

**VILLAGE OF OAKWOOD
FINANCE MEETING**

July 12, 2022

AGENDA

6:00 pm

-
1. Call meeting to order
 2. Pledge of Allegiance
 3. Roll Call

Mayor	~ Gary V. Gottschalk
Law Director	~ Jim Climer/Ross Cirincione
Finance Director	~ Brian Thompson
Council President	~ Johnnie A. Warren
Council At Large	~ Elaine Y. Gaither
Councilman Ward 1	~ Chris Callender
Councilperson Ward 2	~ Eloise Hardin
Councilperson Ward 3	~ Paggie Matlock
Councilperson Ward 4	~ Mary Davis
Councilperson Ward 5	~ Candace Williams

Finance Updates

Adjournment

VILLAGE OF OAKWOOD

COUNCIL MEETING

July 12, 2022

7:00 p.m.

AGENDA

1. Call Meeting to Order

2. Pledge of Allegiance

3. Roll Call

Council President	Johnnie A. Warren	Mayor	Gary V. Gottschalk
Council-At-Large	Elaine Y. Gaither	Law Director	James Climer
Ward 1 Councilman	Chris C. Callender	Finance Director	Brian L. Thompson
Ward 2 Councilperson	Eloise Hardin	Service Director	Tom Haba
Ward 3 Councilperson	Paggie Matlock	Fire	Jim Schade
Ward 4 Councilperson	Mary Davis	Police Chief	Mark Garratt
Ward 5 Councilperson	Candace S. Williams	Building Inspector	Daniel Marinucci
		Engineer	Ed Hren
		Recreation Director	Carlean Perez

4. MINUTES –

Motion to approve the minutes from the June 28, 2022, Council meeting

5. Correspondence from Clerk

6. Departmental Reports

MAYOR - GARY GOTTSCHALK

LAW DIRECTOR – JAMES CLIMER

FINANCE DIRECTOR – BRIAN THOMPSON

SERVICE DIRECTOR - TOM HABA

ENGINEER REPORT- ED HREN

FIRE CHIEF – JIM SCHADE

BUILDING INSPECTOR – DANIEL MARINUCCI

HOUSING INSPECTOR – N / A

POLICE CHIEF – MARK GARRATT

RECREATION DIRECTOR – CARLEAN PEREZ

7. **Floor Open for Comments from Village Residents** on meeting agenda and comments in general *Village residents, please state your name, address, and the subject you wish to discuss for the record. Please limit your comments to five (5) minutes. Thank you! Please sign-in to speak*

8. Legislation

Res 2022-41

Introduced by Mayor &

Council as a whole

1st Reading

AN EMERGENCY RESOLUTION ADOPTING THE ALTERNATE FORMAT TAX
BUDGET FOR THE YEAR 2023

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$1,975,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF (i) IMPROVING STREETS AND ROADS IN THE VILLAGE BY RECONSTRUCTING, RESURFACING, GRADING, DRAINING, CURBING, PAVING, CONSTRUCTING STORM SEWERS AND RELATED FACILITIES AND MAKING OTHER IMPROVEMENTS AS DESIGNATED IN THE PLANS APPROVED OR TO BE APPROVED BY COUNCIL, (ii) ACQUIRING, REMODELING, RENOVATING, FURNISHING AND EQUIPPING A BUILDING TO HOUSE VILLAGE SERVICE DEPARTMENT FUNCTIONS AND IMPROVING ITS SITE, (iii) ACQUIRING MOTOR VEHICLES FOR USE BY THE VILLAGE'S POLICE DEPARTMENT, (iv) REMODELING, RENOVATING, INSTALLING LIGHTING AND OTHERWISE IMPROVING THE VILLAGE'S COMMUNITY CENTER, (v) ACQUIRING REAL ESTATE FOR VILLAGE PURPOSE, (vi) ACQUIRING SOLID WASTE AND RECYCLING CONTAINERS FOR USE IN REFUSE COLLECTION AND (vii) RESURFACING FORBES ROAD FROM NORTHFIELD ROAD TO BROADWAY AVENUE IN ACCORDANCE WITH PLANS APPROVED OR TO BE APPROVED BY COUNCIL, AND DECLARING AN EMERGENCY.

9. Adjournment

**VILLAGE OF OAKWOOD
WORK SESSION
AGENDA
July 12, 2022**

1. Call Meeting to order
2. Discussion by Mayor and Department Heads of matters to be brought to the attention of Council if present.
3. Questions of Mayor and Department Heads concerning Legislation or potential Legislation to be considered at future Council meetings.
4. Discussion of items of draft Legislation or potential Legislation to be considered at future Council meetings.

Legislation: Fiscal Officers Certificate Present

Ord 2021-WS-05

Introduced 1-29-2021 by
Mayor & Council as a whole
2021-09 Moved to WS 2-23-21

AN ORDINANCE AUTHORIZING THE ESTABLISHMENT OF AN EXTERIOR
HOME REPAIR ASSISTANCE PROGRAM FOR SINGLE FAMILY PROPERTIES
LOCATED IN THE VILLAGE

Ord 2021-WS-26

Moved to WS 10/26/2021
Ord 2021-70 w/ Planning

AN ORDINANCE ENACTING REGULATIONS OF ELECTRONIC DIGITAL
BILLBOARD SIGNS LOCATED IN THE VILLAGE OF OAKWOOD

Ord 2021-WS-27

Moved to WS 10/26/2021
Ord 2021-71 w/ Planning

AN AMENDED ORDINANCE ENACTING SEVERAL CHANGES TO OAKWOOD
VILLAGE CODIFIED ORDINANCES RELATED TO THE REGULATIONS OF SIGNS
LOCATED WITHIN OAKWOOD VILLAGE

Ord 2022-WS-4

Introduced 5/10/2022

AN EMERGENCY ORDINANCE REAFFIRMING THE PROHIBITIONS AGAINST
DISCHARGING, IGNIGHTING OR EXPLODING FIREWORKS IN THE VILLAGE OF
OAKWOOD AS SET FORTH IN CHAPTER 1519 OF THE CODIFIED ORDINANCES OF
THE VILLAGE NOTWITHSTANDING THE PROVISIONS OF H.B.172

Municipal Complex Hardin

Disaster Recovery Plan Hardin

Human Resources Hardin

Five Year Plan Hardin

5. Matters Deemed Appropriate
6. Adjournment

VILLAGE OF OAKWOOD
COUNCIL MEETING MINUTES
June 28, 2022

ATTENDED

Johnnie Warren-President
Elaine Gaither-Council at Large
Chris Callender-Ward 1
Elosie Hardin-Ward 2
Paggie Matlock-Ward 3
Mary Davis-Ward 4
Candace Williams-Ward 5

Gary Gottschalk-Mayor (late)
Tom Haba-Service
Daniel Marinucci-Building
Jim Climer-Law Director
Mark Garratt-Police
Ed Hren-Engineer
Brian Thompson-Finance

ABSENT

James Schade-Fire
Carlean Perez-Recreation

Meeting opened approximately 7:03 by Warren
Pledge of Allegiance and attendance taken.

