Agenda, Bay Village City Council
Regular Meeting, Council Chambers

Dwight A. Clark, President of Council, Presiding
Roll Call/Pledge of Allegiance led by Marty Mace, Councilman-at-large
Reading of Minutes – Special Meeting of Council held April 23, 2018

ANNOUNCEMENTS

REPORTS

Mayor Koomar
Director of Law Ebert
Director of Finance Mahoney
Director of Recreation Enovitch
Director of Public Service and Properties Liskovec
Human Resources Director Demaline

Director of Community Services Selig
Police Chief Spaetzel
Fire Chief Lyons
Chief Building Official Steve Vogel

AUDIENCE

COMMUNICATIONS

COMMITTEE OF THE WHOLE

ENVIRONMENT, SAFETY & COMMUNITY SERVICES COMMITTEE –Mr. Mace

Resolution approving use by Steven and Laura Sozio of Submerged Lands of Lake Erie for shoreline improvements, and declaring an emergency.

FINANCE AND CLAIMS-Mr. Tadych

Motion to acknowledge receipt of April 2018 Financial Statements of the City of Bay Village, Ohio as prepared by Renee Mahoney, Director of Finance.

Fiscal Officer’s Certificate certifying in connection with the proposed issue of $750,371 of notes (the Notes), to be issued in anticipation of the issuance of bonds (the Bonds), for the purpose of paying costs of improving streets by resurfacing, paving and making other improvements as designated in the plans approved or to be approved by Council, that the estimated life or period of usefulness of the improvement is at least five years, the estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code is 15 years, and the maximum maturity of the Notes is 240 months from date of issuance.
Ordinance providing for the issuance and sale of $750,371 of Notes, in anticipation of the issuance of Bonds, for the purpose of paying costs of improving streets by resurfacing, paving and making other improvements as designated in the plans approved or to be approved by Council, and declaring an emergency. (First Reading)

Fiscal Officer’s Certificate certifying in connection with the proposed issue of $3,091,629 of notes (the Notes), to be issued in anticipation of the issuance of bonds (the Bonds), for the purpose of paying costs of (i) improving streets by resurfacing, paving and making other improvements as designated in the plans approved or to be approved by Council ($1,770,629 of the Notes), (ii) acquiring motor vehicles and equipment for use in performing the functions of the City’s Police Department ($60,500 of the Notes), (iii) acquiring motor vehicles and equipment and acquiring and installing a fuel dispensing system for use in performing the functions of the City’s Department of Public Services and Properties ($158,000 of the Notes), (iv) improving the City’s sanitary sewerage system by constructing sewer lines ($67,000 of the Notes), (v) acquiring motor vehicles and equipment and constructing improvements to facilities used in performing the functions of the City’s Department of Public Services and Properties ($381,500 of the Notes), (vi) acquiring motor vehicles and equipment for use in performing the functions of the City’s Department of Public Services and Properties ($414,000 of the Notes), and (vii) acquiring a motor vehicle and equipment for use in performing the functions of the City’s Fire Department ($240,000 of the Notes) (collectively, the improvements), that: the estimated life or period of usefulness of the improvements is at least five years, the estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is (A) 15 years as to the portion of the Bonds related to the improvement described in clause (i) above, (B) six years as to the portion of the Bonds related to the improvement described in clause (ii) above, (C) 10 years as to the portion of the Bonds related to the improvements described in clauses (iii), (v), (vi) and (vii) above, and (D) 40 years as to the portion of the Bonds related to the improvement described in clause (iv) above, and, the maximum maturity of the Notes is (A) June 10, 2030, as to the portion of the Notes related to the improvement described in clause (iii) above, which date is 15 years from June 10, 2015, the date of issuance of the original notes issued for that purpose, (B) June 10, 2035, as to $533,000 of the Notes related to the improvement described in clause (i) above and the Notes related to the improvement described in clause (iv) above, which date is 20 years from June 10, 2015, the date of issuance of the original notes issued for those purposes, (C) June 9, 2027, as to the Notes related to the improvement described in clause (ii) above, which date is 11 years from June 9, 2016, the date of issuance of the original notes issued for that purpose, (D) June 9, 2031, as to the improvement described in clause (v) above, which date is 15 years from June 9, 2016, the date of issuance of the original notes issued for that purpose, (E) June 9, 2036, as to $691,000 of the Notes related to the improvement described in clause (i) above, which date is 20 years from June 9, 2016, the date of issuance of the original notes issued for that purpose, (F) June 8, 2032, as to the Notes related to the improvements described in clauses (vi) and (vii) above, which date is 15 years from June 8, 2017, the date of issuance of the original Notes issued for those purposes, and (G) June 8, 2037, as to $546,629 of the Notes related to the improvement described in clause (i) above, which is 20 years from June 8, 2017, the date of issuance of the original Notes issued for that purpose.
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**Ordinance** providing for the issuance and sale of $3,091,629 of Notes, in anticipation of the Issuance of Bonds, for the purpose of paying costs of (i) improving streets by resurfacing, paving and making other improvements as designated in the plans approved or to be approved by Council, (ii) acquiring motor vehicles and equipment for use in performing the functions of the City’s Police Department, (iii) acquiring motor vehicles and equipment and acquiring and installing a fuel dispensing system for use in performing the functions of the City’s Department of Public Services and Properties, (iv) improving the City’s Sanitary Sewerage System by construction sewer lines, (v) acquiring motor vehicles and equipment and constructing improvements to facilitates used in performing the functions of the City’s Department of Public Services and Properties, (vi) acquiring motor vehicles and equipment for use in performing the functions of the City’s Department of Public Services and Properties, and (vii) acquiring a motor vehicle and equipment for use in performing the functions of the City’s Fire Department, and declaring an emergency. (First Reading)

**Resolution** certifying unpaid grass cutting and cleaning charges to the Cuyahoga County Fiscal Officer for collection. (First Reading)

**Resolution** certifying unpaid sewer rental and refuse collection charges to the Cuyahoga County Fiscal Officer for collection. (First Reading)

**Resolution** certifying unpaid sidewalk repair and/or construction charges to the Cuyahoga County Fiscal Officer for collection. (First Reading)

**Resolution** certifying unpaid tree removal charges to the Cuyahoga County Fiscal Officer for collection. (First Reading)

**PLANNING, ZONING & PUBLIC GROUNDS & BUILDINGS COMMITTEE—Mrs. Maier**

**Motion** to permit the installation of a temporary sign, 18” x 24” on the tree lawn area of St. Raphael’s Church at the church entrance driveway off Dover Center Road, from June 11, through August 10 2018 advertising a shuttle pick-up for Camp Christopher.

**PUBLIC IMPROVEMENTS/STREETS/SEWERS/DRAINAGE COMMITTEE—Mrs. Stainbrook**

**Resolution** authorizing the filing of a Natureworks Grant Application with the Ohio Department of Natural Resources, and declaring an emergency.

**Resolution** authorizing participation in the Ohio Department of Transportation (ODOT) Winter Contract (018-19) for Road Salt, and declaring an emergency.

**RECREATION AND PARK IMPROVEMENTS COMMITTEE—Mr. Winzig**
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SERVICES, UTILITIES & EQUIPMENT COMMITTEE –Mrs. DeGeorge

Resolution authorizing the purchase of a Law Enforcement Multipurpose Vehicle and declaring an emergency.

