May 9, 2019

A Special Meeting of the Bay Village City Council will be held on Monday, May 13, 2019 at 8:00 p.m., following the Committee Meeting of Council at 7:30 p.m., in the Council Chambers of Bay Village City Hall, 350 Dover Center Road, to take action on items listed below:

1. Roll Call; Pledge of Allegiance led by Councilwoman-at-large Nancy W. Stainbrook.

2. Motion to approve the Minutes of the Regular Meeting of Council held May 6, 2019. Mace*

3. Motion to approve the Minutes of the Cahoon Memorial Park Trustees meeting held May 6, 2019. Mace*

4. Motion to authorize the Director of Public Service and Properties to advertise for bids for the construction and installation of two (2) pedestrian crosswalks, one at Cahoon and Lake Roads, and one at Columbia and Lake Roads. Mace*

5. Ordinance 19-34 providing for the issuance and sale of $727,202 of notes, in anticipation of the issuance of bonds, for the purpose of paying costs of improving streets and related bridges by resurfacing, paving and making other improvements as designated in the plans approved or to be approved by Council, and declaring an emergency. (Second Reading) (First Reading May 6, 2019) (Amended by reading to correct duplication of Section 11.) Mace*

6. Ordinance 19-35 providing for the issuance and sale of $2,715,933 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 and (ii) 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, and declaring an emergency. (Second Reading) (First Reading May 6, 2019) (Amended by reading to correct duplication of Section 11.) Mace*

7. Ordinance 19-36 providing for the issuance and sale of $387,865 of notes, in anticipation of the issuance of bonds, for the purpose of paying costs of improving the city’s parks and recreational facilities by constructing improvements to the Rose Hill Museum, tennis courts and restroom facilities and the Lake Erie Shoreline, and declaring an emergency. (Second Reading) (First Reading May 6, 2019) (Amended by reading to correct duplication of Section 11.) Mace*

8. Ordinance No. 19-37 providing for the issuance and sale of $850,000 of notes, in anticipation of the issuance of bonds, for the purpose of paying costs of acquiring a fire truck and appurtenant equipment for use in performing the functions of the city’s fire department, and declaring an
Agenda
Special Meeting of Council
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emergency.  (Second Reading) (First Reading May 6, 2019) (Amended by reading to correct duplication of Section 11.)*Mace*

9. Ordinance No. 19-38 providing for the issuance and sale of $125,000 of notes, in anticipation of the issuance of bonds, for the purpose of paying costs of acquiring computer software for use in performing the administrative functions of the city, and declaring an emergency. (Second Reading) (First Reading May 6, 2019) (Amended by reading to correct duplication of Section 11.)*Mace*

10. Ordinance No. 19-39 providing for the issuance and sale of $494,000 of notes, in anticipation of the issuance of bonds, for the purpose of paying costs of 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, and declaring an emergency. (Second Reading) (First Reading May 6, 2019) (Amended by reading to correct duplication of Section 11.)*Mace*

11. Ordinance to make appropriations for the current and other expenditures of the City of Bay Village for the Fiscal Year 2019, as previously appropriated in the Annual Appropriations 18-95, 19-07, 19-13, and 19-27, and declaring an emergency.*Mace*

12. Ordinance authorizing the Mayor to enter into a contract with Chagrin Valley Engineering for professional engineering services for erosion prevention/restoration for Lakeside Cemetery, and declaring an emergency.*Stainbrook*

13. Ordinance amending Chapter 539 of the Codified Ordinances of the City of Bay Village, by enacting Section 539.07 (i) relating to prohibiting smoking in parks, and declaring an emergency*Winzig*, (First Reading)

14. Resolution authorizing amendments to the City of Bay Village’s Electric Power Aggregation Plan of Operation and Governance, and declaring an emergency.*DeGeorge*

15. Announcements/ Audience/Miscellaneous

16. Adjournment

Dwight A. Clark
President of Council

Charter Reference 2.11
Agenda
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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 clause:

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 provisions. 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, Regular Meeting                       May 6, 2019
Council Chambers 8:27 p.m.

Dwight A. Clark, President of Council, presiding

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

Also Present:  Law Director Barbour, Finance Director Mahoney, Director of Public Service and Properties Liskovec, Fire Chief Lyons, Recreation Director Enovitch, Building Director Eric Tuck-Macalla.

AUDIENCE

Tom Kelly, Claire Banasiak.

Mr. Clark called the Regular Meeting of Council to order at 8:27 p.m. in the Council Chambers of Bay Village City Hall, with the Pledge of Allegiance led by Councilman-at-large Marty Mace.

Mr. Clark called for a moment of silence in observance of the passing of Jean Cundey, a long-time resident who served as a wonderful public servant and Assistant to the Law Director for a number of years and was a selfless volunteer throughout the community, including at St. Raphael’s Catholic Church and other organizations as well.

Mr. Clark called for a reading of the minutes of the Special Meeting of Council held April 29, 2019. Mr. Tadych MOVED to dispense with the reading and accept the minutes of the Special Meeting of Council held April 29, 2019 as prepared and distributed.

Motion carried 6-0-1 (Mr. Mace abstained).

ANNOUNCEMENTS

Mayor Koomar announced that the inaugural edition of the ClockTower publication was sent out today. The Mayor thanked all the directors and Council members for their input and a special thank you to Councilman Winzig who worked with Project Manager Kathryn Kerber and Denny Wendell of the Westlake/Bay Village Observer to bring the production forward which highlights all of the good things and good people of the City of Bay Village.

The Callahan’s on Osborn Drive have sent a shout-out to the Service Department for a great job well done.

Building Director Tuck-Macalla and the Mayor have been working with Sandy Juba in Ward 1, next to the new house on Wolf Road that was started under SAFEbuilt, Inc. The Mayor stated he received a full page letter from Sandy this morning and she couldn’t say enough good things about Mr. Tuck-Macalla’s professionalism, following of the code, and getting things in order.
Minutes of Regular Meeting
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Mr. Koomar stated that the Drumm family is appreciative of all the effort in the rebuilding of the Bradley Road Park Playground. The first phase is well underway and was being utilized today by many children. Appreciation to Recreation Director Enovitch and Director of Public Service Liskovec was expressed on behalf of the many residents.

On April 27 the City of Bay Village participated in National Drug Take-Back Day. In the six city region, 391 pounds of prescription medicine were collected. The City of Bay Village collected 38 pounds, which has gone down after Bay Village being the leader for the first several years. Fairview Park collected the highest number of 104 pounds, followed by Westlake of 94 pounds.

REPORTS

Director of Law Barbour had no report this evening.

Director of Finance Mahoney reported that legal advertisements have been prepared for bids for the new Finance Department system. Bids will be opened on May 24, 2019.

