appurtenances thereto, and declaring an emergency.
A-98	9/12/22	PI	An ordinance authorizing the Parks and Recreation Board to enter into a contract or contracts, with Rain Drop Products LLC, for the purchase and installation of splashpads at Quirk Cultural Center and Indian Mountain Park, and declaring an emergency.

Temp. No.	Introduced	Committee	Description
A-99	9/12/22	PI	An ordinance authorizing the Parks and Recreation Board to enter into a contract, with GameTime, Inc. for the purchase of play equipment to be installed at Water Works Park, and declaring an emergency.
A-100	9/12/22	PI	A resolution consenting to the inspection of municipal bridges within the City of Cuyahoga Falls, by the State of Ohio, and declaring an emergency.
A-101	9/12/22	CD	A resolution accepting the recommendations of the Tax Incentive Review Council and the Community Reinvestment Area Housing Council concerning Enterprise Zone and Community Reinvestment Area tax exemption agreements within the City of Cuyahoga falls, and declaring an emergency.

CALENDAR

September 12, 2022

The following legislation will be up for passage at the Council Meeting on September 12, 2022.

Temp. No.	Introduced	Committee	Description
A-83	7/25/22	PZ	An ordinance accepting the recommendation of the Planning Commission for the construction of a 50,000 square foot Electric Department administration facility for the City of Cuyahoga Falls, located at 222 Cochran Road, and declaring an emergency.
A-84	7/25/22	Fin	An ordinance providing for the issuance and sale of notes in the maximum principal amount of \$550,000, in anticipation of the issuance of bonds, for the purpose of paying the costs construction, reconstruction and renovation of the municipal Brookledge Golf Course clubhouse, including but not limited to the construction of a 1,800 square foot expansion, acquisition and installation of electrical and HVAC systems, a new roof, doors and windows, and related improvements, construction and replacement of sidewalks and a cart path around the facility, together with all necessary appurtenances thereto, and declaring an emergency.

Temp. No.	Introduced	Committee	Description
A-85	7/25/22	Fin	An ordinance providing for the issuance and sale of notes in the maximum principal amount of \$1,200,000, in anticipation of the issuance of bonds, for the purpose of paying the costs of acquiring, constructing, reconstructing, improving, equipping and installing of 3,400 lineal feet of sanitary sewer lines, 3,550 feet of water main lines and 8,000 lineal feet of electrical conduit wiring, related storm sewer lines and retention, erosion control and landscaping, along Princeton Place Boulevard, Nottingham Trail, Bainbridge Trail and Kensington Court, and declaring an emergency.
A-86	7/25/22	Fin	An ordinance providing for the issuance and sale of notes in the maximum aggregate principal amount of \$3,495,000, in anticipation of the issuance of bonds, for the purpose of paying the costs of various public infrastructure projects, and declaring an emergency.

Temp. No.	Introduced	Committee	Description
A-90	8/29/22	Fin	An ordinance authorizing the Director of Public Service to purchase certain interests in real property located on Parcel 35-03367, necessary for the improvement of West Portage Trail between State Road and Albertson Parkway, and declaring an emergency.
A-91	8/29/22	Fin	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, without competitive bidding, for the purchase of services, materials, supplies, and equipment for use in the Electrical Division in 2022, and declaring an emergency.
A-87	7/25/22	PA	An ordinance amending the Traffic Control File by providing for installation of various traffic control devices, and declaring an emergency.

PENDING LEGISLATION

September 12, 2022

Temp. No.	Introduced	Committee	Description
A-83	7/25/22	PZ	An ordinance accepting the recommendation of the Planning Commission for the construction of a 50,000 square foot Electric Department administration facility for the City of Cuyahoga Falls, located at 222 Cochran Road, and declaring an emergency.
A-68	6/27/22	Fin	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, without competitive bidding, for the purchase of services, materials, supplies, and equipment for use in the Water Division in 2022, making the necessary appropriations for the same, and declaring an emergency.
A-90	8/29/22	Fin	An ordinance authorizing the Director of Public Service to purchase certain interests in real property located on Parcel 35-03367, necessary for the improvement of West Portage Trail between State Road and Albertson Parkway, and declaring an emergency.

Temp. No.	Introduced	Committee	Description
A-91	8/29/22	Fin	An ordinance authorizing the Director of Public Service to enter into a contract or contracts, without competitive bidding, for the purchase of services, materials, supplies, and equipment for use in the Electrical Division in 2022, and declaring an emergency.
A-84	7/25/22	Fin	An ordinance providing for the issuance and sale of notes in the maximum principal amount of \$550,000, in anticipation of the issuance of bonds, for the purpose of paying the costs construction, reconstruction and renovation of the municipal Brookledge Golf Course clubhouse, including but not limited to the construction of a 1,800 square foot expansion, acquisition and installation of electrical and HVAC systems, a new roof, doors and windows, and related improvements, construction and replacement of sidewalks and a cart path around the facility, together with all necessary appurtenances thereto, and declaring an emergency.

Temp. No.	Introduced	Committee	Description
A-85	7/25/22	Fin	An ordinance providing for the issuance and sale of notes in the maximum principal amount of \$1,200,000, in anticipation of the issuance of bonds, for the purpose of paying the costs of acquiring, constructing, reconstructing, improving, equipping and installing of 3,400 lineal feet of sanitary sewer lines, 3,550 feet of water main lines and 8,000 lineal feet of electrical conduit wiring, related storm sewer lines and retention, erosion control and landscaping, along Princeton Place Boulevard, Nottingham Trail, Bainbridge Trail and Kensington Court, and declaring an emergency.
A-86	7/25/22	Fin	An ordinance providing for the issuance and sale of notes in the maximum aggregate principal amount of \$3,495,000, in anticipation of the issuance of bonds, for the purpose of paying the costs of various public infrastructure projects, and declaring an emergency.
A-87	7/25/22	PA	An ordinance amending the Traffic Control File by providing for installation of various traffic control devices, and declaring an emergency.

2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. - 2022

6
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF
8 PUBLIC SERVICE TO ENTER INTO A CONTRACT OR
9 CONTRACTS, WITHOUT COMPETITIVE BIDDING,
10 WITH GO SUSTAINABLE ENERGY, LLC FOR THE
11 EVALUATION OF DISTRIBUTED ENERGY
12 RESOURCES SUCH AS SOLAR AND BATTERY
13 STORAGE, AND DECLARING AN EMERGENCY.

14
15 WHEREAS, the City has a municipal power system and purchases power for
16 its customers; and

17
18 WHEREAS, the City wishes to investigate the possibility of putting battery
19 storage on the city’s power distribution system and utilizing them to save on
20 peaking power costs; and

21
22 WHEREAS, Go Sustainable Energy, LLC (Go Sustainable) is qualified as a
23 provider of professional services regarding evaluation of distributed energy
24 resources such as battery storage and development and management of energy
25 efficiency programs; and

26
27 WHEREAS, Go Sustainable will continue to act as a consultant for the Solar
28 RFP through the rest of the process, including the evaluation of the proposals;
29 and

30
31 WHEREAS, the City utilizes Go Sustainable’s services for its commercial and
32 industrial energy efficiency program; and

33
34 WHEREAS, the City desires to have Go Sustainable assist with the
35 development and evaluation of a battery storage RFP.

36
37 WHEREAS, although no specific expenditure for Go Sustainable Energy’s
38 professional services has individually exceeded the competitive bidding cost
39 threshold to date, collectively these expenditures will soon exceed the competitive
40 bidding amount of \$50,000.

41
42 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga
43 Falls, County of Summit and State of Ohio, that:

44
45 Section 1. The Director of Public Service is hereby authorized to enter into a
46 contract or contracts, without competitive bidding, with Go Sustainable Energy,
47 LLC for the evaluation of distributed energy resources such as solar and battery
48 storage in a total amount not to exceed \$100,000 for the 2022 fiscal year.

49 Section 2. The Director of Finance is hereby authorized and directed to make
50 payment for same from the Electric Fund, line item Other Operations.
51

52 Section 3. Any ordinances or resolutions or portions of ordinances and
53 resolutions inconsistent herewith be and the same are hereby repealed, but any
54 ordinances and resolutions not inconsistent herewith and which have not
55 previously been repealed are hereby ratified and confirmed.
56

57 Section 4. It is found and determined that all formal actions of this Council
58 concerning and relating to the passage of this ordinance were taken in an open
59 meeting of this Council and that all deliberations of this Council and of any
60 committees that resulted in those formal actions were in meetings open to the
61 public, in compliance with all legal requirements including Chapter 107 of the
62 Codified Ordinances.
63

64 Section 5. This ordinance is hereby declared to be an emergency measure
65 necessary for the preservation of the public peace, health, safety, convenience
66 and welfare of the City of Cuyahoga Falls and the inhabitants thereof, and
67 provided it receives the affirmative vote of two-thirds of the members elected or
68 appointed to Council, it shall take effect and be in force immediately upon its
69 passage and approval by the Mayor; otherwise it shall take effect and be in force
70 at the earliest period allowed by law.
71

72
73 Passed: _____
74 _____
75 President of Council
76

77 _____
78 Clerk of Council
79

80
81 Approved: _____
82 _____
83 Mayor
84

84 9/12/22

85 \\CF-FILE01\ldpublic\Council\2022ords\09-12-22\Go Sustainable RFP
86 Consulting 2022.docx

2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. - 2022

6
7 AN ORDINANCE ESTABLISHING THE ONEOHIO
8 FUND #228 AS PART OF THE ONEOHIO OPIOID
9 SETTLEMENT, AND DECLARING AN EMERGENCY.

10
11 WHEREAS, Ohio R.C. 5705.09(F), requires a special fund for each class of
12 revenues derived from a source other than the general property tax, which the
13 law requires to be used for a particular purpose; and

14
15 WHEREAS, auditor of state bulletin 2022-003; identifies that approved uses
16 of the local government share of OneOhio funds must be utilized in a manner
17 consistent with the approved purposes definition in the OneOhio memorandum
18 of understanding; and

19
20 WHEREAS, the funds must be used for evidence-based forward-looking
21 strategies, programming and services used to (i) expand the availability of
22 treatment for individuals affected by substance use disorders, (ii) develop,
23 promote and provide evidence-based substance use prevention strategies, (iii)
24 provide substance use avoidance and awareness education, (iv) decrease the
25 oversupply of licit and illicit opioids, and (v) support recovery from addiction
26 services performed by qualified and appropriately licensed providers.

27
28 NOW, THEREFORE, BE IT ORDAINED by the City of Cuyahoga Falls, County of
29 Summit and State of Ohio:

30
31 Section 1. That there is hereby created a OneOhio Opioid Fund #228.

32
33 Section 2. That funds in the OneOhio Opioid Fund #228 shall be used for
34 eligible expenses pursuant to the OneOhio memorandum of understanding
35 related to OneOhio Abatement Strategies including Community Recovery,
36 Statewide Innovation and Recovery, and Sustainability.

37
38 Section 3. That the Mayor, as the appointing authority, is authorized to
39 execute all necessary documentation for receipt of such funds.

40
41 Section 4. Any ordinances or resolutions or portions of ordinances and
42 resolutions inconsistent herewith be and the same are hereby repealed, but any
43 ordinances and resolutions not inconsistent herewith and which have not
44 previously been repealed are hereby ratified and confirmed.

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

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

59

60

61 Passed: _____

President of Council

62

63

64

65

Clerk of Council

66

67

68

69 Approved: _____

Mayor

70

71

72 9/12/22

73 \\CF-FILE01\ldpublic\Council\2022ords\09-12-22\OneOhio Opioid

74 Fund.docx

2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. - 2022

6
7 AN ORDINANCE PROVIDING FOR SUPPLEMENTAL APPROPRIATIONS
8 FOR CAPITAL EXPENDITURES OF THE CITY OF CUYAHOGA FALLS IN
9 THE ELECTRIC, SEWER, AND WATER FUNDS IN RELATION TO THE
10 AUTOMATED METER READING PROJECT, AND DECLARING AN
11 EMERGENCY.

12
13 WHEREAS, Article VI, Sections 7 and 8 of the City Charter provide that City Council may revise, amend,
14 and supplement budgetary appropriations during the fiscal year, and may authorize the transfer of
15 unencumbered appropriations within various accounts; and

16
17 WHEREAS, Ordinance 40-2020 authorized the Director of Public Services to enter into contracts,
18 without competitive bidding with Aclara Technologies LLC, Badger Meter Inc and Conxx Inc, in connection
19 with the settlement agreement to provide the City with an upgraded automated meter reading system.

20
21 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County of Summit
22 and State of Ohio, that:

23
24 Section 1. Moneys are hereby appropriated to the departments or divisions as set forth as follows:

Funds	Line Item	Amount
Electric	Capital Outlay	\$3,305,515.00
Sewer	Capital Outlay	\$1,920,155.00
Water	Capital Outlay	\$1,920,155.00

25
26 Section 2. Any ordinances or resolutions or portions of ordinances and resolutions inconsistent
27 herewith be and the same are hereby repealed, but any ordinances and resolutions not inconsistent
28 herewith and which have not previously been repealed are hereby ratified and confirmed.

29
30 Section 3. It is found and determined that all formal actions of this Council concerning and relating to
31 the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations
32 of this Council and of any of its committees that resulted in such formal action were in meetings open to
33 the public, in compliance with all legal requirements, to the extent applicable, including Chapter 107 of the
34 Codified Ordinances.

35
36 Section 4. This ordinance is hereby declared to be an emergency measure necessary for the preservation
37 of the public peace, health, safety, convenience and welfare of the City of Cuyahoga Falls and the
38 inhabitants thereof, and provided it receives the affirmative vote of two thirds of the members elected or
39 appointed to Council, it shall take effect and be in force immediately upon its passage and approval by the
40 Mayor; otherwise it shall take effect and be in force at the earliest period allowed by law.

41
42 Passed: _____
43 _____
44 President of Council

45
46 _____
47 Clerk of Council

48
49
50 Approved: _____
51 _____
52 Mayor

2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. - 2022

6
7 AN ORDINANCE AUTHORIZING THE DIRECTOR OF PUBLIC SERVICE TO
8 ENTER INTO A CONTRACT OR CONTRACTS, WITHOUT COMPETITIVE
9 BIDDING, WITH GLENDHILL ROAD MACHINERY COMPANY TO
10 PURCHASE THE DUMP BODY, HYDRAULICS, AND ELECTRONIC
11 CONTROLS TO COMPLETE THE NEW #948 TANDEM AXLE CAB AND
12 CHASSIS FOR THE STREET DIVISION, AND DECLARING AN
13 EMERGENCY.

14
15 WHEREAS, the Cuyahoga Falls Street Division requires a new dump truck; and

16
17 WHEREAS, Glendhill Road Machinery Company is able to supply the components necessary to
18 complete the vehicle in a timely manner.

19
20 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County of Summit,
21 and State of Ohio, that:

22
23 Section 1. The Director of Public Service is authorized to enter into a contract or contracts, without
24 competitive bidding, with Glendhill Road Machinery Company to purchase the dump body, hydraulics, and
25 electronic controls to complete the new #948 tandem axle cab and chassis for the Street Division.

26
27 Section 2. The Director of Finance is hereby authorized and directed to make payment for same from
28 the Capital Projects Fund, line item Capital Outlay.

29
30 Section 3. Any other ordinances and resolutions or portions of ordinances and resolutions inconsistent
31 herewith are hereby repealed, but any ordinances and resolutions or portions of ordinances and resolutions
32 not inconsistent herewith and which have not previously been repealed are hereby ratified and confirmed.

33
34 Section 4. It is found and determined that all formal actions of this Council and concerning and relating
35 to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations
36 of this Council and of its committees that resulted in such formal action, were in meetings open to the
37 public, in compliance with all legal requirements, to the extent applicable, including Chapter 107 of the
38 Codified Ordinances.

