



May 10, 2022

TO: Council Members
Mayor Molnar
Directors
Staff
Media

From: Clerk of Council

RE: **AGENDA – Work Session & Regular Meeting: Thursday, May 12, 2022**
“Council Office Hours” with Councilor Tulley: 6:15pm
Work Session: 6:45pm
Northfield-Macedonia Cemetery Annual Meeting: 7:00pm
Council Meeting: 7:30pm

I. ROLL CALL

II. PLEDGE OF ALLEGIANCE BY MAYOR NICHOLAS MOLNAR

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

Thursday, April 28, 2022 – Public Hearing

Thursday, April 28, 2022 – Regular Council Meeting

IV. PUBLIC COMMENTS

V. CORRESPONDENCE

VI. PENDING &/OR NEW LEGISLATION

ORD.NO. 25 - 2022 [J. GARVAS, V. VENTURA]

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A REAL ESTATE PURCHASE AGREEMENT FOR THE REAL PROPERTY KNOWN AS PERMANENT PARCEL NO. 33-11015 FOR THE AMOUNT OF \$625,000, AND APPROPRIATING THAT AMOUNT

1st Read 4-5-2022
2nd Read 4-28-2022
3rd Read

RES.NO. 35 - 2022 [J. BRANDT, J. TULLEY]

A RESOLUTION AUTHORIZING THE DISPOSITION OF CERTAIN MUNICIPAL PROPERTY BY THE PARKS AND RECREATION DEPARTMENT OF THE CITY OF MACEDONIA IN ACCORDANCE WITH OHIO REVISED CODE SECTION 721.15

1st Read
2nd Read
3rd Read

ORD.NO. 36 - 2022 [J. GARVAS, D. FINLEY]

AN EMERGENCY ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$580,000, TO RETIRE 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 CROSSINGS/GOLDEN LINK SHOPPING CENTER, TOGETHER WITH ALL NECESSARY APPURTENANCES AND RELATED IMPROVEMENTS THERETO

1st Read
2nd Read
3rd Read

ORD.NO. 37 - 2022 [J. TULLEY]

AN EMERGENCY ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE CONSTRUCTION, INSTALLATION, AND IMPROVEMENT OF A CERTAIN "RIGHT-IN RIGHT-OUT" ACCESS DRIVE INTO AND OUT OF THE CROSSINGS/GOLDEN LINK SHOPPING CENTER WITHIN THE CITY OF MACEDONIA, ALTOGETHER WITH THE NECESSARY APPURTENANCES THERETO

1st Read
2nd Read
3rd Read

VII. MOTIONS/OTHER LEGISLATIVE ACTION

VIII. MAYOR'S REPORT

IX. COMMITTEE REPORTS

X. DEPARTMENT REPORTS

Service Department:	Director Daniel Wilson
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 [J. TULLEY, V. VENTURA]

May

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

***Public Comment for those not able to attend in-person at the May 12th Council Meeting should be sent to Clerk of Council Jon Hoover at jhoover@macedonia.oh.us . Public comment must be received no later than the close of business on May 11th, 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

May							2022
Sunday	Monday	Tuesday	Wednesday	Thursday	Friday	Saturday	
1	2	3 Mayor's Court	4	5	6	7 Longwood Manor Ladies Tea	
8	9	10 Mayor's Court	11	12 City Council Work Session Cemetery Annual Board Meeting City Council Meeting	13	14 City-wide Garage Sale	
15 City-wide Garage Sale	16 Planning Commission	17 Mayor's Court	18 Parks & Recreation Commission Board of Zoning Appeals	19	20	21 Family Fishing Day	
22	23	24 Mayor's Court Longwood Manor Historical Society Meeting	25	26 City Council Work Session City Council Meeting	27	28	
29	30 Memorial Day	31 Mayor's Court					

Record of Proceedings

Public Hearing

April 28, 2022

1 Presiding Officer, Mayor Nicholas Molnar called the April 28th Public Hearing to order at 7:15 p.m.

2
3 **Present:** Council members Jessica Brandt, Dave Finley, Jeff Garvas, Jan Tulley and Vini J.
4 Ventura. Also present: Law Director Mark Guidetti and Clerk of Council Jon Hoover
5
6

7 **PURPOSE OF HEARING:**

8
9 **ORD. NO. 25-2022**

10 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A REAL ESTATE PURCHASE
11 AGREEMENT FOR THE REAL PROPERTY KNOWN AS PERMANENT PARCEL NO. 33-11015
12 FOR THE AMOUNT OF \$625,000, AND APPROPRIATING THAT AMOUNT
13

14 Relative to ORD. NO. 22-2025, the Mayor referenced the Future Growth Committee from years prior
15 which had developed future plans for the City, many of which had not yet been implemented. Recently,
16 the Mayor has taken up some of those plans including the mural on Route 82 underneath the 271
17 overpass, as well as the ‘welcome’ signs when people enter the City. One of the bigger plans includes the
18 purpose of this public hearing, which is the purchase of property on Valley View Road next to Park
19 Avenue, to serve as a town center district. Over time, there has been a lot of interest in the property, but
20 the City has no control over what happens on the property, as long as it conforms to the zoning. After an
21 assessment of the property came in at \$675,000, the Mayor has had preliminary negotiations with the
22 property owner for a sale at \$625,000. By making this purchase, the City has leverage over what goes in
23 at the property. The key to this is taxpayer contributed dollars are not being used to buy this property.
24 Rather, the sale of the property at the former Bedford Anodizing site would be invested in this purchase.
25

26 **PUBLIC COMMENTS:**

27
28 ~ **Lori Byrne** e-mailed the Clerk of Council expressing support for the purchase of the land, but
29 expressed reservation of the land being an extension of the retail chains on Route 82 and would like the
30 focus to be on local businesses.
31

32 The Mayor expressed his intention is to have the “mom and pop”-type establishments in this space, not
33 the big box stores, per se.
34

35 ~ **Scott Wallenhorst, 8451 Redwood Ct., (member of the Planning Commission)** is 100% in favor of
36 this land purchase. He thinks it would be a great addition to the City, would be well-used, and thinks the
37 vision for the area being a “downtown” district and gathering place near the City Center is a great idea.
38

39 Ms. Brandt highlighted the proximity of the proposed “downtown” area to residential areas, and stated
40 that many of the big box chain stores located on or near the highways are geared towards those traveling
41 through the City on their way to somewhere else. This proposed area would be a pointed development
42 towards serving the people of Macedonia. She also stated that buying this property does not guarantee
43 that the City will develop it, but does give the City the ability to begin talking about developing the
44 property.
45

46 The Mayor added that this is only the first huge step in working towards fulfilling the vision of the Future
47 Growth Committee.
48

49 Mr. Garvas added that even if the City decides not to develop something on the site, there is the option
50 down the road to sell the property, perhaps at a profit. He encouraged residents to still give their input as
51 Council will likely not be taking action until the next Council meeting on May 12.
52

53 There being no further comment, Ms. Tulley moved, second by Mr. Garvas, to adjourn the Public
54 Hearing. The motion passed unanimously by a voice vote and the Public Hearing was adjourned at
55 approximately 7:27p.m.
56
57
58
59
60
61
62
63