Resolution authorizing the purchase of Service Department vehicles and equipment, and declaring an emergency.

Ordinance authorizing the Mayor to enter into a Professional Services Agreement and a Lease Agreement with SAFEn built, Inc., and declaring an emergency. (First Reading)

MISCELLANEOUS

Motion to convene to Executive Session: Contracts: SAFEn built, Inc.; Library. Personnel: Law Department.

CAHOON MEMORIAL PARK TRUSTEES
Procedure

Section 2.14 - Effective Date
C.O. 111.10 - Council Rules for Legislation

Roll call on suspension of Charter Rules:

Every ordinance or resolution shall be read on three different days unless two-thirds (2/3) of the total number of Council members provided for in this Charter dispense with the rules.

Roll call on suspension of Council Rules:

No ordinance or resolution shall be passed unless a written copy thereof is before the Council ...at least 24 hours before any meeting of Council at which action...is contemplated.

Roll call on inclusion of the emergency.

All ordinances and resolutions shall become effective forty (40) days after their passage by Council unless a later effective date is set forth or an earlier date is established. Resolutions to initiate any public improvement shall become effective immediately upon their passage and approval by the Mayor.

It is required that two-thirds (2/3) of the total number of Council members provided for by this Charter vote affirmatively to enact with the emergency. This clause allows legislation to become effective immediately upon passage and approval by the Mayor.

NOTE: Regular and Special Meetings of Council are scheduled for 8:00 p.m. However, Council generally meets informally at 7:30 p.m. prior to a Regular or Special meeting, and said portion, usually held in the conference room, is open to the public.
City of Bay Village

Council Minutes, Special Meeting  April 23, 2018
Council Chambers 8:00 p.m.
Vice President of Council David L. Tadych, presiding

Present:  DeGeorge, Mace, Maier, Stainbrook, Tadych, Winzig, Mayor Koomar

Excused:  Mr. Clark

Also Present:  Law Director Ebert, Finance Director Mahoney, Director of Public Service and Properties Liskovec, Recreation Director Enovitch, Fire Chief Lyons, Fire Chief Spaetzel, Chief Building Official Vogel (SAFEbuilt, Inc.)

AUDIENCE

The following members of the audience signed in this evening: Claire Banasiak, Jeff Gallatin, Denny Wendell, Mary Krauss, Dorothy Stewart, Al Kruzer.

Vice President of Council Tadych called the meeting to order at 8:00 p.m. with roll call, and the Pledge of Allegiance led by Sara Byrnes Maier, Councilwoman, Ward 3.

Motion by Mace to dispense with the reading of the minutes of the meeting of the Regular Meeting of Council held April 16, 2018, and approve the minutes as prepared and distributed.

Roll Call Vote:  Yeas - DeGeorge, Mace, Maier, Stainbrook, Tadych, Winzig.

Motion passed 6-0.

Mr. Colby Sattler, Chairman of the Bay Village Tree Commission gave the following slide presentation regarding proposed amendments to Chapter 547 of the Codified Ordinances of the City of Bay Village, regarding the protection of trees. Accompanying Mr. Sattler to the meeting and presentation, were the following: City Arborist Mike Polinski, Commission Member Dave Patzwahl, Commission Member Leslie Brown, Commission Member Patrick Graham, and Commission Member Larry Ludwig.

The complete presentation, including illustrations, is available on the City of Bay Village website, under the heading of Tree Commission.

Amending our Tree Protection Ordinance to ensure Bay Village’s legacy as a Tree City on a Blue Lake.

The amendment to the Tree Protection Ordinance has been prepared to conserve and protect to the greatest extent possible the City’s exiting trees and wooded spaces; to enhance and promote the community image; to enhance and preserve economic property values and the quality of life in the City; to aid in the alleviation of erosion, siltation, and other harmful effects of land-
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disturbing activities; to aid in controlling the quantity and intensity of storm water runoff; to alleviate air pollution and non-point source water pollution; to conserve energy; to protect and promote the use of existing vegetation as noise and visual buffers; to preserve the environmental and ecological benefit of trees on air pollution and carbon dioxide levels as well as dust filtration; to reduce energy consumption through the wind break and shade effect of trees when they are properly placed on a site; to preserve and enhance nesting areas for birds and other wildlife and to preserve movement corridors for wildlife; and to promote the public health, safety, and welfare through the preservation and replacement of trees while allowing for the reasonable development of lands in such a manner that implements the stated goals, objectives, policies and standards of the City.

Mr. Sattler explained that the amendments proposed provide updates, clarifications, and improvements to the existing ordinance. The following bullet points were considered with the drafting of the revised ordinance:

Section 547 Amendments: Common Sense Assurances
The roadmap to Preserving our Legacy
• 547.04 Boundary line trees.
• Reducing conflict and financial burdens.
• 547.16 Commercial property, undeveloped residential property and current developed lots.
• Have a plan, receive a permit, and make reasonable efforts to preserve & protect existing trees.
• 547.17 Removal of protected trees on residential property and current developed lots.
• Receive a free permit and remediate the tree’s loss unless exempted.
• 547.18 Exemptions
• Emergencies and extreme acts of nature as declared by the Service Director.
• Failure to remove constitutes an imminent danger.
• Necessary removals within easements.
• The tree is dead, dying or diseased as approved through the permit process.
• Improved & streamlined—revised existing information and eliminated redundancies.
• Detailed—Group effort involving interviews and 3rd party Tree Care professionals providing input.
• Incorporated previous working drafts from former Service Director Jim Sears (2005) & City Arborist Bob Kochmit (2002).
• Builds upon 2005-2006 Tree Commission work around updating Ordinance 547 which looked into tree preservation for private and commercial properties.
• Comprehensive—extensively researched existing ordinances of representative and peer communities both locally and nationally.
• Equitable—Ensures Bay Village becomes an even more desirable place to live and work through commonsense protections that allow everyone to benefit from the value of and importance of trees.

Cuyahoga County Tree Canopy by Municipality
Top 5:
Chagrin Falls 77%
Bentleyville 74%
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Gates Mills 73%  
Moreland Hills 70%  
Hunting Valley 70%  
Every city could achieve 70% or more Tree Canopy  
Bottom 5:  
North Randall 10%  
Brook Park 18%  
Warrensville Hts. 19%  
Cleveland 19%  
Lindale 20%  
Bay Village 49%  
Existing (decreasing countywide) 75% Possible (Just utilizing Currently Vegetated Areas)

Why Trees?
• Over 100 years trees appreciate  
• Other infrastructure depreciates  
• Trees GAIN in value over time!

• Shoppers claim that they will spend 9% to 12% more for goods and services in central business districts having high quality tree canopy

• Older adults who have more exposure to green common spaces report a stronger sense of unity and belonging to their neighborhood.

• The public judges communities having vegetation-bordered roads more positively, with ratings of visual quality increasing as the amount of roadside vegetation increases *Wolf, K.L. 2010. Community Economics - A Literature Review. In: Green Cities: Good Health (www.greenhealth.washington.edu). College of the Environment, University of Washington;  

• Builders can recover extra costs of preserving trees through higher sales prices and faster sales for houses on wooded lots.