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

45
46
47 Passed: _____

President of Council

48
49
50
51 _____
52 Clerk of Council

53
54
55 Approved: _____

Mayor

56
57 9/12/22

2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. - 2022

6
7 AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF
8 BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$3,875,000
9 FOR THE PURPOSE OF PAYING THE COSTS OF THE
10 ACQUISITION AND INSTALLATION OF WATER SYSTEM
11 METERS FOR USE BY THE WATER AND SANITARY SEWER
12 SYSTEMS, TOGETHER WITH ALL NECESSARY
13 APPURTENANCES THERETO, AND DECLARING AN
14 EMERGENCY.
15

16 WHEREAS, this Council has requested that the Director of Finance, as fiscal officer of this City, certify
17 the estimated life or period of usefulness of the Improvement described in Section 2 and the maximum
18 maturity of the Bonds described in Section 2; and
19

20 WHEREAS, the Director of Finance has certified to this Council that the estimated life or period of
21 usefulness of the Improvement described in Section 2 is at least five (5) years and that the maximum
22 maturity of the Bonds described in Section 2 is ten (10) years;
23

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

27 Section 1. Definitions and Interpretation. In addition to the words and terms elsewhere defined in this
28 Ordinance, unless the context or use clearly indicates another or different meaning or intent:
29

30 “Authorized Denominations” means the minimum denominations or any integral multiple in excess
31 thereof as set forth in the Certificate of Award.
32

33 “Bond Proceedings” means, collectively, this Ordinance, the Certificate of Award and such other
34 proceedings of the City, including the Bonds, that provide collectively for, among other things, the rights
35 of holders of the Bonds, and to the extent it is determined necessary by the Director of Finance in the
36 Certificate of Award, the Purchase Agreement.
37

38 “Bond Register” means all books and records necessary for the registration, exchange and transfer of
39 Bonds as provided in Section 5.
40

41 “Bond Registrar” means the Director of Finance, the Original Purchaser or a bank or trust company
42 authorized to do business in the State of Ohio, as designated by the Director of Finance in the Certificate
43 of Award pursuant to Section 4 as the initial authenticating agent, bond registrar, transfer agent and paying
44 agent for the Bonds and until appointment of a successor Bond Registrar and, thereafter, “Bond Registrar”
45 shall mean the successor Bond Registrar.
46

47 “Bonds” means, collectively, the Serial Bonds and the Term Bonds, each as is designated as such in
48 the Certificate of Award.

49 “Certificate of Award” means the certificate authorized by Section 6, to be executed by the Director of
50 Finance, setting forth and determining those terms or other matters pertaining to the Bonds and their
51 issuance, sale and delivery as this Ordinance requires or authorizes to be set forth or determined therein.
52

53 “City” means the City of Cuyahoga Falls, Ohio.
54

55 “Clerk of Council” means the Clerk of Council of the City or any person serving in an interim or acting
56 capacity with respect to that office.
57

58 “Closing Date” means the date of physical delivery of, and payment of the purchase price for, the
59 Bonds.
60

61 “Code” means the Internal Revenue Code of 1986, as amended, the Regulations (whether temporary or
62 final) under that Code or the statutory predecessor of that Code, and any amendments of, or successor
63 provisions to, the foregoing and any official rulings, announcements, notices, procedures and judicial
64 determinations regarding any of the foregoing, all as and to the extent applicable. Unless otherwise
65 indicated, reference to a Section of the Code includes any applicable successor section or provision and
66 such applicable Regulations, rulings, announcements, notices, procedures and determinations pertinent to
67 that Section.
68

69 “Director of Finance” means the Director of Finance of the City or any person serving in an interim or
70 acting capacity with respect to that office.
71

72 “Director of Law” means the Director of Law of the City or any person serving in an interim or acting
73 capacity with respect to that office.
74

75 “Financing Costs” shall have the meaning given in Section 133.01 of the Ohio Revised Code.
76

77 “Interest Payment Dates” means, unless otherwise specified in the Certificate of Award, June 1 and
78 December 1 of each year that the Bonds are outstanding, commencing on the date specified in the Certificate
79 of Award.
80

81 “Mandatory Redemption Date” shall have the meaning set forth in Section 3(b).
82

83 “Mandatory Sinking Fund Redemption Requirements” shall have the meaning set forth in Section
84 3(e)(i).
85

86 “Mayor” means the Mayor of the City or any person serving in an interim or acting capacity with
87 respect to that office.
88

89 “Original Purchaser” means the purchaser of the Bonds specified in the Certificate of Award.
90

91 “Principal Payment Dates” means, unless otherwise specified in the Certificate of Award, December 1
92 in each of the years from and including 2023 to and including 2042; provided that the first Principal
93 Payment Date may be deferred up to one year and the last Principal Payment Date may be advanced or
94 deferred by such number of years as determined by the Director of Finance, and provided further that in no
95 case shall the final Principal Payment Date exceed the maximum maturity limitation referred to in the
96 preambles hereto, all of which determinations shall be made by the Director of Finance in the Certificate
97 of Award in such manner as to be in the best interest of and financially advantageous to the City.

98 “Purchase Agreement” means the Bond Purchase Agreement, which to the extent it is determined
99 necessary by the Director of Finance in the Certificate of Award, shall be between the City and the Original
100 Purchaser, as it may be prepared, approved and executed by the Mayor and the Director of Finance, all in
101 accordance with Section 6.
102

103 “Regulations” means Treasury Regulations issued pursuant to the Code or to the statutory predecessor
104 of the Code.
105

106 “Serial Bonds” means those Bonds designated as such and maturing on the dates set forth in the
107 Certificate of Award, bearing interest payable on each Interest Payment Date and not subject to mandatory
108 sinking fund redemption.
109

110 “Term Bonds” means those Bonds designated as such and maturing on the date or dates set forth in the
111 Certificate of Award, bearing interest payable on each Interest Payment Date and subject to mandatory
112 sinking fund redemption.
113

114 The captions and headings in this Ordinance are solely for convenience of reference and in no way
115 define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or
116 clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.
117

118 Section 2. Authorized Principal Amount and Purpose; Application of Proceeds. This Council
119 determines that it is necessary and in the best interest of the City to issue bonds of this City in the maximum
120 principal amount of \$3,875,000 (the “Bonds”) for the purpose of paying the costs of the acquisition and
121 installation of water system meters for use by the water and sanitary sewer systems, together with all
122 necessary appurtenances thereto (the “Improvement”). The Bonds shall be issued pursuant to Chapter 133
123 of the Ohio Revised Code, the Charter of the City, this Ordinance and the Certificate of Award.
124

125 The aggregate principal amount of Bonds to be issued shall not exceed the maximum principal amount
126 specified in this Section 2 and shall be an amount determined by the Director of Finance in the Certificate
127 of Award to be the principal amount of Bonds that is required to be issued at this time for the purpose
128 described in this Section 2, taking into account the costs of the Improvement, the estimates of the Financing
129 Costs and the interest rates on the Bonds.
130

131 The proceeds from the sale of the Bonds received by the City (or withheld by the Original Purchaser
132 on behalf of the City) shall be paid into the proper fund or funds, and those proceeds are hereby appropriated
133 and shall be used for the purpose for which the Bonds are being issued, including without limitation but
134 only to the extent not paid by others, the payment of the costs of issuing and servicing the Bonds, printing
135 and delivery of the Bonds, legal services including obtaining the approving legal opinion of bond counsel,
136 fees and expenses of any municipal advisor, paying agent and rating agency, any fees or premiums relating
137 to municipal bond insurance or other security arrangements determined necessary by the Director of
138 Finance, and all other Financing Costs and costs incurred incidental to those purposes. The Certificate of
139 Award and the Purchase Agreement (if any), may authorize the Original Purchaser to withhold certain
140 proceeds from the purchase price of the Bonds to provide for the payment of Financing Costs related to the
141 Bonds on behalf of the City. Any portion of those proceeds received by the City representing premium
142 (after payment of any Financing Costs identified in the Certificate of Award and the Purchase Agreement
143 (if any)) or accrued interest shall be paid into the Bond Retirement Fund.
144

145 Section 3. Denominations; Dating; Principal and Interest Payment and Redemption Provisions. The
146 Bonds shall be issued in one lot and only as fully registered bonds, in Authorized Denominations, but in no
147 case as to a particular maturity date exceeding the principal amount maturing on that date. The Bonds shall
148 be dated as provided in the Certificate of Award, provided that their dated date shall not be more than sixty

149 (60) days prior to the Closing Date. If requested by the Original Purchaser, the Director of Finance is
150 hereby authorized to prepare one bond representing the aggregate principal amount of Bonds maturing on
151 all of the Principal Payment Dates, all as set forth in the Certificate of Award. The Bonds may be issued
152 as (i) a single fully registered Serial Bond with principal installments payable in amounts equal to the
153 principal amounts of the Bonds stated to mature or be payable pursuant to Mandatory Sinking Fund
154 Redemption Requirements on the respective Principal Payment Dates or (ii) one or more fully registered
155 Term Bonds with Mandatory Sinking Fund Redemption Requirements in amounts equal to the principal
156 amount of the Bonds stated to mature or be payable pursuant to Mandatory Sinking Fund Redemption
157 Requirements on the respective Principal Payment Dates.
158

159 (a) Interest Rates and Payment Dates. The Bonds shall bear interest at the rate or rates per year and
160 computed on the basis as shall be determined by the Director of Finance, subject to subsection (c) of this
161 Section 3, in the Certificate of Award. Interest on the Bonds shall be payable at such rate or rates on the
162 Interest Payment Dates until the principal amount has been paid or provided for. The Bonds shall bear
163 interest from the most recent date to which interest has been paid or provided for or, if no interest has been
164 paid or provided for, from their date.
165

166 (b) Principal Payment Schedule. The Bonds shall mature or be payable pursuant to Mandatory
167 Sinking Fund Redemption Requirements on the Principal Payment Dates in principal amounts as shall be
168 determined by the Director of Finance, subject to subsection (c) of this Section 3, in the Certificate of
169 Award, which determination shall be in the best interest of and financially advantageous to the City.
170

171 Consistent with the foregoing and in accordance with the Director of Finance's determination of the
172 best interest of and financial advantages to the City, the Director of Finance shall specify in the Certificate
173 of Award (i) the aggregate principal amount of Bonds to be issued as Serial Bonds, the Principal Payment
174 Date or Dates on which those Bonds shall be stated to mature and the principal amount thereof that shall
175 be stated to mature on each such Principal Payment Date and (ii) the aggregate principal amount of Bonds
176 to be issued as Term Bonds, the Principal Payment Date or Dates on which those Bonds shall be stated to
177 mature, the principal amount thereof that shall be stated to mature on each such Principal Payment Date,
178 the Principal Payment Date or Dates on which Term Bonds shall be subject to mandatory sinking fund
179 redemption (each a "Mandatory Redemption Date") and the principal amount thereof that shall be payable
180 pursuant to Mandatory Sinking Fund Redemption Requirements on each Mandatory Redemption Date.
181

182 (c) Conditions for Establishment of Interest Rates and Principal Payment Dates and Amounts. The
183 rate or rates of interest per year to be borne by the Bonds, and the principal amount of Bonds maturing or
184 payable pursuant to Mandatory Sinking Fund Redemption Requirements on each Principal Payment Date,
185 shall be such that the total principal and interest payments on the Bonds in any fiscal year in which principal
186 is payable is not more than three times the amount of those payments in any other fiscal year. The net
187 interest cost for the Bonds determined by taking into account the respective principal amounts of the Bonds
188 and terms to maturity or Mandatory Sinking Fund Redemption Requirements of those principal amounts of
189 Bonds shall not exceed 6.00%.

190 (d) Payment of Debt Charges. The debt charges on the Bonds shall be payable in lawful money of
191 the United States of America without deduction for the services of the Bond Registrar as paying agent.
192 Principal of and any premium on a Bond shall be paid on each Principal Payment Date and interest shall be
193 paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was
194 registered, and to that person's address appearing, on the Bond Register at the close of business on the 15th
195 day preceding that Interest Payment Date; provided, however, that so long as the entire principal amount
196 of the Bonds is represented by a single certificate, payment of principal and interest may be made by wire
197 or check or draft mailed to the person in whose name the Bond was registered on the applicable date of

198 payment, with presentation and surrender of said certificate to be made to the Bond Registrar after payment
199 of principal and interest at final maturity.

200
201 (e) Redemption Provisions. The Bonds shall be subject to redemption prior to stated maturity as
202 follows:

203
204 (i) Mandatory Sinking Fund Redemption of Term Bonds. If any of the Bonds are issued as
205 Term Bonds, the Term Bonds shall be subject to mandatory redemption in part by lot and be redeemed
206 pursuant to mandatory sinking fund redemption requirements, at a redemption price of 100% of the
207 principal amount redeemed, plus accrued interest to the redemption date, on the applicable Mandatory
208 Redemption Dates and in the principal amounts payable on those Dates, for which provision is made
209 in the Certificate of Award (such Dates and amounts being referred to as the “Mandatory Sinking Fund
210 Redemption Requirements”).

211
212 The aggregate of the moneys to be deposited with the Bond Registrar for payment of principal of
213 and interest on any Term Bonds on each Mandatory Redemption Date shall include an amount
214 sufficient to redeem on that Date the principal amount of Term Bonds payable on that Date pursuant to
215 the Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as hereinafter
216 provided).

217
218 The City shall have the option to deliver to the Bond Registrar for cancellation Term Bonds in
219 any aggregate principal amount and to receive a credit against the then current or any subsequent
220 Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption
221 obligation) of the City, as specified by the Director of Finance, for Term Bonds stated to mature on the
222 same Principal Payment Date and bearing interest at the same rate as the Term Bonds so delivered.
223 That option shall be exercised by the City on or before the 45th day preceding any Mandatory
224 Redemption Date with respect to which the City wishes to obtain a credit, by furnishing the Bond
225 Registrar a certificate, signed by the Director of Finance, setting forth the extent of the credit to be
226 applied with respect to the then current or any subsequent Mandatory Sinking Fund Redemption
227 Requirement for Term Bonds stated to mature on the same Principal Payment Date and bearing interest
228 at the same rate as the Term Bonds so delivered. If the certificate is not timely furnished to the Bond
229 Registrar, the current Mandatory Sinking Fund Redemption Requirement (and corresponding
230 mandatory redemption obligation) shall not be reduced. A credit against the then current or any
231 subsequent Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory
232 redemption obligation), as specified by the Director of Finance, also shall be received by the City for
233 any Term Bonds which prior thereto have been redeemed (other than through the operation of the
234 applicable Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and
235 canceled by the Bond Registrar, to the extent not applied theretofore as a credit against any Mandatory
236 Sinking Fund Redemption Requirement, for Term Bonds stated to mature on the same Principal
237 Payment Date and bearing interest at the same rate as the Term Bonds so redeemed or purchased and
238 canceled.

239
240 Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be
241 credited by the Bond Registrar at 100% of the principal amount thereof against the then current or
242 subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory
243 redemption obligations), as specified by the Director of Finance, for Term Bonds stated to mature on
244 the same Principal Payment Date and bearing interest at the same rate as the Term Bonds so delivered,
245 redeemed or purchased and canceled.