Director of Recreation Enovitch reminded everyone that the Bay Village Family Aquatic Center will open on Saturday, June 1, 2019. Expansion joints were caulked last week. New speakers will be installed on May 21, 2019. Mr. Enovitch suggested that families obtain their pool passes as soon as possible. Splash parties and birthday parties may be booked at the pool and are filling up quickly.

Director of Public Service and Properties Liskovec reported that footer foundation work is underway for the Queenswood Bridge Project with photographs of that work posted on the City’s website. Two-and-one-half yards of concrete have been poured on the east side of the bridge.

Structural steel has been cemented in the bed rock on the east side of the new Lake Road Bridge over Cahoon Creek, preparing for the foundation. Operations began on the west side of the bridge today.

Columbia Gas Co. will be moving lines for the Columbia Road Culvert Project on Tuesday, May 7, prior to the beginning of the project.

The railroad crossings on Dover Center Road have been reopened upon completion of maintenance work.

A short closing of Lake Road on the west side of the City occurred today for road repairs.

A meeting is planned for Thursday, May 9, 2019 for the Rose Hill Museum Stabilization Project. The first round of bids were not acceptable to the City. Chagrin Valley Engineering is coordinating a call to all parties this week.
Minutes of Regular Meeting  
Bay Village City Council  
May 6, 2019

Mayor Koomar reported that **Community Services Director Leslie Selig** is recuperating from surgery, doing well, and is looking forward to coming back to work.

**Fire Chief Lyons** reported that remediation specialists worked at the fire station on Friday, May 3, 2019. Industrial Hygienics were at the station today for retesting, and a final report will be sent to Council when it is available.

Chief Lyons advised meeting with Cleveland Metroparks officials who have informed him that due to high lake levels, portions of Huntington Beach will be closed, either part of the summer or in the case of some sections, all summer. This will also affect the rescue operations because the level is so high in some areas a vehicle could not get through.

Hydrant Flushing has started today. Ready Notify sent the message to residents and signs have been posted at all City entrances.

Mayor Koomar advised that Director of Public Service Liskovec has taken advantage of a good quotation from a vendor who will look at all the components of the fire station. It will not only cover what the Chief needs right now, but going forward and looking at fire station improvements there will be good data on all the components.

Mr. Liskovec stated that one of the requirements was that a mechanical engineer come in and look over the HVAC system and make sure it is functioning to design systems and how it applies to today’s standards. The work will include looking at the whole mechanical package that makes up the building, and it is a good place to start gathering data for future decisions.

**Director of Building Tuck-Macalla** advised that two Building Inspectors and he went through Ethics Training recently. Property Maintenance Inspector Lyons and Mr. Tuck-Macalla will be in Brooklyn Heights for plumbing and administration classes on Tuesday, May 7, 2019.

**AUDIENCE**

There were no comments from the audience this evening.

**COMMUNICATIONS**

The following communication has been received:

Notification of a newly appointed Director and Deputy Director of the Cuyahoga County Board of Elections. Mr. Anthony Perlatti has been appointed as the Director, and Ms. Shantiel Soeder, is the new Deputy Director.

Also received and on file in the office of the Clerk of Council is the 2018 Annual Report of NOPEC (Northeast Ohio Public Energy Council).

**ENVIRONMENT, SAFETY & COMMUNITY SERVICES COMMITTEE –Mr. Mace**
Mr. Mace had no report this evening.

FINANCE AND CLAIMS-Mr. Tadych

Motion by Tadych to acknowledge receipt of April 2019 Financial Reports of the City of Bay Village as prepared by Finance Director Renee Mahoney.

Motion passed 7-0.

Mr. Tadych stated that he will introduce six note ordinances this evening. Each of the notes has a maximum maturity date of anticipated bonds, should they go that far. Normally, the notes just roll over to the following year. Each ordinance title will describe what the note is for and the maximum percentage on each of the note issuances is 5%, not the note percentage, but the bond percentage, should they go to bonds after the first year of being a note. Each one of these has duplicate Section 11, and the sections should be considered for renumbering from eleven forward. This will be considered an amendment by reading on all of the ordinances. The total of the notes is $5,300,000.

Fiscal Officer’s Certificate certifying estimated life and maximum maturity of fifteen years for the issuance and sale of $727,202 of notes, in anticipation of the issuance of bonds.

Mr. Tadych introduced and read, by title only, ORDINANCE 19-34 providing for the issuance and sale of $727,202 of notes, in anticipation of the issuance of bonds, for the purpose of paying costs of improving streets and related bridges 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) (Amended by reading to correct duplication of Section 11.)

Mr. Barbour announced that Ordinance No. 19-34 is on first reading.

Fiscal Officer’s Certificate certifying estimated life of and maximum maturity of five years for Section (i) and ten years for Section (ii) for the issuance and sale of $2,715,933 of notes, in anticipation of the issuance of bonds.

Mr. Tadych introduced and read, by title only, ORDINANCE 19-35 providing for the issuance and sale of $2,715,933 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 and (ii) 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, and declaring an emergency. (First Reading). (Amended by reading to correct duplication of Section 11.)

Mr. Barbour announced that Ordinance No. 19-35 is on first reading.
Fiscal Officer’s Certificate certifying estimated life and maximum maturity of thirty years for the issuance and sale of $387,865 of notes, in anticipation of the issuance of bonds.

Mr. Tadych introduced and read, by title only, ORDINANCE 19-36 providing for the issuance and sale of $387,865 of notes, in anticipation of the issuance of bonds, for the purpose of paying costs of improving the city’s parks and recreational facilities by constructing improvements to the Rose Hill Museum, tennis courts and restroom facilities and the Lake Erie Shorelinez and declaring an emergency. (First Reading) (Amended by reading to correct duplication of Section 11.)

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Fiscal Officer’s Certificate certifying estimated life and maximum maturity of thirty years for the issuance and sale of $850,000 of notes, in anticipation of the issuance of bonds.

Mr. Tadych introduced and read, by title only, ORDINANCE No. 19-37 providing for the issuance and sale of $850,000 of notes, in anticipation of the issuance of bonds, for the purpose of paying costs of acquiring a fire truck and appurtenant equipment for use in performing the functions of the city’s fire department, and declaring an emergency. (First Reading) (Amended by reading to correct duplication of Section 11.)

Mr. Barbour announced that Ordinance No. 19-37 is on first reading.

Fiscal Officer’s Certificate certifying estimated life and maximum maturity of ten years for the issuance and sale of $125,000 of notes, in anticipation of the issuance of bonds.