Motion to approve the minutes from the June 14, 2022, Council meeting by Gaither; Seconded by Davis
VOTE YES: Warren, Gaither, Callender, Matlock, Davis **ABSTAINED:** Hardin, Williams

Clerk Correspondence:

Morgan: You will find an USB which is the updated codified ordinances through June (2022).

Departmental Reports:

Building Department-Marinucci: From a commercial end, WM is putting in the footers and they are running rapid now. Interstate McBee is coming up now. It's good to see the activity at both sites. And when you drive by the VA, you can see the progress that is being made there. I am still waiting on Kroger. I wish we could get that going faster.

Hardin: Thank you for report for the inspection. **Marinucci:** Just one thing, we filed a lawsuit on one of them in your Ward regarding the painting. We gave them until June. There are two of them and one of them is in court now. **Hardin:** The Mayor told us at the address 23292 Broadway you were going to get something coming in. Is that still coming?

Mayor: The General Title building? **Hardin:** Yes. **Mayor:** No, now it's going to be an interior design company out of Cleveland Heights. **Hardin:** But we'll get something on what it's going to be before it gets there? **Mayor:** Yes.

Matlock: Thank you for the report for Oak Hill. I guess you have everything into legal hands. What is our next course of action? **Marinucci:** No, it's not in legal's hands yet. I went out there personally yesterday and I spoke with the tenant. She's getting kicked out. She has to be out by the end of the month. I told her to go and contact Legal Aid. I had numerous emails and certified letters to the property manager. She won't return phone calls. I sent certified letters to her home that came back unclaimed. As I talk to the tenant, she's been told to move out and she is given the end of the month. **Warren:** May I make a request in that situation? It's very important that you have a report with the tenant. Did you take pictures on the inside? **Marinucci:** I was never in it. **Warren:** Have your inspector go back to that tenant.... Any time I do anything, I take pictures. Especially when it's related to housing or complaint that will be in court. The more pictures you have, the better off we are. One of the things I wanted to mention was to let us get back into that house and let pictures be taken so it will help her to demonstrate the living conditions she is in. In addition, after the pictures, let me know and maybe we should refer this house to the Dept. of Health. I'll find out who to send them to. **Marinucci:** I am not sure I read mold in there but it's 3 pages long. There's a lot in there. **Warren:** They are not buyers, but they are our residents. So, we have to protect them. We have to do the proactive because we don't want somebody else and letting this person know (the owner) if they own more houses in OV, that we're not going to allow people to live in conditions like that. **Marinucci:** This is the LLC in Israel. This is the nightmare. **Warren:** Well, once we take them to the Dept. of Health and in conjunction with the DOH report, it will strengthen our case against them if it comes to that.

Marinucci: I advised her to pay rent to the court and set up an escrow account. (Discussion regarding Aaron's training through Poconio).

Finance-Thompson: I know it's apparent that we have not been able to have scheduled meetings for our finance over the past few months. My department coming into the end of the year, we were challenged into taking a 25-year-old system that we had to move into a new software. It's been a huge learning curve for me and my staff and getting acclimated to the way the system works. I was preparing to have the meeting tonight, but we finally got a support team from the company we deal with to be onsite today and tomorrow. That is why I made the call today to not have the meeting. Our financials are closed to April. We are working through May. We are about 95% through our issues in terms of the system. I figure about 3-4 week we will include closeout through half the year. I know that will be a challenge because I know after the next meeting, you will go on vacation. That is the timeline I am dealing with. While you are on vacation, we will be through half a year on the reports that you will probably receive electronically. **Warren:** Do you think that by the 12th we can at least be through May? **Thompson:** I can get it through May. **Hardin:** I want to go through these 6 things, the President said you're going to commit. **Thompson:** Yes. **Hardin:** Commit. **Thompson:** Yes. **Hardin:** Commit. **Thompson:** Yes. **Hardin:** Commit to July 14 (corrected to the 12th by Clerk) to May's financials. I was prepared to come and have a special meeting. So, you do know it's imperative that we have it before we go on break. **Thompson:** Yes. **Hardin:** 1) The Engineer is here so maybe he can give me this, but I want a breakdown of the streets that were approved to be on the list for upgrade. **Hren:** It's in the legislation. **Hardin:** I know. I want to know what that number is. I don't remember of the legislation. **Warren:** 40. **Hardin:** I am asking to update the sheet with the indebtedness. Can we have that? And have you set up a line item for the municipal improvement that we've asked for? **Thompson:** That line item is there. **Hardin:** When are we going to conduct a study and move on that? **Thompson:** I have to get the players involved with the Mayor and Engineer. I had some historical when we had to go through that before and you had to go through the architectural plans. Dan mentioned with the new companies coming in for the anticipated new revenue, we'll posture ourselves to be able to go off the market to potentially afford debt service on something like that. I can bring back the new numbers in anticipation of what it would take for the debt service for a new city hall. Maybe we can take a look at some of the information and putting a realistic number down for baby steps of going in that direction. **Hardin:** Okay. And a line item for the surplus rainy-day fund. That's there? **Thompson:** That is always apparent through the general fund balance. We know what some of the goals were in terms of the government finance office association that really looked up in terms of figuring out where we need to be. We are not there yet. I think it was \$1 million we need to be at in anticipation of some of the things going on in the Village. **Hardin:** That ties into what my 4th request is. Will you give it to me in writing what the projected funds are from Kroger? **Thompson:** Okay. **Hardin:** That being said, going back to the rainy-day fund, that should help you expedite some numbers for that. Because if you can project those funds over, at what point do you think we will have a rainy-day fund based on those funds coming in? **Thompson:** I would say 3-5 years to be at the level we need to be at in terms of the government finance office association. **Hardin:** Can I get an updated list of what we spent so far on the summer program? **Thompson:** Okay. **Hardin:** And how did we pay the employees for the Juneteenth holiday? **Thompson:** It's a federal holiday so it was just put in as a holiday just like Christmas and New Year's. (Confusion clarified by Clerk regarding this holiday. Ordinance 2021-41 does read, '...in observance of Juneteenth...a holiday for Village employees to be observed...on the date recognized by the Federal government...' Council was provided a copy of the ordinance to review for possible codification.) **Climer:** *inaudible-quietly speaking* **Hardin:** That's what I have, and you are committed to the finance meeting? **Thompson:** Yes.

