



March 22, 2022

TO: Council Members  
Mayor Molnar  
Directors  
Staff  
Media

From: Clerk of Council

RE: **AGENDA – Work Session & Regular Meeting: Thursday, March 24, 2022**  
**“Council Office Hours” with Councilor Garvas: 6:45pm**  
**Work Session: 7:15pm**  
**Council Meeting: 7:30pm**

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**I. ROLL CALL**

**II. PLEDGE OF ALLEGIANCE BY COUNCIL PRESIDENT JESSICA BRANDT**

**III. APPROVAL OF MINUTES [J. BRANDT, J. GARVAS]**

Thursday, March 10, 2022 – Regular Council Meeting

**IV. PUBLIC COMMENTS**

**V. CORRESPONDENCE**

**VI. PENDING &/OR NEW LEGISLATION**

**ORD.NO. 20 \_ - 2022 [J. TULLEY, V. VENTURA]**

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A CONTRACT WITH RONYAK PAVING, INC. FOR PHASE II OF THE HIGHLAND ROAD RESURFACING PROJECT

1<sup>st</sup> Read  
2<sup>nd</sup> Read  
3<sup>rd</sup> Read

**ORD.NO. 21 - 2022 [V. VENTURA, J. TULLEY]**

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A CONTRACT WITH PERRIN ASPHALT COMPANY FOR THE REPAVING OF THE CITY-OWNED PARKING AREA ADJACENT TO CURRENT GOLF FACILITIES

1<sup>st</sup> Read  
2<sup>nd</sup> Read  
3<sup>rd</sup> Read

**ORD.NO. 22 - 2022 [J. TULLEY, J. GARVAS]**

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A CONTRACT WITH SPECIALIZED CONSTRUCTION, INC. FOR THE 2022 ROAD IMPROVEMENT PROGRAM

1<sup>st</sup> Read  
2<sup>nd</sup> Read  
3<sup>rd</sup> Read

**ORD.NO. 23 - 2022 [J. GARVAS, J. TULLEY]**

AN EMERGENCY ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$580,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF RETIRING OUTSTANDING BOND ANTICIPATION NOTES OF THE CITY ISSUED 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 CROSSROADS/GOLDEN LINK SHOPPING CENTER, TOGETHER WITH ALL NECESSARY APPURTENANCES AND RELATED IMPROVEMENTS THERETO

1<sup>st</sup> Read  
2<sup>nd</sup> Read  
3<sup>rd</sup> Read

**VII. MOTIONS/OTHER LEGISLATIVE ACTION**

**VIII. MAYOR'S REPORT**

**IX. COMMITTEE REPORTS**

**X. DEPARTMENT REPORTS**

Service Department:	Interim Director Steve Dzurnak
Engineer Department:	Director Joe Gigliotti
Parks & Recreation Department:	Director Jason Chadock
Finance Department:	Director John Veres
Fire Department:	Chief Brian Ripley
Police Department:	Chief Jon Golden
Human Resources Department:	Director Annette Smith
Building Department:	Commissioner Robert Rodic
IT Department:	Director Kyle Collins
Law Department:	Director Mark Guidetti

**XI. UNFINISHED BUSINESS**

**XII. NEW BUSINESS**

**XIII. ADJOURNMENT [V. VENTURA, J. GARVAS]**

# April

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

**\*Public Comment for those not able to attend in-person at the March 24th Council Meeting should be sent to Clerk of Council Jon Hoover at [jhoover@macedonia.oh.us](mailto:jhoover@macedonia.oh.us) . Public comment must be received no later than the close of business on March 23rd, 2022 and will be subsequently made available to the public.**

**\*Note \***

- In-person meetings have resumed. This City Council meeting will take place in Council Chambers at the Macedonia City Center, 9691 Valley View Rd., Macedonia, OH 44056
- Council's meeting will also be livestreamed through Microsoft Teams. The link to access will be available on the City of Macedonia's website [www.macedonia.oh.us](http://www.macedonia.oh.us)



Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday
					1	2
3	4	5 Mayor's Court	6	7	8	9
10	11	12 Mayor's Court	13	14 City Council Meeting - CANCELLED	15	16
17 Easter	18 Planning Commission	19 Mayor's Court	20 Parks & Recreation Commission Board of Zoning Appeals	21	22	23
24	25	26 Mayor's Court	27	28 City Council Work Session City Council Meeting	29	30

Record of Proceedings  
Regular Council Meeting  
March 10th, 2022

1 Presiding Officer, Mayor Nicholas Molnar called the March 10th, 2022 regular meeting to order at  
2 7:30p.m..  
3

4 **Present:** Council members Jessica Brandt, Dave Finley, Jeff Garvas, Jan Tulley, and Vini J.  
5 Ventura. Also present: Nicholas Fink for the Law Department and Clerk of Council Jon  
6 Hoover.  
7

8 **INVOCATION & PLEDGE OF ALLEGIANCE** Chaplain Tom O'Brien of Nordonia Hills American  
9 Legion 801.  
10

11 **APPROVAL OF MINUTES**  
12

13 Ms. Brandt moved, second by Mr. Garvas, to approve the minutes of the regular meeting of February 24,  
14 2022 as received from the Clerk of Council. The motion carried unanimously upon a voice vote.  
15

16 **PUBLIC COMMENTS:** None  
17

18 **CORRESPONDENCE:** None  
19

20 **INTRODUCTION, READINGS & ADOPTION OF LEGISLATION**  
21

22 **RESOLUTION NO. 18-2022**

23 A FINAL RESOLUTION REQUESTING THE DIRECTOR OF TRANSPORTATION TO PROCEED  
24 WITH THE MICROSURFACING PROJECT POR/SUM MCRO FY2022 (B) – PID 105120 RELATIVE  
25 TO A PORTION OF STATE ROUTE 8 LOCATED WITHIN THE CITY OF MACEDONIA was  
26 offered by Mr. Garvas for **first, second and third reading by title only**. Seconded by Mr. Finley.  
27

28 Dir. Gigliotti explained that this is an ODOT project to install a microsurface on State Route 8. No traffic  
29 issues are anticipated.  
30

31 Mr. Garvas moved, second by Mr. Finley, to **adopt RES.NO. 18-2022 and post the same according to**  
32 **law**. Motion carried unanimously by a voice vote. **RES.NO. 18-2022 declared and adopted**.  
33

34 **RESOLUTION NO. 19-2022**

35 A RESOLUTION IN SUPPORT OF UKRAINIANS LOCATED WITHIN THE CITY OF  
36 MACEDONIA, AS WELL AS UKRAINIANS AND THEIR FAMILIES LOCATED THROUGHOUT  
37 THE UNITED STATES AND ABROAD was offered by Mr. Ventura for **first, second and third**  
38 **reading by title and Sections 1 & 2 only**. Seconded by Ms. Tulley. The motion carried unanimously by  
39 a voice vote.  
40

41 Mr. Ventura moved, second by Ms. Tulley, to **adopt RES.NO. 19-2022 and post the same according to**  
42 **law**. Motion carried by a majority voice vote. Councilors Brandt, Garvas, Tulley and Ventura voting in  
43 the affirmative. Councilor Finley abstained. **RES.NO. 19-2022 declared and adopted**.  
44

45  
46 **MOTIONS / OTHER LEGISLATIVE ACTION:**  
47

48 Ms. Brandt moved to cancel the April 14, 2022 regular meeting of City Council. Seconded by Mr.  
49 Garvas. The motion carried unanimously by a voice vote.  
50  
51  
52  
53

Record of Proceedings  
Regular Council Meeting  
March 10th, 2022

54 **MAYOR'S REPORT**

55  
56 ~The Mayor reminded residents there is an "E-Commerce Safety Zone" area in the front parking  
57 lot of the City Center where residents can conduct exchanges from online transactions in a safe  
58 manner. There are cameras around the building and a Police presence.

59 ~The Veterans Memorial Park bathroom construction is underway, but the weather has not been  
60 cooperating and has caused delays.

61 ~Addressing a common question: the construction next to Culver's is Optima Dermatology

62 ~Good luck to Nordonia's bowling and wrestling teams at State!