• The presence of larger trees in yards and as street trees can add from 3% to 15% to home values.

• A study found 7% higher rental rates for commercial offices having high quality landscapes.

Trees reduce heating and cooling needs and increase business traffic.

Trees improve public health and safety.

Trees meet environmental challenges and improve our natural world.
URBAN TREE CANOPY
What is an urban forest? All trees within a municipality or community (on private and public lands).
What is tree canopy? All land covered by trees (with leaves on) when viewed from above.

Thank you, for considering trees!

Prepared and submitted by:

Bay Village Tree Commission Secretary Jackie Moore, City Arborist Mike Polinski, Chair Colby Sattler, Council Representative David L. Tadych, Commission Member Dave Patzwahl, Commission Member Leslie Brown, Commission Member Patrick Graham, Commission Member Larry Ludwig.

Tree Commission Member Dave Patzwahl addressed the administration and Council, noting that there are significant changes and enhancements proposed to the existing Tree Ordinance, Chapter 547 of the Codified Ordinances of the City of Bay Village. Mr. Patzwahl stated that it is the Tree Commission’s first intent to try to make provisions to preserve the tree canopy that exists on private property. Permitting is suggested, and if trees cannot be preserved a way to re-forest the property or another property elsewhere in the City, with provisions to help make that happen, is the proposed alternative. Mr. Patzwahl noted that there are in existence rules to control activities on private property for aesthetic purposes. It is not groundbreaking to exercise control on preserving the tree canopy on private property. The Tree Commission is asking for the leadership of the elected officials to make those considerations, noting that if this cannot be done, just trying to preserve the canopy on city properties and park spaces will not be enough to minimize decline. Mr. Patzwahl offered the following quotation: “True leadership is planting a tree under which whose shade you will never sit.” In this case, they are asking about preserving a tree under whose shade we can actually sit right now.

Mr. Winzig asked if the City is prepared to handle the volume of needs to help people assess their property and understand corrective measures. Mr. Polinski stated that they already have a significant involvement in the community, whether it be dead, dying or diseased trees on private property or simply doing a health check of residents’ trees and offering recommendations.

Mr. Winzig asked Councilman Tadych asked if it would make sense to add additional funding in the 2019 Budget or keep the funding where it is for the tree provisions.

Mr. Tadych stated that there has been a planned, gradual movement on the funding. It has been increased by $5,000 per year for the last couple of years and he would like to see that maintained, although, at some point it may be necessary to stop planting trees and look at software enhancements for keeping track of the tree inventory throughout the City.

Mr. Sattler stated that the Tree Commission is prepared to assist in the process of helping residents assess their property and understand corrective measures. A large part of that is being more forward facing and having more access to information for residents so they know where to
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go for answers to their questions. Part of the permitting process is to provide that initial dialogue and point of contact. Before a question or issue arises, the residents know who is in charge or who to call. The process will allow Mr. Polinski and his staff to be more efficient with their time and provide more support for residents.

Mayor Koomar stated that in addition to allocating dollars for trees, consideration must be given to the labor of planting, versus the other needs of the City such as crack sealing roads, clearing potholes, Bradley Park restrooms, sidewalk repair program, etc. There is the philosophy of managing manpower for service, coupled with putting money in the tree program over time. Mayor Koomar noted that he has always been an advocate of getting folks to plant more on private property. Large species are only going to be able to be planted on private property. He noted that it is necessary on private property to be cognizant of storm sewer and lateral sewers in the right-of-way, and being aware of where to plant, and where not to plant.

Mr. Tadych stated that when a tree is planted today your children may be sitting under it when they are adults, and you aren’t going to sit under that tree and enjoy it as an adult today. It takes a long time to build up the beauty and the provisions provided by the existence of the tree.

The members of the Bay Village Tree Commission were thanked for their presentation this evening.

Mr. Winzig read, by title only, Ordinance No. 18-30, as amended, to make appropriations for the current and other expenditures of the City of Bay Village for the Fiscal Year 2018 as previously appropriated in Annual Appropriations 17-86, 18-5, and 18-25, and moved for adoption, noting the inclusion of the emergency clause. (Second Reading) (First Reading April 16, 2018).

There being no further discussion, Mr. Tadych called for a vote on the motion for adoption of Ordinance No. 18-30.

Roll Call on Suspension of the Charter Rules:
Yeas–Mace, Maier, Stainbrook, Tadych, Winzig, DeGeorge
Nays –None

Roll Call on Suspension of the Council Rules:
Yeas – Mace, Maier, Stainbrook, Tadych, Winzig, DeGeorge
Nays – None.

Roll Call on Inclusion of the Emergency Clause:
Yeas–Mace, Maier, Stainbrook, Tadych, Winzig, DeGeorge
Nays–None.

Roll Call on Adoption:
Yeas–Mace, Maier, Stainbrook, Tadych, Winzig, DeGeorge
Nays–None.

Mr. Ebert announced adoption of Ordinance No. 18-30, an emergency measure, by a vote of 6-0.
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Mrs. Stainbrook read, by title only, Ordinance No. 18-32 authorizing the Mayor to enter into an agreement with Bramhall Engineering for services related to the Columbia Road Culvert, and declaring an emergency, and moved for adoption (Second Reading) (First Reading April 16, 2018).

There being no further discussion, Mr. Tadych called for a vote on the motion for adoption of Ordinance No. 18-32.

Roll Call on Suspension of the Charter Rules:
   Yeas– Maier, Stainbrook, Tadych, Winzig, DeGeorge, Mace
   Nays –None

Roll Call on Suspension of the Council Rules:
   Yeas – Maier, Stainbrook, Tadych, Winzig, DeGeorge, Mace
   Nays – None.

Roll Call on Inclusion of the Emergency Clause:
   Yeas– Maier, Stainbrook, Tadych, Winzig, DeGeorge, Mace
   Nays–None.

Roll Call on Adoption:
   Yeas– Maier, Stainbrook, Tadych, Winzig, DeGeorge, Mace
   Nays–None.

Mr. Ebert announced adoption of Ordinance No. 18-32, an emergency measure, by a vote of 6-0.

Mrs. DeGeorge read, by title only, Resolution No. 18-28 authorizing the Finance Director to participate in various Cooperative Purchasing Programs, and declaring an emergency, and moved for adoption. (Third Reading) (Second Reading April 16, 2018) (First Reading April 9, 2018).

There being no further discussion, Mr. Tadych called for a vote on the motion for adoption of Resolution No. 18-28.

Roll Call on Suspension of the Charter Rules:
   Yeas– Stainbrook, Tadych, Winzig, DeGeorge, Mace, Maier
   Nays -None

Roll Call on Suspension of the Council Rules:
   Yeas – Stainbrook, Tadych, Winzig, DeGeorge, Mace, Maier
   Nays – None.

Roll Call on Inclusion of the Emergency Clause:
   Yeas– Stainbrook, Tadych, Winzig, DeGeorge, Mace, Maier
   Nays–None.

Roll Call on Adoption:
   Yeas– Stainbrook, Tadych, Winzig, DeGeorge, Mace, Maier
   Nays–None.