Record of Proceedings

Public Hearing

April 28, 2022

64 Approved: _____

65

66

67

68 Mayor: _____

69 Nicholas Molnar

70

Attest: _____

Jon Hoover, Clerk of Council

Record of Proceedings
Regular Council Meeting
April 28th, 2022

1 Presiding Officer, Mayor Nicholas Molnar called the April 28th, 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: Law Director Mark Guidetti and Clerk of Council Jon Hoover.
6

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

10 **PROCLAMATION:** The Mayor read a proclamation declaring April 28, 2022 as Nordonia High School
11 Wrestling Day. Nordonia wrestlers Jeremy Olszko and Israel Petite were in attendance along with Coach
12 Jason Lara.
13

14 **APPROVAL OF MINUTES:**

15
16 Ms. Brandt moved, second by Mr. Garvas, to approve the minutes of the regular meeting of March 24,
17 2022 and the special meeting of April 5, 2022 as received from the Clerk of Council. The motion carried
18 unanimously upon a voice vote.
19

20 **PUBLIC COMMENTS:** None
21

22 **CORRESPONDENCE:** None
23

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

25
26 **ORDINANCE NO. 25-2022**

27 AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A REAL ESTATE PURCHASE
28 AGREEMENT FOR THE REAL PROPERTY KNOWN AS PERMANENT PARCEL NO. 33-11015
29 FOR THE AMOUNT OF \$625,000, AND APPROPRIATING THAT AMOUNT was offered by Mr.
30 Garvas for **second reading by title only**. Seconded by Mr. Ventura.
31

32 **RESOLUTION NO. 27-2022**

33 A RESOLUTION AUTHORIZING THE DIRECTOR OF PARKS AND RECREATION TO PREPARE
34 PLANS, BIDS, AND DESIGN SPECIFICATIONS, AND FURTHER AUTHORIZING THE MAYOR
35 TO ADVERTISE FOR BIDS, TO ENTER INTO A CONTRACT FOR THE CITY OF MACEDONIA
36 RECREATION CENTER FLOORING REMODEL PROJECT was offered by Ms. Brandt for **first,**
37 **second and third reading by title only**. Seconded by Mr. Finley. The motion carried unanimously by a
38 voice vote.
39

40 Dir. Chadock explained this resolution allows for the bidding on replacing the main flooring, along with
41 various other areas of the Recreation Center, to begin.
42

43 Ms. Brandt moved, second by Mr. Finley, to **adopt RES.NO. 27-2022 and post the same according to**
44 **law**. Motion carried unanimously by a voice vote. **RES.NO. 27-2022 declared and adopted.**
45

46 **RESOLUTION NO. 28-2022**

47 A RESOLUTION AUTHORIZING THE CITY ADMINISTRATION TO PREPARE PLANS, BIDS
48 AND SPECIFICATIONS, AND FURTHER AUTHORIZING THE MAYOR TO ADVERTISE FOR
49 BIDS, FOR A REPLACEMENT FIRE ALARM/JAIL DOOR CONTROL SYSTEM WITHIN CITY
50 HALL was offered by Ms. Tulley for **first, second and third reading by title only**. Seconded by Mr.
51 Ventura. The motion carried unanimously by a voice vote.
52

Record of Proceedings
Regular Council Meeting
April 28th, 2022

53 Chief Ripley explained this would allow for the replacement of the fire alarm system within the City
54 Center, which currently has false alarms on a monthly basis. It also controls all of the doors within the
55 jail, and when the alarm goes off an alert is given to dispatch workers' earpieces every 10-30 seconds
56 which is disturbing to their work. The current alarm system has been in place 26 years and this is a
57 necessary upgrade.

58
59 Ms. Tulley moved, second by Mr. Ventura, to **adopt RES.NO. 28-2022 and post the same according to**
60 **law.** Motion carried unanimously by a voice vote. **RES.NO. 28-2022 declared and adopted.**

61
62 **RESOLUTION NO. 29-2022**

63 A RESOLUTION AUTHORIZING THE MAYOR TO TAKE SUCH STEPS NECESSARY TO APPLY
64 FOR 2022 PROGRAM FUNDING FROM THE OHIO DEPARTMENT OF NATURAL RESOURCES
65 FOR THE "LONGWOOD PARK MULTI-USE TRAIL PROJECT" was offered by Ms. Brandt for **first,**
66 **second and third reading by title only.** Seconded by Mr. Garvas. The motion carried unanimously by a
67 voice vote.

68
69 Dir. Gigliotti stated this legislation authorizes the grant application only at this time, and if successful, the
70 City would move forward with the project.

71
72 The Mayor added this grant would be for \$500,000 and referenced the map displayed in Council
73 Chambers of the park area.

74
75 Ms. Brandt elaborated that these trails would be outside of the woods and go around the perimeter of the
76 north half of the park and the fishing pond, would be paved and wide enough for all.

77
78 Ms. Brandt moved, second by Mr. Garvas, to **adopt RES.NO. 29-2022 and post the same according to**
79 **law.** Motion carried unanimously by a voice vote. **RES.NO. 29-2022 declared and adopted.**

80
81 **RESOLUTION NO. 30-2022**

82 A RESOLUTION AUTHORIZING THE DISPOSITION OF CERTAIN MUNICIPAL PROPERTY BY
83 THE CITY OF MACEDONIA POLICE DEPARTMENT IN ACCORDANCE WITH CITY OF
84 MACEDONIA CODIFIED ORDINANCE § 121.05 AND OHIO REVISED CODE § 721.15 was offered
85 by Mr. Ventura for **first, second and third reading by title only.** Seconded by Mr. Finley. The motion
86 carried unanimously by a voice vote.

87
88 The Mayor stated this legislation allows for the auctioning of a high-mileage K-9 vehicle.

89
90 Mr. Ventura moved, second by Mr. Finley, to **adopt RES.NO. 30-2022 and post the same according to**
91 **law.** Motion carried unanimously by a voice vote. **RES.NO. 30-2022 declared and adopted.**

92
93 **RESOLUTION NO. 31-2022**

94 A RESOLUTION CONFIRMING THE APPOINTMENT BY THE MAYOR OF DR. KENNETH D.
95 VARIAN AS THE REPRESENTATIVE OF THE CITY OF MACEDONIA TO THE SUMMIT
96 COUNTY BOARD OF HEALTH was offered by Mr. Finley for **first, second and third reading by title**
97 **only.** Seconded by Ms. Tulley. The motion carried unanimously by a voice vote.

98
99 The Mayor stated the previous representative for the City to the Summit County Board of Health
100 resigned, and Dr. Varian is a very impressive physician to take the role.

