



A G E N D A REGULAR MEETING OF COUNCIL

February 11th, 2021
Work Session 7:00 PM
Council Meeting 7:30 PM

Roll call: Ms. Brandt, Mr. Finley, Mr. Garvas, Mrs. Tulley, Mr. Ventura

Pledge of Allegiance by Mayor Nick Molnar

Approval of Minutes Regular Meeting January 28th, 2021

I. PUBLIC COMMENTS

II. CORRESPONDENCE

III. PENDING &/OR NEW LEGISLATION

RESO.NO. 8 - 2021

A RESOLUTION AUTHORIZING THE CITY ENGINEER TO PREPARE PLANS, BIDS AND SPECIFICATIONS AND FURTHER AUTHORIZING THE MAYOR TO ADVERTISE FOR BIDS FOR VARIOUS ROADWAY IMPROVEMENT PROJECTS FOR THE 2021 ROAD IMPROVEMENT PROGRAM

1st Read
2nd Read
3rd Read

ORD.NO. 9 -2021

AN EMERGENCY ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$580,000 OF BOND ANTICIPATION NOTES OF THE CITY OF MACEDONIA, OHIO IN ANTICIPATION OF THE ISSUANCE OF BONDS TO PAY THE PROPERTY OWNERS' PORTION OF THE COSTS, IN ANTICIPATION OF THE LEVY AND COLLECTION OF SPECIAL ASSESSMENTS, RELATED TO THE CONSTRUCTION OF A RIGHT-IN RIGHT-OUT ACCESS ROAD OFF OF STATE ROUTE 8 TO PROVIDE INGRESS AND EGRESS TO THE CROSSINGS AT GOLDEN LINK SHOPPING CENTER, TOGETHER WITH ALL NECESSARY APPURTENANCES AND RELATED IMPROVEMENTS THERETO

1st Read
2nd Read
3rd Read

ORD.NO. 10 -2021

AN ORDINANCE AMENDING CHAPTER 505 OF THE CODIFIED ORDINANCES OF THE CITY OF MACEDONIA RELATIVE TO ANIMALS AND FOWL

1st Read
2nd Read
3rd Read

IV. MOTIONS / OTHER LEGISLATIVE ACTION

V. Mayor's Report

VI. Committee Reports

VII. Department Reports

Parks & Recreation Department: Director Jason Chadock

IT Department: Director Kyle Collins

Engineer Department: Director Joe Gigliotti

Police Department: Chief Jon Golden

Service Department: Director John Hnottavange

Fire Department: Chief Brian Ripley

Human Resources Department: Director Annette Smith

Finance Department: Director John Veres

Law Department: Director Mark Guidetti

VIII. Unfinished Business

IX. New Business

X. Adjournment

February

Public Notice of City Meetings / Calendar of Events / Dates of Interest

***Public Comment for the February 11th Council Meeting should be sent to Clerk of Council Amanda Trzaska at atrzaska@macedonia.oh.us . Public comment must be received no later than the close of business on February 10th, 2020 and will be subsequently made available to the public.**

***Note ***

- This will a Virtual Work Session & Regular Meeting; we will not be holding session in council chambers.
- Council’s virtual meeting will be held through Microsoft Teams access will be available on the City of Macedonia’s website www.macedonia.oh.us



Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
	1	2 Mayors Court	3	4	5	6
7	8	9 Mayors Court	10	11 -City Council Work Session -City Council Meeting (VIRTUAL)	12	13
14 Valentine's Day	15 -Presidents Day -Planning Commission Monthly Meeting	16 Mayors Court	17 -Park & Rec Commission -BZA	18	19	20
21	22	23 Mayors Court	24	25 -City Council Work Session -City Council Meeting (VIRTUAL)	26	27
28						

-End

Record of Proceedings
Regular Council Meeting
January 28th, 2021

1 Presiding Officer, Mayor Nick Molnar called the January 28th, 2021 regular meeting to order at 7:30PM.

2
3 **Present:** Council members Jessica Brandt, Dave Finley, Jeff Garvas, Jan Tulley and Vini J.
4 Ventura; Law Director Mark Guidetti and Council Clerk Amanda Trzaska.