Mr. Ebert announced adoption of Resolution No. 18-28, an emergency measure, by a vote of 6-0.
Mrs. Stainbrook reported that a Public Improvements, Streets, Sewers and Drainage Committee meeting was held at 6:30 p.m. this evening to continue working on the Sunset Project and to help the project become a reality. Mrs. Stainbrook read the following motion in the interest of helping funding for that project.

**Motion** by Stainbrook to authorize the Mayor to apply for District One Public Works Integrating Committee, (DOPWIC) Issue 1 funding for Bay Village Capital Projects. The intention is to use any DOPWIC funding received as one source of funding for the proposed Sunset Drive Storm Sewer and Roadway improvements. The Mayor and Council are putting forth their best efforts to identify all funding sources to minimize the financial impact on the City and residents and to make this project a reality.

**Motion carried 6-0.**

In compliance with Section 121.22 of the Ohio Revised Code, Mr. Mace MOVED to convene to Executive Session for discussion regarding Litigation: Pietrangelo (library), Holliday (Federal Court).

Roll Call Vote: Yeas –Tadych, Winzig, DeGeorge, Mace, Maier, Stainbrook. Nays – None.

Motion passed 6-0.

**Announcements/Audience/Miscellaneous**

Before convening the Executive Session, Mayor Koomar announced that earlier this evening the Cleveland Metroparks completed a burn of the grassy area at the bottom of the sledding hill in Huntington Reservation. The area will be tilled in the near future and a variety of native plants will be planted in the area. The native plants include things such as Milkweed and other plants that attract Monarch Butterflies during their migration. The Mayor thanked the Bay Village Fire Department for being at the site of the burn to make sure things were under control. Planting will be done by seeding.

Mr. Winzig commented that the shredding event at the Bay Village Police Department was very organized and successful. Mayor Koomar stated that it was steady throughout. Habitat for Humanity filled up one truck with donations, with a second truck being sent for additional items. Donated items included bathroom fixtures and furniture.

Council convened to Executive Session. Also in attendance in Executive Session were Mayor Koomar, Law Director Ebert and Finance Director Mahoney.

Council reconvened in an open meeting at 8:58 p.m. Present were: DeGeorge, Mace, Maier, Stainbrook, Tadych, Winzig. Nays – None.

There being no further business to discuss, the meeting adjourned at 8:59 p.m. The meeting of April 30, 2018 of City Council will not be held.
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David L. Tadych, Vice President of Council

Joan Kemper, Clerk of Council
RESOLUTION NO.
INTRODUCED BY:

A RESOLUTION
APPROVING USE BY STEVEN AND LAURA SOZIO OF
SUBMERGED LANDS OF LAKE ERIE FOR SHORELINE IMPROVEMENTS,
AND DECLARING AN EMERGENCY.

WHEREAS, Steven and Laura Sozio, 28900 Lake Road, Bay Village, Ohio 44140, will be in need of a lease with the Ohio Department of Natural Resources for use of submerged lands to construct the proposed structure as described in Submerged Land Lease Application, SUB-2422-OT; and

WHEREAS, said improvements will take place in submerged lands of Lake Erie, which is under the jurisdiction of the State of Ohio and Cuyahoga County, Ohio; and

WHEREAS, it is determined by the Council of the City of Bay Village, Ohio, pursuant to ORC §1506.11 (B) that the City of Bay Village has no need for said designated parcel of submerged lands for any planned use such as ports or docks, nor any other contemplated use for such submerged lands; and further has no objection to said use and does hereby approve said use of the submerged lands for the purpose herein stated;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Bay Village, Ohio:

SECTION 1. That Scott and Laura Sozio be permitted to proceed with such construction as requested on said submerged lands, subject to any other necessary approvals, and pursuant to a lease to be executed for and in consideration as will be hereinafter determined by the State of Ohio.

SECTION 2. The Council of the City of Bay Village through its action on the submerged land lease resolution, has considered only the needs of the City for the future use of the land and water involved in the request and has not reviewed the impact of said lease on the landowners which adjoin or abut the property involved in the lease application. This impact should be expressed to the Ohio Department of Natural Resources or through the public hearing process held by that office on the submerged land lease application.

SECTION 3. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this resolution were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 4. That this resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reasons stated in the preamble hereof, wherefore this resolution shall be in full force and take effect immediately upon its passage and approval by the Mayor.
Resolution – Submerged Lands, Sozio

PASSED:

__________________________
PRESIDENT OF COUNCIL

__________________________
CLERK OF COUNCIL

APPROVED:

__________________________
MAYOR

050218 kek
FISCAL OFFICER’S CERTIFICATE

TO THE COUNCIL OF THE CITY OF BAY VILLAGE, OHIO:

As fiscal officer of the City of Bay Village, Ohio, I certify in connection with your proposed issue of $750,371 of notes (the Notes), to be issued in anticipation of the issuance of bonds (the Bonds), for the purpose of paying costs of improving streets by resurfacing, paving and making other improvements as designated in the plans approved or to be approved by Council (the improvement), that:

1. The estimated life or period of usefulness of the improvement is at least five years.

2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is 15 years, being my estimate of the life or period of usefulness of the improvement. If notes in anticipation of the Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of notes, the period in excess of those five years shall be deducted from that maximum maturity of the Bonds.

3. The maximum maturity of the Notes is 240 months from their date of issuance.

Dated: May 7, 2018

___________________________________________
Director of Finance
City of Bay Village, Ohio
ORDINANCE NO.: 18____
INTRODUCED BY: _______________

AN ORDINANCE

PROVIDING FOR THE ISSUANCE AND SALE OF $750,371 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF IMPROVING STREETS BY RESURFACING, PAVING AND MAKING OTHER IMPROVEMENTS AS DESIGNATED IN THE PLANS APPROVED OR TO BE APPROVED BY COUNCIL, AND DECLARING AN EMERGENCY.

WHEREAS, the Director of Finance, as fiscal officer of the City, has certified to this Council that the estimated life or period of usefulness of the improvement described in Section 1 is at least five years, the estimated maximum maturity of the Bonds described in Section 1 is 15 years, and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds, is 240 months from their date of issuance;

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

SECTION 1. Authorized Principal Amount and Purpose of Anticipated Bonds. It is necessary to issue bonds of the City in the aggregate principal amount of $750,371 (the Bonds) for the purpose of paying costs of improving streets by resurfacing, paving and making other improvements as designated in the plans approved or to be approved by Council.

SECTION 2. Estimated Bond Terms. The Bonds shall be dated approximately May 1, 2019, shall bear interest at the now estimated rate of 5% per year, payable semiannually until the principal amount is paid, and are estimated to mature in 15 annual principal installments on December 1 of each year that are substantially equal. The first interest payment on the Bonds is estimated to be December 1, 2019, and the first principal payment of the Bonds is estimated to be December 1, 2020.