101
102 Mr. Finley moved, second by Ms. Tulley, to **adopt RES.NO. 31-2022 and post the same according to**
103 **law.** Motion carried unanimously by a voice vote. **RES.NO. 31-2022 declared and adopted.**

104
105 **ORDINANCE NO. 32-2022**

Record of Proceedings
Regular Council Meeting
April 28th, 2022

106 AN EMERGENCY ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CONTRACT
107 WITH TIM LALLY CHEVROLET FOR THE PURCHASE OF FOUR (4) CHEVROLET TAHOES
108 FOR THE CITY POLICE DEPARTMENT IN AN AMOUNT NOT TO EXCEED \$248,000.00
109 WITHOUT THE NECESSITY OF ADVERTISEMENT AND FORMAL BIDDING was offered by Mr.
110 Ventura for **first, second and third reading by title only**. Seconded by Mr. Garvas. The motion carried
111 unanimously by a voice vote.

112
113 Chief Golden explained these would be new supervisory vehicles that are large enough to carry preferred
114 equipment. This legislation allows the Police Department to get in line for the vehicles, but it is unknown
115 at this time when the vehicles will be available.

116
117 Mr. Ventura moved, second by Mr. Garvas, to **adopt ORD.NO. 32-2022 and post the same according**
118 **to law**. Motion carried unanimously by a voice vote. **ORD.NO. 32-2022 declared and adopted.**

119
120 **ORDINANCE NO. 33-2022**
121 AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO COMPLETE AND
122 EXECUTE THE PRELIMINARY LEGISLATION AND AGREEMENTS AS MANDATED BY ODOT
123 FOR PROJECT SUM-HIGHLAND/VALLEY VIEW ROAD PID NO. 113161 was offered by Ms.
124 Tulley for **first, second and third reading by title only**. Seconded by Mr. Finley. The motion carried
125 unanimously by a voice vote.

126
127 Dir. Gigliotti stated this gets the process started on the project at the intersection of Highland and Valley
128 View Roads. The project would create left and right turn lanes in all four directions and new high-tech
129 traffic signals to aid in flow through the intersection. Construction is scheduled for 2025.

130
131 Ms. Tulley moved, second by Mr. Finley, to **adopt ORD.NO. 33-2022 and post the same according to**
132 **law**. Motion carried unanimously by a voice vote. **ORD.NO. 33-2022 declared and adopted.**

133
134 **RESOLUTION NO. 34-2022**
135 A RESOLUTION AMENDING RESOLUTION NO. 30-2021 RELATIVE TO THE COMPENSATION
136 FOR THE POSITION OF CLERK OF COUNCIL was offered by Mr. Garvas for **first, second and third**
137 **reading by title only**. Seconded by Ms. Brandt. The motion carried unanimously by a voice vote.

138
139 Ms. Brandt stated Mr. Hoover has passed the probationary period of one year and hopes this resolution
140 shows Council's appreciation of his work.

141
142 Mr. Garvas moved, second by Ms. Brandt, to **adopt RES.NO. 34-2022 and post the same according to**
143 **law**. Motion carried unanimously by a voice vote. **RES.NO. 34-2022 declared and adopted.**

144
145 **MOTIONS / OTHER LEGISLATIVE ACTION:**

146
147 Mr. Garvas moved, second by Ms. Brandt to **cancel the June 23, July 14 and August 11, 2022 regular**
148 **Council meetings for summer recess**. Motion carried unanimously by a voice vote.

149
150 **MAYOR'S REPORT**

151
152 ~Welcome to Daniel Wilson, the new Service Director. Two new, versatile plow trucks have
153 arrived after waiting two years. Mr. Ventura commended Service Supervisor Dzurnak and the
154 Mayor for their work in getting these vehicles in service as quickly as they did.
155 ~ The Mayor thanked Mr. Dzurnak on the tremendous job he's done in the Interim Director role.
156 ~Happy Birthday to Council President Jessica Brandt!
157 ~Welcome to the Junior City Council. The wish is for more youth and student involvement in
158 local government. Many residents of all ages are not aware of how important local government is

Record of Proceedings
Regular Council Meeting
April 28th, 2022

159 to their daily lives. In attendance were Vice President Taylor Root, Nolah Walton and Vincent
160 Milianta, who were invited to say a few words and provided the following mission statement:
161 “Our objective is to provide a greater understanding of the Macedonia City Council’s
162 responsibilities and role in our community, to our peers and other adolescents. Currently there is
163 a noticeable disconnect between the public’s knowledge and collaboration, more so in the
164 younger generations, when it relates to our City Council and political representation in our City.
165 We believe that by increasing adolescent participation it will allow for stronger government
166 relations and the beginning of a more powerful political future.”
167 . Ms. Tulley stated she would like the Junior City Council to work with and provide input for the
168 Future Growth Committee.
169 ~Mayor’s Court revenue for March 2022 was \$38,504.80
170 ~Don’t drive distracted—put the phones down and drive the car. Ms Tulley requested that
171 drivers of vehicles properly utilize their turn signals.

172
173 **COMMITTEE REPORTS**

174
175 **Parks & Recreation Commission:** Ms. Brandt reported the last Commission meeting was on
176 Wednesday, April 20 at the Recreation Center and discussion was had over the floor remodeling and park
177 trails. Ms. Brandt reminded residents that they can become lifeguards at the Recreation Center at the age
178 of 15. The next meeting will be on May 18, 2022 at 6pm in the Recreation Center.

179
180 **Cemetery Board:** Ms. Tulley reported the next meeting will take place on Thursday, May 12 in Council
181 chambers.

182
183 **JEDD** Mr. Garvas reported the JEDD Board met on April 5 and discussed, among other things, the
184 property behind the Great Escape, the new build on the former Golden Corral site, drainage on the
185 property behind Tacos Mexicanos, and entrance/exit locations for a potential new Meijer store on Route
186 82 behind the Spitzer business. Mr. Garvas further explained what the JEDD is to the Junior Council.

187
188
189 **DEPARTMENT REPORTS**

190
191 **Service Department:** Service Supervisor Dzurnak – The Service Department has been doing restorations,
192 finishing up mailbox repairs, patching, and mowing. Please give Service vehicles and personnel space
193 while performing work on or near the roads. Dir. Wilson has started in his position this week. Mr. Finley
194 asked about free mulch for the residents as has been done in the past and whether there will be any this
195 year, to which the Mayor responded the company that was used in the past for this no longer does it. Mr.
196 Dzurnak stated they are looking into other options to continue this program, but it is proving difficult.

197
198 **Engineer:** Director Gigliotti- The Highland Road resurfacing project is tentatively scheduled to begin on
199 May 23. Traffic delays are expected during the work period, and affected properties will be alerted in
200 advance of the work.

201
202 **Parks and Recreation Department:** Director Chadock – Welcomed Dir. Wilson and thanked Mr.
203 Dzurnak for his work over the last several months. Springfest took place the previous weekend, and
204 spring sports are in full swing. The Parks and Recreation Department are in summer staff hiring mode
205 and soon plan to visit Nordonia High School during lunch to find seasonal help. Starting lifeguard pay
206 has been increased to \$12/hour and training is provided in the hopes of filling open positions.
207 Summerfest planning is underway, and will take place on June 10-11.

208
209 **Finance Department:** Director Veres – Reminder to residents that the RITA refund deadline is Friday,
210 July 15. Thanked Mr. Dzurnak for the work he has done in the interim director role the last few months.