5 **Absent: none**

6
7 **PLEDGE OF ALLEGIANCE** Lead by Mayor Nick Molnar

8
9 **APPROVAL OF MINUTES** Mrs. Tulley moved to amend the minutes of the January 14, 2021 regular
10 Council meeting to eliminate any reference to a "second" not being required for a second reading of
11 Ordinance 86-2020. Ms. Tulley also moved to approve the minutes of the January 14, 2021 Council
12 meeting as amended, and to incorporate all correspondence received by Council into the minutes. The
13 motions were seconded by Mr. Finley and carried unanimously on a voice vote.

14 **PUBLIC COMMENTS:** The clerk received two voicemails and two emails. these have been placed on
15 the city's website.

16
17 **CORRESPONDENCE FROM THE CLERK:** The Clerk read an email: "Just wanted to say Thank
18 You to the fire department for assisting my wife on Saturday. My wife fell trying to get out of her
19 wheelchair in the bathroom and was home alone. She was able to contact me through our Alexa and I
20 contacted your dept. The key box that Macedonia provided us allow the rescue squad to get in. My wife
21 and I are very appreciative of the help and professionalism of your rescue squad.
22 Please let your squad know!!!"
23 Bruce and Linda Webber

24
25 **INTRODUCTION, READINGS & ADOPTION OF LEGISLATION**

26
27
28 **RESOLUTION. NO. 86-2020**

29 A RESOLUTION OPPOSING THE OHIO GOVERNOR'S COVID-19 EXECUTIVE ORDERS was
30 offered by **Mr. Finley** for its second and third readings by title only. **Second by Mrs. Tulley**

31
32 Roll Call
33 Ayes: Finley
34 Nays: Brandt, Garvas, Tulley, Ventura

35
36 **RESOLUTION 86-2020 FAILS**

37
38
39 **ORDINANCE. NO. 87-2020**

40 AN ORDINANCE CREATING CHAPTER 1387 OF THE CITY OF MACEDONIA'S CODIFIED
41 ORDINANCES RELATIVE TO PORTABLE, ON-DEMAND STORAGE DEVICES ("PODS"),
42 CONSTRUCTION DUMPSTERS AND DUMPSTER BAGS was offered by **Mr. Ventura** for a third
43 reading by title only and amended to include the most recent exhibit. Seconded by Ms. Brandt.

44
45 Roll Call
46 Ayes: Brandt, Garvas, Tulley, Ventura
47 Nays: Finley

48
49 Relative to ORD 87-2020: The new updates of this ordinance include the removal of permit fees and the
50 removal of a permit requirement. It does make it that the PODS have a 60-day limit and Dumpster bags
51 have 30 days.
52

Record of Proceedings
Regular Council Meeting
January 28th, 2021

53 Mr. Ventura moved, Ms. Brandt seconded, and motion carried by majority on voice vote to adopt **ORD.**
54 **NO. 87-2020** and post according to law. **ORD. NO. 87-2020 declared and adopted.**
55

56
57 **ORDINANCE. NO. 5-2021**

58 AN ORDINANCE AMENDING ORDINANCE NO. 74-2020 RELATIVE TO CURRENT
59 EXPENSES AND OTHER EXPENDITURES OF THE CITY OF MACEDONIA FOR THE
60 PERIOD OF JANUARY 1, 2021 TO DECEMBER 31, 2021 was **offered by Mr. Garvas** and
61 moved Council waive the requirement that it be read by title on three different days, instructing the Clerk
62 to read it by title only for all three readings. **Second by Mrs. Tulley** carried unanimously on a voice vote.