SECTION 3. Authorized Principal Amount of Notes; Note Terms. It is necessary to issue and this Council determines that notes in the aggregate principal amount of $750,371 (the Notes) shall be issued in anticipation of the issuance of the Bonds. The Notes shall be dated the date of issuance and shall mature one year from the date of issuance; provided that the Director of Finance may, if it is determined to be necessary or advisable to the sale of the Notes, establish a maturity date that is any date up to one year from the date of issuance by setting forth that maturity date in the certificate signed in accordance with Section 6 (the Certificate of Award). The Notes shall bear interest at a rate not to exceed 5% per year (computed on the basis of a 360-day year consisting of 12 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate of interest on the Notes shall be determined by the Director of Finance in the Certificate of Award.
SECTION 4. Payment of Debt Charges; Paying Agent. The debt charges on the Notes shall be payable in Federal Reserve funds of the United States of America and shall be payable, without deduction for services of the City’s paying agent, at the designated corporate trust office of The Huntington National Bank, or at the principal corporate trust or other office of a bank or trust company designated by the Director of Finance in the Certificate of Award after determining that the payment at that bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose, or at the office of the Director of Finance if agreed to by the Director of Finance and the Original Purchaser (as defined in Section 6) (the Paying Agent).

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

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

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

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

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

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

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

**SECTION 6.** **Award and Sale of the Notes.** The Notes shall be sold at not less than par at private sale by the Director of Finance to the original purchaser designated by the Director of Finance in the Certificate of Award (the Original Purchaser) in accordance with law and the provisions of this Ordinance. The Director of Finance shall sign the Certificate of Award referred to in Section 3 evidencing that sale to the Original Purchaser, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the Original Purchaser, to the Original Purchaser upon payment of the purchase price. The Mayor, the Director of Finance, the Director of Law, the Clerk of Council and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance. The Director of Finance is authorized, if it is determined to be in the best interest of the City, to combine the issue of Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code.

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

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

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

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

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

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

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

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

SECTION 11. Retention of Bond Counsel. The legal services of Squire Patton Boggs (US) LLP, as bond counsel, be and are hereby retained. The legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the issuance and sale of the Notes and the rendering of the necessary legal opinion upon the delivery of the Notes. In rendering those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those legal services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those legal services. The Director of Finance is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm.

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

SECTION 13. Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council and of any of its committees concerning and relating to the passage of this Ordinance were taken in open meetings of this Council or committees, and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law.
SECTION 14. Captions and Headings. The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

SECTION 15. Declaration of Emergency; Effective Date. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the Notes, which is necessary to enable the City to enter into contracts for the improvement which is needed to eliminate existing and potential hazards to vehicular and pedestrian traffic in the City; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: ________ ___, 2018 /s/ Dwight Clark
                     ______________________________
                     PRESIDENT OF COUNCIL

/s/ Joan T. Kemper
CLERK OF COUNCIL

APPROVED: ________ ___, 2018

/s/ Paul A. Koomar
 MAYOR

I, Joan T. Kemper, Clerk of Council of the City of Bay Village, Ohio, hereby certify the foregoing to be a true copy of Ordinance No. 18-______, passed by the Council of the City of Bay Village on ________ ___, 2018, and now on file in the office of the Clerk of Council.

______________________________
Clerk of Council
FISCAL OFFICER’S CERTIFICATE

TO THE COUNCIL OF THE CITY OF BAY VILLAGE, OHIO:

As fiscal officer of the City of Bay Village, Ohio, I certify in connection with your proposed issue of $3,091,629 of notes (the Notes), to be issued in anticipation of the issuance of bonds (the Bonds), for the purpose of paying costs of (i) improving streets by resurfacing, paving and making other improvements as designated in the plans approved or to be approved by Council ($1,770,629 of the Notes), (ii) acquiring motor vehicles and equipment for use in performing the functions of the City’s Police Department ($60,500 of the Notes), (iii) acquiring motor vehicles and equipment and acquiring and installing a fuel dispensing system for use in performing the functions of the City’s Department of Public Services and Properties ($158,000 of the Notes), (iv) improving the City’s sanitary sewerage system by constructing sewer lines ($67,000 of the Notes), (v) acquiring motor vehicles and equipment and constructing improvements to facilities used in performing the functions of the City’s Department of Public Services and Properties ($381,500 of the Notes), (vi) acquiring motor vehicles and equipment for use in performing the functions of the City’s Department of Public Services and Properties ($414,000 of the Notes), and (vii) acquiring a motor vehicle and equipment for use in performing the functions of the City’s Fire Department ($240,000 of the Notes) (collectively, the improvements), that:

1. The estimated life or period of usefulness of the improvements is at least five years.

2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is (A) 15 years as to the portion of the Bonds related to the improvement described in clause (i) above, (B) six years as to the portion of the Bonds related to the improvement described in clause (ii) above, (C) 10 years as to the portion of the Bonds related to the improvements described in clauses (iii), (v), (vi) and (vii) above, and (D) 40 years as to the portion of the Bonds related to the improvement described in clause (iv) above. If notes in anticipation of the related Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of notes, the period in excess of those five years shall be deducted from that maximum maturity of the related Bonds.

3. The maximum maturity of the Notes is (A) June 10, 2030, as to the portion of the Notes related to the improvement described in clause (iii) above, which date is 15 years from June 10, 2015, the date of issuance of the original notes issued for that purpose, (B) June 10, 2035, as to $533,000 of the Notes related to the improvement described in clause (i) above and the Notes related to the improvement described in clause (iv) above, which date is 20 years from June 10, 2015, the date of issuance of the original notes issued for those purposes, (C) June 9, 2027, as to the Notes related to the improvement described in clause (ii) above, which date is 11 years from June 9, 2016, the date of issuance of the original notes issued for that purpose, (D) June 9, 2031, as to the improvement described in clause (v) above, which date is 15 years from June 9, 2016, the date of issuance of the original notes issued for that purpose, (E) June 9, 2036, as to $691,000 of the Notes related to the improvement described in clause (i) above, which date is 20 years from June 9, 2016, the date of issuance of the original notes issue for that purpose, (F) June 8, 2032, as to the Notes related to the
improvements described in clauses (vi) and (vii) above, which date is 15 years from June 8, 2017, the date of issuance of the original Notes issued for those purposes, and (G) June 8, 2037, as to $546,629 of the Notes related to the improvement described in clause (i) above, which is 20 years from June 8, 2017, the date of issuance of the original Notes issued for that purpose.

Dated: May 7, 2018

________________________________________
Director of Finance
City of Bay Village, Ohio
AN ORDINANCE


WHEREAS, pursuant to Ordinance Nos. 17-28, 17-29, 17-30, 17-31, 17-32, 17-33, 17-34, 17-35 and 17-36, each passed on May 15, 2017, the City issued its $4,360,500 Various Purpose Notes, Series 2017 (the Outstanding Notes), in anticipation of bonds for the purposes stated in Section 1 and other purposes, which Outstanding Notes mature on June 8, 2018; and

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

WHEREAS, the Director of Finance, as fiscal officer of the City, has certified to this Council that the estimated life or period of usefulness of the improvements described in Section 1 is at least five years, the estimated maximum maturity of the Bonds described in clause (i) of Section 1 is 15 years, in clause (ii) of Section 1 is six years, in clauses (iii), (v), (vi) and (vii) of Section 1 is 10 years and in clause (iv) of Section 1 is 40 years, and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds described in clause (iii) of Section 1 is June 10, 2030, in anticipation of the Bonds described in clauses (i) ($533,000 of those Bonds) and (iv) of Section 1 is June 10, 2035, in anticipation of the Bonds described in clause (ii) of Section 1 is June 9,
NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Bay Village, County of Cuyahoga, Ohio, that:

SECTION 1. Authorized Principal Amount and Purpose of Anticipated Bonds. It is necessary to issue bonds of the City in the aggregate principal amount of $3,091,629 (the Bonds) for the purpose of paying costs of (i) improving streets by resurfacing, paving and making other improvements as designated in the plans approved or to be approved by Council ($1,770,629), (ii) acquiring motor vehicles and equipment for use in performing the functions of the City’s Police Department ($60,500), (iii) acquiring motor vehicles and equipment and acquiring and installing a fuel dispensing system for use in performing the functions of the City’s Department of Public Services and Properties ($158,000), (iv) improving the City’s sanitary sewerage system by constructing sewer lines ($67,000), (v) acquiring motor vehicles and equipment and constructing improvements to facilities used in performing the functions of the City’s Department of Public Services and Properties ($381,500), (vi) acquiring motor vehicles and equipment for use in performing the functions of the City’s Department of Public Services and Properties ($414,000), and (vii) acquiring a motor vehicle and equipment for use in performing the functions of the City’s Fire Department ($240,000).

SECTION 2. Estimated Bond Terms. The Bonds shall be dated approximately May 1, 2019, shall bear interest at the now estimated rate of 5% per year, payable semiannually until the principal amount is paid, and are estimated to mature in 13 annual principal installments on December 1 of each year that are substantially equal. The first interest payment on the Bonds is estimated to be December 1, 2019, and the first principal payment of the Bonds is estimated to be December 1, 2020.

SECTION 3. Authorized Principal Amount of Notes; Note Terms. It is necessary to issue and this Council determines that notes in the aggregate principal amount of $3,091,629 (the Notes) shall be issued in anticipation of the issuance of the Bonds and to retire, together with other funds available to the City, the Outstanding Notes. The Notes shall be dated the date of issuance and shall mature one year from the date of issuance; provided that the Director of Finance may, if it is determined to be necessary or advisable to the sale of the Notes, establish a maturity date that is any date up to one year from the date of issuance by setting forth that maturity date in the certificate signed in accordance with Section 6 (the Certificate of Award). The Notes shall bear interest at a rate not to exceed 5% per year (computed on the basis of a 360-day year consisting of 12 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate of interest on the Notes shall be determined by the Director of Finance in the Certificate of Award.

SECTION 4. Payment of Debt Charges; Paying Agent. The debt charges on the Notes shall be payable in Federal Reserve funds of the United States of America and shall be payable, without deduction for services of the City’s paying agent, at the designated corporate trust office of
The Huntington National Bank, or at the principal corporate trust or other office of a bank or trust company designated by the Director of Finance in the Certificate of Award after determining that the payment at that bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose, or at the office of the Director of Finance if agreed to by the Director of Finance and the Original Purchaser (as defined in Section 6) (the Paying Agent).

SECTION 5. Form and Execution of Notes; Book Entry System. The Notes shall be signed by the Mayor and the Director of Finance, in the name of the City and in their official capacities, provided that one of those signatures may be a facsimile. The Notes shall be issued in the denominations and numbers as requested by the Original Purchaser and approved by the Director of Finance in the Certificate of Award, provided that no Note shall be issued in a denomination less than $100,000. The entire principal amount may be represented by a single note and may be issued as fully registered securities (for which the Director of Finance will serve as note registrar) and in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Revised Code if it is determined by the Director of Finance that issuance of fully registered securities in that form will facilitate the sale and delivery of the Notes. The Notes shall not have coupons attached, shall be numbered as determined by the Director of Finance and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Ordinance. As used in this Section and this Ordinance:

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

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

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

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

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

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

**SECTION 6.** Award and Sale of the Notes. The Notes shall be sold at not less than par at private sale by the Director of Finance to the original purchaser designated by the Director of Finance in the Certificate of Award (the Original Purchaser) in accordance with law and the provisions of this Ordinance. The Director of Finance shall sign the Certificate of Award referred to in Section 3 evidencing that sale to the Original Purchaser, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the Original Purchaser, to the Original Purchaser upon payment of the purchase price. The Mayor, the Director of Finance, the Director of Law, the Clerk of Council and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance. The Director of Finance is authorized, if it is determined to be in the best interest of the City, to combine the issue of Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code.

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

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

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

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

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

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

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

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

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

**SECTION 11. Retention of Bond Counsel.** The legal services of Squire Patton Boggs (US) LLP, as bond counsel, be and are hereby retained. The legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the issuance and sale of the Notes and the rendering of the necessary legal opinion upon the delivery of the Notes. In rendering those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those legal services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those legal services. The Director of Finance is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm.

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

SECTION 13. Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council and of any of its committees concerning and relating to the passage of this Ordinance were taken in open meetings of this Council or committees, and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

SECTION 14. Captions and Headings. The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

SECTION 15. Declaration of Emergency; Effective Date. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, property, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective so that the Notes can be delivered at the earliest possible date, which is necessary to enable the City to retire the Outstanding Notes and thereby preserve its credit; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: _______ __, 2018 /s/ Dwight Clark
PRESIDENT OF COUNCIL

/s/ Joan T. Kemper
CLERK OF COUNCIL

APPROVED: _______ __, 2018

/s/ Paul A. Koomar
MAYOR

I, Joan T. Kemper, Clerk of Council of the City of Bay Village, Ohio, hereby certify the foregoing to be a true copy of Ordinance No. 18-______, passed by the Council of the City of Bay Village on _______ __, 2018, and now on file in the office of the Clerk of Council.

________________________________________
Clerk of Council
A RESOLUTION
CERTIFYING UNPAID GRASS CUTTING AND CLEANING CHARGES
TO THE CUYAHOGA COUNTY FISCAL OFFICER FOR COLLECTION,
AND DECLARING AN EMERGENCY.

BE IT RESOLVED by the Council of the City of Bay Village, Ohio:

SECTION 1. That pursuant to Section 521.11 of the Codified Ordinances of the City of Bay Village, it is hereby determined and declared that the list of grass cutting and cleaning charges on file in the office of the Director of Finance of the City, which list is hereby incorporated herein by reference, is delinquent and unpaid. The Director of Finance is hereby directed to do all things necessary to cause said unpaid grass cutting and cleaning charges to be certified to the Cuyahoga County Fiscal Officer for collection as other taxes, and the Fiscal Officer is hereby requested pursuant to statute, to cause said charges to be extended on the 2018 tax duplicate for collection in semi-annual installments.

SECTION 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this resolution were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 3. That this resolution shall be in full force and effect at the earliest time permitted by law.

PASSED:

__________________________________________
PRESIDENT OF COUNCIL

__________________________________________
CLERK OF COUNCIL

APPROVED:

__________________________________________
MAYOR

042618 kek
RESOLUTION NO.
INTRODUCED BY:

A RESOLUTION
CERTIFYING UNPAID SEWER RENTAL AND REFUSE COLLECTION
CHARGES TO THE CUYAHOGA COUNTY FISCAL OFFICER FOR COLLECTION,
AND DECLARING AN EMERGENCY.