Mr. Tadych introduced and read, by title only, ORDINANCE No. 19-38 providing for the issuance and sale of $125,000 of notes, in anticipation of the issuance of bonds, for the purpose of paying costs of acquiring computer software for use in performing the administrative functions of the city, and declaring an emergency. (First Reading) (Amended by reading to correct duplication of Section 11.)

Mr. Barbour announced that Ordinance No. 19-38 is on first reading.

Fiscal Officer’s Certificate certifying estimated life and maximum maturity of ten years for the issuance and sale of $494,000 of notes, in anticipation of the issuance of bonds.

Mr. Tadych introduced and read, by title only, ORDINANCE No. 19-39 providing for the issuance and sale of $494,000 of notes, in anticipation of the issuance of bonds, for the purpose of paying costs of 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, and declaring an emergency. (First Reading) (Amended by reading to correct duplication of Section 11.)
Mr. Barbour announced that Ordinance No. 19-39 is on first reading.

Mr. Clark stated that the last time the City of Bay Village actually issued public debt was 2012, when a refunding of the Police Station Bond Issue was done at that point in time for a period of seventeen years. We do have some treasury debt that was issued in 2012 for ten years which the City owns its own resources to buy things. The final three years are up for the pumper truck that is part of the Fire Department. We have improved in the terms of using notes, but there will probably come a time when we will bonding out for larger projects.

Mr. Tadych commented further that $2,584,067 is in new notes. The other, roll over notes, came to about $2,715,983.

Mr. Clark stated that it is appropriate to note that, based on fairly aggressive repayment schedules we amortize road debt over seven years and other equipment over five years, respectively. The City pays down about $1,150,000 every year of principal on existing notes.

**PLANNING, ZONING, PUBLIC BUILDINGS AND GROUNDS COMMITTEE**-Ms. Maier

**Ms. Maier** had no report this evening.

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

**Mrs. Stainbrook** had no report this evening.

**RECREATION AND PARK IMPROVEMENTS COMMITTEE**-Mr. Winzig

**Mr. Winzig** had no report this evening.

**SERVICES, UTILITIES & EQUIPMENT COMMITTEE**-Ms. DeGeorge

**Ms. DeGeorge** introduced and read Resolution No. 19-40 authorizing the purchase of Service Department Vehicles, and declaring an emergency, and moved for adoption.

There being no further discussion, Mr. Clark called for a vote on the motion for adoption of Resolution No. 19-40.

**Roll Call on Suspension of the Charter Rules:**

Yeas- Clark, DeGeorge, Mace, Maier, Stainbrook, Tadych, Winzig.

Nays- None.

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

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

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

Mr. Barbour announced adoption of Resolution No. 19-40, an emergency measure, with a vote of 7-0.

ADJOURNMENT

There being no further discussion or matters to come before the Council this evening, the meeting adjourned at 8:50 p.m.

Dwight A. Clark, President of Council               Joan Kemper, Clerk of Council
President of Council Clark called the meeting called to order in the Conference Room of Bay Village City Hall at 8:17 p.m.

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

Also Present: Law Director Barbour, Finance Director Mahoney, Director of Public Service and Properties Liskovec, Fire Chief Lyons, Recreation Director Enovitch, Building Director Eric Tuck-Macalla.

AUDIENCE

Tom Kelly, Clare Banasiak.

Cuyahoga Soil and Water Conservation District- Cahoon Creek Improvement Project.

Motion by Mr. Winzig to approve the filing of a grant application by the Cuyahoga Soil and Water Conservation District for the Cahoon Creek Improvement Project, as described by Director Liskovec.

Motion carried 8-0.

Rule 13 Letter to the Ohio Environmental Protection Agency.

A copy of a letter dated May 2, 2019 to Ms. Karen J. Naples, Environmental Specialist, Ohio Environmental Protection Agency, Northeast District Office, Division of Materials and Waste Management, and signed by John R. Masterson, Senior Project Manager, and Dan B. Brown, President, Partners Environmental, regarding the Ohio Administrative Code (OAC) 13 Rule Certification Report of the Cahoon Park Soccer/Sports Fields in Bay Village, Ohio, was submitted to the Cahoon Memorial Park Trustees for review in their informational packet on May 3, 2019.

Mr. Winzig stated that it is his thought that Partners did a great job in managing this project working alongside the Bay Village Service Department. The letter is constructed properly, and all the measures, location, gas monitoring, and the way the holes were dug and replaced all seem to be in order.

Mr. Winzig pulled a copy of Rule 13 which states that it will establish the procedure for obtaining authorization from the Director of the Ohio Environmental Protection Agency to fill, grade, excavate, build, drill, or mine on land where hazardous or solid waste facility was operated. Section “F” states that a certified letter must be submitted to Ohio EPA 30 days prior to beginning of any filling or grading.
Minutes of a Meeting of
Cahoon Memorial Park Trustees
March 18, 2018

It appears that the work was extremely well done. Partners was a good vendor to the City of Bay Village. They worked great with the City Service Department, and it appears in order to move forward.

Mayor Koomar stated that there is a timeline for the EPA to comment back to the City. Work has started with state Capital funds for the restrooms.

Ms. DeGeorge stated that the Mayor said last week that he wanted the Trustees to give consideration and be sensitive to moving forward on a grading plan, and it would be important to watch everything that happens in Cahoon Memorial Park. Basically, the grading and the dirt would happen at the soccer fields, and pretty much everything else that tends to happen in Cahoon Memorial Park happens east of that. Ms. DeGeorge asked if we are still just talking about grading for soccer purposes, essentially. Mayor Koomar stated that we are talking about grading the fields for drainage, so it could be for soccer, football, or Lacrosse. We will have to see what they think is an acceptable grading plan, whether it can be all at one location, or whether they are going to crown some areas based on the field layout. That could have an effect on some other sports. The Mayor stated he likes to be proactive to see how people are using the park. The grading could be raising it up a certain number of feet at Lake Road, and the question is will it be acceptable. Once the EPA letter is received back, we can go back to Partners with some money left in the existing budget with the possibility of covering the grading proposal. The soccer fields, and north and south of that area will be affected. Anything east and south of the existing shed/restroom area would not be part of that. The focus is the larger fields that have predominantly older kids that move faster.

Mr. Mace asked if a copy of this Rule 13 letter has been forwarded to the Bay Soccer Club. Mr. Winzig suggested sharing with them after approval this evening by the Trustees.

Mayor Koomar met with the President of the Soccer Club last week and he informed them of waiting until we hear back from the EPA. The Mayor reconfirmed with the Soccer Club the layout they had provided earlier in the engagement to make sure that Partners could work off of that as a starting point.

Motion by Mr. Winzig approving the filing of the Rule 13 letter with the Ohio Environmental Protection Agency.

Motion carried 8-0.

There being no further business to be brought before the Trustees this evening, the meeting adjourned at 8:24 p.m.