246
247 (ii) Optional Redemption. The Bonds of the maturities and interest rates specified in the
248 Certificate of Award (if any are so specified) shall be subject to optional redemption by and at the sole

249 option of the City, in whole or in part in Authorized Denominations, on the dates and at the redemption
250 prices (expressed as a percentage of the principal amount to be redeemed), plus accrued interest to the
251 redemption date, to be determined by the Director of Finance in the Certificate of Award; provided that
252 the redemption price for any optional redemption date shall not be greater than 103%.
253

254 If optional redemption of Term Bonds at a redemption price exceeding 100% of the principal
255 amount to be redeemed is to take place as of any Mandatory Redemption Date applicable to those Term
256 Bonds, the Term Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to
257 the selection by lot of the Term Bonds of the same maturity (and interest rate within a maturity if
258 applicable) to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption
259 Requirements. Bonds to be redeemed pursuant to this paragraph shall be redeemed only upon written
260 notice from the Director of Finance to the Bond Registrar, given upon the direction of the City by
261 passage of an ordinance or adoption of a resolution. That notice shall specify the redemption date and
262 the principal amount of each maturity (and interest rate within a maturity if applicable) of Bonds to be
263 redeemed, and shall be given at least 45 days prior to the redemption date or such shorter period as
264 shall be acceptable to the Bond Registrar.
265

266 (iii) Partial Redemption. If fewer than all of the outstanding Bonds are called for optional
267 redemption at one time and Bonds of more than one maturity (or interest rate within a maturity if
268 applicable) are then outstanding, the Bonds that are called shall be Bonds of the maturity or maturities
269 and interest rate or rates selected by the City. If fewer than all of the Bonds of a single maturity (or
270 interest rate within a maturity if applicable) are to be redeemed, the selection of Bonds of that maturity
271 (or interest rate within a maturity if applicable) to be redeemed, or portions thereof in Authorized
272 Denominations, shall be made by the Bond Registrar by lot in a manner determined by the Bond
273 Registrar. In the case of a partial redemption of Bonds by lot when Bonds of denominations greater
274 than the Authorized Denominations are then outstanding, each Authorized Denomination unit of
275 principal thereof shall be treated as if it were a separate Bond of the Authorized Denomination. If it is
276 determined that one or more, but not all, of the Authorized Denomination units of principal amount
277 represented by a Bond are to be called for redemption, then, upon notice of redemption of an Authorized
278 Denomination unit or units, the registered owner of that Bond shall surrender the Bond to the Bond
279 Registrar (A) for payment of the redemption price of the Authorized Denomination unit or units of
280 principal amount called for redemption (including, without limitation, the interest accrued to the date
281 fixed for redemption and any premium), and (B) for issuance, without charge to the registered owner,
282 of a new Bond or Bonds of any Authorized Denomination or Denominations in an aggregate principal
283 amount equal to the unmatured and unredeemed portion of, and bearing interest at the same rate and
284 maturing on the same date as, the Bond surrendered.
285

286 (iv) Notice of Redemption. The notice of the call for redemption of Bonds shall identify (A)
287 by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be
288 redeemed, (B) the redemption price to be paid, (C) the date fixed for redemption, and (D) the place or
289 places where the amounts due upon redemption are payable. The notice shall be given by the Bond
290 Registrar on behalf of the City by mailing a copy of the redemption notice by first-class mail, postage
291 prepaid, at least 30 days prior to the date fixed for redemption, to the registered owner of each Bond
292 subject to redemption in whole or in part at the registered owner's address shown on the Bond Register
293 maintained by the Bond Registrar at the close of business on the 15th day preceding that mailing. Failure
294 to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the
295 validity of the proceedings for the redemption of any Bond.
296

297 (v) Payment of Redeemed Bonds. In the event that notice of redemption shall have been given
298 by the Bond Registrar to the registered owners as provided above, there shall be deposited with the
299 Bond Registrar on or prior to the redemption date, moneys that, in addition to any other moneys

300 available therefor and held by the Bond Registrar, will be sufficient to redeem at the redemption price
301 thereof, plus accrued interest to the redemption date, all of the redeemable Bonds for which notice of
302 redemption has been given. Notice having been mailed in the manner provided in the preceding
303 paragraph hereof, the Bonds and portions thereof called for redemption shall become due and payable
304 on the redemption date, and, subject to the provisions of Section 3(d), upon presentation and surrender
305 thereof at the place or places specified in that notice, shall be paid at the redemption price, plus accrued
306 interest to the redemption date. If moneys for the redemption of all of the Bonds and portions thereof
307 to be redeemed, together with accrued interest thereon to the redemption date, are held by the Bond
308 Registrar on the redemption date, so as to be available therefor on that date and, if notice of redemption
309 has been deposited in the mail as aforesaid, then from and after the redemption date those Bonds and
310 portions thereof called for redemption shall cease to bear interest and no longer shall be considered to
311 be outstanding. If those moneys shall not be so available on the redemption date, or that notice shall
312 not have been deposited in the mail as aforesaid, those Bonds and portions thereof shall continue to
313 bear interest, until they are paid, at the same rate as they would have borne had they not been called for
314 redemption. All moneys held by the Bond Registrar for the redemption of particular Bonds shall be
315 held in trust for the account of the registered owners thereof and shall be paid to them, respectively,
316 upon presentation and surrender of those Bonds; provided that any interest earned on the moneys so
317 held by the Bond Registrar shall be for the account of and paid to the City to the extent not required for
318 the payment of the Bonds called for redemption.
319

320 Section 4. Execution and Authentication of Bonds; Appointment of Bond Registrar. The Bonds shall
321 be signed by the Mayor and the Director of Finance, in the name of the City and in their official capacities,
322 provided that either or both of those signatures may be a facsimile. The Bonds shall be issued in the
323 Authorized Denominations and numbers as requested by the Original Purchaser and approved by the
324 Director of Finance, shall be numbered as determined by the Director of Finance in order to distinguish
325 each Bond from any other Bond, and shall express upon their faces the purpose, in summary terms, for
326 which they are issued and that they are issued pursuant to Chapter 133 of the Ohio Revised Code, the
327 Charter of the City, this Ordinance and the Certificate of Award.
328

329 The Director of Finance is designated as initial Bond Registrar; provided, however, if following passage
330 of this Ordinance, the Director of Finance determines that circumstances are such that it would be in the
331 best interest of and financially advantageous to the City to appoint an alternate Bond Registrar, then the
332 Director of Finance is hereby authorized to designate in the Certificate of Award, the Original Purchaser or
333 a bank or trust company authorized to do business in the State of Ohio to act as the initial Bond Registrar.
334 The Director of Finance shall provide for the payment of the services rendered and for reimbursement of
335 expenses incurred pursuant to the Certificate of Award, except to the extent paid or reimbursed pursuant to
336 the Certificate of Award, from the proceeds of the Bonds to the extent available and then from other money
337 lawfully available and appropriated or to be appropriated for that purpose.
338

339 No Bond shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under
340 the Bond Proceedings unless and until the certificate of authentication printed on the Bond is signed by the
341 Bond Registrar as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence
342 that the Bond so authenticated has been duly issued, signed and delivered under, and is entitled to the
343 security and benefit of, the Bond Proceedings. The certificate of authentication may be signed by any
344 authorized officer or employee of the Bond Registrar or by any other person acting as an agent of the Bond
345 Registrar and approved by the Director of Finance on behalf of the City. The same person need not sign
346 the certificate of authentication on all of the Bonds.

347 Section 5. Registration; Transfer and Exchange.
348

349 (a) Bond Register. So long as any of the Bonds remain outstanding, the City will cause the Bond
350 Registrar to maintain and keep the Bond Register at its main office. Subject to the provisions of
351 Section 3(d), the person in whose name a Bond is registered on the Bond Register shall be regarded as the
352 absolute owner of that Bond for all purposes of the Bond Proceedings. Payment of or on account of the
353 debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the
354 Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as
355 provided in this Section 5. All such payments shall be valid and effectual to satisfy and discharge the City's
356 liability upon the Bond, including interest, to the extent of the amount or amounts so paid.
357

358 (b) Transfer and Exchange. Any Bond may be exchanged for Bonds of any Authorized
359 Denomination upon presentation and surrender at the main office of the Bond Registrar, together with a
360 request for exchange signed by the registered owner or by a person legally empowered to do so in a form
361 satisfactory to the Bond Registrar. A Bond may be transferred only on the Bond Register upon presentation
362 and surrender of the Bond at the main office of the Bond Registrar together with an assignment signed by
363 the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar.
364 Upon exchange or transfer the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds
365 of any Authorized Denomination or Denominations requested by the owner equal in the aggregate to the
366 unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on
367 the same date.
368

369 If manual signatures on behalf of the City are required, the Bond Registrar shall undertake the exchange
370 or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases
371 of Bonds exchanged or transferred, the City shall sign and the Bond Registrar shall authenticate and deliver
372 Bonds in accordance with the provisions of the Bond Proceedings. The exchange or transfer shall be
373 without charge to the owner, except that the City and Bond Registrar may make a charge sufficient to
374 reimburse them for any tax or other governmental charge required to be paid with respect to the exchange
375 or transfer. The City or the Bond Registrar may require that those charges, if any, be paid before the
376 procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or
377 transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security
378 and benefit under the Bond Proceedings as the Bonds surrendered upon that exchange or transfer. Neither
379 the City nor the Bond Registrar shall be required to make any exchange or transfer of (i) Bonds then subject
380 to call for redemption between the 15th day preceding the mailing of notice of Bonds to be redeemed and
381 the date of that mailing, or (ii) any Bond selected for redemption, in whole or in part.
382

383 Section 6. Sale of the Bonds to the Original Purchaser. The Director of Finance is authorized to sell
384 the Bonds at private sale to the Original Purchaser at a purchase price, not less than 97% of the aggregate
385 principal amount thereof, as shall be determined by the Director of Finance in the Certificate of Award,
386 plus accrued interest (if any) on the Bonds from their date to the Closing Date, and shall be awarded by the
387 Director of Finance with and upon such other terms as are required or authorized by this Ordinance to be
388 specified in the Certificate of Award, in accordance with law, the provisions of this Ordinance and the
389 Purchase Agreement (if any). The Director of Finance is authorized, if it is determined to be in the best
390 interest of the City, to combine the issue of Bonds with one or more other bond issues of the City into a
391 consolidated bond issue pursuant to Section 133.30(B) of the Ohio Revised Code in which case a single
392 Certificate of Award may be utilized for the consolidated bond issue if appropriate and consistent with the
393 terms of this Ordinance.
394

395 The Director of Finance shall sign and deliver the Certificate of Award and shall cause the Bonds to be
396 prepared and signed and delivered, together with a true transcript of proceedings with reference to the
397 issuance of the Bonds, to the Original Purchaser upon payment of the purchase price.

398 To the extent it is determined necessary by the Director of Finance in the Certificate of Award, the
399 Mayor and the Director of Finance shall sign and deliver, in the name and on behalf of the City, the Purchase
400 Agreement between the City and the Original Purchaser, in a form as is approved by the Mayor and the
401 Director of Finance, providing for the sale to, and the purchase by, the Original Purchaser of the Bonds.
402 The Purchase Agreement is approved, together with any changes or amendments that are not inconsistent
403 with this Ordinance and not substantially adverse to the City and that are approved by the Mayor and the
404 Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the
405 Purchase Agreement or amendments thereto.

406
407 The Mayor, the Director of Finance, the Director of Law, the Clerk of Council and other City officials,
408 as appropriate, each are authorized and directed to sign any transcript certificates, financial statements and
409 other documents and instruments and to take such actions as are necessary or appropriate to consummate
410 the transactions contemplated by this Ordinance. The actions of the Mayor, the Director of Finance, the
411 Director of Law, the Clerk of Council or other City officials, as appropriate, in doing any and all acts
412 necessary in connection with the issuance and sale of the Bonds are hereby ratified and confirmed.
413

414 Section 7. Provision for Tax Levy. There shall be levied on all the taxable property in the City, in
415 addition to all other taxes, a direct tax annually during the period the Bonds are outstanding in an amount
416 sufficient to pay the debt charges on the Bonds when due, which tax shall not be less than the interest and
417 sinking fund tax required by Section 11 of Article XII of the Ohio Constitution. The tax shall be within the
418 eleven-mill limitation provided by the Charter of the City, shall be and is ordered computed, certified, levied
419 and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same
420 time that taxes for general purposes for each of those years are certified, levied, extended and collected,
421 and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds
422 of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment
423 of the debt charges on the Bonds when and as the same fall due.
424

425 In each year to the extent net revenues from the City's water system are available for the payment of
426 the debt charges on the Bonds and are appropriated for that purpose, the amount of the tax shall be reduced
427 by the amount of such net revenues so available and appropriated.
428

429 In each year to the extent net revenues from the City's sanitary sewer system are available for the
430 payment of the debt charges on the Bonds and are appropriated for that purpose, the amount of the tax shall
431 be reduced by the amount of such net revenues so available and appropriated.
432

433 In each year to the extent receipts from the City's municipal income tax are available for the payment
434 of the debt charges on the Bonds and are appropriated for that purpose, and to the extent not paid from net
435 revenues of the City's water system or the City's sanitary sewer system, the amount of the tax shall be
436 reduced by the amount of such receipts so available and appropriated in compliance with the following
437 covenant. To the extent necessary, the debt charges on the Bonds shall be paid from municipal income
438 taxes lawfully available therefor under the Constitution and the laws of the State of Ohio and the Charter
439 of the City; and the City hereby covenants, subject and pursuant to such authority, including particularly
440 Section 133.05(B)(7) of the Ohio Revised Code, to appropriate annually from such municipal income taxes
441 such amount as is necessary to meet such annual debt charges.
442

443 Nothing in the three preceding paragraphs in any way diminishes the irrevocable pledge of the full faith
444 and credit and general property taxing power of the City to the prompt payment of the debt charges on the
445 Bonds.
446

447 Section 8. Federal Tax Considerations. The City covenants that it will use, and will restrict the use
448 and investment of, the proceeds of the Bonds in such manner and to such extent as may be necessary so

449 that (a) the Bonds will not (i) constitute private activity bonds or arbitrage bonds under Sections 141 or 148
450 of the Code or (ii) be treated other than as bonds the interest on which is excluded from gross income under
451 Section 103 of the Code, and (b) the interest on the Bonds will not be an item of tax preference under
452 Section 57 of the Code.

453
454 The City further covenants that (a) it will take or cause to be taken such actions that may be required
455 of it for the interest on the Bonds to be and remain excluded from gross income for federal income tax
456 purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion,
457 and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Bonds
458 to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make
459 timely and adequate payments to the federal government, (iv) maintain books and records and make
460 calculations and reports and (v) refrain from certain uses of those proceeds, and, as applicable, of property
461 financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that
462 interest under the Code.

463
464 The Director of Finance or any other officer of the City having responsibility for issuance of the Bonds
465 is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or
466 waiver on behalf of the City with respect to the Bonds as the City is permitted to or required to make or
467 give under the federal income tax laws, including, without limitation thereto, any of the elections available
468 under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment
469 or status of the Bonds or interest thereon or assisting compliance with requirements for that purpose,
470 reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties
471 with respect to the Bonds, or making payments of special amounts in lieu of making computations to
472 determine, or paying, excess earnings as rebate, or obviating those amounts or payments with respect to the
473 Bonds, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make
474 or obtain calculations, make payments, and make or give reports, covenants and certifications of and on
475 behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the
476 intended tax status of the Bonds, and (c) to give one or more appropriate certificates of the City, for
477 inclusion in the transcript of proceedings for the Bonds, setting forth the reasonable expectations of the City
478 regarding the amount and use of all the proceeds of the Bonds, the facts, circumstances and estimates on
479 which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and
480 the tax status of the Bonds. The Director of Finance or any other officer of the City having responsibility
481 for issuance of the Bonds is specifically authorized to designate the Bonds as “qualified tax-exempt
482 obligations” if such designation is applicable and desirable, and to make any related necessary
483 representations and covenants.

484
485 Section 9. Rating, Bond Insurance and Financing Costs.
486

487 (a) Application for Rating or Bond Insurance. If, in the judgment of the Director of Finance, the
488 filing of an application for (i) a rating on the Bonds by one or more nationally-recognized rating agencies,
489 or (ii) a policy of insurance from a company or companies to better assure the payment of principal of and
490 interest on the Bonds, is in the best interest of and financially advantageous to this City, the Director of
491 Finance is authorized to prepare and submit those applications, to provide to each such agency or company
492 such information as may be required for the purpose, and to provide further for the payment of the cost of
493 obtaining each such rating or policy, except to the extent otherwise paid or reimbursed pursuant to the
494 Certificate of Award and the Purchase Agreement (if any), from the proceeds of the Bonds to the extent
495 available and otherwise from any other funds lawfully available and that are appropriated or shall be
496 appropriated for that purpose. The Director of Finance is hereby authorized, to the extent necessary or
497 required, to enter into any agreements, in the name of and on behalf of the City, that the Director of Finance
498 determines to be necessary in connection with the obtaining of that bond insurance.