BE IT RESOLVED by the Council of the City of Bay Village, Ohio:

SECTION 1. That pursuant to Section 921.05 and Section 923.04 of the Codified
Ordinances of the City of Bay Village it is hereby determined and declared the list of sewer rental
and refuse collection charges on file in the office of the Director of Finance of the City, which list
is hereby incorporated herein by reference, is delinquent and unpaid. The Director of Finance is
hereby directed to do all things necessary to cause said unpaid sewer rental and refuse collection
charges to be certified to the Cuyahoga County Fiscal Officer for collection as other taxes, and the
Fiscal Officer is hereby requested, pursuant to statute, to cause said sewer rental charges to be
extended in the 2018 tax duplicate for collection in semi-annual installments.

SECTION 2. That this Council finds and determines that all formal actions of this
Council concerning and relating to the passage of this resolution were taken in an open meeting of
this Council, and that all deliberations of this Council and of any committee that resulted in those
formal actions were in meetings open to the public in compliance with law.

SECTION 3. That this resolution shall be in full force and effect at the earliest time
permitted by law.

PASSED:

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PRESIDENT OF COUNCIL

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CLERK OF COUNCIL

APPROVED:

______________________________
MAYOR

042618 kek
A RESOLUTION
CERTIFYING UNPAID SIDEWALK REPAIR AND/OR CONSTRUCTION CHARGES TO THE CUYAHOGA COUNTY FISCAL OFFICER FOR COLLECTION, AND DECLARING AN EMERGENCY.

BE IT RESOLVED by the Council of the City of Bay Village, Ohio:

SECTION 1. That pursuant to Section 543.01 of the Codified Ordinances of the City of Bay Village, it is hereby determined and declared that the list of sidewalk repair and/or construction charges on file in the office of the Director of Finance of the City, which list is hereby incorporated herein by reference, is delinquent and unpaid. The Director of Finance is hereby directed to do all things necessary to cause said unpaid sidewalk repair and/or construction charges to be certified to the Cuyahoga County Fiscal Officer for collection as other taxes, and the Fiscal Officer is hereby requested pursuant to statute, to cause said charges to be extended on the 2018 tax duplicate for collection in semi-annual installments.

SECTION 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this resolution were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 3. That this resolution shall be in full force and effect at the earliest time permitted by law.

PASSED:

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PRESIDENT OF COUNCIL

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CLERK OF COUNCIL

APPROVED:

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MAYOR

042618 kek
RESOLUTION NO.
INTRODUCED BY:

A RESOLUTION
CERTIFYING UNPAID TREE REMOVAL CHARGES TO THE
CUYAHOGA COUNTY FISCAL OFFICER FOR COLLECTION,
AND DECLARING AN EMERGENCY.

BE IT RESOLVED by the Council of the City of Bay Village, Ohio:

SECTION 1. That pursuant to Section 547.15 of the Codified Ordinances of the City of Bay Village, it is hereby determined and declared that the list of tree removal charges on file in the office of the Director of Finance of the City, which list is hereby incorporated herein by reference, is delinquent and unpaid. The Director of Finance is hereby directed to do all things necessary to cause said unpaid tree removal charges to be certified to the Cuyahoga County Fiscal Officer for collection as other taxes, and the Fiscal Officer is hereby requested pursuant to statute, to cause said charges to be extended on the 2018 tax duplicate for collection in semi-annual installments.

SECTION 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this resolution were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 3. That this resolution shall be in full force and effect at the earliest time permitted by law.

PASSED:

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PRESIDENT OF COUNCIL

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CLERK OF COUNCIL

APPROVED:

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MAYOR

042618 kek
RESOLUTION NO.
INTRODUCED BY:

A RESOLUTION
AUTHORIZING THE FILING OF A NATUREWORKS GRANT APPLICATION
WITH THE OHIO DEPARTMENT OF NATURAL RESOURCES,
AND DECLARING AN EMERGENCY.

WHEREAS, the City of Bay Village would like to build a new restroom, storage, and concession facility at Cahoon Park to replace the existing facility at an estimated cost of $380,000.00, and has already secured partial funding for the project from State Capital Appropriations ($130,000.00) and a donation from the Bay Soccer Club ($25,000.00); and

WHEREAS, the State of Ohio through the Ohio Department of Natural Resources administers financial assistance for public recreation purposes through the NatureWorks Grant Program; and

WHEREAS, the City of Bay Village desires financial assistance in the amount of $150,000.00 under the NatureWorks Grant Program for the Cahoon Park facility and has prepared the application for submission;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Bay Village, Ohio;

SECTION 1. That this Council hereby authorizes the application to the Department of Natural Resources for financial assistance in the amount of $150,000.00, and provision of all information and documentation required to become eligible for possible funding assistance which will be used to replace the restroom, storage, and concession facility at Cahoon Park.

SECTION 2. That this Council hereby agrees to obligate the funds required to satisfactorily complete the proposed project and become eligible for reimbursement under the terms of the NatureWorks Grant Program.

SECTION 3. That this Council hereby agrees to obligate $75,000.00 towards the proposed project from Fund 490, the Public Improvement Fund.

SECTION 4. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this resolution were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 5. That this resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is necessary to authorize the filing of said application in a timely manner, wherefore this resolution shall be in full force and take effect immediately upon its passage and approval by the Mayor.
Resolution – NatureWorks Grant

PASSED:

___________________________
PRESIDENT OF COUNCIL

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CLERK OF COUNCIL

APPROVED:

___________________________
MAYOR

042618 kek

REQUIRED CERTIFICATE OF RECORDING OFFICER

I, the undersigned, hereby certify, that the foregoing is a true and correct copy of resolution adopted by the Council of the City of Bay Village, Ohio held on the ____ day in the month of ______________, 2018, and that I am a duly authorized to execute this certificate.

______________________________ ______________________________
(original signature) (title)
RESOLUTION NO.
INTRODUCED BY:

RESOLUTION AUTHORIZING PARTICIPATION
IN THE ODOT WINTER CONTRACT (018-19) FOR ROAD SALT

WHEREAS, the City Of Bay Village, Cuyahoga County, State of Ohio (hereinafter referred to as the “Political Subdivision”) hereby submits this written agreement to participate in the Ohio Department of Transportation’s (ODOT) annual winter road salt bid (018-19) in accordance with Ohio Revised Code 5513.01(B) and hereby agrees to all of the following terms and conditions in its participation of the ODOT winter road salt contract:

NOW, THEREFORE, be it resolved by the following authorized person(s) that this participation agreement for the ODOT winter road salt contract is hereby approved, funding has been authorized, and the Political Subdivision agrees to the terms and conditions regarding participation on the ODOT winter salt contract as follows:

Section 1. The Political Subdivision hereby agrees to be bound by all terms and conditions established by ODOT in the winter road salt contract and acknowledges that upon of award of the contract by the Director of ODOT it shall be bound by all such terms and conditions included in the contract; and

Section 2. The Political Subdivision hereby acknowledges that upon the Director of ODOT’s signing of the winter road salt contract, it shall effectively form a contract between the awarded salt supplier and the Political Subdivision; and