Dwight A. Clark, President of Council
Joan Kemper, Clerk of Council
AN ORDINANCE

PROVIDING FOR THE ISSUANCE AND SALE OF $727,202 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF IMPROVING STREETS AND RELATED BRIDGES 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 $727,202 (the Bonds) for the purpose of paying costs of improving streets and related bridges 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, 2020, 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, 2020, and the first principal payment of the Bonds is estimated to be December 1, 2021.

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 $727,202 (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 deposited or maintained 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 deposited or maintained 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 or arbitrage bonds under Sections 141 or 148 of the Internal Revenue Code of 1986, as amended (the Code), or (ii) be treated other than as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (b) the interest on the Notes will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the 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 12. 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 13. 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 14. 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 15. 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 16. 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: ________________________________

                      PRESIDENT OF COUNCIL

__________________________

CLERK OF COUNCIL

APPROVED:

__________________________

                      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. 19-34, passed by the Council of the City of Bay Village on ________________, and now on file in the office of the Clerk of Council.

__________________________

Clerk of Council
AN ORDINANCE

PROVIDING FOR THE ISSUANCE AND SALE OF $2,715,933 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 AND (ii)
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, AND DECLARING AN
EMERGENCY.

WHEREAS, pursuant to Ordinance Nos. 18-34 and 18-35, each passed on May 21, 2018, the
City issued its $3,842,000 Various Purpose Notes, Series 2018 (the Outstanding Notes), in
anticipation of bonds for the purposes stated in Section 1 and other purposes, which Outstanding
Notes mature on June 7, 2019; 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 and in clause (ii) of Section 1 is 10 years, and the maximum maturity of the Notes described in
Section 3, to be issued in anticipation of the Bonds described in clause (i) ($235,000 of those Bonds)
of Section 1 is June 10, 2035, in anticipation of the Bonds described in clause (ii) ($206,000 of those
Bonds) of Section 1 is June 9, 2031, in anticipation of the Bonds described in clause (i) ($691,000 of
those Bonds) of Section 1 is June 9, 2036, in anticipation of the Bonds described in clause (ii)
($394,129 of those Bonds) of Section 1 is June 8, 2032, in anticipation of the Bonds described in
clause (i) ($546,629 of those Bonds) of Section 1 is June 8, 2037, and in anticipation of the Bonds
described in clause (i) ($643,175 of those Bonds) of Section 1 is June 7, 2038;

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 $2,715,933 (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 ($2,115,804) and (ii)
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 ($600,129).

SECTION 2. Estimated Bond Terms. The Bonds shall be dated approximately May 1, 2020, 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, 2020, and the first principal payment of the Bonds is estimated to be December 1, 2021.

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 $2,715,933 (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 deposited or maintained 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 deposited or maintained 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 or arbitrage
bonds under Sections 141 or 148 of the Internal Revenue Code of 1986, as amended (the Code),
or (ii) be treated other than as bonds the interest on which is excluded from gross income under
Section 103 of the Code, and (b) the interest on the Notes will not be an item of tax preference
under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be
required of it for the interest on the 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 on the Notes 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 12. 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 13. 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 14. 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 15. 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 16. 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:                                                                                                    PRESIDENT OF COUNCIL

___________________________
CLERK OF COUNCIL

APPROVED:

___________________________
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. 19-35, passed by the Council of the City of Bay Village on______________, and now on file in the office of the Clerk of Council.
AN ORDINANCE
PROVIDING FOR THE ISSUANCE AND SALE OF $387,865 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF IMPROVING THE CITY’S PARKS AND RECREATIONAL FACILITIES BY CONSTRUCTING IMPROVEMENTS TO THE ROSE HILL MUSEUM, TENNIS COURTS, RESTROOM FACILITIES AND THE LAKE ERIE SHORELINE, 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 30 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 $387,865 (the Bonds) for the purpose of paying costs of improving the City’s parks and recreational facilities by constructing improvements to the Rose Hill Museum, tennis courts, restroom facilities and the Lake Erie shoreline, all together with the necessary appurtenances thereto.

SECTION 2. Estimated Bond Terms. The Bonds shall be dated approximately May 1, 2020, 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 30 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, 2020, and the first principal payment of the Bonds is estimated to be December 1, 2021.

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 $387,865 (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 deposited or maintained 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 deposited or maintained 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 or arbitrage bonds under Sections 141 or 148 of the Internal Revenue Code of 1986, as amended (the Code), or (ii) be treated other than as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (b) the interest on the Notes will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the 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 12. 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 13. 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 14. 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 15. 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 16. 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 promote the health of the residents of the City by enhancing their recreational opportunities; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: ______________________

PRESIDENT OF COUNCIL

___________________________

CLERK OF COUNCIL

APPROVED:

___________________________

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. 19-36, passed by the Council of the City of Bay Village on May 20, 2019, and now on file in the office of the Clerk of Council.

___________________________

Clerk of Council
AN ORDINANCE
PROVIDING FOR THE ISSUANCE AND SALE OF $850,000 OF NOTES, IN
ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF
PAYING COSTS OF ACQUIRING A FIRE TRUCK AND APPURTENANT
EQUIPMENT FOR USE IN PERFORMING THE FUNCTIONS OF THE
CITY’S FIRE DEPARTMENT, 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 10 years, and the
maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds, is
15 years 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 $850,000 (the Bonds) for
the purpose of paying costs of acquiring a fire truck and appurtenant equipment for use in
performing the functions of the City’s Fire Department, together with all necessary appurtenances
thereto.

SECTION 2. Estimated Bond Terms. The Bonds shall be dated approximately May 1,
2020, 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 10 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, 2020, and the first principal payment of the Bonds is estimated to be December 1, 2021.

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 $850,000 (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 deposited or maintained 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 deposited or maintained 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 at 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 or arbitrage bonds under Sections 141 or 148 of the Internal Revenue Code of 1986, as amended (the Code), or (ii) be treated other than as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (b) the interest on the Notes will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the 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 12. 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 13. 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 14. 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 15. 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 16. 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 timely and efficiently provide municipal fire services to City residents and thereby better protect their property and provide for their safety; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: 

________________________
PRESIDENT OF COUNCIL

________________________
CLERK OF COUNCIL

APPROVED:

________________________
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. 19-37, passed by the Council of the City of Bay Village on _____________, and now on file in the office of the Clerk of Council.
AN ORDINANCE

PROVIDING FOR THE ISSUANCE AND SALE OF $125,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF ACQUIRING COMPUTER SOFTWARE FOR USE IN PERFORMING THE ADMINISTRATIVE FUNCTIONS OF THE CITY, 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 five years, and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds, is 10 years 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 $125,000 (the Bonds) for the purpose of paying costs of acquiring computer software for use in performing the administrative functions of the City, together with all necessary appurtenances thereto.