63 Relative to ORD. 5-2021: These are the actual beginning fund balances for the year. Mr. Veres is
64 projecting that the General Fund will end the year with over 3 Million. This past year we ended the
65 general fund with \$3.7 Million.
66

67 Mr. Garvas moved, Mrs. Tulley seconded, and motion carried unanimously on voice vote to adopt **ORD.**
68 **NO. 5-2021** and post according to law. **ORD. NO. 5-2021 declared and adopted.**
69

70
71 **RESOLUTION. NO. 6-2021**

72 A RESOLUTION AUTHORIZING THE DISPOSITION OF CERTAIN MUNICIPAL
73 PROPERTY BY THE PARKS AND RECREATION DEPARTMENT OF THE CITY OF
74 MACEDONIA IN ACCORDANCE WITH OHIO REVISED CODE SECTION 721.15 was
75 **offered by Ms. Brandt** who amended exhibit A to amend the list to treadmills 11, 12 & 15 eliminating
76 16 of the resolution and moved Council waive the requirement that it be read by title on three different
77 days, instructing the Clerk to read it by title only for all three readings. **Second by Mr. Garvas** carried
78 unanimously on a voice vote.

79 Relative to Reso 6-2021: There are 16 treadmills that were bought in 2018 that are no longer needed.
80 Director Chadock would like to take 4 of those to auction. It became aware that the Fire department
81 needed a treadmill so one of those treadmills will be reallocated to the fire department. Therefore only 3
82 treadmills will be taken to auction.

83 Ms. Brandt moved, Mr. Garvas seconded, and motion carried unanimously on voice vote to adopt **RESO.**
84 **NO. 6-2021** and post according to law. **RESO. NO. 6-2021 declared and adopted.**
85

86
87 **RESOLUTION. NO. 7-2021**

88 A RESOLUTION AUTHORIZING THE DISPOSITION OF CERTAIN MUNICIPAL
89 PROPERTY BY THE SERVICE DEPARTMENT OF THE CITY OF MACEDONIA IN
90 ACCORDANCE WITH CITY OF MACEDONIA CODIFIED ORDINANCE SECTION
91 121.05 AND OHIO REVISED CODE SECTION 721.15 was **offered by Mrs. Tulley** and moved
92 Council waive the requirement that it be read by title on three different days, instructing the Clerk to read
93 it by title only for all three readings. **Second by Mr. Finley** carried unanimously on a voice vote.

94 Relative to Reso 7-2021: 15-year-old Printer plotter cutter that was used in the sign shop is to be
95 auctioned off. The software on it cannot be updated.
96

Record of Proceedings
Regular Council Meeting
January 28th, 2021

97 Mrs. Tulley moved, Mr. Finley seconded, and motion carried unanimously on voice vote to adopt **RESO.**
98 **NO. 7-2021** and post according to law. **RESO. NO.7-2021 declared and adopted.**
99

100
101 **MOTIONS / OTHER LEGISLATIVE ACTION**
102

103
104 **MAYOR'S REPORT**
105

- 106 - Denise Basch of Basch Jewelers passed away over the weekend. Condolences to her family.
- 107 - Macedonia has made an agreement with the county for snow removal. The county will have a
108 pool of people to pull from if there is an emergency and we can have them come help. This is
109 very nice to have just in case. Communities can also send in their own reinforcements.
- 110 - Patronizing local businesses. Please show them support.
- 111 - Census is now complete. Ohio's participation rate was 70.7% and Macedonia's was 84.1% which
112 is amazing! This helps with future grants also.
- 113 - Mayors meeting with Lordstown Motorgroup. Looking at new Fleet vehicle which is a battery
114 powered truck. This will save on fuel cost. The cost of the vehicle is very comparable to the cost
115 of a gas vehicle that the city would have been looking at. If this electric vehicle works out well,
116 the city may go all electric in the future. The Mayor is not sure when the city will be receiving the
117 vehicle.
- 118 - Do not drive distracted.

119
120 **COMMITTEE REPORTS**
121

122 **Parks & Recreation:** 1st meeting of the year had the election of the new officers. Had to say bye to
123 Karen Bartolozzi as the President and Jeremy DeBenedictis as vice chair. Brand-new Member Barbara
124 Luczywo is the new president and Stacy Szugye is the vice president. Next meeting is the third
125 Wednesday at 6pm.