Section 3. The Political Subdivision agrees to be solely responsible for resolving all claims or disputes arising out of its participation in the ODOT winter road salt contract and agrees to hold the Department of Transportation harmless for any claims, actions, expenses, or other damages arising out of the Political Subdivision’s participation in the winter road salt contract; and

Section 4. The Political Subdivision hereby requests through this participation agreement a total of 2,500 (Two Thousand Five Hundred) tons of Sodium Chloride (Road Salt) of which the Political Subdivision agrees to purchase from its awarded salt supplier at the delivered bid price per ton awarded by the Director of ODOT; and

Section 5. The Political Subdivision hereby agrees to purchase a minimum of 90% of its above-requested salt quantities from its awarded salt supplier during the contract’s effective period of September 1, 2018 through April 30, 2019; and

Section 6. The Political Subdivision hereby agrees to place orders with and directly pay the awarded salt supplier on a net 30 basis for all road salt it receives pursuant to ODOT winter salt contract; and

Section 7. The Political Subdivision acknowledges that should it wish to rescind this participation agreement it will do so by written, emailed request by no later than Thursday, June
1, 2018. The written, emailed request to rescind this participation agreement must be received by the ODOT Office of Contract Sales, Purchasing Section email: Contracts.Purchasing@dot.ohio.gov by the deadline. The Department, upon receipt, will respond that it has received the request and that it has effectively removed the Political Subdivision’s participation request. Furthermore, it is the sole responsibility of the Political Subdivision to ensure ODOT has received this participation agreement as well as the receipt of any request to rescind this participation agreement. The Department shall not be held responsible or liable for failure to receive a Political Subdivision’s participation agreement and/or a Political Subdivision’s request to rescind its participation agreement.

Section 8. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

Section 9. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and to insure adequate road salt coverage during the winter season of 2018-2019, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

________________________________
PRESIDENT OF COUNCIL

___________________________
CLERK OF COUNCIL

APPROVED:

___________________________
MAYOR

THIS RESOLUTION MUST BE UPLOADED TO THE WINTER SALT PARTICIPATION WEBSITE BY NO LATER THAN WEDNESDAY, MAY 18, 2018.

PLEASE NOTE: THE DEPARTMENT WILL NOT ACCEPT TYPED SIGNATURES. PARTICIPATION AGREEMENTS SUBMITTED WITH TYPED SIGNATURES WILL BE INVALID AND INELIGIBLE FOR APPROVAL. YOU CANNOT SUBMIT A WORD DOCUMENT VERSION OF THIS PARTICIPATION AGREEMENT. NO EXCEPTIONS.
RESOLUTION NO.
INTRODUCED BY:

A RESOLUTION
AUTHORIZING THE PURCHASE OF A LAW ENFORCEMENT MULTIPURPOSE VEHICLE AND DECLARING AN EMERGENCY.

WHEREAS, the City of Bay Village Division of Police is in need of a new multipurpose law enforcement vehicle to replace current vehicle #1191, and the Council of the City of Bay Village has previously appropriated $55,000.00 for the purchase of said multipurpose vehicle; and

WHEREAS, the needed vehicle is not available through the State of Ohio cooperative purchasing program, therefore bids were solicited from four dealers, and it was determined that Lebanon Ford is the best and lowest bidder; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Bay Village:

SECTION 1. That the Chief of the Division of Police is hereby authorized and directed to submit a purchase order to Lebanon Ford, 770 Columbus Ave, Lebanon, OH 45036, for the purchase of one (1) 2018 Ford F-150, total contract price not to exceed Thirty-Seven Thousand Dollars ($37,000.00), including trade-in of the current vehicle, aftermarket, outfitting, and delivery.

SECTION 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this resolution were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 3. That this resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is immediately necessary to submit said purchase order to meet the cut-off date for ordering law enforcement vehicles, wherefore this resolution shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

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PRESIDENT OF COUNCIL

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CLERK OF COUNCIL

APPROVED:

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MAYOR

042618 kek
RESOLUTION NO.
INTRODUCED BY:

A RESOLUTION 
AUTHORIZING THE PURCHASE OF SERVICE DEPARTMENT VEHICLES AND 
equipment, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Bay Village Service Department is in need of new vehicles and equipment to replace existing equipment per the replacement schedule, and the Council of the City of Bay Village has previously appropriated funds for the purchase of said vehicles and equipment; and

WHEREAS, the needed vehicles and equipment are available through the ODOT Cooperative Purchasing Program and State of Ohio State Term Schedule; and

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Bay Village:

SECTION 1. That the Service Director is hereby authorized and directed to submit purchase orders to purchase the following:

1) Two (2) 2019 International 7400 SFA (SA525) 4x2 Cab and Chassis from Rush Centers, 11775 Highway Drive, Cincinnati, OH, 45241 through ODOT Cooperative Purchasing Program ODOT 023-18, Proposal 20911-01; total cost for both is $170,934.88.

2) Two (2) Snow and Ice Control Packages for the above Chassis from Concord Road Equipment Mfg., Inc., 348 Chester Street, Painesville, OH, 44077, per State of Ohio State Term Schedule (STS) Number 800507; Index Number ST515, Quote 67727; total cost for both is $176,879.66.

3) One (1) Asphalt Maintenance Trailer (Hauler) from Concord Road Equipment Mfg., Inc., 348 Chester Street, Painesville, OH, 44077, per State Ohio State Term Schedule (STS) Number 800507; Index Number ST515, Quote 67889; total cost $25,934.26.

SECTION 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this resolution were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 3. That this resolution is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, safety and welfare, and for the further reason that it is immediately necessary to submit said purchase order to meet the cut-off date for ordering Service Department vehicles, wherefore this resolution shall be in full force and take effect immediately upon its passage and approval by the Mayor.
Resolution – Service Dept Vehicles and Equipment

PASSED:

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PRESIDENT OF COUNCIL

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CLERK OF COUNCIL

APPROVED:

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MAYOR

050318 kek
ORDINANCE NO.
INTRODUCED BY:

AN ORDINANCE
AUTHORIZING THE MAYOR TO ENTER INTO A PROFESSIONAL SERVICES AGREEMENT AND A LEASE AGREEMENT WITH SAFEBUILT, AND DECLARING AN EMERGENCY.

WHEREAS, the City entered into a Professional Services Agreement and a Lease Agreement with SAFEBUILT effective May 1, 2013 and expiring on April 30, 2018; and

WHEREAS, the City would like to extend both agreements and has negotiated amendments satisfactory to both parties;

NOW THEREFORE, BE IT ORDAINED by the Council of the City of Bay Village, Ohio

SECTION 1. That the Mayor is hereby authorized to enter into a Professional Services Agreement and a Lease Agreement with SAFEBUILT, said agreements are on file with the City of Bay Village and will expire on December 31, 2020.

SECTION 2. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any committee that resulted in those formal actions were in meetings open to the public in compliance with law.

SECTION 3. That this ordinance is hereby declared to be an emergency measure immediately necessary for the preservation of the public peace, health, property and safety, and for the further reason that it is immediately necessary to provide said services, wherefore this ordinance shall be in full force and take effect immediately upon its passage and approval by the Mayor.

PASSED:

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PRESIDENT OF COUNCIL

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CLERK OF COUNCIL

APPROVED:

__________________________
MAYOR

050218 kek