Service Dept-Haba: We have been crack sealing the last couple of days. We did about a half a day a couple weeks ago then we got tied up with flowers and other projects. But it was yesterday and today. Today at noon, we finished up Broadway and started on Alexander this afternoon. We probably won't be on it the rest of the week for a couple of reasons. One, July 4th is coming, and we are still trying to beautify a few other things. Another thing, when it gets really hot, you always have the problem of the traffic running over the tar, getting on the tires and kicking it up. The cooler it is the better. We did Broadway, we are on Alexander then Macedonia. If the streak is too bad, it not worth wasting time and money on it. But the main streets so we can get the striping done. **Davis:** Just making a comment; we had two of your beautiful workers to help Chris (Callender) and I clean up Tinker's Creek. We had Aaron and Cameron. They were the most wonderful young men. So respectful and such good workers. They did such a nice job, and they were so accommodating. **Hardin:** What I stated to you privately about Forbes, you are doing a great job, but we are still waiting for the fence to be painted. **Haba:** I talked to the Mayor. **Mayor:** We may be looking at a new fence. **Haba:** That's what we were looking at last year, so we'll see what happens. If we don't get a new fence of whatever is decided in the

next month or so, we'll paint it. Will take us a few days to a week. **Warren:** Well, Mr. Jackson had called and asked me about getting the fence painted. He was happy at the fact that it was done in the couple of days. The one on Broadway with the couple pieces of boards. **Haba:** Yeah, we fixed the boards, and somebody pulled them down a week later. To the Chief, it's been better and hope the cameras are working. We haven't had as much vandalism since the cameras have been there. We had one right after they were. We caught the kids, and we gave them a break. Scared them so they won't do it again. Someone did a real nasty job on the door to the pavilion last night. Hopefully we can catch them.

Engineer-Hren: I am here for any questions you have about the 2 pieces of legislation on the agenda. Specifically, the legislations that will allow me to prepare plans and specs (Res. 2022-35 and Ord. 2022-40). I think we have gone over the Broadway sidewalk project in sufficient detail. The county route road repair program is something that the county will annually pay us for the material cost of working on our county routes. We have a significant number of them in OV (Alexander, Broadway, Columbus, Forbes, Macedonia, Pettibone, Richmond, Solon, and Tryon). This year they awarded us \$92,100 for material costs. So, what we do is we bid the projects and then the county reimburses us for the material cost. The labor costs have to be paid obviously by OV. Some of that is village supplied labor. The crack sealing is obviously done by our crews. They will also pay for the material costs for the striping. That typically the striping materials are not a big component of the overall costs but there is some money is involved. We work with Brian in the finance dept. to have that money reimbursed.

Police-Garratt: Call to call, we are very busy. It's summertime and we're always busier dealing with the problem areas. Sometimes the basketball courts give us a little bit. The Village Community Park, there is always various things that happen. Nothing major but keeping us busy. **Davis:** Have we had anything that our cameras have caught? **Garratt:** A bunch of stuff. It's been amazing. We have already had some good felony arrests already. In fact, if you haven't heard a lot of pursuits. A lot of people running now because we have restricted our pursuing. We have had several pick-ups with the car. Understand we can put you in the car when it left the area for a brief period. Our connections with Cleveland and OSP contact us within minutes, we have identification of the car and the owner just from the flock cameras. **Davis:** My second question is do you think we will need more cameras? **Garratt:** I think we are good right now. We will just keep evaluating. There may be some residential areas that I got my eye on. Maybe one or two at the most, but they are really handy for an overwatch and notifying us when we have potential problems coming into our residential areas. **Hardin:** I don't know if we are going to get to the work session or not, but we have the fireworks legislation still pending. So, there are no changes on how you're going to deal with fireworks this 4th of July? **Garratt:** Well right now there are going to be changes because we won't be able to enforce certain things. The health and safety are our first priority. If we are having issues, we will answer calls like we normally do. We just won't be enforcing violations as we have done in the past. Until we get this whole thing ironed out, maybe you guys look at the restrictions we were looking at doing before. Ordinances down the road here that maybe we can work with the law department a little more restrictive as opposed to the State Law that is in effect right now. For this 4th of July, we will go to all the calls but probably won't be citing or confiscating. **Hardin:** Are we going to have a work session tonight, because it has been on there for quite a while. **Warren:** We could but moving it forward isn't going to help. **Hardin:** I understand; it's too late. **Warren:** And the thing is that there was a conversation that I had with the Mayor and the Police Chief in the passing that instead of rushing, I have all the things that we needed to do. Why don't we see how people respond this first year since it is a State Law. If you're going to come up with a municipal law to take that right away, you have to have some kind of substantiation to base it on. So, it was suggested we see who, what and how things go for this 4th of July and then we will be better prepared to present it to the residents with the backup if there is something that needs to be radically changed. **Garratt:** I don't anticipate anything different than we get every year. **Hardin:** I hope we can get started on it so we will be ready for next year.

Law Director-Climer: No report.

Mayor: I just want to re-recognize both Chris Callender and Mary Davis for their efforts in cleaning up the trash in the Metro Parks on the south Hawthorne Parkway between Richmond Road and the border of OV. The group picked up over 130 lbs. of trash. Are we surprised there is no one with respect for the land or the country? That's quite a bit of trash to pick up so we thank you very much for your efforts. **Davis:** The chickens on Macedonia Road. You said it would be taken care of by July, but our last meeting is the 12th? **Mayor:** No, I will have to meet with him first and give him a notice that if he has not moved them out in 30-45 days, he will be cited, and we will do what we have to do to get the chickens out of there. We already have some nice camera shots of 20 seagulls on the rooftops of some of the houses.