499 (b) Financing Costs. The expenditure of the amounts necessary to pay any Financing Costs in
500 connection with the Bonds, to the extent not paid by the Original Purchaser in accordance with the
501 Certificate of Award and the Purchase Agreement (if any), is authorized and approved, and the Director of
502 Finance is authorized to provide for the payment of any such amounts and costs from the proceeds of the
503 Bonds to the extent available and otherwise from any other funds lawfully available that are appropriated
504 or shall be appropriated for that purpose.
505

506 Section 10. Certification and Delivery of Ordinance and Certificate of Award. The Clerk of Council
507 is directed to deliver a certified copy of this Ordinance and a copy of the Certificate of Award to the Fiscal
508 Officer in Summit County, Ohio.
509

510 Section 11. Bond Counsel. The legal services of the law firm of Squire Patton Boggs (US) LLP are
511 hereby retained. Those legal services shall be in the nature of legal advice and recommendations as to the
512 documents and the proceedings in connection with the authorization, sale and issuance of the Bonds and
513 rendering at delivery related legal opinions, all as set forth in the form of engagement letter from that firm
514 which is now on file in the office of the Clerk of Council. In providing those legal services, as an
515 independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative
516 discretion on behalf of this City in the formulation of public policy, expenditure of public funds,
517 enforcement of laws, rules and regulations of the State of Ohio, any county or municipal corporation or of
518 this City, or the execution of public trusts. For those legal services, that firm shall be paid just and
519 reasonable compensation and shall be reimbursed for actual out-of-pocket expenses incurred in providing
520 those legal services. The Director of Finance is authorized and directed to make appropriate certification
521 as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for
522 their timely payment as written statements are submitted by that firm. The amounts necessary to pay those
523 fees and any reimbursement are hereby appropriated from the proceeds of the Bonds, if available, and
524 otherwise from available moneys in the General Fund.
525

526 Section 12. Municipal Advisor. The services of Baker Tilly Municipal Advisors, LLC, as municipal
527 advisor, are hereby retained. The municipal advisory services shall be in the nature of financial advice and
528 recommendations in connection with the issuance and sale of the Bonds. In rendering those municipal
529 advisory services, as an independent contractor, that firm shall not exercise any administrative discretion
530 on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws,
531 rules and regulations of the State of Ohio, the City or any other political subdivision, or the execution of
532 public trusts. That firm shall be paid just and reasonable compensation for those municipal advisory
533 services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those municipal
534 advisory services. The Director of Finance is authorized and directed to make appropriate certification as
535 to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their
536 timely payment as written statements are submitted by that firm. The amounts necessary to pay those fees
537 and any reimbursement are hereby appropriated from the proceeds of the Bonds, if available, and otherwise
538 from available moneys in the General Fund.
539

540 Section 13. Satisfaction of Conditions for Bond Issuance. This Council determines that all acts and
541 conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing
542 of the Bonds in order to make them legal, valid and binding general obligations of the City have been
543 performed and have been met, or will at the time of delivery of the Bonds have been performed and have
544 been met, in regular and due form as required by law; that the full faith and credit and general property
545 taxing power (as described in Section 7) of the City are pledged for the timely payment of the debt charges
546 on the Bonds; that no statutory or constitutional limitation of indebtedness or taxation will have been
547 exceeded in the issuance of the Bonds; and that the Bonds are being authorized and issued pursuant to
548 Chapter 133 of the Ohio Revised Code, the Charter of the City, this Ordinance, the Certificate of Award
549 and other authorizing provisions of law.

550 Section 14. Compliance with Open Meeting Requirements. This Council finds and determines that all
551 formal actions of this Council and any of its committees concerning and relating to the passage of this
552 Ordinance were taken in an open meeting of this Council or any of its committees, and that all deliberations
553 of this Council and of any of its committees that resulted in those formal actions were in meetings open to
554 the public, all in compliance with Chapter 107 of the City’s Codified Ordinances.
555

556 Section 15. Effective Date. This Ordinance is declared to be an emergency measure necessary for the
557 immediate preservation of the public peace, health and safety of the City, and for the further reason that
558 this Ordinance is required to be immediately effective in order to issue and sell the Bonds, which is
559 necessary for the City to meet its obligations under contracts for construction of the Improvement and to
560 provide for the health and welfare of the City residents; wherefore, this Ordinance shall be in full force and
561 effect immediately upon its passage and approval by the Mayor.
562

563
564 Passed: _____, 2022 _____
565 President of Council

566
567 _____
568 Clerk of Council

569
570 Approved: _____, 2022 _____
571 Mayor

572 9/12/22
573 \\CF-FILE01\ldpublic\Council\2022ords\09-12-22\Bond Ordinance - (water meters).docx

2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 ORDINANCE NO. -2022

6
7 AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF
8 BONDS IN THE MAXIMUM PRINCIPAL AMOUNT OF \$3,335,000,
9 FOR THE PURPOSE OF PAYING THE COSTS OF THE
10 ACQUISITION AND INSTALLATION OF ELECTRIC SYSTEM
11 METERS, TOGETHER WITH ALL NECESSARY APPURTENANCES
12 THERETO, AND DECLARING AN EMERGENCY.
13

14 WHEREAS, this Council has requested that the Director of Finance, as fiscal officer of this City, certify
15 the estimated life or period of usefulness of the Improvement described in Section 2 and the maximum
16 maturity of the Bonds described in Section 2; and
17

18 WHEREAS, the Director of Finance has certified to this Council that the estimated life or period of
19 usefulness of the Improvement described in Section 2 is at least five (5) years and that the maximum
20 maturity of the Bonds described in Section 2 is ten (10) years;
21

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

25 Section 1. Definitions and Interpretation. In addition to the words and terms elsewhere defined in this
26 Ordinance, unless the context or use clearly indicates another or different meaning or intent:
27

28 “Authorized Denominations” means the minimum denominations or any integral multiple in excess
29 thereof as set forth in the Certificate of Award.
30

31 “Bond Proceedings” means, collectively, this Ordinance, the Certificate of Award and such other
32 proceedings of the City, including the Bonds, that provide collectively for, among other things, the rights
33 of holders of the Bonds, and to the extent it is determined necessary by the Director of Finance in the
34 Certificate of Award, the Purchase Agreement.
35

36 “Bond Register” means all books and records necessary for the registration, exchange and transfer of
37 Bonds as provided in Section 5.
38

39 “Bond Registrar” means the Director of Finance, the Original Purchaser or a bank or trust company
40 authorized to do business in the State of Ohio, as designated by the Director of Finance in the Certificate
41 of Award pursuant to Section 4 as the initial authenticating agent, bond registrar, transfer agent and paying
42 agent for the Bonds and until appointment of a successor Bond Registrar and, thereafter, “Bond Registrar”
43 shall mean the successor Bond Registrar.
44

45 “Bonds” means, collectively, the Serial Bonds and the Term Bonds, each as is designated as such in
46 the Certificate of Award.
47

48 “Certificate of Award” means the certificate authorized by Section 6, to be executed by the Director of
49 Finance, setting forth and determining those terms or other matters pertaining to the Bonds and their
50 issuance, sale and delivery as this Ordinance requires or authorizes to be set forth or determined therein.

51 “City” means the City of Cuyahoga Falls, Ohio.
52
53 “Clerk of Council” means the Clerk of Council of the City or any person serving in an interim or acting
54 capacity with respect to that office.
55
56 “Closing Date” means the date of physical delivery of, and payment of the purchase price for, the
57 Bonds.
58
59 “Code” means the Internal Revenue Code of 1986, as amended, the Regulations (whether temporary or
60 final) under that Code or the statutory predecessor of that Code, and any amendments of, or successor
61 provisions to, the foregoing and any official rulings, announcements, notices, procedures and judicial
62 determinations regarding any of the foregoing, all as and to the extent applicable. Unless otherwise
63 indicated, reference to a Section of the Code includes any applicable successor section or provision and
64 such applicable Regulations, rulings, announcements, notices, procedures and determinations pertinent to
65 that Section.
66
67 “Director of Finance” means the Director of Finance of the City or any person serving in an interim or
68 acting capacity with respect to that office.
69
70 “Director of Law” means the Director of Law of the City or any person serving in an interim or acting
71 capacity with respect to that office.
72
73 “Financing Costs” shall have the meaning given in Section 133.01 of the Ohio Revised Code.
74
75 “Interest Payment Dates” means, unless otherwise specified in the Certificate of Award, June 1 and
76 December 1 of each year that the Bonds are outstanding, commencing on the date specified in the Certificate
77 of Award.
78
79 “Mandatory Redemption Date” shall have the meaning set forth in Section 3(b).
80
81 “Mandatory Sinking Fund Redemption Requirements” shall have the meaning set forth in Section
82 3(e)(i).
83
84 “Mayor” means the Mayor of the City or any person serving in an interim or acting capacity with
85 respect to that office.
86
87 “Original Purchaser” means the purchaser of the Bonds specified in the Certificate of Award.
88
89 “Principal Payment Dates” means, unless otherwise specified in the Certificate of Award, December 1
90 in each of the years from and including 2023 to and including 2042; provided that the first Principal
91 Payment Date may be deferred up to one year and the last Principal Payment Date may be advanced or
92 deferred by such number of years as determined by the Director of Finance, and provided further that in no
93 case shall the final Principal Payment Date exceed the maximum maturity limitation referred to in the
94 preambles hereto, all of which determinations shall be made by the Director of Finance in the Certificate
95 of Award in such manner as to be in the best interest of and financially advantageous to the City.
96
97 “Purchase Agreement” means the Bond Purchase Agreement, which to the extent it is determined
98 necessary by the Director of Finance in the Certificate of Award, shall be between the City and the Original
99 Purchaser, as it may be prepared, approved and executed by the Mayor and the Director of Finance, all in
100 accordance with Section 6.

101 “Regulations” means Treasury Regulations issued pursuant to the Code or to the statutory predecessor
102 of the Code.

103
104 “Serial Bonds” means those Bonds designated as such and maturing on the dates set forth in the
105 Certificate of Award, bearing interest payable on each Interest Payment Date and not subject to mandatory
106 sinking fund redemption.

107
108 “Term Bonds” means those Bonds designated as such and maturing on the date or dates set forth in the
109 Certificate of Award, bearing interest payable on each Interest Payment Date and subject to mandatory
110 sinking fund redemption.

111
112 The captions and headings in this Ordinance are solely for convenience of reference and in no way
113 define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or
114 clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

115
116 Section 2. Authorized Principal Amount and Purpose; Application of Proceeds. This Council
117 determines that it is necessary and in the best interest of the City to issue bonds of this City in the maximum
118 principal amount of \$3,335,000 (the “Bonds”) for the purpose of paying the costs of the acquisition and
119 installation of electric system meters, together with all necessary appurtenances thereto (the
120 “Improvement”). The Bonds shall be issued pursuant to Chapter 133 of the Ohio Revised Code, the Charter
121 of the City, this Ordinance and the Certificate of Award.

122
123 The aggregate principal amount of Bonds to be issued shall not exceed the maximum principal amount
124 specified in this Section 2 and shall be an amount determined by the Director of Finance in the Certificate
125 of Award to be the principal amount of Bonds that is required to be issued at this time for the purpose
126 described in this Section 2, taking into account the costs of the Improvement, the estimates of the Financing
127 Costs and the interest rates on the Bonds.

128
129 The proceeds from the sale of the Bonds received by the City (or withheld by the Original Purchaser
130 on behalf of the City) shall be paid into the proper fund or funds, and those proceeds are hereby appropriated
131 and shall be used for the purpose for which the Bonds are being issued, including without limitation but
132 only to the extent not paid by others, the payment of the costs of issuing and servicing the Bonds, printing
133 and delivery of the Bonds, legal services including obtaining the approving legal opinion of bond counsel,
134 fees and expenses of any municipal advisor, paying agent and rating agency, any fees or premiums relating
135 to municipal bond insurance or other security arrangements determined necessary by the Director of
136 Finance, and all other Financing Costs and costs incurred incidental to those purposes. The Certificate of
137 Award and the Purchase Agreement (if any), may authorize the Original Purchaser to withhold certain
138 proceeds from the purchase price of the Bonds to provide for the payment of Financing Costs related to the
139 Bonds on behalf of the City. Any portion of those proceeds received by the City representing premium
140 (after payment of any Financing Costs identified in the Certificate of Award and the Purchase Agreement
141 (if any)) or accrued interest shall be paid into the Bond Retirement Fund.

142
143 Section 3. Denominations; Dating; Principal and Interest Payment and Redemption Provisions. The
144 Bonds shall be issued in one lot and only as fully registered bonds, in Authorized Denominations, but in no
145 case as to a particular maturity date exceeding the principal amount maturing on that date. The Bonds shall
146 be dated as provided in the Certificate of Award, provided that their dated date shall not be more than sixty
147 (60) days prior to the Closing Date. If requested by the Original Purchaser, the Director of Finance is
148 hereby authorized to prepare one bond representing the aggregate principal amount of Bonds maturing on
149 all of the Principal Payment Dates, all as set forth in the Certificate of Award. The Bonds may be issued
150 as (i) a single fully registered Serial Bond with principal installments payable in amounts equal to the
151 principal amounts of the Bonds stated to mature or be payable pursuant to Mandatory Sinking Fund

152 Redemption Requirements on the respective Principal Payment Dates or (ii) one or more fully registered
153 Term Bonds with Mandatory Sinking Fund Redemption Requirements in amounts equal to the principal
154 amount of the Bonds stated to mature or be payable pursuant to Mandatory Sinking Fund Redemption
155 Requirements on the respective Principal Payment Dates.

156
157 (a) Interest Rates and Payment Dates. The Bonds shall bear interest at the rate or rates per year and
158 computed on the basis as shall be determined by the Director of Finance, subject to subsection (c) of this
159 Section 3, in the Certificate of Award. Interest on the Bonds shall be payable at such rate or rates on the
160 Interest Payment Dates until the principal amount has been paid or provided for. The Bonds shall bear
161 interest from the most recent date to which interest has been paid or provided for or, if no interest has been
162 paid or provided for, from their date.

163
164 (b) Principal Payment Schedule. The Bonds shall mature or be payable pursuant to Mandatory
165 Sinking Fund Redemption Requirements on the Principal Payment Dates in principal amounts as shall be
166 determined by the Director of Finance, subject to subsection (c) of this Section 3, in the Certificate of
167 Award, which determination shall be in the best interest of and financially advantageous to the City.

168
169 Consistent with the foregoing and in accordance with the Director of Finance's determination of the
170 best interest of and financial advantages to the City, the Director of Finance shall specify in the Certificate
171 of Award (i) the aggregate principal amount of Bonds to be issued as Serial Bonds, the Principal Payment
172 Date or Dates on which those Bonds shall be stated to mature and the principal amount thereof that shall
173 be stated to mature on each such Principal Payment Date and (ii) the aggregate principal amount of Bonds
174 to be issued as Term Bonds, the Principal Payment Date or Dates on which those Bonds shall be stated to
175 mature, the principal amount thereof that shall be stated to mature on each such Principal Payment Date,
176 the Principal Payment Date or Dates on which Term Bonds shall be subject to mandatory sinking fund
177 redemption (each a "Mandatory Redemption Date") and the principal amount thereof that shall be payable
178 pursuant to Mandatory Sinking Fund Redemption Requirements on each Mandatory Redemption Date.

179
180 (c) Conditions for Establishment of Interest Rates and Principal Payment Dates and Amounts. The
181 rate or rates of interest per year to be borne by the Bonds, and the principal amount of Bonds maturing or
182 payable pursuant to Mandatory Sinking Fund Redemption Requirements on each Principal Payment Date,
183 shall be such that the total principal and interest payments on the Bonds in any fiscal year in which principal
184 is payable is not more than three times the amount of those payments in any other fiscal year. The net
185 interest cost for the Bonds determined by taking into account the respective principal amounts of the Bonds
186 and terms to maturity or Mandatory Sinking Fund Redemption Requirements of those principal amounts of
187 Bonds shall not exceed 6.00%.