SECTION 2. Estimated Bond Terms. The Bonds shall be dated approximately May 1, 2020, 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 five 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, 2020, and the first principal payment of the Bonds is estimated to be December 1, 2021.

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 $125,000 (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 deposited or maintained 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 deposited or maintained 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 or arbitrage bonds under Sections 141 or 148 of the Internal Revenue Code of 1986, as amended (the Code), or (ii) be treated other than as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (b) the interest on the Notes will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the 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 12. 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 13. 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 14. 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 15. 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 16. 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 provide for the efficient and safe administration of the government of the City; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED: ____________________________________________

PRESIDENT OF COUNCIL

________________________________________

CLERK OF COUNCIL

APPROVED:

________________________________________

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. 19-38, passed by the Council of the City of Bay Village on ____________, and now on file in the office of the Clerk of Council.

________________________________________

Clerk of Council
AN ORDINANCE
PROVIDING FOR THE ISSUANCE AND SALE OF $494,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF 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, 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 10 years, and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds, is 15 years 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 $494,000 (the Bonds) for the purpose of paying costs of 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.

SECTION 2. Estimated Bond Terms. The Bonds shall be dated approximately May 1, 2020, 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 10 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, 2020, and the first principal payment of the Bonds is estimated to be December 1, 2021.

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 $494,000 (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 deposited or maintained 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 deposited or maintained 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 or arbitrage bonds under Sections 141 or 148 of the Internal Revenue Code of 1986, as amended (the Code), or (ii) be treated other than as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (b) the interest on the Notes will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the 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 12. 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 13. 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 14. 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 15.** 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 16.** 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 provide for the efficient and safe administration of the functions of the City’s Department of Public Services and Properties; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

PASSED:  

_______________________________
PRESIDENT OF COUNCIL

_______________________________
CLERK OF COUNCIL

APPROVED:

_______________________________
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. 19-39, passed by the Council of the City of Bay Village on ________________, and now on file in the office of the Clerk of Council.
To make appropriations for the current and other expenditures of the City of Bay Village for the fiscal year 2019.
as previously appropriated in the annual appropriations 18-95, 19-07, 13 and 19-27.

NOW, THEREFORE, be it ordained by the Council of the City of Bay Village, State of Ohio:

Section 1: That to provide for the current expenses and other expenditures of the City of Bay Village during the fiscal year ending December 31, 2019, the following sums be and they are hereby set aside and appropriated from the funds herein specified as follows, to wit:

Section 2: That there be appropriated transferred and advanced from the following funds and as further detailed in the Schedules attached hereto as Exhibit "A" and incorporated herein:

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<th>Fund #</th>
<th>Fund Activity</th>
<th>General Fund - 100</th>
<th>Special Revenue Fund Group - 200</th>
<th>Debt Service Fund Group - 300</th>
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<td>Personal Service</td>
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<td>Transfers/Advances</td>
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<td></td>
<td></td>
<td>Other</td>
<td></td>
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<td>232</td>
<td>Youth Activities</td>
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<td>-</td>
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<td>233</td>
<td>Play in Bay</td>
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<td>Alcohol Intervention</td>
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CITY OF BAY VILLAGE, OHIO
ORDINANCE NO.  19-
Introduced by:
### Capital Project Fund Group - 400

<table>
<thead>
<tr>
<th>Fund #</th>
<th>Fund Activity</th>
<th>Personal Service</th>
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<tbody>
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<td>400</td>
<td>General Capital Improvement</td>
<td>-</td>
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<td>Public Improvement</td>
<td>-</td>
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<td>494</td>
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<td>-</td>
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<td>78,213</td>
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<td>128,043</td>
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<td>580</td>
<td>Sewer</td>
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### Internal Service Fund Group - 600

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<td>600</td>
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<td>Workers Compensation</td>
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<th>Capital Improvement</th>
<th>Transfers/Advances</th>
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<td>840</td>
<td>Waldeck</td>
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### Deposit Fund Group - 900

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### Grand Total All Funds

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<tr>
<td>General Fund to Community Gym</td>
<td>9,076</td>
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<tr>
<td>General Fund to Bay Family Services</td>
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<tr>
<td>General Fund to Community Diversion</td>
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<tr>
<td>General Fund to Fire Pension</td>
<td>60,000</td>
</tr>
<tr>
<td>Infrastructure Improvement to General Capital</td>
<td>12,413</td>
</tr>
<tr>
<td>Total Transfers</td>
<td>913,539</td>
</tr>
<tr>
<td>Emergency Paramedic to General Fund (Advance Repay)</td>
<td>144,000</td>
</tr>
<tr>
<td>Grants Fund to General Fund (Advance Repay)</td>
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</tr>
<tr>
<td>General Capital to Infrastructure Improvement (Advance Repay)</td>
<td>115,630</td>
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<tr>
<td>Total Advances and Advance Repayments</td>
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<tr>
<td>Total Transfers and Advances</td>
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### Itemized list of Transfers and Advances by Fund

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<th>Amount</th>
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<td>General Fund to Pool</td>
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<tr>
<td>General Fund to Community Gym</td>
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<tr>
<td>General Fund to Community Diversion</td>
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<tr>
<td>General Fund to Fire Pension</td>
<td>60,000</td>
</tr>
<tr>
<td>Infrastructure Improvement to General Capital</td>
<td>12,413</td>
</tr>
<tr>
<td>Total Transfers</td>
<td>913,539</td>
</tr>
<tr>
<td>Emergency Paramedic to General Fund (Advance Repay)</td>
<td>144,000</td>
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<tr>
<td>Grants Fund to General Fund (Advance Repay)</td>
<td>12,000</td>
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<tr>
<td>General Capital to Infrastructure Improvement (Advance Repay)</td>
<td>115,630</td>
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<tr>
<td>Total Advances and Advance Repayments</td>
<td>271,630</td>
</tr>
<tr>
<td>Total Transfers and Advances</td>
<td>1,185,469</td>
</tr>
</tbody>
</table>
Section 3: That the City Director of Finance be and is hereby authorized and directed to draw warrants against the appropriations set forth upon presentation of proper vouchers.

Section 4: That all expenditures within the fiscal year ending December 31, 2019 shall be made in accordance with the code accounts set forth above, and shall be made within the appropriations herein provided ("Appropriations" as used means the total amount appropriated for an individual fund). For any Capital Project Funds (400 Series) the appropriation herein approved shall lapse only upon completion of all specified projects; therefore, any appropriation balance unexpended at the end of the fiscal year shall be carried forward to subsequent fiscal years.