126 **Cemetery Committee** One of the large older trees was taken down this week. Hate to take down an
127 ancient tree but must think of the safety. The website for the cemetery is moving along!
128

129
130 **DEPARTMENT REPORTS**
131

132 **Parks and Recreation Department:** Director Chadock- Hot tub project is moving along. There were
133 some initial delays with the demo. From start to finish it will be around 8-10 weeks instead of the initial
134 6-8 weeks. The activity pool boiler is working again after a few fixes done. The parts from the lap pool
135 have arrived and will be put in. All the equipment that was approved from the December 10th meeting has
136 sold. Even a few pieces that were broken. The new equipment is here! Will be doing an analysis in the
137 middle of the year to see what other equipment we need. Kudos to the team they have been doing an
138 amazing job. Staff is working hard to get in person activities for the kids, while maintain strong COVID-
139 19 protocols.

140 **IT Department:** Director Collins- no report

141 **Engineer:** Director Gigliotti- Overhead aerial photos have been taken of the detention pond. The 2021
142 Maintenance Road Program will begin soon, council should be receiving legislation for that in February.

143 **Police Department:** Chief Golden- Please lock your vehicles. Do not leave your keys in your car, do not
144 leave any valuables visible. There was a car break in at the Rec center all those involved were caught.

145 **Service Department:** Director Hnottavange- Thank you Mayor for what you were able to accomplish
146 with the other communities and counties and being able to get the substitute drivers. Service Department
147 is currently running on two shifts, a day and night, to keep up with the roads.

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148 **Fire Department:** Chief Ripley- The great duck rescue! This happened in Eaton Estate, a duck was stuck
149 on a line and some residents were going to go and try to rescue it, thankfully they called us instead and we
150 were able to do so with out risking any lives. This was also used as a training event. Thank you for the
151 treadmill! Prayers to Denise Basch's family. Stay Safe.

152 **HR:** Director Smith- Very busy closing out 2020. Finishing W2's and working on getting employees
153 their HRA cards. Will be rolling out a wellness plan that works with weight watchers.

154 **Finance Department:** Director Veres- Lordstown motor group is the old Chevy plant. The City put down
155 a \$100 deposit on the electric truck! As said before Andrea May is retiring in May so we will be
156 interviewing 4 applicants on Monday.

157 **Law Department:** Director Guidetti- no report

158

159 **Unfinished Business: none**

160

161 **New Business:** none

162

163

164 There being no further business, the meeting was adjourned unanimously on voice vote at 8:19PM

165

166

167 **Date:** _____

168

169

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Attest: _____
Amanda Trzaska, Clerk of Council

171

172

173

174 **Mayor:** _____

175

Nicholas Molnar

176

177

ORIGINATOR: ADMINISTRATION

SPONSOR: _____

**CITY OF MACEDONIA
RESOLUTION NO. 8 -2021**

**A RESOLUTION
AUTHORIZING THE CITY ENGINEER TO PREPARE PLANS, BIDS AND
SPECIFICATIONS AND FURTHER AUTHORIZING THE MAYOR TO ADVERTISE
FOR BIDS FOR VARIOUS ROADWAY IMPROVEMENT PROJECTS FOR THE 2021
ROAD IMPROVEMENT PROGRAM**

WHEREAS, based upon recommendation, it has been deemed in the best interest of the health, safety and welfare of all City residents and inhabitants to repair various roadways within the City of Macedonia; and

WHEREAS, Council therefore wishes to authorize the City Engineer to prepare plans, bids and specifications and thereafter authorize the Mayor to advertise for bids for the roadway improvement projects.

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Macedonia, County of Summit and State of Ohio:

Section 1. That the City Engineer is authorized and directed to prepare plans, bids and specifications, and thereafter that the Mayor is authorized and directed to advertise for bids regarding certain roadway improvement projects as described in the document attached and incorporated as Exhibit "A."

Section 2. It is found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 3. This Resolution shall take effect upon adoption by Council and signature of the Mayor or after the earliest period allowed by law.