188
189 (d) Payment of Debt Charges. The debt charges on the Bonds shall be payable in lawful money of
190 the United States of America without deduction for the services of the Bond Registrar as paying agent.
191 Principal of and any premium on a Bond shall be paid on each Principal Payment Date and interest shall be
192 paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was
193 registered, and to that person's address appearing, on the Bond Register at the close of business on the 15th
194 day preceding that Interest Payment Date; provided, however, that so long as the entire principal amount
195 of the Bonds is represented by a single certificate, payment of principal and interest may be made by wire
196 or check or draft mailed to the person in whose name the Bond was registered on the applicable date of
197 payment, with presentation and surrender of said certificate to be made to the Bond Registrar after payment
198 of principal and interest at final maturity.

199
200 (e) Redemption Provisions. The Bonds shall be subject to redemption prior to stated maturity as
201 follows:

202 (i) Mandatory Sinking Fund Redemption of Term Bonds. If any of the Bonds are issued as
203 Term Bonds, the Term Bonds shall be subject to mandatory redemption in part by lot and be redeemed
204 pursuant to mandatory sinking fund redemption requirements, at a redemption price of 100% of the
205 principal amount redeemed, plus accrued interest to the redemption date, on the applicable Mandatory
206 Redemption Dates and in the principal amounts payable on those Dates, for which provision is made
207 in the Certificate of Award (such Dates and amounts being referred to as the “Mandatory Sinking Fund
208 Redemption Requirements”).
209

210 The aggregate of the moneys to be deposited with the Bond Registrar for payment of principal of
211 and interest on any Term Bonds on each Mandatory Redemption Date shall include an amount
212 sufficient to redeem on that Date the principal amount of Term Bonds payable on that Date pursuant to
213 the Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as hereinafter
214 provided).
215

216 The City shall have the option to deliver to the Bond Registrar for cancellation Term Bonds in
217 any aggregate principal amount and to receive a credit against the then current or any subsequent
218 Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption
219 obligation) of the City, as specified by the Director of Finance, for Term Bonds stated to mature on the
220 same Principal Payment Date and bearing interest at the same rate as the Term Bonds so delivered.
221 That option shall be exercised by the City on or before the 45th day preceding any Mandatory
222 Redemption Date with respect to which the City wishes to obtain a credit, by furnishing the Bond
223 Registrar a certificate, signed by the Director of Finance, setting forth the extent of the credit to be
224 applied with respect to the then current or any subsequent Mandatory Sinking Fund Redemption
225 Requirement for Term Bonds stated to mature on the same Principal Payment Date and bearing interest
226 at the same rate as the Term Bonds so delivered. If the certificate is not timely furnished to the Bond
227 Registrar, the current Mandatory Sinking Fund Redemption Requirement (and corresponding
228 mandatory redemption obligation) shall not be reduced. A credit against the then current or any
229 subsequent Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory
230 redemption obligation), as specified by the Director of Finance, also shall be received by the City for
231 any Term Bonds which prior thereto have been redeemed (other than through the operation of the
232 applicable Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and
233 canceled by the Bond Registrar, to the extent not applied theretofore as a credit against any Mandatory
234 Sinking Fund Redemption Requirement, for Term Bonds stated to mature on the same Principal
235 Payment Date and bearing interest at the same rate as the Term Bonds so redeemed or purchased and
236 canceled.
237

238 Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be
239 credited by the Bond Registrar at 100% of the principal amount thereof against the then current or
240 subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory
241 redemption obligations), as specified by the Director of Finance, for Term Bonds stated to mature on
242 the same Principal Payment Date and bearing interest at the same rate as the Term Bonds so delivered,
243 redeemed or purchased and canceled.
244

245 (ii) Optional Redemption. The Bonds of the maturities and interest rates specified in the
246 Certificate of Award (if any are so specified) shall be subject to optional redemption by and at the sole
247 option of the City, in whole or in part in Authorized Denominations, on the dates and at the redemption
248 prices (expressed as a percentage of the principal amount to be redeemed), plus accrued interest to the
249 redemption date, to be determined by the Director of Finance in the Certificate of Award; provided that
250 the redemption price for any optional redemption date shall not be greater than 103%.

251 If optional redemption of Term Bonds at a redemption price exceeding 100% of the principal
252 amount to be redeemed is to take place as of any Mandatory Redemption Date applicable to those Term
253 Bonds, the Term Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to
254 the selection by lot of the Term Bonds of the same maturity (and interest rate within a maturity if
255 applicable) to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption
256 Requirements. Bonds to be redeemed pursuant to this paragraph shall be redeemed only upon written
257 notice from the Director of Finance to the Bond Registrar, given upon the direction of the City by
258 passage of an ordinance or adoption of a resolution. That notice shall specify the redemption date and
259 the principal amount of each maturity (and interest rate within a maturity if applicable) of Bonds to be
260 redeemed, and shall be given at least 45 days prior to the redemption date or such shorter period as
261 shall be acceptable to the Bond Registrar.
262

263 (iii) Partial Redemption. If fewer than all of the outstanding Bonds are called for optional
264 redemption at one time and Bonds of more than one maturity (or interest rate within a maturity if
265 applicable) are then outstanding, the Bonds that are called shall be Bonds of the maturity or maturities
266 and interest rate or rates selected by the City. If fewer than all of the Bonds of a single maturity (or
267 interest rate within a maturity if applicable) are to be redeemed, the selection of Bonds of that maturity
268 (or interest rate within a maturity if applicable) to be redeemed, or portions thereof in Authorized
269 Denominations, shall be made by the Bond Registrar by lot in a manner determined by the Bond
270 Registrar. In the case of a partial redemption of Bonds by lot when Bonds of denominations greater
271 than the Authorized Denominations are then outstanding, each Authorized Denomination unit of
272 principal thereof shall be treated as if it were a separate Bond of the Authorized Denomination. If it is
273 determined that one or more, but not all, of the Authorized Denomination units of principal amount
274 represented by a Bond are to be called for redemption, then, upon notice of redemption of an Authorized
275 Denomination unit or units, the registered owner of that Bond shall surrender the Bond to the Bond
276 Registrar (A) for payment of the redemption price of the Authorized Denomination unit or units of
277 principal amount called for redemption (including, without limitation, the interest accrued to the date
278 fixed for redemption and any premium), and (B) for issuance, without charge to the registered owner,
279 of a new Bond or Bonds of any Authorized Denomination or Denominations in an aggregate principal
280 amount equal to the unmatured and unredeemed portion of, and bearing interest at the same rate and
281 maturing on the same date as, the Bond surrendered.
282

283 (iv) Notice of Redemption. The notice of the call for redemption of Bonds shall identify (A)
284 by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be
285 redeemed, (B) the redemption price to be paid, (C) the date fixed for redemption, and (D) the place or
286 places where the amounts due upon redemption are payable. The notice shall be given by the Bond
287 Registrar on behalf of the City by mailing a copy of the redemption notice by first-class mail, postage
288 prepaid, at least 30 days prior to the date fixed for redemption, to the registered owner of each Bond
289 subject to redemption in whole or in part at the registered owner's address shown on the Bond Register
290 maintained by the Bond Registrar at the close of business on the 15th day preceding that mailing. Failure
291 to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the
292 validity of the proceedings for the redemption of any Bond.
293

294 (v) Payment of Redeemed Bonds. In the event that notice of redemption shall have been given
295 by the Bond Registrar to the registered owners as provided above, there shall be deposited with the
296 Bond Registrar on or prior to the redemption date, moneys that, in addition to any other moneys
297 available therefor and held by the Bond Registrar, will be sufficient to redeem at the redemption price
298 thereof, plus accrued interest to the redemption date, all of the redeemable Bonds for which notice of
299 redemption has been given. Notice having been mailed in the manner provided in the preceding
300 paragraph hereof, the Bonds and portions thereof called for redemption shall become due and payable
301 on the redemption date, and, subject to the provisions of Section 3(d), upon presentation and surrender

302 thereof at the place or places specified in that notice, shall be paid at the redemption price, plus accrued
303 interest to the redemption date. If moneys for the redemption of all of the Bonds and portions thereof
304 to be redeemed, together with accrued interest thereon to the redemption date, are held by the Bond
305 Registrar on the redemption date, so as to be available therefor on that date and, if notice of redemption
306 has been deposited in the mail as aforesaid, then from and after the redemption date those Bonds and
307 portions thereof called for redemption shall cease to bear interest and no longer shall be considered to
308 be outstanding. If those moneys shall not be so available on the redemption date, or that notice shall
309 not have been deposited in the mail as aforesaid, those Bonds and portions thereof shall continue to
310 bear interest, until they are paid, at the same rate as they would have borne had they not been called for
311 redemption. All moneys held by the Bond Registrar for the redemption of particular Bonds shall be
312 held in trust for the account of the registered owners thereof and shall be paid to them, respectively,
313 upon presentation and surrender of those Bonds; provided that any interest earned on the moneys so
314 held by the Bond Registrar shall be for the account of and paid to the City to the extent not required for
315 the payment of the Bonds called for redemption.

316
317 Section 4. Execution and Authentication of Bonds; Appointment of Bond Registrar. The Bonds shall
318 be signed by the Mayor and the Director of Finance, in the name of the City and in their official capacities,
319 provided that either or both of those signatures may be a facsimile. The Bonds shall be issued in the
320 Authorized Denominations and numbers as requested by the Original Purchaser and approved by the
321 Director of Finance, shall be numbered as determined by the Director of Finance in order to distinguish
322 each Bond from any other Bond, and shall express upon their faces the purpose, in summary terms, for
323 which they are issued and that they are issued pursuant to Chapter 133 of the Ohio Revised Code, the
324 Charter of the City, this Ordinance and the Certificate of Award.

325
326 The Director of Finance is designated as initial Bond Registrar; provided, however, if following passage
327 of this Ordinance, the Director of Finance determines that circumstances are such that it would be in the
328 best interest of and financially advantageous to the City to appoint an alternate Bond Registrar, then the
329 Director of Finance is hereby authorized to designate in the Certificate of Award, the Original Purchaser or
330 a bank or trust company authorized to do business in the State of Ohio to act as the initial Bond Registrar.
331 The Director of Finance shall provide for the payment of the services rendered and for reimbursement of
332 expenses incurred pursuant to the Certificate of Award, except to the extent paid or reimbursed pursuant to
333 the Certificate of Award, from the proceeds of the Bonds to the extent available and then from other money
334 lawfully available and appropriated or to be appropriated for that purpose.

335
336 No Bond shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under
337 the Bond Proceedings unless and until the certificate of authentication printed on the Bond is signed by the
338 Bond Registrar as authenticating agent. Authentication by the Bond Registrar shall be conclusive evidence
339 that the Bond so authenticated has been duly issued, signed and delivered under, and is entitled to the
340 security and benefit of, the Bond Proceedings. The certificate of authentication may be signed by any
341 authorized officer or employee of the Bond Registrar or by any other person acting as an agent of the Bond
342 Registrar and approved by the Director of Finance on behalf of the City. The same person need not sign
343 the certificate of authentication on all of the Bonds.

344
345 Section 5. Registration; Transfer and Exchange.

346
347 (a) Bond Register. So long as any of the Bonds remain outstanding, the City will cause the Bond
348 Registrar to maintain and keep the Bond Register at its main office. Subject to the provisions of
349 Section 3(d), the person in whose name a Bond is registered on the Bond Register shall be regarded as the
350 absolute owner of that Bond for all purposes of the Bond Proceedings. Payment of or on account of the
351 debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the
352 Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as

353 provided in this Section 5. All such payments shall be valid and effectual to satisfy and discharge the City's
354 liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

355 (b) Transfer and Exchange. Any Bond may be exchanged for Bonds of any Authorized
356 Denomination upon presentation and surrender at the main office of the Bond Registrar, together with a
357 request for exchange signed by the registered owner or by a person legally empowered to do so in a form
358 satisfactory to the Bond Registrar. A Bond may be transferred only on the Bond Register upon presentation
359 and surrender of the Bond at the main office of the Bond Registrar together with an assignment signed by
360 the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar.
361 Upon exchange or transfer the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds
362 of any Authorized Denomination or Denominations requested by the owner equal in the aggregate to the
363 unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on
364 the same date.

365
366 If manual signatures on behalf of the City are required, the Bond Registrar shall undertake the exchange
367 or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases
368 of Bonds exchanged or transferred, the City shall sign and the Bond Registrar shall authenticate and deliver
369 Bonds in accordance with the provisions of the Bond Proceedings. The exchange or transfer shall be
370 without charge to the owner, except that the City and Bond Registrar may make a charge sufficient to
371 reimburse them for any tax or other governmental charge required to be paid with respect to the exchange
372 or transfer. The City or the Bond Registrar may require that those charges, if any, be paid before the
373 procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or
374 transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security
375 and benefit under the Bond Proceedings as the Bonds surrendered upon that exchange or transfer. Neither
376 the City nor the Bond Registrar shall be required to make any exchange or transfer of (i) Bonds then subject
377 to call for redemption between the 15th day preceding the mailing of notice of Bonds to be redeemed and
378 the date of that mailing, or (ii) any Bond selected for redemption, in whole or in part.

379
380 Section 6. Sale of the Bonds to the Original Purchaser. The Director of Finance is authorized to sell
381 the Bonds at private sale to the Original Purchaser at a purchase price, not less than 97% of the aggregate
382 principal amount thereof, as shall be determined by the Director of Finance in the Certificate of Award,
383 plus accrued interest (if any) on the Bonds from their date to the Closing Date, and shall be awarded by the
384 Director of Finance with and upon such other terms as are required or authorized by this Ordinance to be
385 specified in the Certificate of Award, in accordance with law, the provisions of this Ordinance and the
386 Purchase Agreement (if any). The Director of Finance is authorized, if it is determined to be in the best
387 interest of the City, to combine the issue of Bonds with one or more other bond issues of the City into a
388 consolidated bond issue pursuant to Section 133.30(B) of the Ohio Revised Code in which case a single
389 Certificate of Award may be utilized for the consolidated bond issue if appropriate and consistent with the
390 terms of this Ordinance.

391
392 The Director of Finance shall sign and deliver the Certificate of Award and shall cause the Bonds to be
393 prepared and signed and delivered, together with a true transcript of proceedings with reference to the
394 issuance of the Bonds, to the Original Purchaser upon payment of the purchase price.

395
396 To the extent it is determined necessary by the Director of Finance in the Certificate of Award, the
397 Mayor and the Director of Finance shall sign and deliver, in the name and on behalf of the City, the Purchase
398 Agreement between the City and the Original Purchaser, in a form as is approved by the Mayor and the
399 Director of Finance, providing for the sale to, and the purchase by, the Original Purchaser of the Bonds.
400 The Purchase Agreement is approved, together with any changes or amendments that are not inconsistent
401 with this Ordinance and not substantially adverse to the City and that are approved by the Mayor and the

402 Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the
403 Purchase Agreement or amendments thereto.

404
405 The Mayor, the Director of Finance, the Director of Law, the Clerk of Council and other City officials,
406 as appropriate, each are authorized and directed to sign any transcript certificates, financial statements and
407 other documents and instruments and to take such actions as are necessary or appropriate to consummate
408 the transactions contemplated by this Ordinance. The actions of the Mayor, the Director of Finance, the
409 Director of Law, the Clerk of Council or other City officials, as appropriate, in doing any and all acts
410 necessary in connection with the issuance and sale of the Bonds are hereby ratified and confirmed.