211

Record of Proceedings
Regular Council Meeting
April 28th, 2022

212 **Fire Department:** Chief Ripley – Welcomed Dir. Wilson, and thanked Mr. Dzurnak for the work he has
213 done. A Civil Service test will be administered on May 18 for the position of full-time
214 firefighter/paramedic. The Department is always accepting part-time applications for
215 firefighter/paramedic.

216
217 **Police Department:** Chief Golden – Welcomed Dir. Wilson and thanked Mr. Dzurnak for his work.
218 Hoping to finish the remodeling in the Police Department on Friday, April 29.

219
220 **Building Department:** Commissioner Rodic – Provided a status update on a number of projects
221 including the Phase II buildout of Peak Nano, structural steel for Optima Dermatology is going up, and
222 approval for demolition of the former Golden Corral building. The agenda has been set for the next BZA
223 and Planning Commission meetings. The Planning Commission will entertain final approval application
224 for Don Basch Jewelers, sign application for IHOP, and a request for site and architectural approval for a
225 large project on Empire Parkway.

226
227 The Mayor elaborated that the building on Empire Parkway is the former site of Bedford Anodizing and
228 is to house a 300,000 square foot distribution warehouse. This is Phase 1 of 3 for this comprehensive
229 plan for multiple distribution buildings, which will bring employees and tax dollars to the community.

230
231 **HR Department:** Director Smith – Thanked Mr. Dzurnak for his work over the last several months. HR
232 has attended two job fairs over the last few weeks in the hopes of attracting applicants for the Parks &
233 Recreation and Service Departments. Also working with a program called JOGs (Jobs for Ohio
234 Graduates) and Jobs & Family Services to implement an apprenticeship program through the Service
235 Department to help recruit the next generation of employees. Letters will also be sent out in the future for
236 the September Health Fair.

237
238 **IT Department:** Director Collins – Welcomed Dir. Wilson. Generator testing took place and backup
239 batteries were ordered and received for dispatch stations. The last of the printers ordered months ago
240 have also been received. Staged hardware for the 10gig link between the City and Recreation Centers,
241 with installation scheduled for Tuesday, May 3 and hopefully completed within the week. Council
242 meetings are now being livestreamed through Community Focus as well as Microsoft Teams.

243
244 **Law Department:** Director Guidetti – No report

245
246
247 **UNFINISHED BUSINESS:** None

248
249 **NEW BUSINESS:** Ms. Tulley thanked the Akron Beacon Journal for their recent coverage of the
250 Nardonía area, which included the ranking of Nardonía schools at #76 in the State of Ohio. The Greater
251 Akron sports awards finalists were announced and include bowlers Grace Bzdafka, Kolbey Lewin, Kyle
252 Drazil, Bryce Lewin, Matt Willis, and wrestler Jeremy Olszko.

253
254 Ms. Brandt reminded residents to vote at the Primary Election on Tuesday, May 3 if they have not
255 already. Issue 10 on the ballot poses the question of whether Council can meet virtually in the event of a
256 health or weather emergency. Issue 10 will appear on all Macedonia voter ballots, regardless of whether
257 a political party is declared.

258
259 Ms. Brandt moved, second by Mr. Garvas, to **enter into executive session pursuant to Ohio Revised**
260 **Code Section 121.22(G)(2) to consider the purchase of property for public purposes.** Motion carried
261 unanimously by a roll call vote.

262
263 At 8:46p.m. Council reconvened into its regular meeting.

264

Record of Proceedings
Regular Council Meeting
April 28th, 2022

265 There being no further business, Mr. Finley moved, second by Ms. Tulley, to **adjourn the meeting**. The
266 motion passed **unanimously** pursuant to a voice vote and the meeting was adjourned at approximately
267 8:46p.m.
268

269

270 **Date:** _____

271

272

273

Attest: _____

274

Jon Hoover, Clerk of Council

275

276

277 **Mayor:** _____

278

Nicholas Molnar

279

ORIGINATOR: ADMINISTRATION

SPONSOR: Garvas

**CITY OF MACEDONIA, OHIO
ORDINANCE NO. 25 - 2022**

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A REAL ESTATE PURCHASE AGREEMENT FOR THE REAL PROPERTY KNOWN AS PERMANENT PARCEL NO. 33-11015 FOR THE AMOUNT OF \$625,000, AND APPROPRIATING THAT AMOUNT

WHEREAS, the Mayor and Council desire to purchase approximately 3.85 acres of real property having a current address of 9735 Valley View Road and bearing P.P.N. 33-11015 for the amount of \$625,000 for public purposes; and

WHEREAS, Council further desires to appropriate the amount of \$625,000 for such purchase, said amount being determined reasonable upon appraisal of said property.

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 hereby and herein authorized and directed to enter into a real estate purchase contract with J&J Valley Development, L.L.C. for the purchase of the real property with the current address of 9735 Valley View Road, Macedonia, Ohio 44056 and known as P.P.N. 33-11015, for an amount not to exceed \$625,000 plus miscellaneous closing costs.

Section 2. 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.

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

PASSED: _____

EFFECTIVE: _____

POSTED: _____

MAYOR: _____
Nicholas Molnar

ATTEST: _____
Jon Hoover, Clerk of Council

ORIGINATOR: PARKS AND RECREATION DIRECTOR

SPONSOR: Brandt

**CITY OF MACEDONIA
RESOLUTION NO. 35 -2022**

**A RESOLUTION
AUTHORIZING THE DISPOSITION OF CERTAIN MUNICIPAL PROPERTY BY THE
PARKS AND RECREATION DEPARTMENT OF THE CITY OF MACEDONIA IN
ACCORDANCE WITH OHIO REVISED CODE SECTION 721.15**

WHEREAS, the Parks and Recreation Department of the City of Macedonia is in possession of certain property owned by the City that is no longer needed for public use, or is obsolete or unfit for the use for which it was acquired; and

WHEREAS, City Codified Ordinance Section 121.05 as well as Section 721.15 of the Ohio Revised Code provides for the disposition of personal municipal property including machinery, equipment, tools or supplies no longer needed for public use, or obsolete or unfit for the use for which it was acquired, including the disposition of such property via internet auction to be authorized by the legislative authority of the municipal corporation; and

WHEREAS, Council desires to dispose of such municipal property by way of internet auction pursuant to City Codified Ordinance Section 121.05 and Ohio Revised Code Section 721.15; and

WHEREAS, Council deems it necessary and in the best interest to the health, safety and welfare of all City residents to dispose of such municipal property by internet auction.

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

Section 1. Certain municipal property that is currently in the possession of the City Parks and Recreation Department, for which the Director recommends disposition by internet auction after having determined that such property is no longer needed for public use, or is obsolete or unfit for the use for which it was acquired, is itemized in the document attached hereto and incorporated herein by reference as Exhibit "A."

Section 2. Upon review of the information provided by the City Parks and Recreation Department and its Director, Council hereby authorizes the sale of the property set forth in Exhibit "A" by internet auction, such property being no longer needed for public use, or obsolete or unfit for the use for which it was acquired.