PASSED: _____

EFFECTIVE: _____

POSTED: _____

MAYOR: _____
Nicholas Molnar

ATTEST: _____
Amanda Trzaska, Clerk of Council

ORIGINATOR: ADMINISTRATION

SPONSOR _____

**CITY OF MACEDONIA
ORDINANCE NO. 9-2021**

AN EMERGENCY ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$580,000 OF BOND ANTICIPATION NOTES OF THE CITY OF MACEDONIA, OHIO IN ANTICIPATION OF THE ISSUANCE OF BONDS TO PAY THE PROPERTY OWNERS' PORTION OF THE COSTS, IN ANTICIPATION OF THE LEVY AND COLLECTION OF SPECIAL ASSESSMENTS, RELATED TO THE CONSTRUCTION OF A RIGHT-IN RIGHT-OUT ACCESS ROAD OFF OF STATE ROUTE 8 TO PROVIDE INGRESS AND EGRESS TO THE CROSSINGS AT GOLDEN LINK SHOPPING CENTER, TOGETHER WITH ALL NECESSARY APPURTENANCES AND RELATED IMPROVEMENTS THERETO

WHEREAS, pursuant to the Joint Special Assessment Agreement between the City of Macedonia, Ohio (the "City") and Northfield Center Township, Ohio, the Council of the City determined that it should construct a right-in right-out access road off of State Route 8 to provide ingress and egress to the Crossings at Golden Link Shopping Center, together with all necessary appurtenances and related improvements thereto (the "Improvements"); and

WHEREAS, in accordance with Ordinance No. 42-2020, passed on June 25, 2020, the Council authorized, and the City issued, its \$575,000 Tax-Exempt Street Improvement Special Assessment General Obligation (Limited Tax) Bond Anticipation Notes, Series 2020 (the "Series 2020 Notes"), in anticipation of bonds, to (i) pay the property owners' portion of the costs, in anticipation of the levy and collection of special assessments, related to the Improvements, and (ii) pay financing costs of the Series 2020 Notes; and

WHEREAS, the Council finds and determines that the City should retire the Series 2020 Notes with the proceeds of notes described below in Section 3; and

WHEREAS, the Director of Finance of the City, as fiscal officer, has certified to this Council that the estimated life of the Improvements is at least five years and has further certified that the maximum maturity of the bonds in anticipation of which the notes will be issued is 20 years and that the maximum maturity of notes issued in anticipation of those bonds is the last day of December of the fifth year following the year in which the first notes are issued for the Improvements.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Macedonia, Ohio that:

Section 1. It is declared necessary to issue bonds of the City in a principal amount not to exceed \$580,000 to pay (a) the property owners' portion of the costs, in anticipation of the levy

and collection of special assessments, related to the construction of the Improvements, and (b) financing costs of the bonds.

Section 2. The bonds shall be dated approximately June 1, 2022, shall bear interest at the now estimated rate of 4% per annum, payable semi-annually until the principal sum is paid, and shall mature as certified by the Director of Finance in the Director of Finance's certificate as described above. The first interest payment and the first principal payment on the bonds are currently estimated to be due June 1, 2023.

Section 3. It is determined that notes (the "Notes") in a principal amount not to exceed \$580,000 shall be issued in anticipation of the issuance of bonds to retire the Series 2020 Notes. The Notes shall be sold at private sale as provided in Section 5 and shall be in the aggregate principal amount and shall bear interest at the rates fixed by the Director of Finance in the Certificate of Award authorized by Section 5, provided that such rate shall not exceed 4% per annum (computed on the basis of a 360-day year consisting of twelve 30-day months). Interest on the Notes shall be payable at maturity or upon an earlier optional redemption date. The Notes shall be dated their date of issuance and shall mature on a date that is between three months and one year, inclusive, from their date of issuance, all as determined by the Director of Finance in the Certificate of Award. Unless otherwise determined by the Director of Finance in the Certificate of Award, the Notes shall not be subject to redemption by the City at any time prior to maturity. In addition, the Notes shall be issued in the numbers and denominations requested by the Original Purchaser, provided that no denomination shall be less than \$100,000, and shall be payable as to both principal and interest at the office of the Director of Finance, or at a bank or trust company designated by the Director of Finance (individually or collectively the "Paying Agent"), without deduction for exchange, collection or service charge; and shall be payable in lawful money of the United States of America. To the extent that at the maturity of the Notes funds of the City are not available in an amount sufficient to retire the Notes, the Council of the City shall pass legislation authorizing the issuance of notes or bonds, the proceeds of which shall be used to retire the Notes.