411
412 Section 7. Provision for Tax Levy. There shall be levied on all the taxable property in the City, in
413 addition to all other taxes, a direct tax annually during the period the Bonds are outstanding in an amount
414 sufficient to pay the debt charges on the Bonds when due, which tax shall not be less than the interest and
415 sinking fund tax required by Section 11 of Article XII of the Ohio Constitution. The tax shall be within the
416 eleven-mill limitation provided by the Charter of the City, shall be and is ordered computed, certified, levied
417 and extended upon the tax duplicate and collected by the same officers, in the same manner, and at the same
418 time that taxes for general purposes for each of those years are certified, levied, extended and collected,
419 and shall be placed before and in preference to all other items and for the full amount thereof. The proceeds
420 of the tax levy shall be placed in the Bond Retirement Fund, which is irrevocably pledged for the payment
421 of the debt charges on the Bonds when and as the same fall due.

422
423 In each year to the extent net revenues from the City's electric system are available for the payment of
424 the debt charges on the Bonds and are appropriated for that purpose, the amount of the tax shall be reduced
425 by the amount of such net revenues so available and appropriated.

426
427 In each year to the extent receipts from the City's municipal income tax are available for the payment
428 of the debt charges on the Bonds and are appropriated for that purpose, and to the extent not paid from net
429 revenues of the City's electric system, the amount of the tax shall be reduced by the amount of such receipts
430 so available and appropriated in compliance with the following covenant. To the extent necessary, the debt
431 charges on the Bonds shall be paid from municipal income taxes lawfully available therefor under the
432 Constitution and the laws of the State of Ohio and the Charter of the City; and the City hereby covenants,
433 subject and pursuant to such authority, including particularly Section 133.05(B)(7) of the Ohio Revised
434 Code, to appropriate annually from such municipal income taxes such amount as is necessary to meet such
435 annual debt charges.

436
437 Nothing in the two preceding paragraphs in any way diminishes the irrevocable pledge of the full faith
438 and credit and general property taxing power of the City to the prompt payment of the debt charges on the
439 Bonds.

440
441 Section 8. Federal Tax Considerations. The City covenants that it will use, and will restrict the use
442 and investment of, the proceeds of the Bonds in such manner and to such extent as may be necessary so
443 that (a) the Bonds will not (i) constitute private activity bonds or arbitrage bonds under Sections 141 or 148
444 of the Code or (ii) be treated other than as bonds the interest on which is excluded from gross income under
445 Section 103 of the Code, and (b) the interest on the Bonds will not be an item of tax preference under
446 Section 57 of the Code.

447
448 The City further covenants that (a) it will take or cause to be taken such actions that may be required
449 of it for the interest on the Bonds to be and remain excluded from gross income for federal income tax
450 purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion,
451 and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Bonds
452 to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make

453 timely and adequate payments to the federal government, (iv) maintain books and records and make
454 calculations and reports and (v) refrain from certain uses of those proceeds, and, as applicable, of property
455 financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that
456 interest under the Code.

457
458 The Director of Finance or any other officer of the City having responsibility for issuance of the Bonds
459 is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or
460 waiver on behalf of the City with respect to the Bonds as the City is permitted to or required to make or
461 give under the federal income tax laws, including, without limitation thereto, any of the elections available
462 under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment
463 or status of the Bonds or interest thereon or assisting compliance with requirements for that purpose,
464 reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties
465 with respect to the Bonds, or making payments of special amounts in lieu of making computations to
466 determine, or paying, excess earnings as rebate, or obviating those amounts or payments with respect to the
467 Bonds, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make
468 or obtain calculations, make payments, and make or give reports, covenants and certifications of and on
469 behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the
470 intended tax status of the Bonds, and (c) to give one or more appropriate certificates of the City, for
471 inclusion in the transcript of proceedings for the Bonds, setting forth the reasonable expectations of the City
472 regarding the amount and use of all the proceeds of the Bonds, the facts, circumstances and estimates on
473 which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and
474 the tax status of the Bonds. The Director of Finance or any other officer of the City having responsibility
475 for issuance of the Bonds is specifically authorized to designate the Bonds as “qualified tax-exempt
476 obligations” if such designation is applicable and desirable, and to make any related necessary
477 representations and covenants.

478
479 Section 9. Rating, Bond Insurance and Financing Costs.

480
481 (a) Application for Rating or Bond Insurance. If, in the judgment of the Director of Finance, the
482 filing of an application for (i) a rating on the Bonds by one or more nationally-recognized rating agencies,
483 or (ii) a policy of insurance from a company or companies to better assure the payment of principal of and
484 interest on the Bonds, is in the best interest of and financially advantageous to this City, the Director of
485 Finance is authorized to prepare and submit those applications, to provide to each such agency or company
486 such information as may be required for the purpose, and to provide further for the payment of the cost of
487 obtaining each such rating or policy, except to the extent otherwise paid or reimbursed pursuant to the
488 Certificate of Award and the Purchase Agreement (if any), from the proceeds of the Bonds to the extent
489 available and otherwise from any other funds lawfully available and that are appropriated or shall be
490 appropriated for that purpose. The Director of Finance is hereby authorized, to the extent necessary or
491 required, to enter into any agreements, in the name of and on behalf of the City, that the Director of Finance
492 determines to be necessary in connection with the obtaining of that bond insurance.

493
494 (b) Financing Costs. The expenditure of the amounts necessary to pay any Financing Costs in
495 connection with the Bonds, to the extent not paid by the Original Purchaser in accordance with the
496 Certificate of Award and the Purchase Agreement (if any), is authorized and approved, and the Director of
497 Finance is authorized to provide for the payment of any such amounts and costs from the proceeds of the
498 Bonds to the extent available and otherwise from any other funds lawfully available that are appropriated
499 or shall be appropriated for that purpose.

500
501 Section 10. Certification and Delivery of Ordinance and Certificate of Award. The Clerk of Council
502 is directed to deliver a certified copy of this Ordinance and a copy of the Certificate of Award to the Fiscal
503 Officer in Summit County, Ohio.

504 Section 11. Bond Counsel. The legal services of the law firm of Squire Patton Boggs (US) LLP are
505 hereby retained. Those legal services shall be in the nature of legal advice and recommendations as to the
506 documents and the proceedings in connection with the authorization, sale and issuance of the Bonds and
507 rendering at delivery related legal opinions, all as set forth in the form of engagement letter from that firm
508 which is now on file in the office of the Clerk of Council. In providing those legal services, as an
509 independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative
510 discretion on behalf of this City in the formulation of public policy, expenditure of public funds,
511 enforcement of laws, rules and regulations of the State of Ohio, any county or municipal corporation or of
512 this City, or the execution of public trusts. For those legal services, that firm shall be paid just and
513 reasonable compensation and shall be reimbursed for actual out-of-pocket expenses incurred in providing
514 those legal services. The Director of Finance is authorized and directed to make appropriate certification
515 as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for
516 their timely payment as written statements are submitted by that firm. The amounts necessary to pay those
517 fees and any reimbursement are hereby appropriated from the proceeds of the Bonds, if available, and
518 otherwise from available moneys in the General Fund.
519

520 Section 12. Municipal Advisor. The services of Baker Tilly Municipal Advisors, LLC, as municipal
521 advisor, are hereby retained. The municipal advisory services shall be in the nature of financial advice and
522 recommendations in connection with the issuance and sale of the Bonds. In rendering those municipal
523 advisory services, as an independent contractor, that firm shall not exercise any administrative discretion
524 on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws,
525 rules and regulations of the State of Ohio, the City or any other political subdivision, or the execution of
526 public trusts. That firm shall be paid just and reasonable compensation for those municipal advisory
527 services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those municipal
528 advisory services. The Director of Finance is authorized and directed to make appropriate certification as
529 to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their
530 timely payment as written statements are submitted by that firm. The amounts necessary to pay those fees
531 and any reimbursement are hereby appropriated from the proceeds of the Bonds, if available, and otherwise
532 from available moneys in the General Fund.
533

534 Section 13. Satisfaction of Conditions for Bond Issuance. This Council determines that all acts and
535 conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing
536 of the Bonds in order to make them legal, valid and binding general obligations of the City have been
537 performed and have been met, or will at the time of delivery of the Bonds have been performed and have
538 been met, in regular and due form as required by law; that the full faith and credit and general property
539 taxing power (as described in Section 7) of the City are pledged for the timely payment of the debt charges
540 on the Bonds; that no statutory or constitutional limitation of indebtedness or taxation will have been
541 exceeded in the issuance of the Bonds; and that the Bonds are being authorized and issued pursuant to
542 Chapter 133 of the Ohio Revised Code, the Charter of the City, this Ordinance, the Certificate of Award
543 and other authorizing provisions of law.
544

545 Section 14. Compliance with Open Meeting Requirements. This Council finds and determines that all
546 formal actions of this Council and any of its committees concerning and relating to the passage of this
547 Ordinance were taken in an open meeting of this Council or any of its committees, and that all deliberations
548 of this Council and of any of its committees that resulted in those formal actions were in meetings open to
549 the public, all in compliance with Chapter 107 of the City's Codified Ordinances.
550

551 Section 15. Effective Date. This Ordinance is declared to be an emergency measure necessary for the
552 immediate preservation of the public peace, health and safety of the City, and for the further reason that
553 this Ordinance is required to be immediately effective in order to issue and sell the Bonds, which is

554 necessary for the City to meet its obligations under contracts for construction of the Improvement and to
555 provide for the health and welfare of the City residents; wherefore, this Ordinance shall be in full force and
556 effect immediately upon its passage and approval by the Mayor.
557

558
559 Passed: _____, 2022 _____
560 President of Council

561
562 _____
563 Clerk of Council

564
565 Approved: _____, 2022 _____
566 Mayor

567 9/12/22
568 \\CF-FILE01\ldpublic\Council\2022ords\09-12-22\Bond Ordinance - (electric meters).docx

2
3
4
5 CITY OF CUYAHOGA FALLS, OHIO

6
7 ORDINANCE NO. - 2022

8
9 AN ORDINANCE AUTHORIZING THE PARKS AND RECREATION
10 BOARD TO ENTER INTO A CONTRACT OR CONTRACTS, WITH
11 RAIN DROP PRODUCTS LLC, FOR THE PURCHASE AND
12 INSTALLATION OF SPLASHPADS AT QUIRK CULTURAL CENTER
13 AND INDIAN MOUNTAIN PARK, AND DECLARING AN
14 EMERGENCY.

15
16 WHEREAS, the purchase by contract of the equipment, services, materials or supplies
17 identified herein is through participation in a contract between the vendor and Sourcewell, a
18 cooperative purchasing group, and is thus exempt from competitive bidding requirements pursuant
19 to Ohio Revised Code §125.04.

20
21 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls, County of
22 Summit and State of Ohio, that:

23
24 Section 1. The Parks and Recreation Board is hereby authorized to enter into a contract or
25 contracts with Rain Drop Products LLC, on the basis of its proposal dated August 16, 2022, for the
26 purchase and installation of splashpads at Quirk Cultural Center and Indian Mountain Park.

27
28 Section 2. The Director of Finance is hereby authorized and directed to make payment for same
29 from the Recreation Levy Fund, line item Capital Outlay.

30
31 Section 3. Any ordinances or resolutions or portions of ordinances and resolutions inconsistent
32 herewith be and the same are hereby repealed, but any ordinances and resolutions not inconsistent
33 herewith and which have not previously been repealed are hereby ratified and confirmed.

34
35 Section 4. It is found and determined that all formal actions of this Council concerning and relating
36 to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations
37 of this Council and of any committees that resulted in those formal actions were in meetings open to the
38 public, in compliance with all legal requirements including Chapter 107 of the Codified Ordinances.

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

45
46
47 Passed: _____

President of Council

48
49
50
51 _____
52 Clerk of Council

53
54
55 Approved: _____

Mayor

56
57 9/12/22

2
3
4
5 CITY OF CUYAHOGA FALLS, OHIO

6
7 ORDINANCE NO. - 2022

8
9 AN ORDINANCE AUTHORIZING THE PARKS AND
10 RECREATION BOARD TO ENTER INTO A CONTRACT, WITH
11 GAMETIME, INC. FOR THE PURCHASE OF PLAY
12 EQUIPMENT TO BE INSTALLED AT WATER WORKS PARK,
13 AND DECLARING AN EMERGENCY.
14

15 WHEREAS, the majority of Water Works Park playgrounds equipment’s life cycle is
16 expiring and the city recognizes the vast benefits of continuing to improve the City’s
17 park areas; and
18

19 WHEREAS, the City obtained quotes for the play equipment and GameTime, Inc.
20 provided the best pricing, including a grant, and product; and
21

22 WHEREAS, the City is taking advantage of GameTime Inc.’s grant program to
23 leverage and maximize tax dollars for the equipment purchase for this park site; and
24

25 WHEREAS, the purchase by contract of the equipment, services, materials or
26 supplies identified herein is through participation in a contract between the vendor and
27 OMNIA Partners, a cooperative purchasing group, and is thus exempt from competitive
28 bidding requirements pursuant to Ohio Revised Code §125.04.
29

30 NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Cuyahoga Falls,
31 County of Summit and State of Ohio, that:
32

33 Section 1. The Parks and Recreation Board is hereby authorized to enter into a
34 contract or contracts, with GameTime, Inc. for the purchase of play equipment to be
35 installed at Water Works Park.
36

37 Section 2. The Director of Finance is hereby authorized and directed to make
38 payment for same from Recreation Levy Fund, line item Capital Outlay.
39

40 Section 3. Any ordinances or resolutions or portions of ordinances and resolutions
41 inconsistent herewith be and the same are hereby repealed, but any ordinances and
42 resolutions not inconsistent herewith and which have not previously been repealed are
43 hereby ratified and confirmed.
44

45 Section 4. It is found and determined that all formal actions of this Council
46 concerning and relating to the passage of this ordinance were taken in an open meeting
47 of this Council and that all deliberations of this Council and of any committees that
48 resulted in those formal actions were in meetings open to the public, in compliance with
49 all legal requirements including Chapter 107 of the Codified Ordinances.

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

56
57

58 Passed: _____
59 _____
60 President of Council

61
62 _____
63 Clerk of Council

64
65
66 Approved: _____
67 _____
68 Mayor

69 9/12/22
70 \\CF-FILE01\ldpublic\Council\2022ords\09-12-22\Play Equipment Water Works
71 Park.docx

2
3 CITY OF CUYAHOGA FALLS, OHIO

4
5 RESOLUTION NO. - 2022

6
7 A RESOLUTION CONSENTING TO THE INSPECTION OF
8 MUNICIPAL BRIDGES WITHIN THE CITY OF CUYAHOGA
9 FALLS, BY THE STATE OF OHIO, AND DECLARING AN
10 EMERGENCY.

11
12 WHEREAS, the State of Ohio has identified the need for and proposes Bridge
13 Inspection Program Services, including, but not limited to routine inspections, element
14 level inspections, critical-findings reports, fracture critical member inspections, load
15 rating calculations and reports, weight limits posting sign recommendations, scour
16 assessments, scour plan of actions, development of fracture critical plans, and
17 underwater dive inspection reports if needed, identified as PID No. 117554.

18
19 NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Cuyahoga Falls,
20 County of Summit and State of Ohio:

21
22 Section 1. This Council hereby consents to Bridge Inspection Program Services,
23 including, but not limited to routine inspections, element level inspections, critical-
24 findings reports, fracture critical member inspections, load rating calculations and
25 reports, weight limits posting sign recommendations, scour assessments, scour plan of
26 actions, development of fracture critical plans, and underwater dive inspection reports
27 if needed, identified as PID No. 117554.

28
29 Section 2. This Council’s consent is granted with the following understanding:

- 30
31 A. The State shall assume and bear 100% of all the cost for Bridge
32 Inspection Program Services requested by the City and agreed to by the
33 State. Eligible Bridge Inspection Services are described in the
34 Consultant’s Scope of Services Task Order Contract attached to this
35 ordinance as Exhibit A.
- 36
37 B. The City agrees to pay 100% of the cost of those features which are not
38 included in Exhibit A. Those features may include but not limited to,
39 the purchasing and erecting the recommended weight limits posting
40 signs, the implementation of critical findings reports such as partial or
41 total bridge closures and the implementation of the scour plan of
42 actions. When recommendations affect public safety, ODOT expects
43 full implementation by the municipality. As of October 2019, FHWA
44 requires installing weight limits posting signs within 30 days from the
45 official date of the approved recommendations. Timely implementation
46 is essential to the success of this program.
- 47
48 C. The City agrees that all right-of-way required for the described project
49 will be made available in accordance with current State and Federal
50 regulations.