Davis: Do we know when we will be able to give him.... **Mayor:** I want to have enough things together. I don't want to show him that but if he is balking about it, we will have to take action. He was looking at other sites, but there are no other options. They will have to be out of there. **Davis:** The residents are calling and since it's been so hot with 90-100 degrees, it just stinks. **Mayor:** I spoke with one of them in the last few days. **Warren:** Do you think that by next Tuesday, you can get with Mrs. Davis to give her an update of when the meeting is going to be? **Mayor:** Incredibly, the pictures I have received so far are of the seagulls and not the chickens. We need to have the chickens. They are aware of what I want. ***inaudible-several voices*** **Hardin:** This is happening Monday (referring to the July 4th celebration flyer). Are people aware? **Mayor:** They will be Friday on their mailboxes.

Discussion about the removal of items from the work session that are not being discussed and request they be replaced.

Mayor: A couple of quick things, we had our Superintendent of Schools here at the last meeting and from that there was a meeting with some leaders and the Police Chiefs regarding how to make the schools as safe as possible for this fall. I will go over that with you after you come back from your vacation. It is important that we are all on the same page here on this. Secondly, she has offered to have some of her football players hand out 'No Soliciting' signs to residents as we are getting more calls and concerns about people knocking on their doors. **Warren:** It may be a good idea with one of the first questions asked is, 'Do you have a permit?' I think that the requirement that they have the permit with them all the time while they are soliciting. If they don't then that should be a requirement and they can let them know, if they don't have their permit, then the police are going to require you to stop soliciting. **Mayor:** We will have a notice in addition to the no soliciting sign about procedure.

Floor open: No speakers

Floor closed.

Legislation:

Res 2022-35

Introduced by Mayor &
Council as a whole
3rd Reading

A RESOLUTION ACCEPTING A FUNDING AWARD FROM CUYAHOGA COUNTY UNDER THE 2021 COMMUNITY DEVELOPMENT BLOCK GRANT PROGRAM AND AUTHORIZING THE ENGINEER TO BEGIN THE PREPARATIONS OF PLANS AND SPECIFICATIONS AND TO ADVERTISE FOR BIDS FOR THE BROADWAY AVENUE ADA ACCESSIBLE CURB RAMPS AND SIDEWALK PROJECT IN THE VILLAGE OF OAKWOOD AND DECLARING AN EMERGENCY

MOTION TO ADOPT by Hardin; Seconded by Callender

VOTE YES: Warren, Gaither, Callender, Hardin, Matlock, Davis, Williams

MOTION PASSED

Res 2022-36

Introduced by Mayor &
Council as a whole
2nd Reading

A RESOLUTION OF CONDOLENCE TO THE FAMILY OF MARILYN DEQUINCY SILVER-DAVIS

MOTION TO SUSPEND by Gaither; Seconded by Hardin

VOTE YES: Warren, Gaither, Callender, Hardin, Matlock, Davis, Williams

MOTION TO ADOPT by Hardin; Seconded by Davis

VOTE YES: Warren, Gaither, Callender, Hardin, Matlock, Davis, Williams

MOTIONS PASSED

Ord 2022-37

Introduced by Mayor &
Council as a whole
2nd Reading

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A LEASE/PURCHASE AGREEMENT WITH FNB COMMERCIAL LEASING FOR THE ACQUISITION OF TWO POLICE CHEVY TAHOE VEHICLES FOR THE POLICE DEPARTMENT THROUGH THE STATE OF OHIO, DEPARTMENT OF ADMINISTRATIVE SERVICES, STATE PURCHASING PROGRAM AND DECLARING AN EMERGENCY

MOTION TO SUSPEND by Hardin; Seconded by Davis

VOTE YES: Warren, Gaither, Callender, Hardin, Matlock, Davis, Williams

MOTION TO ADOPT by Hardin; Seconded by Callender

VOTE YES: Warren, Gaither, Callender, Hardin, Matlock, Davis **ABSTAINED:** Williams

MOTIONS PASSED

Hardin: When we pass this, that just puts you in line. They're not available. **Garratt:** I am on the list, and I am hoping that in January when cars come in, we can get them. If not, I will come back to you guys and say, 'Hey, we didn't get them.' **Haba:** Last year when we had a little bit of controversy with the vehicles. When we order last August/September, we just got out backhoe yesterday. **Mayor:** We still haven't finished the sewer project at the corner of Richmond and Forbes because of the lack of being able to get the materials. **Hren:** Good news is the last hurdle we had was First Energy indicated they had phase there, but it was the fake 3 phases. So, they finally showed up with the real deal today and they made the transfer. They just now have to flip the switch tomorrow and the project will be completed. Obviously, there is some restoration. It was an ordeal. **Warren:** This was really plaguing. **Hren:** I have to give the residents thank you because they were really patient.

Res 2022-38

Introduced by Mayor &
Council as a whole
1st Reading

A RESOLUTION OF CONDOLENCE TO THE FAMILY OF DEL PATRICE THOMPSON

MOTION TO SUSPEND by Hardin; Seconded by Davis

VOTE YES: Warren, Gaither, Callender, Hardin, Matlock, Davis, Williams

MOTION TO ADOPT by Hardin; Seconded by Davis

VOTE YES: Warren, Gaither, Callender, Hardin, Matlock, Davis, Williams

MOTIONS PASSED**Ord 2022-39**

Introduced by Mayor &
Council as a whole
1st Reading

AN ORDINANCE TO EXEMPT ALL BUSINESS ESTABLISHMENTS WITHIN THE VILLAGE OF OAKWOOD FROM THE CUYAHOGA COUNTY DISPOSABLE BAG BAN, ORDINANCE O2019-0005

MOTION TO SUSPEND by Davis; Seconded by Callender

VOTE YES: Warren, Gaither, Callender, Hardin, Matlock, Davis, Williams

MOTION TO ADOPT by Davis; Seconded by Gaither

VOTE YES: Warren, Gaither, Callender, Hardin, Matlock, Davis **ABSTAINED:** Williams

MOTIONS PASSED

Davis: I wanted to say that when we cleaned Tinker's Creek, we only found a part of one bag out of that 130 lbs. of garbage.