63 ~February 2022 Mayor's Court revenue was \$17,362.50

64 ~Head up, phone down – please don't drive distracted!

65  
66 **COMMITTEE REPORTS**

67  
68 **Parks & Recreation Commission** Ms. Brandt reported the next Commission meeting will be  
69 Wednesday, March 16 at 6pm in the upstairs of the Recreation Center

70  
71 **JEDD** Mr. Ventura reported the JEDD meeting that was to take place on March 3 had to be cancelled  
72 again due to illnesses. The meeting has been rescheduled for Tuesday, April 5.

73  
74  
75 **DEPARTMENT REPORTS**

76  
77 **Service Department:** Interim Director Dzurnak – The Service Department has been busy with patching  
78 holes, Spring restoration and plow damage. Street lights are slowly being repaired, but getting materials  
79 has been a challenge and he asks for patience from the residents.

80  
81 The Mayor thanked the Service Department for repairing approximately 14 street lights in the Lake Forest  
82 neighborhood over the past few days.

83  
84 **Engineer:** Director Gigliotti- Shared that the price of gas historically aligns with the price of asphalt, so  
85 do not be surprised if some of the bids of future paving projects comes in a bit higher than usual.

86  
87 **Parks and Recreation Department:** Director Chadock – The MACTivity guide will be available online  
88 Friday, March 11. Limited print copies should be in-house by March 28. Everyone is encouraged to sign  
89 up online so that future programming announcements can be sent via e-mail. The fitness room is  
90 currently under construction and will become more of an Olympic/cross-fit style weight room. Delivery  
91 of new equipment is expected by the end of March or first week of April.

92  
93 **Finance Department:** Director Veres – Reminder to residents that the RITA refund deadline is Friday,  
94 July 15.

95  
96 **Fire Department:** Chief Ripley – Rich Kalish, a 30-year employee of the City, has been promoted to Fire  
97 Prevention Officer, replacing Don Bell who retired in January. South Freeway Drive was closed the  
98 previous Tuesday night into Wednesday morning due to a chemical reaction at a manufacturing facility.  
99 Everything was handled properly and no injuries were reported. Daylight Savings time begins this  
100 coming Sunday, and is a good reminder to change the batteries in your smoke alarms.

101  
102 **Police Department:** Chief Golden – Reported with great sadness the death of retired detective sergeant  
103 Rick Skufca, who had started with the Police Department in 1983 and retired in 2004. Those who  
104 remember Rick know that he was a character and will be missed.

105

Record of Proceedings  
Regular Council Meeting  
March 10th, 2022

106 **HR Department:** Director Smith – Working on the same projects as has been reported the last few  
107 meetings. A committee is being established to put together an outdoor health fair in August or  
108 September. The deadline to sign up for this committee is Wednesday, March 16.  
109

110 **Building Department:** Commissioner Rodic – The Board of Zoning Appeals will be meeting on  
111 Wednesday, March 16 to hear the case from Don Basch Jewelers, who are requesting variances to permit  
112 construction. The Planning Commission will meet on March 21 to discuss a new Burlington wall sign,  
113 and consider site plans for two new gas distribution facilities at the Dominion site on Shepard Road.  
114

115 **IT Department:** Director Collins – Working on the 10gig link between the Recreation and City Centers,  
116 as well as purchasing new tablets for the Fire Department to match the new tablets in the Police  
117 Department. Hacking, phishing and ransomware are at an all-time high, so please be conscious of your  
118 internet browsing.  
119

120 **Law Department:** Mr. Fink for the Law Department – No report  
121

122  
123 **UNFINISHED BUSINESS:**  
124

125 Ms. Tulley advised residents to drive carefully when accessing Golden Link from the entrance on State  
126 Route 8 near Culver’s due to the construction vehicles inhabiting the roadway. Good luck to the  
127 Nordonia bowling team, as well as wrestlers Israel Petite and Jeremy Olszko as they compete at State.  
128

129 **NEW BUSINESS:** None  
130

131  
132 There being no further business, Mr. Finley moved, second by Mr. Garvas, to **adjourn the meeting.** The  
133 motion passed **unanimously** pursuant to a voice vote and the meeting was adjourned at approximately  
134 7:46p.m.  
135