Section 4. The Notes shall be designated "Tax-Exempt Street Improvement Special Assessment General Obligation (Limited Tax) Bond Anticipation Notes, Series 2021," or as otherwise determined by the Director of Finance in the Certificate of Award. The Notes shall state the purpose for which they are issued and that they are issued pursuant to this ordinance; shall be issued in such numbers and denominations as may be requested by the Original Purchaser; and shall be executed by the Mayor and the Director of Finance of the City, provided that such signatures may be facsimile signatures. In the absence of the Mayor, the Notes must be executed by the President of Council and, in the absence of the Director of Finance, the Notes must be executed by the Deputy Director of Finance.

The Notes, pursuant to the terms set forth below, may also be issued to a Depository (as defined below) for use in a book-entry system (as defined below). The Director of Finance is authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the authentication, immobilization, and transfer of Notes, including arrangements for the payment of principal and interest by wire transfer, after determining that the execution of any such agreements will not endanger the funds or securities of the City, which determination shall be conclusively evidenced by the signing of any such agreement.

If and as long as a book-entry system is utilized, (i) the Notes shall be issued in the form of one note in the name of the Depository or its nominee, as owner, and immobilized in the custody of the Depository; (ii) the beneficial owners in book-entry form shall have no right to receive Notes in the form of physical securities or certificates; (iii) ownership of beneficial interests in book-entry form shall be shown by a book entry on the system maintained and operated by the Depository and its Participants (defined below), and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Notes as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the Council of the City.

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

As used in this Section and this ordinance:

“Book-entry form” or “book-entry system” means a form or system under which (i) the beneficial right to principal and interest may be transferred only through a book entry and (ii) physical notes are issued only to a Depository or its nominee as owner, with the Notes “immobilized” to the custody of the Depository, and the book entry is the record that identifies the owners of beneficial interests in that principal and interest.

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

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

Section 5. The Director of Finance, in accordance with his determination of the best interests of and financial advantages to the City and its taxpayers and conditions then existing in the financial market, consistent with the provisions of this ordinance, shall establish the terms of the Notes, to be specified in a Certificate of Award and sign the Certificate of Award referred to in Section 3 evidencing the sale of the Notes. The Notes shall be sold in a manner determined by the Director of Finance to the Original Purchaser set forth in the Certificate of Award (the “Original Purchaser”) at an interest rate determined by the Director of Finance to be in the best interest of the City and at not less than 97% of the principal amount of the Notes, together with premium and accrued interest on the Notes, if any. In the absence of the Director of Finance, the Certificate of

Award may be signed by the Deputy Director of Finance. The Director of Finance may determine to sell the Notes in a private sale to an underwriter, or to a financial institution or other entity or person in a private placement, and may solicit one or more proposals to purchase the Notes. The Director of Finance is authorized to solicit those proposals through a notice of sale or any other method determined by the Director of Finance to be most advantageous to the City, and may award the Notes to the proposer that the Director of Finance determines to be in the best interest of the City. If the Director of Finance sells the Notes in a private placement, this Council authorizes the Director of Finance to select a placement agent for that private placement. The Director of Finance may enter into (a) a note purchase agreement with the Original Purchaser, or (b) a note placement agreement with the placement agent for the private placement of the Notes.

The Mayor, the Director of Finance, the Law Director and the Clerk of Council, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents, agreements, representations and instruments, and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this ordinance. The services of Calfee, Halter & Griswold LLP, Bond Attorneys, Cleveland, Ohio, as Bond Counsel for the Notes are retained, and the Director of Finance shall cause the Notes to be prepared, and shall have the Notes signed and delivered, together with a true transcript of proceedings with respect to the issuance of the Notes, to the Original Purchaser of the Notes upon payment of the purchase price of the Notes. The Director of Finance of the City is authorized and directed to deliver the Notes, when executed, to the Original Purchaser upon payment of the purchase price. The proceeds of such sale shall be paid into the proper fund and used for the purpose for which the Notes are being issued under the provisions of this ordinance and to pay those costs set forth in Section 133.15, Ohio Revised Code, and any such costs which are future financing costs may be paid from the same sources from which the principal of and interest on the Notes are paid. Any premium and accrued interest received by the City shall be transferred to the City's Bond Retirement Fund to be applied to the payment of the principal of and interest on the Notes in the manner provided by law.