Ord 2022-40

Introduced by Mayor &
Council as a whole
1st Reading

AN EMERGENCY ORDINANCE AUTHORIZING THE VILLAGE ENGINEER TO
PREPARE PLANS AND SPECIFICATIONS TO ADVERTISE FOR BIDS, AND PROCEED
WITH ROAD REPAIRS ON VARIOUS STREETS AND COUNTY ROUTES LOCATED
WITHIN OAKWOOD

MOTION TO SUSPEND by Davis; Seconded by Callender

VOTE YES: Warren, Gaither, Callender, Hardin, Matlock, Davis, Williams

MOTION TO ADOPT by Hardin; Seconded by Gaither

VOTE YES: Warren, Gaither, Callender, Hardin, Matlock, Davis, Williams

MOTIONS PASSED

MOTION TO ADJOURN by Gaither; Seconded by Davis

VOTE YES: Warren, Gaither, Callender, Hardin, Matlock, Davis, Williams

MEETING ADJOURNED @ 7:56pm

Adopted _____

Christine Morgan, Clerk of Council

Elaine Gaither, Acting Council President

RESOLUTION NO. 2022-41

INTRODUCED BY MAYOR AND COUNCIL AS A WHOLE

**AN EMERGENCY RESOLUTION ADOPTING THE
ALTERNATE FORMAT TAX BUDGET FOR THE YEAR
2023**

WHEREAS, a Budget for the Village of Oakwood has been duly prepared as provided by the Village Charter and the laws of the State of Ohio; and

WHEREAS, this Council finds said Budget to be proper and the same should be approved and adopted; and

WHEREAS, Ohio law now permits the Tax Budget to be submitted to the County Budget Commission in an alternate format:

NOW THEREFORE, BE IT RESOLVED by the Council of the Village of Oakwood, County of Cuyahoga, and State of Ohio that:

SECTION 1. The alternate format for the Tax Budget of the Village of Oakwood for the fiscal year beginning January 1, 2023, heretofore prepared by the Mayor and submitted to this Council, be and the same is hereby approved and adopted.

SECTION 2. The Director of Finance be and is hereby authorized and directed to file two copies of said alternate format Tax Budget along with a certified copy of this Resolution, as required by law, with the Budget Commission of Cuyahoga County through the office of the Auditor of Cuyahoga County.

SECTION 3. This Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the inhabitants of the Village, the reason for the emergency being that the same relates to the daily operation of a municipal department and the imminent deadline for budget approval and submissions, therefore, provided it receives two-thirds ($\frac{2}{3}$) of the vote of all members of Council elected thereto, said Resolution shall be in full force and effect immediately upon its adoption by this Council and approval by the Mayor, otherwise from and after the earliest period allowed by law.

PASSED: _____

Christine Morgan, Clerk of Council

Elaine Gaither, Acting President of Council

Presented to the
Mayor _____

Approved: _____

Mayor, Gary V. Gottschalk

I, Christine Morgan, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that the foregoing Resolution No. 2022-41 was duly and regularly passed by this Council at the meeting held on the _____ day of _____, 2022.

Christine Morgan, Clerk of Council

POSTING CERTIFICATE

I, Christine Morgan, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that Resolution No. 2022-41 was duly posted on the _____ day of _____, 2022, and will remain posted for a period of fifteen (15) days thereafter as provided by the Oakwood Village Charter.

Christine Morgan, Clerk of Council

DATED: _____

ORDINANCE NO. 2022-42

INTRODUCED BY MAYOR AND COUNCIL AS A WHOLE

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF NOT TO EXCEED \$1,975,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF (i) IMPROVING STREETS AND ROADS IN THE VILLAGE BY RECONSTRUCTING, RESURFACING, GRADING, DRAINING, CURBING, PAVING, CONSTRUCTING STORM SEWERS AND RELATED FACILITIES AND MAKING OTHER IMPROVEMENTS AS DESIGNATED IN THE PLANS APPROVED OR TO BE APPROVED BY COUNCIL, (ii) ACQUIRING, REMODELING, RENOVATING, FURNISHING AND EQUIPPING A BUILDING TO HOUSE VILLAGE SERVICE DEPARTMENT FUNCTIONS AND IMPROVING ITS SITE, (iii) ACQUIRING MOTOR VEHICLES FOR USE BY THE VILLAGE'S POLICE DEPARTMENT, (iv) REMODELING, RENOVATING, INSTALLING LIGHTING AND OTHERWISE IMPROVING THE VILLAGE'S COMMUNITY CENTER, (v) ACQUIRING REAL ESTATE FOR VILLAGE PURPOSES, (vi) ACQUIRING SOLID WASTE AND RECYCLING CONTAINERS FOR USE IN REFUSE COLLECTION AND (vii) RESURFACING FORBES ROAD FROM NORTHFIELD ROAD TO BROADWAY AVENUE IN ACCORDANCE WITH PLANS APPROVED OR TO BE APPROVED BY COUNCIL, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance Nos. 2009-40, 2009-41, 2009-42, 2009-43, 2009-44, 2009-45 and 2009-46, each passed on September 8, 2009, there were issued \$3,839,000 Various Purpose Notes, Series 2009 (the Series 2009 Notes), in anticipation of bonds of which \$481,500 was for the purpose stated in clause (i) of Section 1 and \$343,500 for the purpose stated in clause (ii) of Section 1, which Series 2009 Notes matured on October 7, 2010; and

WHEREAS, pursuant to Ordinance Nos. 2010-42, 2010-43, 2010-44, 2010-45, 2010-46, 2010-47, 2010-48, 2010-49 and 2010-50, each passed on September 14, 2010, there were issued \$4,845,000 Various Purpose Notes, Series 2010 (the Series 2010 Notes), in anticipation of bonds of which \$1,441,000 was for the purpose stated in clause (i) of Section 1 and \$350,500 for the purpose stated in clause (ii) of Section 1 and, together with other funds available to the Village, was used to retire the Series 2009 Notes, which Series 2010 Notes matured on October 6, 2011; and

WHEREAS, pursuant to Ordinance Nos. 2011-34, 2011-35, 2011-36, 2011-37, 2011-38, 2011-39, 2011-40 and 2011-42, each passed on August 23, 2011, and Ordinance Nos. 2011-41 and 2011-45, each passed on September 13, 2011, there were issued \$5,345,000 Various Purpose Notes, Series 2011 (the Series 2011 Notes), in anticipation of bonds of which \$1,971,000 was for the purpose stated in clause (i) of Section 1 and \$350,500 for the purpose stated in clause (ii) of Section 1 and, together with other funds available to the Village, was used to retire the Series 2010 Notes, which Series 2011 Notes matured on October 4, 2012; and