Section 3. The sale of the property shall be conducted by the Parks and Recreation Director through the following internet auction website:

GovDeals
100 Capital Commerce Blvd., Suite 110
Montgomery, AL 36117
www.govdeals.com

Section 4. The municipal property sold by internet auction shall be available for public bid for a minimum of fifteen (15) calendar days, including Saturdays, Sundays and legal holidays, shall be allotted for bidding, and the property may have minimum reserve pricing as determined by the Parks and Recreation Director.

Section 5. To the extent such property not sold at internet auction and thus has no value, such property may be discarded or salvaged.

Section 6. It is found and determined that all the formal action of this Council concerning and relating to the adoption of the Resolution was adopted in an open meeting of this Council, and that all deliberations of the Council, and any of its committees that resulted in such formal actions were in meetings open to the public in compliance with all legal requirements.

Section 7. Wherefore, this Resolution 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: _____
Jon Hoover, Clerk of Council

EXHIBIT "A"

Fitness Auction Items				
Make	Machine	Serial Number for Console	Age	Anticipated Price
Pecore	Elliptical 2	AXGEL14060001	2006	\$200
Pecore	Elliptical 7	AXGEL 2506003	2006	\$200
Pecore EFX	Elliptical 3	IKA07Q0033	2002	\$100
Pecore EFX	Elliptical 4	DCJ08N0029	1999	\$100
Pecore EFX	Elliptical 8	I2A29R0006	2003	\$500
Cybox Arctrainer	Elliptical 9	10131626AT242N	?	\$500

ORIGINATOR: ADMINISTRATION

SPONSOR: Garvas

**CITY OF MACEDONIA
ORDINANCE NO. 36 -2022**

AN EMERGENCY ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF BONDS IN THE MAXIMUM AGGREGATE PRINCIPAL AMOUNT OF \$580,000, TO RETIRE 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 CROSSINGS/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 to construct a right-in right-out access road off of State Route 8 to provide ingress and egress to the Crossings/Golden Link Shopping Center, together with all necessary appurtenances and related improvements thereto (the "Project"); 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 the issuance of bonds, to (a) pay the property owners' portion of the costs, in anticipation of the levy and collection of special assessments, related to the Project, and (b) 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, in accordance with Ordinance No. 23-2022, passed on March 24, 2022, the Council authorized, and the City issued, its \$580,000 Tax-Exempt Street Improvement Special Assessment General Obligation (Limited Tax) Bond Anticipation Notes, Series 2022 (the "Series 2022 Note") to retire the Series 2021 Notes and pay costs of issuance of the Series 2022 Notes; and

WHEREAS, the Series 2022 Notes mature on October 27, 2022; and

WHEREAS, this Council finds and determines that the City should retire, together with other money of the City available for the purpose, the Series 2022 Notes by the issuance of bonds in an aggregate principal amount not to exceed \$580,000 (the "Bonds"); and

WHEREAS, the Director of Finance, as fiscal officer of this City, has certified to this Council that the estimated life of the Project is at least five years and has further certified the maximum maturity of the Bonds;

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

Section 1. Definitions and Interpretations. In addition to the words and terms elsewhere defined in this ordinance, unless the context or use clearly indicates another or different meaning or intent:

“Authorized Denominations” means the denomination of \$100,000 or any integral multiple of \$1,000 in excess of \$100,000.

“Bond proceedings” means, collectively, this ordinance, the Certificate of Award, and such other proceedings of the City, including the Bonds, that provide collectively for, among other things, the rights of holders and beneficial owners of the Bonds.

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

“Bond Registrar” means the initial authenticating agent, bond registrar, transfer agent and paying agent for the Bonds appointed pursuant to Section 4 until a successor Bond Registrar shall have become such pursuant to the provisions of the Registrar Agreement and, thereafter, “Bond Registrar” shall mean the successor Bond Registrar.

“Book-entry form” or “book-entry system” means a form or system under which (a) the ownership of book-entry interests in Bonds and the principal of and interest on Bonds may be transferred only through a book-entry, and (b) physical Bond certificates in fully registered form are issued by the City only to a Depository or its nominee as registered owner, with the Bonds deposited with and maintained in the custody of the Depository or its agent. The book-entry maintained by others than the City is the record that identifies the owners of book-entry interests in those Bonds and that principal and interest.

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

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

“Code” means the Internal Revenue Code of 1986, the Regulations (whether temporary or final) under that Code or the statutory predecessor of that Code, and any amendments of, or successor provisions to, the foregoing and any official rulings, announcements, notices, procedures and judicial

determinations regarding any of the foregoing, all as and to the extent applicable. Unless otherwise indicated, reference to a Section of the Code includes any applicable successor section or provision and such applicable Regulations, rulings, announcements, notices, procedures and determinations pertinent to that Section.

“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 book-entry interests in Bonds or the principal of and interest on Bonds, and to effect transfers of Bonds, in book-entry form, and includes The Depository Trust Company (a limited purpose trust company), New York, New York.

“Interest Payment Dates” means June 1 and December 1 of each year during which the Bonds are outstanding, commencing on the first such date set forth in the Certificate of Award.

“Original Purchaser” means the purchaser or purchasers as may be designated by the Director of Finance in the Certificate of Award as provided in Section 6.

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

“Principal Payment Dates” means December 1 in each of the years determined by the Director of Finance in accordance with Section 3(b).

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

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

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 of this ordinance. Reference to a Section means a section of this ordinance unless otherwise indicated.

Section 2. Authorized Principal Amount and Purpose. It is necessary to issue bonds of this City in a maximum aggregate principal amount of \$580,000 (the “Bonds”) to (a) retire the Series 2022 Notes, and (b) pay costs of issuance of the Bonds.

Subject to the limitations set forth in this ordinance, the aggregate principal amount of the Bonds to be issued, taking into account any original issue discount and/or original issue premium on the sale of the Bonds, the principal maturities of and principal payment schedule for the Bonds, the interest rate or rates that the Bonds shall bear and certain other terms and provisions of the Bonds identified in this ordinance are subject to further specification or determination in the Certificate of Award upon the finalization of the terms and provisions of the Bonds.

Section 3. Denominations; Dating; Principal and Interest Payment and Redemption Provisions. The Bonds shall be designated as “Street Improvement Special Assessment General Obligation Bonds, Series 2022” or such other designation as set forth in the Certificate of Award. The Bonds shall be issued in one lot and only as fully registered bonds, in Authorized Denominations, but in no case as to a particular maturity date exceeding the principal amount maturing on that date. The principal amount of the Bonds to be issued shall be determined by the Director of Finance in the Certificate of Award, having due regard to the best interest of and financial advantages to the City. The Bonds shall be dated as of the Closing Date, or such other date as may be established by the Director of Finance in the Certificate of Award.