136  
137 **Date:** \_\_\_\_\_  
138

139  
140 **Attest:** \_\_\_\_\_  
141 Jon Hoover, Clerk of Council  
142

143  
144 **Mayor:** \_\_\_\_\_  
145 Nicholas Molnar  
146

ORIGINATOR: CITY ENGINEER

SPONSOR: Tulley

**CITY OF MACEDONIA  
ORDINANCE NO. 20 -2022**

**AN ORDINANCE  
AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A CONTRACT  
WITH RONYAK PAVING, INC. FOR PHASE II OF THE HIGHLAND ROAD  
RESURFACING PROJECT**

**WHEREAS**, it has already been deemed necessary and in the best interest of the health, safety and welfare of all the City residents inhabitants to re-pave the portion of Highland Road between Valley View Road and Chamberlin Road, within the City of Macedonia; and

**WHEREAS**, pursuant to Council authorization, the City previously advertised for bids for a contract for a certain portion of Highland Road to be resurfaced, and known as Phase II of the Highland Road Paving Project; and

**WHEREAS**, pursuant to law, bids were received and opened by the City in accordance with the published schedule, and the City Engineer has reviewed and recommended that the bid received from Ronyak Paving, Inc. be accepted as the lowest and best bid; and

**WHEREAS**, it is found and determined that the bid of Ronyak Paving, Inc. is the lowest and best bid with regard to Phase II of the Highland Road Resurfacing project, and Council therefore wishes to authorize the Mayor to enter into a contract with Ronyak Paving, Inc. for such resurfacing improvements as the lowest and best bid.

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

**Section 1.** That the Mayor is authorized to accept the bid of Ronyak Paving, Inc. as the lowest and best bid in regard to Phase II of the Highland Road Resurfacing project as set forth in the document attached hereto and incorporated by reference 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 Ordinance was 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 Ordinance 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: \_\_\_\_\_