Section 5: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 6: This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare for the reason that it is necessary in the current operation of the City, and therefore shall take effect immediately upon its enactment and approval by the Mayor.

PASSED:

________________________________________
PRESIDENT OF COUNCIL

________________________________________
CLERK OF COUNCIL

________________________________________
MAYOR

________________________________________
DATE
<table>
<thead>
<tr>
<th>Department</th>
<th>Personal Service</th>
<th>Other</th>
<th>Equipment Replacement</th>
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## EXHIBIT “B”
### SCHEDULE OF CAPITAL PROJECTS AND EQUIPMENT APPROPRIATIONS BY FUND

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<td></td>
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</tr>
<tr>
<td></td>
<td>Nantucket Lift Station Monitoring</td>
<td>5,600.00</td>
</tr>
<tr>
<td>Total Sewer Improvements</td>
<td></td>
<td>5,600.00</td>
</tr>
</tbody>
</table>

**GRAND TOTAL**  $ 6,768,932.50
Total amount appropriated by fund may not be exceeded.
ORDINANCE NO.
INTRODUCED BY:

AN ORDINANCE
AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT WITH CHAGRIN
VALLEY ENGINEERING FOR PROFESSIONAL ENGINEERING SERVICES FOR
EROSION PREVENTION/RESTORATION FOR LAKESIDE CEMETARY, AND
DECLARING AN EMERGENCY.

WHEREAS, the City is in need of professional engineering services to design shoreline
protection at Lakeside Cemetery; and

WHEREAS, the City has selected Scope of Services for that project from Chagrin Valley
Engineering, Ltd., 22999 Forbes Road, Suite B, Cleveland, Ohio 44146-5667, which has
previously provided engineering services on various city projects.

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 contract with
Chagrin Valley Engineering, Ltd., and to proceed with the engineering services at a cost not to
exceed Twenty-Five Thousand, Three Hundred Fifty Dollars ($25,350.00).

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 engineering consulting
services, 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

05.10.19
ORDINANCE NO.
INTRODUCED BY:

ORDINANCE
AMENDING CHAPTER 539 OF THE CODIFIED ORDINANCES OF
THE CITY OF BAY VILLAGE BY ENACTING SECTION 539.07(i) RELATING TO
PROHIBITING SMOKING IN PARKS AND DECLARING AN EMERGENCY

NOW THEREFORE, be it ordained by the Council of the City of Bay Village, Ohio:

SECTION 1. That Chapter 539.07 of the Codified Ordinances of the City of Bay Village is
hereby amended by enacting new Section 539.07(i) which shall read as follows:

“Chapter 539 - PARK REGULATIONS

539.01 - Short title.
This chapter shall be known and may be cited as the "Bay Village ordinance regulating
conduct in public parks."

(Ord. 70-41. Passed 4-6-70.)

539.02 - Definitions.
For the purposes of this chapter, the following terms, phrases, words and their derivations shall
have the meanings given herein. When not inconsistent with the context, words used in the
present tense include the future, words in the plural number include the singular number and
words in the singular number include the plural number. The word "shall" is always mandatory
and not merely directory.

(a) City means the City of Bay Village.

(b) Director means a person immediately in charge of any park area and its activities and to
whom all park attendants of such area are responsible.

(c) Park means a park reservation, playground, beach, recreation center or any other area in the
City, owned or used by the City, and devoted to active or passive recreation, including Cahoon
Memorial Park.

(d) Person means any individual, firm, partnership, association, corporation, company or
organization of any kind.

(e) Vehicle means any wheeled conveyance, whether motor-powered, animal-drawn or self-
propelled. The term shall include any trailer in tow of any size, kind or description. Exception
is made for baby carriages and vehicles in the service of the City parks.

(Ord. 70-41. Passed 4-6-70.)

539.03 - Park property.
No person in a park shall:

(a) Buildings and other property.

(1) Disfiguration and removal. Willfully mark, deface, disfigure, injure, tamper with or displace or remove any building, bridges, tables, benches, fireplaces, railings, paving or paving material, water lines or other public utilities or parts or appurtenances thereof, signs, notice or placards, whether temporary or permanent, monuments, stakes, posts or other boundary markers, or other structures or equipment, facilities, grounds or park property or appurtenances whatsoever, either real or personal.

(2) Restrooms and washrooms. Fail to cooperate in maintaining restrooms and washrooms in a neat and sanitary condition. No person over the age of five years shall use the restrooms and washrooms designated for the opposite sex.

(3) Removal of natural resources. Dig or remove any beach sand, whether submerged or not, or any soil, rock, stones, trees, shrubs or plants, downtimber or other wood or materials, or make any excavation by tool, equipment, blasting or other means or agency, without the prior written consent of the Director.

(4) Erection of structures. Construct or erect any building or structure of whatever kind, whether permanent or temporary in character, or run or string any public service utility into, upon or across such lands without the prior written consent of the Director.

(b) Trees, shrubbery, lawns.

(1) Injury and removal. Damage, cut, carve, transplant or remove any tree or plant or injure the bark, or pick the flowers or seeds, of any tree or plant, or attach any rope, wire or other contrivance to any tree or plant, or dig in or otherwise disturb grass areas, or in any other way injure or impair the natural beauty or usefulness of any area, without the prior written consent of the Director.

(2) Climbing trees, etc. Climb any tree or walk or stand or sit upon monuments, vases, fountains, railings, fences or gun-carriages or upon any other property not designated or customarily used for such purposes.

(c) Wild animals, birds, etc.

(1) Hunting. Hunt, molest, harm, frighten, kill, trap, chase, tease, shoot or throw missiles at any animal, reptile or bird; nor remove or have in his possession the young of any wild animal, or the eggs or nest or young of any reptile or bird; nor collect, remove, have in his possession, give away, sell or offer to sell, or buy or offer to buy, or accept as a gift, any specimen, alive or dead, of any of the group of tree snails. Exception to the foregoing is made in that snakes known to be deadly poisonous, such as rattlesnakes, moccasins, coral snakes or other deadly reptiles, may be killed on sight.

(2) Feeding. Give or offer or attempt to give to any animal or bird any tobacco, alcohol or other known noxious substances.
(d) Deer.

   (1) Hunting. Hunting of deer is permitted as part of the City's Deer Management Plan as approved by the Ohio Division of Wildlife.

(Ord. 70-41. Passed 4-6-70.)

(Ord. No. 17-92, § 1, 12-11-2017)

539.04 - Sanitation.

No person in a park shall:

(a) Pollution of waters. Throw, discharge or otherwise place or cause to be placed in the waters of any fountain, pond, lake, stream, bay or other body of water in or adjacent to any park or any tributary, stream, storm sewer or drain flowing into such waters, any substance, matter or thing, liquid or solid, which will or may result in the pollution of such waters.