(a) **Interest Rates and Payment Dates.** The Bonds shall bear the rate or rates of interest per year (computed on the basis of a 360-day year consisting of twelve 30-day months), as specified by the Director of Finance in the Certificate of Award. Interest on the Bonds shall be payable on each Interest Payment Date until the principal amount has been paid or provided for. The Bonds shall bear interest from the most recent date to which interest has been paid or provided for or, if no interest has been paid or provided for, from their date. The true interest cost on the Bonds shall not exceed 5% per annum.

(b) **Principal Payment Schedule.** The Bonds shall mature serially or annually on such dates and in such principal amounts as is fixed by the Director of Finance in the Certificate of Award. Consistent with the provisions of this Section 3(b) and in accordance with that officer’s determination of the best interest of and financial advantages to the City, the Director of Finance shall specify in the Certificate of Award (i) the aggregate principal amount of Bonds to be issued, (ii) the aggregate principal amount of Bonds to be issued as Serial Bonds, the Principal Payment Dates on which those Bonds shall be stated to mature and the principal amount of those Bonds that shall be stated to mature on each such Principal Payment Date, and (iii) the aggregate principal amount of Bonds to be issued as Term Bonds, the Principal Payment Date or Dates on which those Bonds shall be stated to mature, the principal amount of the Bonds that shall be stated to mature on each such Principal Payment Date, the Principal Payment Date or Dates on which Term Bonds shall be subject to mandatory sinking fund redemption (“Mandatory Redemption Dates”) and the principal amount of those Term Bonds that shall be payable pursuant to Mandatory Sinking Fund Redemption Requirements on each Mandatory Redemption Date.

(c) **Payment of Debt Charges.** The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Bond Registrar as paying agent. Principal of and any premium on the Bonds shall be payable when due upon presentation and surrender of the Bonds at the office of the Bond Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person’s address appearing, on the Bond Register at the close of business on the 15th day of the calendar month next preceding that Interest Payment Date (the “Regular Record Date”). Any interest not timely paid (the “Defaulted Interest”) shall cease to be payable to the person who is the Holder as of the Regular Record Date and shall be payable to the person who is the Holder at the close of business on a special record date for the payment of such defaulted interest. Such Special Record Date (the “Special Record Date”) shall be fixed by the Council whenever moneys become available for payment of the Defaulted Interest, and the Bond Registrar

shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefor to be mailed, first class postage prepaid, not less than 10 days prior thereto to each Holder at its address as it appears on the Bond Register. The principal and interest on the Bonds is payable in lawful money of the United States of America without deduction for the services of the Bond Registrar. Notwithstanding the foregoing, if and so long as the Bonds are issued in a book-entry system, principal of and interest and any premium on the Bonds shall be payable in the manner provided in any agreement entered into by the Director of Finance, in the name and on behalf of the City, in connection with the book-entry system.

(d) Redemption Provisions. Except as otherwise provided in the Certificate of Award consistent with the determination by the Director of Finance of the best interest of and financial advantages to the City, the Bonds shall be subject to redemption prior to stated maturity as follows:

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

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

The City shall have the option to deliver to the Bond Registrar for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current or any subsequent Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City, as specified by the Director of Finance, for Term Bonds stated to mature on the same Principal Payment Date as the Term Bonds so delivered. That option shall be exercised by the City on or before the 30th day preceding any Mandatory Redemption Date with respect to which the City wishes to obtain a credit, by furnishing the Bond Registrar a certificate, signed by the Director of Finance, setting forth the extent of the credit to be applied with respect to the then current or any subsequent Mandatory Sinking Fund Redemption Requirement for Term Bonds stated to mature on the same Principal Payment Date as the Term Bonds so delivered. If the certificate is not timely furnished to the Bond Registrar, the current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current or any subsequent Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation), as specified by the Director of Finance, also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the applicable Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Bond Registrar, to the extent not applied theretofore as a credit against any Mandatory Sinking Fund Redemption Requirement, for

Term Bonds stated to mature on the same Principal Payment Date as the Term Bonds so redeemed or purchased and canceled.

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

(ii) Optional Redemption. If determined in the Certificate of Award to be in the best interest of and financially advantageous to the City, the Bonds or portions of the Bonds as designated and set forth in the Certificate of Award shall be subject to prior redemption by and at the sole option of the City, in whole or in part on any date, in integral multiples of \$5,000 at the optional redemption dates and at the redemption prices (expressed as a percentage of the principal amount redeemed) specified in the Certificate of Award plus, in each case, accrued interest to the redemption date, provided the highest redemption price shall not be greater than 103%; and provided, further that any Bonds not redeemed shall be in Authorized Denominations.

If optional redemption of Term Bonds at a redemption price exceeding 100% of the principal amount to be redeemed is to take place as of any Mandatory Redemption Date applicable to those Term Bonds, the Term Bonds, or portions of those Term Bonds, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Term Bonds of the same maturity to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements. Bonds to be redeemed pursuant to this paragraph shall be redeemed only upon written notice from the Director of Finance to the Bond Registrar, given upon the direction of this Council by adoption of a resolution or passage of an ordinance. That notice shall specify the redemption date and the principal amount of each maturity of Bonds to be redeemed, and shall be given to the Bond Registrar at least 45 days prior to the redemption date or such shorter period as shall be acceptable to the Bond Registrar.

(iii) Partial Redemption. If fewer than all of the outstanding Bonds are called for redemption at one time, they may be called in any order of their maturities, and if fewer than all Bonds of a single maturity are to be redeemed, the selection of Bonds to be redeemed, or portions of the Bonds in Authorized Denominations, shall be made by lot by the Bond Registrar in any manner which the Bond Registrar may determine. In the case of a partial redemption of Bonds by lot when Bonds of denominations greater than the Authorized Denominations are then outstanding, each Authorized Denomination shall be treated as though it were a separate Bond of an Authorized Denomination. If it is determined that one or more, but not all of the Authorized Denominations of principal amount represented by a Bond are to be called for redemption, then upon notice of redemption of Authorized Denominations unit or units, the registered owner of that bond shall surrender the Bond to the Bond Registrar (A) for payment of the redemption price of the Authorized Denomination unit or units called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (B) for issuance, without charge to the registered owner of that Bond, of a new Bond or Bonds of any Authorized Denominations or denominations in an aggregate principal

amount equal to the unmatured and unredeemed portion of, and bearing interest at the same rate and maturing on the same date as, the Bond surrendered.

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

(v) Payment of Redeemed Bonds. In the event that notice of redemption shall have been given by the Bond Registrar to the registered owners as provided above, there shall be deposited with the Bond Registrar on or prior to the redemption date, moneys that, in addition to any other moneys available therefor and held by the Bond Registrar, will be sufficient to redeem at the redemption price thereof, plus accrued interest to the redemption date, all of the redeemable Bonds for which notice of redemption has been given. Notice having been mailed in the manner provided in the preceding paragraph of this ordinance, the Bonds and portions of the Bonds called for redemption shall become due and payable on the redemption date, and, subject to the provisions of Section 3(c), upon presentation and surrender of those Bonds at the place or places specified in that notice, shall be paid at the redemption price, plus accrued interest to the redemption date. If moneys for the redemption of all of the Bonds and portions of the Bonds to be redeemed, together with accrued interest thereon to the redemption date, are held by the Bond Registrar on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as described above, then from and after the redemption date those Bonds and portions of those Bonds called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If those moneys shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as described above, those Bonds and portions of those Bonds shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All moneys held by the Bond Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners of those Bonds and shall be paid to them, respectively, upon presentation and surrender of those Bonds, provided that any interest earned on the moneys so held by the Bond Registrar shall be for the account of and paid to the City to the extent not required for the payment of the Bonds called for redemption.