If, in the judgment of the Director of Finance, a preliminary official statement of the City relating to the original issuance of the Notes, is in the best interest of the City, such a preliminary official statement is authorized to be distributed. The Mayor and the Director of Finance, and either one of them, are authorized and directed to complete and sign, on behalf of the City and in their official capacities, an official statement, with such modifications, changes and supplements from the preliminary official statement as those officers or any one of them shall approve or authorize. Those officers are authorized, on behalf of the City and in their official capacities, to (i) determine, and to certify or otherwise represent, when the official statement is "deemed final" (except for permitted omissions) by the City as of its date or is a final official statement for purposes of SEC Rule 15c2-12(b)(1), (3) and (4), (ii) use and distribute, or authorize the use and distribution of, those official statements and any supplements thereto in connection with the original issuance of the Note, and (iii) complete and sign those official statements as so approved together with such certificates, statements or other documents in connection with the finality, accuracy and completeness of those official statements.

If, in the judgment of the Director of Finance, the filing of an application for a rating on the Notes by one or more nationally-recognized rating agencies is in the best interest of and

financially advantageous to the City, the Director of Finance is authorized to prepare and submit those applications, to provide to each such agency such information as may be required for the purpose, and to provide further for the payment of the cost of obtaining each such rating from the proceeds of the Notes to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose.

Section 6. The City covenants that it will restrict the use of the proceeds of the Notes in such manner and to such extent, if any, as may be necessary so that the Notes will not constitute arbitrage bonds under Section 148 of the Internal Revenue Code of 1986, as amended (the “Code”). The Director of Finance of the City, as the fiscal officer, or any other officer of the City, including the Clerk, having responsibility for the issuance of the Notes shall give an appropriate certificate of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes, the facts, circumstances, and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of interest on the Notes.

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

Section 7. If requested by the Original Purchaser, the Director of Finance is authorized and directed to execute a continuing disclosure certificate (the “Disclosure Certificate”) dated the date of delivery of the Notes and delivered to the Original Purchaser for the benefit of the holders of the Notes (the “Noteholders”) and to assist the Original Purchaser in complying with S.E.C. Rule 15c2-12(b)(5), which Disclosure Certificate shall set forth the City’s undertaking to provide annual reports and notices of certain events as may be required. The City covenants and agrees that it will comply with and carry out all of the provisions of the Disclosure Certificate. Failure of the City to comply with the Disclosure Certificate shall not be considered an event of default; however, any Noteholder may take such actions as may be necessary and appropriate to cause the City to comply with its obligations under this Section.

Section 8. The Notes shall be full general obligations of the City and the full faith and credit of the City are pledged for the prompt payment of the same. The par value to be received from the sale of the bonds anticipated by the Notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used only for the retirement of the Notes at maturity, together with the interest thereon, and is pledged for such purpose.

Section 9. During the years that the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually at the rate not less than that which would have been levied if bonds had been issued without the prior issuance of the Notes. This tax shall be within the ten-mill limitation imposed by law, and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes of each of those years are certified, extended or collected. In addition, this tax shall be placed before and in preference to all items and for the full amount thereof. The funds derived from the required tax levies shall be placed in a separate and distinct fund which, together with the interest collected on the same, shall be irrevocably pledged for the payment of the principal of and interest on the Notes or the bonds in anticipation of which they are issued, when and as the same fall due; provided, however, that in each year to the extent that revenues and special assessments levied to pay costs of the Improvement are available from other sources for the payment of the Notes and bonds and are appropriated for such purpose, the amount of such direct tax upon all of the taxable property in the City shall be reduced by the amount of the revenues so available and appropriated.

Section 10. It is determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Notes, in order to make them legal, valid and binding obligations of the City, have been done or will have been done and performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, will be exceeded in the issuance of the Notes.