Jon Hoover, Clerk of Council

**BID TABULATION  
HIGHLAND ROAD PHASE II RESURFACING  
CITY OF MACEDONIA**

**DATE: MARCH 11, 2022**

**CVE JOB NO. 20297 Engineer's Estimate \$700,000.00**

ITEM	DESCRIPTION	UNIT	QTY.	RONYAK PAVING, INC.			SPECIALIZED CONSTRUCTION INCORPORATED			CHAGRIN VALLEY PAVING, INC.		
				UNIT PRICE	TOTAL PRICE		UNIT PRICE	TOTAL PRICE		UNIT PRICE	TOTAL PRICE	
1	PAVEMENT PLANING, 30" DEPTH, FULL WIDTH	SY	20,000	\$2.66	\$53,200.00	\$4.00	\$80,000.00	\$5.00	\$100,000.00			
2	FULL DEPTH ASPHALT BASE REPAIR	SY	200	\$160.00	\$32,000.00	\$100.00	\$20,000.00	\$150.00	\$30,000.00			
3	SUBGRADE REMOVAL AND REPLACEMENT	CY	67	\$20.00	\$1,340.00	\$20.00	\$1,340.00	\$75.00	\$5,025.00			
4	PARTIAL DEPTH ASPHALT BASE REPAIR	SY	200	\$55.00	\$11,000.00	\$35.00	\$7,000.00	\$75.00	\$15,000.00			
5	TRANSVERSE UNDERDRAIN	LF	100	\$10.00	\$1,000.00	\$15.00	\$1,500.00	\$30.00	\$3,000.00			
6	PRE-CHIP SEAL	SY	20,000	\$2.50	\$50,000.00	\$2.35	\$47,000.00	\$2.05	\$41,000.00			
7	1.75" ASPHALT INTERMEDIATE COURSE	CY	1,050	\$158.00	\$165,900.00	\$155.00	\$162,750.00	\$170.00	\$178,500.00			
8	1.25" ASPHALT SURFACE COURSE	CY	725	\$180.00	\$130,500.00	\$195.00	\$141,375.00	\$180.00	\$130,500.00			
9	PAVEMENT MARKINGS	LUMP	1	\$12,845.00	\$12,845.00	\$20,000.00	\$20,000.00	\$37,000.00	\$37,000.00			
10	CONCRETE CURB REPAIRED	LF	100	\$80.00	\$8,000.00	\$96.00	\$9,600.00	\$85.00	\$8,500.00			
11	LOOP DETECTOR REPLACEMENT	EACH	1	\$1,800.00	\$1,800.00	\$1,500.00	\$1,500.00	\$1,800.00	\$1,800.00			
12	MANHOLE OR CATCH BASIN ADJUSTED TO GRADE	EACH	2	\$3,000.00	\$6,000.00	\$1,820.00	\$3,640.00	\$1,500.00	\$3,000.00			
13	VALVE OR MONUMENT BOX ADJUSTED TO GRADE	EACH	5	\$150.00	\$750.00	\$100.00	\$500.00	\$1,200.00	\$6,000.00			
14	MISCELLANEOUS METAL	LBS	1,500	\$2.00	\$3,000.00	\$1.50	\$2,250.00	\$2.00	\$3,000.00			
15	6" UNDERDRAIN	LF	100	\$32.00	\$3,200.00	\$10.00	\$1,000.00	\$15.00	\$1,500.00			
16	VOID REDUCING ASPHALT MEMBRANE	LF	9,060	\$3.00	\$27,180.00	\$3.00	\$27,180.00	\$3.00	\$27,180.00			
17	ASPHALT PAVEMENT SURFACE TREATMENT	SY	20,000	\$1.05	\$21,000.00	\$1.10	\$22,000.00	\$1.05	\$21,000.00			
18	TEMPORARY SAFETY PROFILE PLANING	SY	7,500	\$0.15	\$1,125.00	\$2.25	\$16,875.00	\$0.25	\$1,875.00			
19	LAW ENFORCEMENT OFFICER ALLOWANCE	LUMP	1	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00			
20	INSPECTION ALLOWANCE	LUMP	1	\$20,000.00	\$20,000.00	\$20,000.00	\$20,000.00	\$20,000.00	\$20,000.00			
21	PAVEMENT PLANING, 1.50" DEPTH, FULL WIDTH	SY	3,000	\$2.25	\$6,750.00	\$3.00	\$9,000.00	\$5.00	\$15,000.00			
22	1.50" ASPHALT SURFACE COURSE	CY	125	\$185.00	\$23,125.00	\$200.00	\$25,000.00	\$180.00	\$22,500.00			
23	CONSTRUCTION CONTINGENCY	LUMP	1	\$30,000.00	\$30,000.00	\$30,000.00	\$30,000.00	\$30,000.00	\$30,000.00			
<b>TOTAL PROJECT COST</b>				<b>TOTAL</b>	<b>\$624,715.00</b>	<b>TOTAL</b>	<b>\$664,510.00</b>	<b>TOTAL</b>	<b>\$716,380.00</b>			
				NUMBER OF DAYS TO COMPLETE: 80 days	NUMBER OF DAYS TO COMPLETE: 80/22	NUMBER OF DAYS TO COMPLETE: July 1, 2022						
				EARLIEST START DATE: May 9, 2022	EARLIEST START DATE: 5/2/22	EARLIEST START DATE: May 2nd, 2022						

ORIGINATOR: CITY ENGINEER

SPONSOR: Ventura

**CITY OF MACEDONIA  
ORDINANCE NO. 21 -2022**

**AN ORDINANCE  
AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A CONTRACT  
WITH PERRIN ASPHALT COMPANY FOR THE REPAVING OF THE CITY-OWNED  
PARKING AREA ADJACENT TO CURRENT GOLF FACILITIES**

**WHEREAS**, it has already been deemed necessary and in the best interest of the health, safety and welfare of all the City residents inhabitants to resurface the City parking area adjacent to City-owned golf facilities currently known as the “Windmill Golf Center”; and

**WHEREAS**, pursuant to Council authorization, the City previously advertised for bids for a contract for the resurfacing of the aforementioned parking area; and

**WHEREAS**, pursuant to law, bids were received and opened by the City in accordance with the published schedule, and the City Engineer has reviewed and recommended that the bid received from Perrin Asphalt Company be accepted as the lowest and best bid; and

**WHEREAS**, it is found and determined that the bid of Perrin Asphalt Company is the lowest and best bid with regard to the resurfacing of the aforementioned parking area, and Council therefore wishes to authorize the Mayor to enter into a contract with Perrin Asphalt Company for such paving improvements as the lowest and best bid.