WHEREAS, pursuant to Ordinance Nos. 2012-63, 2012-64, 2012-65, 2012-66, 2012-67, 2012-68 and 2012-69, each passed on September 25, 2012, there were issued \$2,809,500 Various Purpose Notes, Series 2012-2 (the Series 2012-2 Notes), in anticipation of bonds of which \$1,971,000 was for the purpose stated in clause (i) of Section 1 and \$350,500 for the purpose stated in clause (ii) of Section 1 and, together with other funds available to the Village, was used to retire the Series 2011 Notes, which Series 2012-2 Notes matured on October 2, 2013; and

WHEREAS, pursuant to Ordinance Nos. 2013-33, 2013-34, 2013-35, 2013-36, 2013-37, 2013-38 and 2013-39, each passed on September 10, 2013, there were issued \$2,766,500 Various Purpose Notes, Series 2013 (the Series 2013 Notes), in anticipation of bonds of which \$1,971,000 was for the purpose stated in clause (i) of Section 1 and \$350,500 for the purpose stated in clause (ii) of Section 1 and, together with other funds available to the Village, was used to retire the Series 2012-2 Notes, which Series 2013 Notes matured on September 30, 2014; and

WHEREAS, pursuant to Ordinance Nos. 2014-43, 2014-44, 2014-45, 2014-46, 2014-47, 2014-48 and 2014-49, each passed on September 9, 2014, there were issued \$2,686,500 Various Purpose Notes, Series 2014 (the Series 2014 Notes), in anticipation of bonds of which \$1,951,000 was for the purpose stated in clause (i) of Section 1 and \$340,500 for the purpose stated in clause (ii) of Section 1 and, together with other funds available to the Village, was used to retire the Series 2013 Notes, which Series 2014 Notes matured on September 24, 2015; and

WHEREAS, pursuant to Ordinance Nos. 2015-44 and 2015-45, each passed on August 25, 2015, there were issued \$2,621,500 Various Purpose Notes, Series 2015 (the Series 2015 Notes), in anticipation of bonds of which \$1,916,000 was for the purpose stated in clause (i) of Section 1, \$325,500 for the purpose stated in clause (ii) and \$55,000 was for the purpose stated in clause (iii) of Section 1 and, together with other funds available to the Village, was used to retire the Series 2015 Notes, which Series 2015 Notes matured on September 22, 2016; and

WHEREAS, pursuant to Ordinance No. 2016-46, passed on September 14, 2016, there were issued \$2,491,500 Various Purpose Notes, Series 2016 (the Series 2016 Notes), in anticipation of bonds of which \$1,871,000 was for the purpose stated in clause (i) of Section 1, \$310,500 for the purpose stated in clause (ii) and \$55,000 was for the purpose stated in clause (iii) of Section 1 and, together with other funds available to the Village, was used to retire the Series 2015 Notes, which Series 2016 Notes matured on September 21, 2017; and

WHEREAS, pursuant to Ordinance No. 2017-31, passed on August 22, 2017, there were issued \$2,346,500 Various Purpose Notes, Series 2017 (the Series 2017 Notes), in anticipation of bonds of which \$1,831,000 was for the purpose stated in clause (i) of Section 1, \$295,500 for the purpose stated in clause (ii) and \$55,000 was for the purpose stated in clause (iii) of Section 1 and, together with other funds available to the Village, was used to retire the Series 2016 Notes, which Series 2017 Notes matured on September 20, 2018; and

WHEREAS, pursuant to Ordinance No. 2018-44, passed on August 28, 2018, and Ordinance Nos. 2018-49, 2018-50, 2018-51 and 2018-52, each passed on September 4, 2018, there were issued \$2,335,000 Various Purpose Notes, Series 2018 (the Series 2018 Notes), in anticipation of bonds of

which \$1,861,000 was for the purpose stated in clause (i) of Section 1, \$280,000 for the purpose stated in clause (ii), \$55,000 was for the purpose stated in clause (iii), \$40,000 was for the purpose stated in clause (iv), \$35,000 was for the purpose stated in clause (v) and \$30,000 was for the purpose stated in clause (vi) of Section 1 and, together with other funds available to the Village, was used to retire the Series 2017 Notes, which Series 2018 Notes matured on September 19, 2019; and

WHEREAS, pursuant to Ordinance No. 2019-53, passed on August 27, 2019, there were issued \$2,200,000 Various Purpose Notes, Series 2019 (the Series 2019 Notes), in anticipation of bonds of which \$1,725,000 was for the purpose stated in clause (i) of Section 1, \$265,000 for the purpose stated in clause (ii), \$55,000 was for the purpose stated in clause (iii), \$40,000 was for the purpose stated in clause (iv), \$35,000 was for the purpose stated in clause (v) and \$30,000 was for the purpose stated in clause (vi) of Section 1 and, together with other funds available to the Village, was used to retire the Series 2018 Notes, which Series 2019 Notes matured on September 17, 2020; and

WHEREAS, pursuant to Ordinance No. 2020-69, passed on August 25, 2020, and Ordinance No. 2020-73, passed on August 27, 2020, there were issued \$2,130,000 Various Purpose Notes, Series 2020 (the Series 2020 Notes), in anticipation of bonds of which \$1,655,000 was for the purpose stated in clause (i) of Section 1, \$250,000 for the purpose stated in clause (ii), \$45,000 was for the purpose stated in clause (iii), \$40,000 was for the purpose stated in clause (iv), \$35,000 was for the purpose stated in clause (v), \$30,000 was for the purpose stated in clause (vi) and \$50,000 was for the purpose stated in clause (vii) of Section 1 and, together with other funds available to the Village, was used to retire the Series 2019 Notes, which Series 2020 Notes matured on September 16, 2021; and

WHEREAS, pursuant to Ordinance No. 2021-55, passed on August 24, 2021, there were issued \$1,975,000 Various Purpose Notes, Series 2021 (the Outstanding Notes), in anticipation of bonds of which \$1,560,000 was for the purpose stated in clause (i) of Section 1, \$225,000 for the purpose stated in clause (ii), \$35,000 was for the purpose stated in clause (iii), \$40,000 was for the purpose stated in clause (iv), \$35,000 was for the purpose stated in clause (v), \$30,000 was for the purpose stated in clause (vi) and \$50,000 was for the purpose stated in clause (vii) of Section 1 and, together with other funds available to the Village, was used to retire the Series 2020 Notes, which Outstanding Notes mature on September 15, 2022; and