Section 4. Execution and Authentication of Bonds; Appointment of Bond Registrar. The Bonds shall be signed by the Mayor and the Director of Finance, in the name of the City and in their official capacities, provided that either or both of those signatures may be a facsimile. In the absence of the Mayor, the Bonds must be signed by the President of Council and, in the absence of Director of Finance, the Bonds must be signed by the Deputy Director of Finance. The Bonds shall be issued in the Authorized Denominations and numbers as requested by the Original Purchaser and approved by the Director of Finance, shall be numbered as determined by the Director of Finance in order to distinguish each Bond from any other Bond, and shall express upon their faces the purpose, in

summary terms, for which they are issued and that they are issued pursuant to Chapter 133 of the Revised Code, the Charter of the City, this ordinance and the Certificate of Award.

The Director of Finance is appointed to act as the Bond Registrar. If required by the Original Purchaser, the Director of Finance may choose a bank or trust company to act as Bond Registrar. In that case, the Director of Finance shall sign and deliver, in the name and on behalf of the City, a Bond Registrar Agreement between the City and the Registrar (the "Agreement"). The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Agreement from the proceeds of the Bonds to the extent available and then from other moneys lawfully available and appropriated or to be appropriated for that purpose.

Section 5. Registration; Transfer and Exchange; Book-Entry System.

(a) Bond Registrar. So long as any of the Bonds remain outstanding, the City will cause the Bond Registrar to maintain and keep the Bond Register. Subject to the provisions of Section 3(c) and Section 6, the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of the Bond proceedings. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Bond Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

(b) Transfer and Exchange. Subject to any requirements of book-entry form during any period in which the Bonds are in book-entry form, any Bond may be (i) exchanged for Bonds of any Authorized Denomination upon presentation and surrender at the office of the Bond Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar, and (ii) transferred only on the Bond Register upon presentation and surrender of the Bond at the office of the Bond Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Bond Registrar. Upon exchange or transfer the Bond Registrar shall complete, authenticate and deliver a new Bond or Bonds of any Authorized Denomination or Denominations requested by the owner equal in the aggregate to the unmaturing principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Bond Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Bond Registrar shall authenticate and deliver Bonds in accordance with the provisions of the Bond proceedings. The exchange or transfer shall be without charge to the owner, except that the City and Bond Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Bond Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under the Bond proceedings

as the Bonds surrendered upon that exchange or transfer. Neither the City nor the Bond Registrar shall be required to make any exchange or transfer of (i) Bonds then subject to call for redemption between the 15th day preceding the mailing of notice of Bonds to be redeemed and the date of that mailing, or (ii) any Bond selected for redemption, in whole or in part.

(c) Book-Entry System. Notwithstanding any other provisions of this ordinance, if the Director of Finance determines in the Certificate of Award that it is in the best interest of and financially advantageous to the City, the Bonds may be issued in book-entry form in accordance with the following provisions of this Section.

The Bonds may be issued to a Depository for use in a book-entry system and, if and so long as a book-entry system is utilized, (i) the Bonds may be issued in the form of a single, fully registered Bond representing each maturity and registered in the name of the Depository or its designated nominee, as registered owner, and deposited with and retained in the custody of the Depository or its agent, which may be the Bond Registrar; (ii) the owners of book-entry interests in Bonds shall not have any right to receive Bonds in the form of physical securities or certificates; (iii) ownership of book-entry interests in Bonds shall be shown by book-entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of book-entry interests shall be made only by book-entry by the Depository and its Participants; and (iv) the Bonds 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 Bonds 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 book-entry interest owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Bonds from the Depository, and shall cause Bond certificates in registered form to be authenticated by the Bond Registrar 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 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 Bonds, including the execution of a Blanket Issuer Letter of Representations in the form utilized by The Depository Trust Company.

Section 6. Sale of the Bonds. The Bonds shall be sold at private sale to a financial institution or other entity or person in a private placement and shall be awarded by the Director of Finance to the entity noted in the Certificate of Award (the “Original Purchaser”) at a purchase price not less than 97% of the aggregate principal amount of the Bonds plus any accrued interest on the Bonds from their date to the Closing Date, as shall be determined by the Director of Finance in the Certificate of Award, and shall be awarded by the Director of Finance with and upon such other terms as are required or authorized by this ordinance to be specified in the Certificate of Award, in accordance with law and the provisions of this ordinance. The Director of Finance may enter into a bond purchase or similar agreement with the Original Purchaser.

The Director of Finance shall sign and deliver the Certificate of Award and shall cause the Bonds to be prepared and signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Bonds, 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, each are 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 proceeds from the sale of the Bonds, except the accrued interest or any premium received by the City on the sale of the Bonds, shall be paid into the proper fund and used for the purpose for which the Bonds are being issued under the provisions of this ordinance and may be used to pay those certain costs set forth in Section 133.15(B), Ohio Revised Code; any such costs also may be paid out of any other lawfully available moneys of the City 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 Bonds are paid. The accrued interest and any premium received by the City shall be paid into the Bond Retirement Fund to be applied to the payment of the principal and interest of the Bonds in the manner provided by law.

Section 7. Provisions for Tax Levy. For the purpose of providing the necessary funds to pay the interest on the foregoing issue of Bonds promptly when and as the same falls due, and also to provide a fund sufficient to pay the principal of the Bonds when due, there shall be levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding in an amount sufficient to pay the debt charges on the Bonds when due, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Ohio Constitution. 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 Bonds when and as the same fall due. However, in each year the amount of such tax shall be reduced by the amount of (a) lawfully available special assessments to be applied to the payment of the debt charges on the Bonds, and (b) municipal income taxes appropriated and to be applied to the payment of the debt charges on the Bonds in compliance with the following covenant. To the extent necessary, the debt charges on the Bonds shall be paid from municipal income taxes lawfully available therefor under the Constitution and laws of the State of Ohio; and the City covenants, subject and pursuant to such authority, including particularly Sections 133.05(B)(7) and 5705.51(A)(5) and (D) of the Revised Code, to appropriate annually from such municipal income taxes such amounts, and to continue to levy and collect such municipal income taxes in such amounts, as are necessary to meet such annual debt charges.

Section 8. Federal Tax Considerations. The City covenants that it will restrict the use of the proceeds of the Bonds in such manner and to such extent, if any, as may be necessary so that the Bonds will not constitute arbitrage bonds under Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"). The Director of Finance, as the fiscal officer, or any other officer

of the City having responsibility for the issuance of the Bonds shall give an appropriate certificate of the City, for inclusion in the transcript of proceedings for the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on the Bonds.