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

**Section 1.** That the Mayor is authorized to accept the bid of Perrin Asphalt Company as the lowest and best bid in regard to the resurfacing of the parking area adjacent to City-owned golf facilities currently known as the “Windmill Golf Center” as set forth in the document attached hereto and incorporated by reference 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 Ordinance was 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 Ordinance 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: \_\_\_\_\_

Jon Hoover, Clerk of Council

**BID TABULATION**

Windmill Golf Center Parking Lot

City of Macedonia

DATE: March 11, 2022

CVE JOB NO. 21175 Engineer's Estimate \$200,000.00

ITEM	DESCRIPTION	UNIT	QTY.	Perrin Asphalt Company		Ohio Paving & Construction Co., Inc.	
				UNIT PRICE	TOTAL PRICE	UNIT PRICE	TOTAL PRICE
1	PAVEMENT PLANING	SY	4,500	\$1.90	\$8,550.00	\$3.00	\$13,500.00
2	PARTIAL DEPTH ASPHALT BASE REPAIRS	SY	50	\$30.00	\$1,500.00	\$55.50	\$2,775.00
3	6" FINGER UNDERDRAIN	LF	160	\$30.00	\$4,800.00	\$66.00	\$10,560.00
4	ODOT 301, 3.50" ASPHALT BASE COURSE	CY	438	\$140.00	\$61,320.00	\$152.00	\$66,576.00
5	ODOT 441, 1.50" ASPHALT SURFACE COURSE	CY	188	\$180.00	\$33,840.00	\$207.75	\$39,057.00
6	CONCRETE WALK	SF	350	\$15.00	\$5,250.00	\$8.00	\$2,800.00
7	CURB RAMP	SF	250	\$15.00	\$3,750.00	\$11.00	\$2,750.00
8	MANHOLE OR CATCH BASIN ADJUST TO GRADE	EACH	4	\$450.00	\$1,800.00	\$585.00	\$2,340.00
9	PAVEMENT MARKINGS	LUMP	1	\$2,500.00	\$2,500.00	\$600.00	\$600.00
10	PARKING BUMPERS	EACH	2	\$100.00	\$200.00	\$175.00	\$350.00
11	RECYCLED ASPHALT SHOULDER	CY	10	\$200.00	\$2,000.00	\$175.00	\$1,750.00
12	LINEAR GRADING	LF	700	\$4.50	\$3,150.00	\$6.00	\$4,200.00
13	CONSTRUCTION CONTINGENCY	LUMP	1	\$15,000.00	\$15,000.00	\$15,000.00	\$15,000.00
14	INSPECTION FEE ALLOWANCE	LUMP	1	\$7,500.00	\$7,500.00	\$7,500.00	\$7,500.00
	<b>TOTAL PROJECT COST</b>			<b>TOTAL</b>	<b>\$151,160.00</b>	<b>TOTAL</b>	<b>\$169,758.00</b>
				DAYS TO COMPLETE: 10	DAYS TO COMPLETE: 15		
				EARLIEST START DATE: 20 days after award of contract	EARLIEST START DATE: 5/1/2022		

EXHIBIT "A"

Windmill Golf Center Parking Lot  
Macedonia, OH  
#21175

ORIGINATOR: CITY ENGINEER

SPONSOR: Tulley

**CITY OF MACEDONIA  
ORDINANCE NO. 22 -2022**

**AN ORDINANCE  
AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO  
A CONTRACT WITH SPECIALIZED CONSTRUCTION, INC.  
FOR THE 2022 ROAD IMPROVEMENT PROGRAM**

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

**WHEREAS**, pursuant to Council authorization, the City previously advertised for bids for a contract concerning various roadway repair and improvement work for the City's 2022 Road Program, including preventative maintenance items; and

**WHEREAS**, pursuant to law, bids were received and opened by the City in accordance with the published schedule, and the City Engineer has reviewed and recommended that the bid received from Specialized Construction, Inc. be accepted as the lowest and best bid; and

**WHEREAS**, it is found and determined that the bid of Specialized Construction, Inc. is the lowest and best bid with regard to the 2022 Road Program, and Council therefore wishes to authorize the Mayor to enter into a contract with Specialized Construction, Inc. for such 2022 Road Program repairs and improvements as the lowest and best bid.