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

WHEREAS, the Director of Finance, as fiscal officer of the Village, has certified to this Council that the estimated life or period of usefulness of the improvements described in Section 1 is at least five years, the estimated maximum maturity of not to exceed \$335,000 of the Bonds described in clause (i) of Section 1 is 11 years, not to exceed \$775,000 of the Bonds described in clause (i) of Section 1 is 12 years, not to exceed \$420,000 of the Bonds described in clause (i) of Section 1 is 13 years and not to exceed \$30,000 of the Bonds described in clause (i) of Section 1 is 15 years, the Bonds described in clause (ii) of Section 1 is 16 years, the Bonds described in clause (iii) of Section 1 is two years, the Bonds described in clause (iv) of Section 1 is 20 years, the Bonds described in clause (v) of Section 1 is 30 years, the Bonds described in clause (vi) of Section 1 is five years and the Bonds described in clause (vii) of Section 1 is 15 years, and the maximum maturity of the Notes

described in Section 3, to be issued in anticipation of not to exceed \$335,000 of the Bonds described in clause (i) of Section 1 and the Bonds described in clause (ii) of Section 1 is October 7, 2029, in anticipation of not to exceed \$775,000 of the Bonds described in clause (i) of Section 1 is October 6, 2030, in anticipation of not to exceed \$420,000 of the Bonds described in clause (ii) of Section 1 is October 5, 2031, in anticipation of the Bonds described in clause (iii) of Section 1 is September 23, 2025, in anticipation of not to exceed \$30,000 of the Bonds described in clause (i) and the Bonds described in clauses (iv) and (v) of Section 1 is September 19, 2038, in anticipation of the Bonds described in clause (vi) of Section 1 is September 19, 2028, and in anticipation of the Bonds described in clause (vii) of Section 1 is September 16, 2040;

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

Section 1. Authorized Principal Amount of Anticipated Bonds; Purpose. It is necessary to issue bonds of the Village in an aggregate principal amount not to exceed \$1,975,000 (the Bonds) for the purpose of paying costs of (i) improving streets and roads in the Village by reconstructing, resurfacing, grading, draining, curbing, paving, constructing storm sewers and related facilities and making other improvements as designated in the plans approved or to be approved by Council, together with the necessary related improvements and appurtenances thereto (not to exceed \$1,560,000), (ii) acquiring, remodeling, renovating, furnishing and equipping a building to house Village Service Department functions and improving its site (not to exceed \$225,000), (iii) acquiring motor vehicles for use by the Village's Police Department, together with the necessary appurtenances thereto (not to exceed \$35,000), (iv) remodeling, renovating, installing lighting and otherwise improving the Village's Community Center (not to exceed \$40,000), (v) acquiring real estate for Village purposes (not to exceed \$35,000), (vi) acquiring solid waste and recycling containers for use in refuse collection (not to exceed \$30,000) and (vii) resurfacing Forbes Road from Northfield Road to Broadway Avenue in accordance with plans approved or to be approved by Council, together with the necessary related improvements and appurtenances thereto (not to exceed \$50,000).

Section 2. Estimated Bond Terms. The Bonds shall be dated approximately September 1, 2023, shall bear interest at the now estimated rate of 6% per year, payable semiannually until the principal amount is paid, and are estimated to mature in 12 annual principal installments on August 1 of each year that are in such amounts that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable are substantially equal. The first interest payment on the Bonds is estimated to be February 1, 2024, and the first principal payment of the Bonds is estimated to be August 1, 2025.

Section 3. Authorized Principal Amount of Notes; Dating; Interest Rate. It is necessary to issue and this Council determines that notes in an aggregate principal amount not to exceed \$1,975,000 (the Notes) shall be issued in anticipation of the issuance of the Bonds and to retire, together with other funds available to the Village, the Outstanding Notes. The Notes shall be dated the date of issuance and shall mature one year from the date of issuance; provided that the Director of Finance may, if it is determined to be necessary or advisable to the sale of the Notes, establish a maturity date that is any date not later than one year from the date of issuance by setting forth that maturity date in the certificate awarding the Notes and signed in accordance with Section 6 (the

Certificate of Award). The Notes shall bear interest at a rate not to exceed 5% per year (computed on the basis of a 360-day year consisting of 12 30-day months), payable at maturity or at any date of earlier prepayment as provided for in Section 4 and until the principal amount is paid or payment is provided for, subject to the paragraph immediately following. The rate of interest on the Notes shall be determined by the Director of Finance in the Certificate of Award.

If requested by the Original Purchaser (as defined in Section 6) and if the Director of Finance has determined it to be in the best interests of and financially advantageous to the Village to participate in the Treasurer of State's Ohio Market Access Program (as described in Section 6(c)), the Notes may provide that, in the event that the Village does not pay or make provision for payment at maturity of the debt charges on the Notes, the principal amount of the Notes shall bear interest at a different rate not to exceed the After Maturity Rate (as defined in the Standby Note Purchase Agreement defined and provided for in Section 6(c)) from the maturity date until the Village pays or makes provision to pay that principal amount.

Section 4. Payment of Debt Charges; Paying Agent; Prepayment. The debt charges on the Notes shall be payable in lawful money of the United States of America or in Federal Reserve funds of the United States of America, as determined by the Director of Finance in the Certificate of Award, and shall be payable, without deduction for services of the Village's paying agent, at the designated corporate trust office of U.S. Bank Trust Company, National Association, or at the designated corporate trust office or other office of a bank or trust company designated by the Director of Finance, after determining that the payment at that bank or trust company will not endanger the funds or securities of the Village and that proper procedures and safeguards are available for that purpose, or at the office of the Director of Finance if agreed to by the Director of Finance and the Original Purchaser (as defined in Section 6) (the Paying Agent). If agreed to by the Original Purchaser, the Notes shall be prepayable without penalty or premium at the option of the Village on or after a date to be determined by the Director of Finance in the Certificate of Award as provided in this Ordinance. Prepayment prior to maturity shall be made by deposit with the Paying Agent of the principal amount of the Notes together with interest accrued thereon to the Prepayment Date. The Village's right of prepayment shall be exercised by mailing a notice of prepayment, stating the Prepayment Date and the name and address of the Paying Agent, by certified or registered mail to the Original Purchaser and to the Paying Agent not less than seven days prior to the Prepayment Date. If money for prepayment is on deposit with the Paying Agent on the Prepayment Date following the giving of that notice, interest on the principal amount prepaid shall cease to accrue on the Prepayment Date, and upon the request of the Director of Finance, the Original Purchaser to use its best efforts to arrange for the delivery of the Notes at the designated office of the Paying Agent for prepayment, surrender and cancellation.