Section 11. The City represents that all conditions are met for treating the Notes as “qualified tax-exempt obligations” and that the Notes are not to be taken into account under subparagraph (D) of Section 265(b)(3) of the Code, without necessity for further designation, by reason of subparagraph (D)(ii) of Section 265(b)(3) of the Code and to the extent any portion of the notes is not so deemed designated, the Director of Finance may so designate such portion in the Certificate of Award. Further, the City represents and covenants that, during any time or in any manner as might affect the status of the Notes as “qualified tax-exempt obligations,” it has not formed or participated in the formation of, or benefited from or availed itself of, any entity in order to avoid the purposes of subparagraph (C) or (D) of Section 265(b)(3) of the Code, and will not form, participate in the formation of, or benefit from or avail itself of, any such entity. The City further represents that the Notes are not being issued as part of a direct or indirect composite issue that combines issues or lots of tax-exempt obligations of different issuers.

Section 12. The Clerk of Council is directed to forward a certified copy of this ordinance to the Fiscal Officer of Summit County and to secure a receipt for the delivery of this ordinance.

Section 13. The Mayor, Director of Finance, Law Director and the Clerk of Council, as appropriate, are each authorized and directed to prepare, execute and deliver any transcript certificates, financial statements and other documents, agreements, representations and instruments and to take such actions as are necessary or appropriate to consummate the issuance of the Notes as provided in this ordinance.

Section 14. It is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in an open meeting of this Council, and that all such 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, including the City's Charter, Codified Ordinances and any applicable provisions of Section 121.22, Ohio Revised Code.

Section 15. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the City, and for the further reason that the immediate issuance and sale of the Notes is necessary to enable the City to retire the Series 2020 Notes at maturity and thereby preserve the City's credit; therefore, this ordinance shall be in full force and effect immediately upon passage of Council by the required three members of Council and approval by the Mayor.

PASSED: _____

EFFECTIVE: _____

POSTED: _____

MAYOR: _____
Nicholas Molnar

ATTEST: _____
Amanda Trzaska, Clerk of Council

ORIGINATOR: ADMINISTRATION

SPONSOR: _____

**CITY OF MACEDONIA
ORDINANCE NO. 10 -2021**

**AN ORDINANCE
AMENDING CHAPTER 505 OF THE CODIFIED ORDINANCES OF THE CITY OF
MACEDONIA RELATIVE TO ANIMALS AND FOWL**

WHEREAS, it is necessary and in the best interest of the health, safety and welfare of City residents to amend Chapter 505 of the Codified Ordinances of the City of Macedonia relative to animals and fowl.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Macedonia, County of Summit and State of Ohio:

Section 1. That Chapter 505 of the Codified Ordinances of the City of Macedonia shall be amended to create new Section 505.19 as follows:

**CHAPTER 505
Animals and Fowl**

505.19 DISPOSAL OF DOG WASTE

(a) No person who has the charge or control of a dog on any public street, sidewalk, pathway, park, pedestrian way or any public facility, or on any private property not owned or possessed by the owner or person having control of such dog, shall fail to maintain in his or her possession sufficient and readily usable wrappers, materials or implements to remove and properly dispose of any fecal matter that may be deposited on the ground by the dog.

(b) No person who has the charge or control of a dog on any public street, sidewalk, pathway, park, pedestrian way or any public facility or on any private property not owned or possessed by the owner or person having control of such dog shall fail to remove and properly dispose of any fecal matter that may be deposited on the ground by the dog.

(c) A disabled person who has the charge or control of a guide dog or an officer who has the charge of a police dog in the performance of law enforcement duties shall be exempt from the provisions of this section.

(d) Whoever violates this section is guilty of a minor misdemeanor. In addition to any other method of enforcement provided for in this chapter, the provisions of this section may be enforced by the issuance of a citation in compliance with Rule 4.1 of the Ohio Rules of Criminal Procedure.

Section 2. That the remainder of the Codified Ordinances of the City of Macedonia shall not be amended unless inconsistent with this Ordinance.

Section 3. The Clerk of Council is authorized and directed to forward a certified copy of this Ordinance to the Codifier of the City of Macedonia.

Section 4. 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 Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all legal requirements.

Section 5. Wherefore, this Ordinance shall become effective upon its adoption by Council and signature of the Mayor or as otherwise be provided for in law.

PASSED: _____

EFFECTIVE: _____

POSTED: _____

MAYOR: _____
Nicholas Molnar

ATTEST: _____
Amanda Trzaska, Clerk of Council