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

**Section 1.** That the Mayor is authorized to accept the bid of Specialized Construction, Inc. as the lowest and best bid in regard to the 2022 Road Program for repairs and improvements within the City of Macedonia as set forth in the document attached hereto and incorporated by reference 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 Ordinance was 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 Ordinance 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: \_\_\_\_\_

Jon Hoover, Clerk of Council

## EXHIBIT "A"

**BID TABULATION**  
**2022 Road Program**  
**City of Macedonia**  
**DATE: March 11, 2022**  
**CVE JOB NO. 22103 Engineer's Estimate \$1,060,000.00**

ITEM	DESCRIPTION	UNIT	QTY.	SPECIALIZED CONSTRUCTION INCORPORATED	
				UNIT PRICE	TOTAL PRICE
1	PAVEMENT PLANING, FULL WIDTH	SY	20,710	\$4.00	\$82,840.00
2	PROFILE PLANING	SY	2,000	\$4.00	\$8,000.00
3	ASPHALT PAVEMENT RECYCLING	SY	7,750	\$10.00	\$77,500.00
4	ENGINEERED RECYCLING ASPHALT EMULSION	GAL	14,250	\$3.50	\$49,875.00
5	ADDITIONAL AGGREGATE	TONS	292	\$65.00	\$18,980.00
6	FOG SEAL	GAL	1,000	\$3.00	\$3,000.00
7	FULL DEPTH ASPHALT BASE REPAIRS (RESURFACE STREETS)	SY	559	\$45.00	\$25,155.00
8	PARTIAL DEPTH ASPHALT BASE REPAIRS (RESURFACE STREETS)	SY	409	\$25.00	\$10,225.00
9	FULL DEPTH ASPHALT SPOT REPAIRS (MISC. LOCATIONS)	SY	80	\$100.00	\$8,000.00
10	PARTIAL DEPTH ASPHALT SPOT REPAIRS (MISC. LOCATIONS)	SY	500	\$55.00	\$27,500.00
11	SUBGRADE REMOVAL AND REPLACEMENT	CY	280	\$20.00	\$5,600.00
12	TRANSVERSE UNDERDRAIN	LF	200	\$10.00	\$2,000.00
13	PRE-CHIP SEAL	SY	20,710	\$3.00	\$62,130.00
14	1.50" ASPHALT INTER COURSE	CY	1,190	\$170.00	\$202,300.00
15	1.25" ASPHALT SURFACE COURSE	CY	996	\$200.00	\$199,200.00
16	RECYCLED ASPHALT SHOULDER	CY	150	\$75.00	\$11,250.00
17	PAVEMENT MARKINGS (RESURFACED STREETS)	LUMP	1	\$6,500.00	\$6,500.00
18	CONCRETE DRIVE APRON	SF	1,000	\$11.00	\$11,000.00
19	CONCRETE CURB & GUTTER REPAIRED (MISC. LOCATIONS)	LF	700	\$48.00	\$33,600.00
20	ASPHALT DRIVE APRON	SF	1,000	\$4.00	\$4,000.00
21	GRAVEL DRIVE APRON	SF	1,000	\$1.25	\$1,250.00
22	12" DRIVE CULVERT	LF	100	\$65.00	\$6,500.00
23	LOOP DETECTOR REPLACEMENT	EACH	1	\$1,600.00	\$1,600.00
24	VALVE OR MONUMENT BOX ADJUST TO GRADE	EACH	14	\$75.00	\$1,050.00
25	MANHOLE OR CATCH BASIN ADJUST TO GRADE (RESURFACE STREETS)	EACH	27	\$1,100.00	\$29,700.00
26	MANHOLE OR CATCH BASIN RECONSTRUCT TO GRADE (RESURFACE STREETS)	EACH	5	\$1,200.00	\$6,000.00
27	MANHOLE OR CATCH BASIN ADJUST TO GRADE (MISCELLANEOUS LOCATIONS)	EACH	15	\$1,600.00	\$24,000.00
28	MANHOLE OR CATCH BASIN RECONSTRUCT TO GRADE (MISCELLANEOUS LOCATIONS)	EACH	2	\$1,700.00	\$3,400.00
29	MISC METAL	LBS	2,500	\$2.00	\$5,000.00
30	12" ROAD CROSSOVER CULVERT	LF	115	\$130.00	\$14,950.00
31	THIS ITEM NOT USED-DELETED			\$0.00	\$0.00
32	12" ROADSIDE DITCH ENCLOSURE	LF	100	\$70.00	\$7,000.00
33	2-2-A OR 2-2-B CATCH BASIN	EACH	2	\$1,100.00	\$2,200.00
34	HALF HEIGHT HEADWALL	EACH	2	\$600.00	\$1,200.00
35	DRIVEWAY APRON BUTT JOINT	LF	750	\$3.00	\$2,250.00
36	ROADSIDE LINEAR GRADING	LF	100	\$5.00	\$500.00
37	6" UNDERDRAIN (MISC. LOCATIONS)	LF	200	\$16.00	\$3,200.00
38	CRACK SEALING (BASE BID)			\$0.00	\$0.00
39	ASPHALT PAVEMENT SURFACE TREATMENT (BASE BID)	SY	30,700	\$1.25	\$38,375.00
40	ROCK CHANNEL PROTECTION	TONS	20	\$150.00	\$3,000.00
41	PARTIAL DEPTH REPAIR (SR-82)	SY	100	\$55.00	\$5,500.00
42	CURB RAMP	SF	500	\$14.00	\$7,000.00
43	CONCRETE WALK	SF	250	\$8.75	\$2,187.50
44	CONCRETE CURB & GUTTER REPLACED (ENTIRE LENGTH)	LF	0	\$0.00	\$0.00
45	6" UNDERDRAIN REPLACED (ENTIRE LENGTH)	LF	0	\$0.00	\$0.00
46	PAVEMENT MARKINGS (NOT USED)	LUMP	0	\$0.00	\$0.00
47	LAW ENFORCEMENT OFFICER ALLOWANCE	LUMP	1	\$2,000.00	\$2,000.00
48	INSPECTION FEE ALLOWANCE	LUMP	1	\$25,000.00	\$25,000.00
<b>TOTAL PROJECT COST</b>				<b>TOTAL</b>	<b>\$1,041,517.50</b>
				NUMBER OF DAYS TO COMPLETE: 90 Days	
				EARLIEST START DATE: May 15th, 2022	