(b) Refuse and trash. Have brought into a park or dump, deposit or leave in a park any bottles, broken glass, ashes, paper, boxes, cans, dirt, rubbish, waste, garbage, refuse or other trash. No refuse or trash shall be placed in any waters in or contiguous to any park, or left anywhere on the grounds thereof, but shall be placed in the proper receptacles where these are provided. Where receptacles are not so provided, all such rubbish or waste shall be carried away from the park by the person responsible for its presence and properly disposed of elsewhere.

(Ord. 70-41. Passed 4-6-70.)

539.05 - Traffic.

No person in a park shall:

(a) State motor vehicle laws apply. Fail to comply with all applicable provisions of the State and City motor vehicle traffic laws in regard to equipment and operation of vehicles, together with such regulations as are contained in this chapter and other ordinances.

(b) Enforcement of traffic regulations. Fail to obey all law enforcement officers and park employees, such persons being hereby authorized and instructed to direct traffic whenever and wherever needed in the parks and on the highways, streets or roads immediately adjacent thereto in accordance with the provisions of these regulations and such supplementary regulations as may be issued subsequently by the Director.

(c) Obey traffic signs. Fail to observe carefully all traffic signs indicating speed, direction, caution, stopping or parking, and all others posted for proper control and to safeguard life and property.

(d) Speed of vehicles. Ride or drive a vehicle at a rate of speed exceeding 15 miles an hour, except upon such roads as the Director may designate, by posted signs, for speedier travel.
(e) Operation confined to roads. Drive any vehicle on any area except the park roads or parking areas, or such other areas as may on occasion be specifically designated as temporary parking areas by the Director.

(f) Parking.

(1) Designated areas. Park a vehicle in other than an established or designated parking area, and such use shall be in accordance with the posted directions thereat and with the instructions of any attendant who may be present.

(2) Full-parking. Full-park on a road or driveway at any time.

(3) Night parking. Leave a vehicle standing or parked after sunset without lights clearly visible on any driveway or road area except legally established parking areas.

(4) Emergency procedure. Fail to immediately notify an attendant of an emergency in the nature of a breakdown requiring the assistance of a tow truck, mechanic or other person.

(5) Double-parking. Double-park any vehicle on any road or parkway unless directed by a park official.

(6) Muffler required. Fail to use a muffler adequate to deaden the sound of the engine in a motor vehicle.

(g) Bicycles.

(1) Confined to roads. Ride a bicycle on other than a vehicular road or path designated for that purpose. A bicyclist shall be permitted to wheel or push a bicycle by hand over any grassy area or wooded trail or any area reserved for pedestrian use.

(2) Operation. Ride a bicycle other than on the right-hand side of the road as close as conditions permit, and bicycles shall be kept in single file when two or more are operating as a group. Bicyclists shall at all times operate their vehicles with reasonable regard to the safety of others.

(3) Designated racks. Leave a bicycle in a place other than a bicycle rack when such is provided and there is a space available.

(4) Immobile. Leave a bicycle lying on the ground or paving, or set against trees, or in any place or position where other persons may trip over or be injured by them.

(5) Night operation. Ride a bicycle on any road between 30 minutes after sunset or before 30 minutes before sunrise without an attached headlight plainly visible at least 200 feet in front of, and without a red tail light or red reflector plainly visible from at least 200 feet from the rear of, such bicycle.

(h) Snowmobiles prohibited. The operation of snowmobiles in any park is hereby prohibited.
Ordinance – Enacting Section 539.07(i)
Final

(Ord. 70-41. Passed 4-6-70.)

539.06 - Recreational activities.

No person in a park shall:

(a) Bathing and swimming.

   (1) Designated areas. Swim, bathe or wade in any waters or waterways in or adjacent to any park, except in such waters and at such places as are provided therefor, and in compliance with such regulations as are herein set forth or may be hereafter adopted. Nor shall any person frequent any waters or places customarily designated for the purpose of swimming or bathing, or congregate thereat when such activity is prohibited by the Director upon a finding that such use of the water would be dangerous or otherwise advisable.

   (2) Certain hours. Frequent any waters or places designated for the purpose of swimming or bathing, or congregate thereat, except between such hours of the day as are designated by the Director for such purposes for each individual area.

   (3) Structure on beach. Erect, maintain, use or occupy on or in any beach or bathing area any tent, shelter or structure of any kind unless there is an unobstructed view into such tent, shelter or structure from at least two sides; nor shall any guy wire, rope or extension or exterior brace or support be connected or fastened from any such structure to any other structure, stake, rock or other object outside thereof.

   (4) Bath houses. Dress or undress on any beach or in any vehicle, toilet or other place, except in such bathing houses or structures as may be provided for that purpose.

(b) Boating.

   (1) Designated areas. Bring into or operate any boat, raft or other water craft, whether motor-powered or not, upon any waters, except at places designated for boating by the Director. Such activity shall be in accordance with applicable regulations as are now or may hereafter be adopted.

   (2) Operation of boats. Navigate, direct or handle any boat in such manner as to unjustifiably or unnecessarily annoy or frighten or endanger any other person, or fail to operate any boat in accordance with the laws, rules and regulations of the State regarding the operation of watercraft.

(c) Picnic areas and use.

   (1) Regulated. Picnic or lunch in a place other than those designated for that purpose. Attendants shall have the authority to regulate the activities in such areas when necessary to prevent congestion and to secure the maximum use for the comfort and convenience of all. Visitors shall comply with any directions given to achieve this end.
(2) Availability. Violate the regulation that use of the individual fireplaces, together with tables and benches, follows generally the rule of "first come, first served."

(3) Nonexclusive. Use any portion of the picnic areas or of any of the buildings or structures therein for the purpose of holding picnics to the exclusion of other persons, nor shall any person use such area and facilities for an unreasonable time if the facilities are crowded.

(4) Duty of picnicker. Leave a picnic area before the fire is completely extinguished; trash or refuse shall not be burned in fireplaces.

(d) Camping. No person shall set up tents, shacks or any other temporary shelter for the purpose of overnight camping, nor shall any person leave in a park after closing hours any movable structure or special vehicle to be used or that could be used for such purpose, such as a house-trailer, camp-trailer, camp-wagon or the like.

(e) Games. Take part in or abet the playing of any games involving thrown or otherwise propelled objects such as balls, stones, arrows, javelins or model airplanes except in areas set apart for such forms of recreation. The playing of rough or comparatively dangerous games such as football, baseball and quoits is prohibited except on the fields and courts or areas provided therefor.

(f) Horseback riding. Ride a horse except on designated bridle trails. Where permitted, horses shall be thoroughly broken, properly restrained and ridden with due care, and shall not be allowed to graze or go unattended, nor shall they be hitched to any rock, tree or shrub.