The City further covenants that it (a) will take or cause to be taken such actions that may be required of it for the interest on the Bonds to be and remain excluded from gross income for federal income tax purposes, and (b) will not take or authorize to be taken any actions that 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 Bonds 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 those 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 are authorized and directed to take any and all actions, make calculations and rebate payments, and make or give reports and certifications, as may be appropriate to assure such exclusion of that interest.

Each covenant made in this section with respect to the Bonds is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Bonds (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 Bonds 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 Bonds.

Section 9. Qualified Tax-Exempt Obligations. The Bonds are designated as “qualified tax-exempt obligations” for purposes of Section 265(b)(3) of the Code and to the extent any portion of the Bonds are not so deemed designated, the Director of Finance may so designate such portion in the Certificate of Award. The City covenants that the City, having no “subordinate entities” with authority to issue obligations within the meaning of that Section of the Code, in or during the calendar year in which the Bonds are issued, (i) will not designate as “qualified tax-exempt obligations” for purposes of Section 265(b)(3) of the Code tax-exempt obligations, including the Bonds, in an aggregate principal amount in excess of \$10,000,000 and (ii) will not issue tax-exempt obligations within the meaning of Section 265(b)(4) of the Code, including the Bonds (but excluding any qualified 501(c)(3) bonds as defined in Section 145 of the Code and any obligations that are private activity bonds as defined in Section 141 of the Code), in an aggregate principal amount exceeding \$10,000,000, unless the City receives an opinion of nationally recognized bond counsel that such designation or issuance, as applicable, will not cause the Bonds to cease to be “qualified tax-exempt obligations.”

Section 10. Certification and Delivery of Ordinance and Certificate of Award. The Clerk of Council is directed to deliver promptly a certified copy of this ordinance and a signed copy of the Certificate of Award to the County Fiscal Officer.

Section 11. Satisfaction of Conditions for Bond Issuance. This Council determines that all acts and conditions necessary to be performed by the City or to have been met precedent to and in the

issuing of the Bonds 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 Bonds 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 7) of the City are pledged for the timely payment of the debt charges on the Bonds; that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Bonds; and that the Bonds are being authorized and issued pursuant to Chapter 133 of the Revised Code, the Charter of the City, this ordinance, the Certificate of Award, and other authorizing provisions of law.

Section 12. Retention of Bond Counsel and Financial Advisor. In connection with the issuance of the Bonds, the legal services of Calfee, Halter & Griswold LLP, as bond counsel, are retained. 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 this City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, any county, municipality or other political subdivision, or of this City, or the execution of public trusts. Furthermore, in connection with the issuance of the Bonds, the Director of Finance is authorized to retain the financial advisory services of MAS Financial Advisory Services LLC, and the execution of such letter or agreement in connection therewith as that officer determines to be appropriate and in the best interest of the City is authorized, ratified and approved. In rendering those financial advisory services, as an independent contractor and in a financial advisor-client relationship, that entity shall not exercise any administrative discretion on behalf of this City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, any county, municipality or other political subdivision, or of this City, or the execution of public trusts.

Section 13. Compliance with Open Meeting Requirements. 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 committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 14. Effective Date. This ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this ordinance is required to be immediately effective in order to retire the Series 2022 Notes and preserve the credit of the City and to promptly sell the Bonds to take advantage of current market rates; 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

ORIGINATOR: ADMINISTRATION

SPONSOR: Tulley

**CITY OF MACEDONIA
ORDINANCE NO. 37-2022**

AN EMERGENCY ORDINANCE LEVYING SPECIAL ASSESSMENTS FOR THE CONSTRUCTION, INSTALLATION, AND IMPROVEMENT OF A CERTAIN “RIGHT-IN RIGHT-OUT” ACCESS DRIVE INTO AND OUT OF THE CROSSINGS/GOLDEN LINK SHOPPING CENTER WITHIN THE CITY OF MACEDONIA, ALTOGETHER WITH THE NECESSARY APPURTENANCES THERETO.

WHEREAS, this Council previously adopted Resolution No. 61A-2019 on July 11, 2019 (“Resolution of Necessity”), declaring the necessity of making the improvements (“Improvement”) described in Section 1 which Improvement has been completed and the final cost thereof has been determined; and

WHEREAS, Council deems it necessary to levy the final special assessments for the Improvement;

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

Section 1. The special assessments for the cost and expense of constructing, improving, and installing a certain “right-in right-out” access drive into and out of the Crossings/Golden Link Shopping Center, altogether with the necessary appurtenances thereto, including but not limited to related signage, all as provided for and described in, and pursuant to, the Resolution of Necessity, amounting in aggregate to \$545,120.21 (not less any statutory amount for which the political subdivision is responsible), which were filed and are on file with the Clerk of Council, are adopted and confirmed. Those special assessments are levied and assessed upon the lots and lands provided for in the Resolution of Necessity in the respective amounts set forth in the schedule of special assessments on file, which special assessments are in proportion to the special benefits and are not in excess of any statutory limitation.

Section 2. This Council finds and determines that the special assessments do not exceed the actual cost of the Improvement or the limits set forth in the Resolution of Necessity.

Section 3. The special assessment against each lot or parcel of land shall be payable in cash or by check within 30 days after the passage of this ordinance, or at the option of the owner in twenty (20) year semi-annual installments with interest at the same rate and for the same period as the bonds, which interest rate is determined by this Council to be substantially equivalent to the fair market rate that would have been borne by bonds issued in anticipation of the collection of special assessments if those bonds had been issued by the City. All cash payments shall be made to the City of Macedonia Director of Finance. All special assessments remaining unpaid at the expiration

of those 30 days shall be certified by the Clerk of Council to the County Auditor as provided by law to be placed on the tax duplicate and collected as taxes are collected.

Section 4. The Clerk of Council shall cause a notice of the passage of this Ordinance to be published once in a newspaper of general circulation in this City and shall keep on file in the office of the Clerk of Council the special assessments.

Section 5. The Clerk of Council shall deliver a certified copy of this Ordinance to the County Auditor within 20 days after its passage.

Section 6. The Council finds and determines that all formal actions of this Council relating to the adoption of this Ordinance have been taken at open meetings of this Council; and that deliberations of this Council and of its committees, resulting in such formal action, took place in meetings open to the public, in compliance with all statutory requirements including the requirements of Section 121.22 of the Ohio Revised Code.

SECTION 7. This Ordinance is hereby declared to be an emergency measure immediately necessary for the health, safety and welfare of the residents of the City of Macedonia, Ohio and for the further reason that the levy of the special assessments may be immediately effective so that any such assessments may be timely paid and any such special assessments may be timely certified to the County Auditor for timely collection in order to allow the City to make timely payments under its fiscal obligations and agreements funding construction of the Improvement and thereby preserve its credit. It shall, therefore, take effect immediately upon the passage by the affirmative vote of not less than four (4) members elected to Council and approval by the Mayor or otherwise at the earliest time allowed by law.

PASSED: _____

EFFECTIVE: _____

POSTED: _____

MAYOR: _____
Nicholas Molnar

ATTEST: _____
Jon Hoover, Clerk of Council