ORIGINATOR: ADMINISTRATION

SPONSOR Garvas

**CITY OF MACEDONIA  
ORDINANCE NO. 23 -2022**

**AN EMERGENCY ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$580,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF RETIRING OUTSTANDING BOND ANTICIPATION NOTES OF THE CITY ISSUED 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 CROSSROADS/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 (the "Council") determined that it should construct a right-in right-out access road off of State Route 8 to provide ingress and egress to the Crossroads/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**, in accordance with Ordinance No. 9-2021, passed on February 11, 2021, the Council authorized, and the City issued, its \$580,000 Street Improvement Special Assessment General Obligation (Limited Tax) Bond Anticipation Notes, Series 2021 (the "Series 2021 Notes") to retire the Series 2020 Notes and pay costs of issuance of the Series 2021 Notes; and

**WHEREAS**, the Series 2021 Notes mature on April 29, 2022; and

**WHEREAS**, the Council finds and determines that the City should retire the Series 2021 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) costs of issuance of the bonds.

Section 2. The bonds shall be dated approximately August 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 principal payment on the bonds is 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 2021 Notes and pay costs of issuance of the 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 2022," 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 the Director of Finance 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 Director of Finance’s 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, 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 2021 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: \_\_\_\_\_  
Jon Hoover, Clerk of Council