(Ord. 70-41. Passed 4-6-70.)

539.07 - Behavior.

No person in a park shall:

(a) Intoxicating beverages.

(1) Prohibition. Bring intoxicating liquor, alcoholic beverages or beer into a park, nor shall any person have upon his person, in his possession or under his control, or buy or sell or drink, alcoholic beverages or beer at any time in a park.

(2) Drunkenness. Enter a park or be in a park under the influence of intoxicating liquor or beer.

(b) Fireworks and explosives. Bring into a park or have in his possession, or set off or otherwise cause to explode or discharge or burn, any firecracker, torpedo, rocket or other fireworks or explosives of inflammable material, or discharge them or throw them into any such area from land or a highway adjacent thereto. This prohibition includes any substance, compound, mixture or article that in conjunction with any other substance or compound would be dangerous from any of the foregoing standpoints. This section shall not apply to persons to
whom the Fire Chief has granted a permit for the discharge of fireworks pursuant to Section 549.11.

(c) Domestic animals. Allow a dog or other domestic animal to run at large in a park.

(d) Fires. Build or attempt to build a fire except in a fireplace provided for such purpose or in such areas and under such regulations as may be designated by the Director. No person shall drop, throw or otherwise scatter lighted matches, burning cigarettes or cigars, tobacco paper or other inflammable material within any park area or on any highway, road or street abutting or contiguous thereto.

(e) Closed areas. Enter an area posted as "Closed to the Public," nor shall any person use or abet the use of any area in violation of posted notices.

(f) Games of chance. Gamble in any manner whatsoever, or participate in or abet any game of chance.

(g) Going onto ice. Go onto the ice on any of the waters except such areas as are designated as skating fields, and provided a safety signal is displayed.

(h) Remain in a park after closing hours. Enter, be in or remain in a park after the designated closing hour of such park.

(Ord. 70-41. Passed 4-6-70.)

(i) Smoking prohibited. Smoke tobacco, natural, synthetic, powder or manufactured substances use smokeless tobacco, or use an electronic or vaporized smoking device in any City park, playground, trail, beachfront or recreation facility owned by the City or within 100 feet of sporting fields, spectator area, the entrances to all recreation facilities, and all sport and play areas including natural and man-made trails, unless within a City-designated smoking area.

539.08 - Merchandising, advertising and signs.

No person in a park shall:

(a) Vending and peddling. Expose or offer for sale any article or thing, nor shall he station or place any stand, cart or vehicle for the transportation, sale or display of any such article or thing without approval pursuant to the established rules and regulations by the Department of Parks and Recreation and approval by City Council or Cahoon Park Trustees.

(Ord. 75-88. Passed 6-16-75.)

(b) Advertising. Announce, advertise, or call public attention in any way to any article or service for sale or hire except with the prior consent of the Director.
(c) Signs. Paste, glue, tack or otherwise post any sign, placard, advertisement or inscription whatever, nor shall any person erect or cause to be erected any sign whatever on any public lands or highways or roads adjacent to a park except with the prior consent of the Director.

(Ord. 70-41. Passed 4-6-70.)

539.09 - Park operating policy.

(a) Hours. Except for unusual and unforeseen emergencies, parks shall be open to the public every day of the year during the hours between 5:00 a.m. and 11:00 p.m. unless otherwise specified for each individual park by the Director. The opening and closing hours for each individual park shall be posted therein for the public information. The Director may allow the use of any park, during the hours such park is normally closed, by persons or groups designated in advance by such Director. No boating, bathing, games or sports shall be permitted in Cahoon Memorial Park on Sunday.

(b) Closed areas. Any section or part of any park may be declared closed to the public by the Director at any time and for any interval of time, either temporarily or at regular and stated intervals (daily or otherwise), and either entirely or merely to certain uses, as the Director shall find reasonably necessary.

(Ord. 70-41. Passed 4-6-70.)

539.10 - Enforcement.

(a) Officials. The Director, park attendants and all other law enforcement officers shall, in connection with their duties imposed by law, diligently enforce the provisions of this chapter.

(b) Ejectment. The Director and any park attendant or police officer shall have the authority to eject from the park any person acting in violation of this chapter.

(c) Fees and charges. The Director has the duty to collect fees and charges for any activity for which fees and charges are made by the Recreation Department, and any person failing to pay the same, or who acts in violation of this chapter shall be subject to penalty as provided in Section 539.99.

(Ord. 77-92. Passed 8-15-77.)

539.11 - Use of Cahoon Memorial Park.

Only residents or their invited guests may use Cahoon Memorial Park. No person who is not a resident of the City or an invited guest of such resident shall use the facilities of Cahoon Memorial Park.

(Ord. 70-41. Passed 4-6-70.)

539.12 - Trustees.
Nothing in this chapter shall be deemed to abrogate, restrict, modify, alter or change the rights, duties or obligations of the Trustees of the Cahoon Memorial Park as set forth in the Will of Ida Maria Cahoon dated June 16, 1917. (See page 28D of the Preliminary Unit).

(Ord. 70-41. Passed 4-6-70.)

539.99 - Penalty.

Whoever violates any provision of this chapter is guilty of a minor misdemeanor.

(Ord. 79-82. Passed 6-18-79.)”

and present 539.07 is hereby repealed.

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, safety and welfare, 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

__________________________  __________________________
MAYOR  05.07.19 jt
A RESOLUTION
AUTHORIZING AMENDMENTS TO THE CITY OF BAY VILLAGE’S ELECTRIC POWER AGGREGATION PLAN OF OPERATION AND GOVERNANCE, AND DECLARING AN EMERGENCY.

WHEREAS, in May 2010, the electorate of Bay Village approved the development of a form of Government Electric Aggregation known as “opt-out” aggregation; and

WHEREAS, this Council on November 8, 2010 approved an Electric Power Aggregation Plan of Operation and Governance after holding two public hearings on the Plan, as required by Ohio law; and

WHEREAS, the City desires to change the Electric Power Aggregation Plan of Operation and Governance to make it provider neutral and finds that certain updates are needed in the Electric Power Aggregation Plan of Operation and Governance.

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

SECTION 1. The City of Bay Village Electric Power Aggregation Plan of Operation and Governance is hereby amended, as shown in the attached Exhibit A.

SECTION 2. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were meetings open to the public in compliance with the law.

SECTION 3. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare, and for the further reason that this ordinance is required to be immediately effective in order to maximize the potential benefits of the aggregation program for the electricity consumers in the City, wherefore this ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

PASSED:

__________________________
PRESIDENT OF COUNCIL

__________________________
CLERK OF COUNCIL

APPROVED:

__________________________
MAYOR

05.06.19 jt