51 Section 3. The Director of Public Service is authorized to enter into contracts with the
52 Director of Transportation which are necessary to complete the above described project.

53
54 Section 4. The Clerk of Council is hereby directed to transmit to the Director of
55 Transportation a certified copy of this Ordinance.

56
57 Section 5. It is found and determined that all formal actions of this Council
58 concerning and relating to the adoption of this resolution were adopted in an open
59 meeting of this Council, and that all deliberations of this Council and of any of its
60 committees that resulted in such formal action, were in meetings open to the public, in
61 compliance with all legal requirements, to the extent applicable, including Chapter 107
62 of the Codified Ordinances.

63
64 Section 6. This resolution is hereby declared to be an emergency measure necessary
65 for the preservation of the public peace, health, safety, convenience and welfare of the
66 City of Cuyahoga Falls and the inhabitants thereof, and provided it receives the
67 affirmative vote of two thirds of the members elected or appointed to Council, it shall
68 take effect and be in force immediately upon its passage and approval by the Mayor;
69 otherwise it shall take effect and be in force at the earliest period allowed by law.

70
71
72 Passed: _____
73 _____
74 President of Council

75
76 _____
77 Clerk of Council

78
79
80 Approved: _____
81 _____
82 Mayor

82 9/6/22

83 \\CF-FILE01\ldpublic\Council\2022ords\09-12-22\2022 Resolution of Consent.docx

Scope of Services Meeting Date: **/**/**
Approved Final Scope of Services Minutes Date: **/**/**

GENERAL ENGINEERING SERVICES Central Office, Office of Structural Engineering Scope of Services

The CONSULTANT may be required to perform the following services on a task order type basis for bridges designated by regulation or by agreement as City or Village inspection responsibility. Consultants must be prequalified for Level 1 Bridge Inspection services, which may include but are not limited to the following:

Task 1 - Scour Tasks

- Task 1A - Scour Critical Assessment
- Task 1B - Scour Plan-of-Action

Task 2 - Load Rating Tasks

- Task 2A - Field Measurements for Load Rating
- Task 2B - Load Rating Calculations

Task 3 – AssetWise Structure Inventory and Review, Including New SNBI Fields

Task 4 – Inspection Procedures

- Task 4A - Fracture Critical Plan
- Task 4B – Underwater Inspection Procedures

Task 5 - Bridge Inspection

- Task 5A – Routine Bridge Inspection
- Task 5B – Fracture Critical Inspection
- Task 5C – Underwater Dive Inspection

Services shall be conducted in accordance with the following:

- ODOT Manual of Bridge Inspection, Latest Version
- ODOT Bridge and Inventory Coding Guide, Latest Version
- ODOT Bridge Design Manual, Section 900), Latest Version
- Hydraulic Engineering Circulars 18, 20 and 23
- The Manual for Bridge Evaluation, Third Edition 2019 interim with revisions, AASHTO

Publication

- Bridge Inspector's Reference Manual, FHWA NHI Publication Number: 12-049,
Publication Year: 2012
- Underwater Bridge Inspection, FHWA Publication Number: FHWA NHI-10-027,
Publication Year: 2010

The CONSULTANT shall maintain a project cost accounting system that will segregate costs for individual task orders. The invoicing progress reports shall be detailed enough to show the breakdown of each assigned structure indicating the status of all subtasks. Completion of the individual subtasks is necessary for reimbursement credits.

The duration of the agreement will be twelve (12) months from the authorization date of the agreement.

The Department will be performing an annual Quality Assurance Review (QAR) for each selected consultant in accordance with Manual of Bridge Inspection to ensure accuracy and consistency of the inspection and documentation in AssetWise. This typically includes an office and field review.

The project will be divided into four (4) sub-projects (SP). A CONSULTANT will be selected for each sub-project. Municipalities opted into the previous inspection program will have the option to renew their legislation. Municipalities with population greater than 50,000 people are excluded from the program. The sub-projects have the following general geographic areas, category characteristics, and maximum contract values for the municipalities with municipal inspection responsibility obtained from AssetWise data as of July 2022.

Project: SP01 - District (1, 2, &3), Total Structures = 485*

Type	L ≤ 20'	20' < L ≤ 60'	60' < L ≤ 200'	L > 200'	Total
Single Span	192	178	26	0	396
Multi-Span	24	20	31	14	89
Culvert	119	29	1	0	149
Truss	0	1	3	0	4
Fracture Critical Inspection	0	0	2	0	2
Underwater Inspection	0	0	0	0	0
Load Rating**	108	99	29	7	243

* Level 1 Bridge Inspection structures

** Tasked as budget allows w/priority for NBI bridges with many BrR updates

Project: SP02 - District (4, 11, &12), Total Structures = 392*

Type	L ≤ 20'	20' < L ≤ 60'	60' < L ≤ 200'	L > 200'	Total
Single Span	127	126	35	0	288
Multi-Span	22	25	37	20	104
Culvert	84	40	1	0	125
Truss	1	2	6	0	9
Fracture Critical Inspection	0	0	3	0	3
Underwater Inspection	0	0	0	0	0
Load Rating**	75	76	36	10	197

* Level 1 Bridge Inspection structures

** Tasked as budget allows w/priority for NBI bridges with many BrR updates

Project: SP03 - District (5, 6, &10), Total Structures = 515*

Type	L ≤ 20'	20' < L ≤ 60'	60' < L ≤ 200'	L > 200'	Total
Single Span	189	206	40	0	435
Multi-Span	11	11	37	21	80
Culvert	111	87	4	0	202
Truss	0	0	7	0	7
Fracture Critical Inspection	0	0	7	1	8
Underwater Inspection	0	0	0	0	0
Load Rating**	80	87	31	8	259

* Level 1 bridge inspection structures

** Tasked as budget allows w/priority for NBI bridges with many BrR updates

Project: SP04 - District (7, 8 &9), Total Structures = 508*

Type	L ≤ 20'	20' < L ≤ 60'	60' < L ≤ 200'	L > 200'	Total
Single Span	177	157	36	1	371
Multi-Span	29	45	49	14	137
Culvert	126	85	3	0	214
Truss	0	0	7	1	8
Fracture Critical Inspection	0	1	4	1	6
Underwater Inspection	0	0	0	0	0
Load Rating	103	101	43	8	255

* Level 1 bridge inspection structures

** Tasked as budget allows w/priority for NBI bridges with many BrR updates

Please note that the total number of structure types is estimated based on current AssetWise data queries, and it may be adjusted when tasks are assigned in the future which may include newly found orphan bridges. The estimated annual contract price value for each sub-project is as follows:

SP01 \$560,000
SP02 \$530,000
SP03 \$570,000
SP04 \$590,000

DBE Participation:

Project	Goal
SP01	10%
SP02	0%
SP03	0%
SP04	0%

CONSULTANT shall clearly designate in the letter of intent the SP(s) they wish to be considered for.

Three (3) copies of the letter of intent shall be submitted. The letter of intent shall demonstrate that the CONSULTANT has a clear understanding of the scope of services.

Price Proposal Due Date: **//****

UNDERSTANDING

1. Inspections shall be completed by firm's full-time staff prequalified with ODOT for Level 1 bridge inspection according to the Manual of Bridge Inspection.

2. Task order are intended for maintaining compliance with the FHWA 23-Mertics, Ohio Revised Code, and ODOT policy manuals. Deadlines set by the task orders shall be respected.

3. All reports and records compiled under this agreement shall become the property of the City or Village and shall be housed in the City or Village. ODOT shall receive an electronic copy of plans, analysis files, reports and other items mentioned below.
 - a) CONSULTANT shall perform all applicable updates to ASSETWISE with new or revised information for structure inventory and appraisal data, inspections, scour, fracture critical members, and load ratings.

 - b) CONSULTANT shall submit copies of all reports and calculations electronically, or in hard copies when requested, to the City or Village for inclusion in their bridge records.

 - c) This includes, as applicable, a printed copy of the inspection report, Scour Plan-of-Action, Fracture Critical Plan, load rating report, gusset plate analysis, inspection procedures, and field measurement notes, digital pictures as well as a reproducible digital data file (.pdf, .doc, .xml, and .xls formats).

4. Copies of all transmittal letters and emails related to this Task Order shall be submitted to Central Office, Office of Structural Engineering.
 - a) When required, CONSULTANTS shall locate the original construction plans, as-built, and shop drawings from archive locations specified by the municipality and upload them onto ASSETWISE.

Services to be furnished by CONSULTANT may include:

TASK 1 - SCOUR TASKS

Task 1A – Scour Critical Susceptibility NBIS Item 113) - The CONSULTANT shall refer to the most recent ODOT Manual of Bridge Inspection. Deliverables include field notes, a completed Scour Critical Assessment Checklist as per Appendix I of the 2014 Manual of Bridge Inspection, and any other reference material needed for the bridge owner to properly maintain their bridge files. Channel photos or cross sections maybe tasked under this item if assigned. Please use the latest scour assessment form.

Task 1B - Scour Plan-of-Action - The CONSULTANT shall refer to the most recent ODOT Manual of Bridge Inspection Appendix H for the scope of this task. Deliverables include a completed Scour Plan-of-Action, field notes, calculations, and any other reference material needed by bridge owner to maintain bridge files.

TASK 2 – LOAD RATING TASKS

Task 2A - Field Measurements for Load Rating - Should no plans exist or if additional information is required, each main member shall be field measured for load rating. The condition of the member should be noted on the field documentation. All measurements shall be included in the load rating report.

Task 2B - Load Rating Calculations – A bridge carrying vehicular traffic shall be rated to determine the safe load carrying capacity. The CONSULTANT shall review existing bridge plans and inspection reports and other inspection information such as photographs and estimates of section loss for bridge members and connections. The analysis for existing structures shall be performed for AASHTO HS20-44 [MS 18] (truck, lane, & military) loading for both inventory and operating levels, and for the four Ohio Legal Loads including the special hauling vehicles (2F1, 3F1, 4F1, and 5C1, SU4, SU5, SU6, SU7, Type 3, Type 3S2, Type 3-3, NRL, EV2, and EV3) at operating level. The CONSULTANT shall try to complete the load rating analysis utilizing BrR (Virtis) at first. Hand-calculations or Spreadsheets if BrR is not applicable. The BrR analysis file, other load rating files, and the latest BR100 shall be included with the submittal to OSE.

The inventory and operating ratings shall be coded as per the most recent version of the ODOT Bridge Inventory Coding Guide. Update ASSETWISE Inventory with the load rating results and upload BR100 pdf file.

The electronic deliverable shall include if applicable an Excel spreadsheet or other files used for analysis for each bridge which shall include the member areas, member capacities both with and without section loss, influence lines (can be the ordinates or graph of the lines), dead loads and dead load stresses in members, live loads and live load stresses in members for all truck loadings and the load ratings of the members. Truck loadings to be used for the ratings are specified in BDM Section 900.

The Load Rating Report shall be prepared by a registered or non-registered engineer, and it shall be checked, signed, sealed and dated by an Ohio Registered Professional Engineer.

The Load Rating Report shall explain the method used to calculate the load rating of each bridge.

AASHTO Load Factor Rating (LFR) shall be utilized for all bridges not designed by Load and Resistance Factor Design. AASHTO Load and Resistance Factor Rating (LRFR) shall be utilized for all structures designed for HL93 loading starting October 2010.

Load Rating Report Submittal to the City or Village shall include:

- a. Two (2) printed copies and one electronic pdf copy of the Load Rating Report for each bridge.
- b. Final summary of inventory and operating ratings for each member and the overall ratings of the structure shall be presented for each live load truck. An acceptable format is ODOT form BR-100.
- c. Analysis program input files. Both input and output files shall be submitted when programs other than BrR or spreadsheets are used.
- d. All calculations related to the load rating.
- e. If applicable, the weight limits posting recommendations including a copy of the standard posting sign; such as R12-1 (24" x 30"), R12-H5 (30" x 48"), and R12-H7 (30" x 30").

TASK 3 – ASSETWISE STRUCTURE INVENTORY AND REVIEW

The scope of this task includes a limited review of the structure inventory data in the ODOT ASSETWISE. In general, the CONSULTANT shall review specific existing ODOT bridge inventory records (as provided by the City and approved by ODOT) of the designated bridge. The CONSULTANT may download the inventory report, which contains inventory data for each bridge on file with ODOT from the ODOT website. The CONSULTANT shall verify this data and determine if the ODOT ASSETWISE structure file information needs to be updated on the system. If no changes are necessary, then no ASSETWISE inventory needs to be filled out. If changes are necessary, the scope of this task shall also include completing and filing inventory updates (and supplements, as needed) in ASSETWISE. The CONSULTANT shall refer to the ODOT Office of Structural Engineering Inventory and Coding Guide of ASSETWISE for inventory coding details. In 2023, ODOT will start the transition toward SNBI, the consultants shall fill out all empty fields for this purposes as communicated by OSE.

TASK 4 – INSPECTION PROCEDURES

Task 4A – Fracture Critical Plan – A Fracture Critical Member Plan and inspection procedure shall be developed and updated. For more details, refer to Chapter 4: Inspection Types in the Manual of Bridge Inspection. It shall include:

1. Sketches of the superstructure with locations of all fatigue and fracture prone details identified.
 - a. Use framing plan or schematic with detail locations labeled and a legend explaining each labeled item on the scheme.
 - b. Use an elevation view for trusses.

- c. Classify similar fatigue/fracture prone details as types (e.g. end of partial cover plate).
2. A table or location of important structural details indicating:
 - a. Type of detail (e.g. end of partial cover plate, short web gap, etc.)
 - b. Location of each occurrence of detail
 - c. AASHTO Fatigue Category of detail
 - d. Identify retrofits previously installed
3. Risk Factors Influencing the inspector access.

Photos and sketches shall be properly referenced. The CONSULTANT shall refer to the most recent ODOT Manual of Bridge Inspection for additional details on the scope of this task.

Task 4B – Underwater Inspection Procedures – An underwater inspection procedure shall be developed. For more details, refer to Chapter 4: Underwater Inspections in the Manual of Bridge Inspection. Please note that ODOT has recently revised the format of the procedures file. The diving team shall fill out or update the latest form and upload it on ASSETWISE prior to performing the actual dives. Please contact OSE for a copy of a blank form if not uploaded on ASSETWISE at the time.

TASK 5 – BRIDGE INSPECTION

Task 5A – Routine Bridge Inspection (ASSETWISE Input) - Perform a routine field inspection of the structure to determine the general condition. The CONSULTANT shall refer to the most recent ODOT Manual of Bridge Inspection for additional details on the scope of this task. Section 1111 of the Moving Ahead for Progress in the 21st Century Act (MAP-21) modified 23 U.S.C.144, requires Ohio to report bridge element level data for NBIS bridges on the National Highway System (NHS) to FHWA. A condition rating or element level inspection will be assigned. This task includes Condition Rating Inspection for non-NBI structures, Condition Rating Inspection for NBI structures, and Element Level Inspection for NBI classified as NHS. The consultant shall probe the channel around the footing in water to determine depth of scour and report the date in AssetWise.

Task 5B – Fracture Critical Inspection - Perform a fracture critical field inspection of fracture critical items. The CONSULTANT shall update the FCM inspection procedure with current photos and descriptions. The CONSULTANT shall refer to the most recent ODOT Manual of Bridge Inspection for additional details on the scope of this task.

Task 5C – Underwater Dive Inspection – Perform Underwater/ In-Water inspection of substructure units according to the cycle shown in ASSETWISE. Emergency underwater inspection may arise for specific structures over the duration of the contract period. Work shall be done in accordance with the reference manuals and inspection procedure. Scour risk shall be evaluated after field and data collection.

2
3
4 CITY OF CUYAHOGA FALLS, OHIO

5
6 RESOLUTION NO. - 2022

7
8 A RESOLUTION ACCEPTING THE RECOMMENDATIONS OF
9 THE TAX INCENTIVE REVIEW COUNCIL AND THE
10 COMMUNITY REINVESTMENT AREA HOUSING COUNCIL
11 CONCERNING ENTERPRISE ZONE AND COMMUNITY
12 REINVESTMENT AREA TAX EXEMPTION AGREEMENTS
13 WITHIN THE CITY OF CUYAHOGA FALLS, AND DECLARING
14 AN EMERGENCY.
15

16 WHEREAS, the City of Cuyahoga Falls has designated certain areas within the city as
17 Enterprise Zones pursuant to Ohio Revised Code (“R.C.”) §5709.61-69, and as
18 Community Reinvestment Areas, pursuant to R.C. §3735.65 *et seq.*; and
19

20 WHEREAS, pursuant to these statutes, the City of Cuyahoga Falls has entered into
21 Enterprise Zone and Community Reinvestment Area tax exemption agreements (the “tax
22 exemption agreements”) with various property owners in the mentioned areas for the
23 abatement of portions of the property owners’ real property taxes as incentives for the
24 businesses and homeowners to invest in the community; and
25

26 WHEREAS, the City has established a Tax Incentive Review Council pursuant to R.C.
27 §5709.85, and a Community Reinvestment Area Housing Council pursuant to Ord. No.
28 95-2004, for the purpose of annually assessing whether each owner of property exempted
29 from taxation pursuant to a tax exemption agreement has complied with the agreement;
30 and
31

32 WHEREAS, the Tax Incentive Review Council is required to annually submit written
33 recommendations to this Council concerning whether each tax exemption agreement
34 subject to its review should be continued, amended or terminated; and
35

36 WHEREAS, this Council has received the recommendations of the Tax Incentive
37 Review Council and the Community Reinvestment Area Housing Council relative to tax
38 exemption agreements in effect in tax year 2021; and
39

40 WHEREAS, R.C. §5709.85 requires the legislative authority of a local government
41 granting Enterprise Zone or Community Reinvestment Area tax exemptions to continue,
42 amend or terminate all or any portion of the recommendations of its Tax Incentive Review
43 Council.
44

45 NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Cuyahoga Falls,
46 County of Summit, and State of Ohio, that:
47

48 Section 1. This Council hereby accepts the recommendations of the Tax Incentive
49 Review Council and the Community Reinvestment Area Housing Council for tax
50 exemption agreements in effect during the 2021 tax year, as follows:

	<u>Tax Exemption Agreement with:</u>	<u>Recommendation</u>
51	2821 Front Street - Missing Mountain Brewery	Continue/Cuy. Falls
52	Albrecht Inc. - Acme #10	Continue/Cuy. Falls
53	Arkay Properties LLC - Triad	Continue/Cuy. Falls
54	Coming Attractions Development, LLC	Continue/Cuy. Falls
55	Falls River LLC – Riverwalk	Continue/Cuy. Falls
56	Village at Watermark LLC	Continue/Cuy. Falls
57	Portage Community Bank	
58	Continue/Cuy. Falls	
59	CF Legacy 2020, LLC	PENDING/Cuy. Falls
60	CL Partners, LLC (Formerly Harbor Castings, Inc.)	PENDING/Cuy. Falls
61	Parfait Properties, LLC	PENDING/Cuy. Falls
62	Alro Steel Corporation	Continue/Hudson
63	Sunspot Properties, LLC (Buckeye Sports Center, Inc.)	Continue/Hudson
64	Kyocera/SGS Precision Tools- Enterprise Zone (2014)	Continue/Woodridge
65	Williams Land Corp- Enterprise Zone	Continue/Woodridge
66	Cascade Auto Group	Continue/Woodridge
67	Decker Fasteners	Continue/Woodridge
68	French Mill Run	Continue/Woodridge
69	GoJo Industries, Inc.	Continue/Woodridge
70	McHale Group, LTD and Eagle Elastomer, Inc.	Continue/Woodridge
71	Menard, Inc.	Continue/Woodridge
72	State 8 Motorcycles	Continue/Woodridge
73	Technicote, Inc. & CFO Realty	Continue/Woodridge
74	Freeman, Frank- 1846 Front – Unit 3	Continue
75	Terry, Lisa & Ritenauer, Scott- 1846 Front – Unit 4	Continue
76	McCullough, Timothy-1846 Front – Unit 5	Continue
77	Trustees, Brue, Randal & Gayle- 1846 Front – Unit 6	Continue
78	Johnson-Hardwick, Patricia- 1846 Front – Unit 7	Continue
79	Waldron, Mark- 1846 Front – Unit 8	Continue
80	Somers, Jenette- 1846 Front – Unit 9	Continue
81	Salaheddine, Robby- 1846 Front – Unit 10	Continue
82	Wilkins, Raymond & Janet- 1846 Front – Unit 11	Continue
83	Juszczec, Mark & Janice- 1846 Front – Unit 12	Continue
84	Hands, David L, Trustee- 1846 Front – Unit 13	Continue
85	Hogston, Michael & Holly- 1846 Front – Unit 14	Continue
86	Miles, Amanda- 647 School Avenue	Continue
87	Sawyer, Luke & Lynch, Jodie- 1859 4 th Street	Continue
88	Thomas, Keith and Tanesha- 741 Magnolia Avenue	Continue
89	Walker, Akisha- 749 Magnolia Avenue	Continue
90	Purgert, Brian & Lauren- 4582 Lakeside Oval	Continue
91	Lindsay, LaToya & Andrew- 4590 Lakeside Oval	Continue
92	Garcia-Martinez, Ariel & Andrade, Katherine- 4591 Lakeside Oval	Continue
93	Abood, Daniel & Vrable, Karla- 4594 Lakeside Oval	Continue
94	Tan, KwekTze & Lee, Pei Ling- 4595 Lakeside Oval	Continue
95	Borra, Harish & Kelly- 4598 Lakeside Oval	Continue
96	Liu- Zhifu & Wen Cong- 4599 Lakeside Oval	Continue
97	Farah, Sophie & Ems, Raleigh- 4602 Lakeside Oval	PENDING
98	Kurane, Abhijit & Priyanka- 4603 Lakeside Oval	Continue
99	Liu, Pei Yang & Koo, Oliver- 4607 Lakeside Oval	Continue
100	Henry, Christopher- 4611 Lakeside Oval	Continue
101	Guan, Tianyuan - 4614 Lakeside Oval	Continue
102	Lema, Dora & Aquino, Francisco- 4615 Lakeside Oval	Continue
103	Miletti, Joshua- 4618 Lakeside Oval	Continue
104	Ziats, Christopher & Nicole- 4619 Lakeside Oval	Continue
105		

	<u>Tax Exemption Agreement with:</u>	<u>Recommendation</u>
106		
107	McCarty, Justin & Tracy- 4622 Lakeside Oval	Continue
108	Schelder, Jason & Jiaianella, Sara- 4623 Lakeside Oval	Continue
109	Goodyk, Daniel & Sara- 4626 Lakeside Oval	Continue
110	Dolan, Trista, Trustee- 4627 Lakeside Oval	Continue
111	Sonntag, Andrea & David- 4631 Lakeside Oval	Continue
112	Gable, Justin & Chelsea- 4632 Lakeside Oval	Continue
113	Sheeler, Erika- 4635 Lakeside Oval	Continue
114	Gill, Varinder Singh & Gill, Jaswinder Kaur- 4591 Pebble Creek Ct.	Continue
115	Aldridge, Ricky & Erin- 4594 Pebble Creek	Continue
116	Singh, Kaaranijit & Badesha, Ravinder Kaur- 4595 Pebble Creek Ct.	Continue
117	Dodd, Andrew & Michelle- 4598 Pebble Creek Ct.	Continue
118	Abdul, Bahezzad & Mansoor, Saniya- 4599 Pebble Creek Ct.	Continue
119	Singh, Tajinder & Kaur, Ravinder- 4602 Pebble Creek Ct.	Continue
120	Vidovich, David & Robin- 4603 Pebble Creek Ct.	Continue
121	Bowers, Carmen & Travis- 4606 Pebble Creek Ct.	Continue
122	Ciepiel, Arianna & Gency, Brandon- 4607 Pebble Creek Ct.	Continue
123	Jean, Carly & Jesse- 4610 Pebble Creek Ct.	Continue
124	Regan, Mitchell & Tiffany- 4611 Pebble Creek Ct.	Continue
125	Jianella, Jason- 4614 Pebble Creek Ct.	Continue
126	Sabic, Kemal & Elma- 4615 Pebble Creek Ct.	Continue
127	Psaras, Peter & Bair, Cassandra- 4618 Pebble Creek Ct.	Continue
128	Beaulieu, Tessa & Edmund- 4619 Pebble Creek Ct.	Continue
129	Stein, Chad & Manes, Jennifer- 4622 Pebble Creek Ct.	Continue
130	Mihalik, Matthew & Heather- 4623 Pebble Creek Ct.	Continue
131	Thomas, Sara- 4626 Pebble Creek Ct.	Continue
132	Nguyen, Vinh & Nhung Cam- 4627 Pebble Creek Ct.	Continue
133	Fenstermaker, David & Ronnica- 4630 Pebble Creek Ct.	Continue
134	Rzeszortarski, Michael & Angela- 4631 Pebble Creek Ct.	Continue
135	Lin, Chai & Ou, Shuyun- 4635 Pebble Creek Ct.	Continue
136	Arm, Brian & Claudine- 4639 Pebble Creek Ct.	Continue
137	Bektic, Zemira & Enver- 4642 Pebble Creek Ct.	Continue
138	Kim, Hyanghwa & Cho, Nam Woog- 4643 Pebble Creek Ct.	Continue
139	Donathan, Shawn & Elizabeth- 4647 Pebble Creek Ct.	Continue
140	Jeong, Hyojin & Yoo, Ji Eun- 4581 Preserve Circle	Continue
141	Khatri, Roshan - 4582 Preserve Circle	Continue
142	Osman, Moussa & Alhoussein, Ibtisam- 4590 Preserve Circle	Continue
143	Bhagat, Mayur & Priti- 4591 Preserve Circle	Continue
144	Weinberg, Matthew & Jamie- 4594 Preserve Circle	Continue
145	Najm, Riham Ali & Matar, Houssam- 4595 Preserve Circle	Continue
146	Fabry, Derek & Michelle- 4598 Preserve Circle	Continue
147	Henderson, Clarence & Shakita- 4599 Preserve Circle	Continue
148	Benjamin, Brett & Houk, Courtney- 4602 Preserve Circle	Continue
149	Ganey, Jacob & Danielle- 4606 Preserve Circle	Continue
150	Herrera, Cesar & Hernandez, Laura- 4607 Preserve Circle	Continue
151	Marinchek, Karla & Scott- 4610 Preserve Circle	Continue
152	Brooks, Dustin & Heather- 4611 Preserve Circle	Continue
153	Fominyam, Nicholas & Mafon- 10 Salt Creek Run	Continue
154	Whitten, Jason & Green, Amanda- 11 Salt Creek Run	Continue
155	Spalding, Stephen- 20 Salt Creek Run	Continue
156	Najm, Riham & Najm Houssam- 21 Salt Creek Run	Continue
157	Karic, Michael & Shelby- 30 Salt Creek Run	Continue
158	Chung, Samuel & Joseph- 31 Salt Creek Run	Continue
159	Mahmood, Tariq, Rashid, Afshan & Co-Op First, LLC- 40 Salt Creek	Continue
160	Yaragoria, Srimanth & Ragir, Swapna- 50 Salt Creek Run	Continue

	<u>Tax Exemption Agreement with:</u>	<u>Recommendation</u>
161		
162	Hyde, Michael & Jane- 60 Salt Creek Run	Continue
163	Sheth, Vivekkumar & Prikh, Mruga- 61 Salt Creek Run	Continue
164	Dibo, Antoun & Lauren- 70 Salt Creek Run	Continue
165	Pancake, Robert & Patricia- 71 Salt Creek Run	Continue
166	Lin, Timothy & Heidi- 80 Salt Creek Run	Continue
167	Huang, Hanquin & Shu, Lin- 81 Salt Creek Run	Continue
168	Erkkila, Mark & Jerrica- 90 Salt Creek Run	Continue
169	Kuzmik, James & Tonya- 91 Salt Creek Run	Continue
170	Geun, Chang & Choi, Eunjin- 100 Salt Creek Run	Continue
171	Ghosai, Durga & Banerjee, Poojarini- 110 Salt Creek Run	Continue
172	Destephano, Charles & Jamie- 120 Salt Creek Run	Continue
173	Turner, Tiffany & Mohr, Chase- 131 Salt Creek Run	Continue
174	Brashear, Linda- 140 Salt Creek Run	Continue
175	Robson, Brian & Krystal- 141 Salt Creek Run	Continue
176	Wheaton, Adam & Brittany- 150 Salt Creek Run	Continue
177	Wagner, Melanie & David- 151 Salt Creek Run	Continue
178	Maxwell, Brian & Patricia- 160 Salt Creek Run	Continue
179	Rui, Lui & Mengsha, Hu- 161 Salt Creek Run	Continue
180	Cave, John & Danielle- 170 Salt Creek Run	Continue
181	Covas, Michael & Stephanie- 171 Salt Creek Run	Continue
182	Luczywo, Jacquelyn & Todd- 180 Salt Creek Run	Continue
183	Sabo, Michael & Oldaker, Jonathan- 181 Salt Creek Run	Continue
184	Barry, Mark & Hope- 190 Salt Creek Run	Continue
185	Brackley, MariLou- 200 Salt Creek Run	Continue
186	Gotschall, Stephanie & Downing, Courtney- 210 Salt Creek Run	Continue
187	Brown, Gregory & Shellie- 211 Salt Creek Run	Continue
188	Wang, Junpeng & Huang, Jie- 220 Salt Creek Run	Continue
189	Sienghchum, Tritti & Natechanok, Thaminemdee- 221 Salt Creek	Continue
190	Husain, Iftekhar & Zafiruddin, Farhatulain- 230 Salt Creek Run	Continue
191	Weatherbee, Jacob & Amanda- 231 Salt Creek Run	Continue
192	Hamad, Mohammad & Awad, Ammal- 4575 South Creek Road	Continue
193	Ficquette, Arnold & Kristina- 4590 State Road	Continue
194	Oloyede, Emmanuel- 4596 State Road	Continue
195		

196 Section 2. Any other ordinances or resolutions or portions of ordinances and
197 resolutions inconsistent herewith are hereby repealed, but any ordinances and
198 resolutions not inconsistent herewith and which have not previously been repealed are
199 hereby ratified and confirmed.

200
201 Section 3. It is found and determined that all formal actions of this Council
202 concerning and relating to the acceptance of this resolution were adopted in an open
203 meeting of this Council, and that all deliberations of this Council and of any of its
204 committees that resulted in such formal action, were in meetings open to the public, in
205 compliance with all legal requirements, to the extent applicable, including Chapter 107
206 of the Codified Ordinances.

207
208 Section 4. This resolution is hereby declared to be an emergency measure necessary
209 for the preservation of the public peace, health, safety, convenience and welfare of the
210 City of Cuyahoga Falls and the inhabitants thereof, and provided it receives the
211 affirmative vote of two thirds of the members elected or appointed to Council, it shall take
212 effect and be in force immediately upon its passage and approval by the Mayor; otherwise
213 it shall take effect and be in force at the earliest period allowed by law.

214
215
216
217
218
219
220
221
222
223
224
225
226
227

Passed: _____

President of Council

Clerk of Council

Approved: _____

Mayor

9/12/22

\\CF-FILE01\ldpublic\Council\2022ords\09-12-22\TIRC Tax Year 2021.docx