Section 5. Execution of Notes; Book Entry System. The Notes shall be signed by the Mayor and the Director of Finance, in the name of the Village and in their official capacities, provided that one of those signatures may be a facsimile. The Notes shall be issued in the denominations and numbers as requested by the Original Purchaser and approved by the Director of Finance, provided that no Note shall be issued in a denomination less than \$100,000. The entire principal amount may be represented by a single note and may be issued as fully registered securities (for which the Director of Finance will serve as note registrar) and in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Revised Code if it is determined by the Director of Finance

that issuance of fully registered securities in that form will facilitate the sale and delivery of the Notes. The Notes shall not have coupons attached, shall be numbered as determined by the Director of Finance and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Ordinance. As used in this Section and this Ordinance:

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

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

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

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

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

The Director of Finance is also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the book entry system

for the Notes, after determining that the signing thereof will not endanger the funds or securities of the Village.

Section 6. Award and Sale of the Notes.

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

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

(c) Ohio Market Access Program. If the Director of Finance determines in the Certificate of Award for it to be in the best interest of and financially advantageous to the Village, the Village shall participate in the Treasurer of State's Ohio Market Access Program.

The Standby Note Purchase Agreement (Standby Note Purchase Agreement) and Paying Agent Agreement (Paying Agent Agreement) are hereby authorized in the forms presented to this Council with such changes not materially adverse to the Village as may be approved by the officers of the Village executing the Standby Note Purchase Agreement and Paying Agent Agreement. The Village acknowledges the agreement of the Treasurer of State in the Standby Note Purchase Agreement that, in the event the Village is unable to repay the principal amount and accrued and unpaid interest of the Notes at their maturity, whether through its own funds or through the issuance of other obligations of the Village, the Treasurer of State agrees (A) to purchase the Notes from the holders or beneficial owners thereof upon their presentation to the Treasurer of State for such purchase at a price of par plus accrued interest to maturity or (B) to purchase renewal notes of the Village in a principal amount not greater than the principal amount of the Notes plus interest due at maturity, with such renewal notes bearing interest at the Renewal Note Rate (as defined in the Standby Note Purchase Agreement), maturing not more than one year after the date of their

issuance, and being prepayable at any time with 30 days' notice, provided that in connection with the Treasurer of State's purchase of such renewal notes the Village shall deliver to the Treasurer of State an unqualified opinion of nationally recognized bond counsel that (i) such renewal notes are the legal, valid and binding general obligations of the Village, and the principal of and interest on such renewal notes, unless paid from other sources, are to be paid from the proceeds of the levy of ad valorem taxes, within the ten-mill limitation imposed by law, on all property subject to ad valorem taxes levied by the Village and (ii) interest on the renewal notes is excluded from gross income for federal income tax purposes under Section 103 of the Internal Revenue Code, as amended, to the same extent that interest on the Notes is so excluded.

The officers signing the Notes are authorized to take all actions that may in their judgment reasonably be necessary to provide for the Standby Note Purchase Agreement, including but not limited to the inclusion of a notation on the form of the Notes providing notice to the holders or beneficial owners of the existence of the Standby Note Purchase Agreement and providing instructions to such holders or beneficial owners regarding the presentation of the Note for purchase by the Treasurer of State at stated maturity.

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

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

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

Section 10. Federal Tax Considerations. The Village covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Internal Revenue Code of 1986, as amended (the Code),

or (ii) be treated other than as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (b) the interest on the Notes will not be an item of tax preference under Section 57 of the Code.

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

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

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

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

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

Section 13. Retention of Bond Counsel. The legal services of Squire Patton Boggs (US) LLP, as bond counsel, be and are hereby retained. The legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the issuance and sale of the Notes and the rendering of the necessary legal opinion upon the delivery of the Notes. In rendering those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of the Village in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the Village or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those legal services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those legal services. The Director of Finance is authorized to provide for the payment of those fees and any reimbursements from the proceeds of the Notes to the extent available and otherwise is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm.

Section 14. Retention of Municipal Advisor. The services of MAS Financial Advisory Services LLC, as municipal advisor, be and are hereby retained. The municipal advisory services shall be in the nature of financial advice and recommendations in connection with the issuance and sale of the Notes. In rendering those municipal advisory services, as an independent contractor, that firm shall not exercise any administrative discretion on behalf of the Village in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the Village or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those municipal advisory services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those municipal advisory services. The Director of Finance is authorized to provide for the payment of those fees and any reimbursements from the proceeds of the Notes to the extent available and otherwise is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm.

Section 15. Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or of any of its committees, and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

Section 16. Captions and Headings. The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

Section 17. Declaration of Emergency; 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 Village, and for the further reason that this Ordinance is required to be immediately effective so that the Notes can be sold and issued at an early date to make their proceeds available to enable the Village to retire the Outstanding Notes and therefor preserve its credit; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

Passed: _____

Christine Morgan, Clerk of Council

Elaine Gaither, Acting President of Council

Presented to the Mayor: _____

Approved: _____

Mayor

I, Christine Morgan, Clerk of Council of the Village of Oakwood, County of Cuyahoga and State of Ohio, do hereby certify that the foregoing Ordinance No. 2022-42 was duly and regularly passed by this Council at the meeting held on the _____ day of _____, 2022.

Christine Morgan, Clerk of Council

POSTING CERTIFICATE

I, Christine Morgan, Clerk of Council of the Village of Oakwood, County of Cuyahoga, and State of Ohio, do hereby certify that Ordinance No. 2022-42 was duly posted on the _____ day of _____, 2022, and will remain posted for a period of fifteen (15) days thereafter as provided by the Oakwood Village Charter.

Christine Morgan, Clerk of Council
Village of Oakwood, Ohio

Date: July 12, 2022

FISCAL OFFICER'S CERTIFICATE

TO THE COUNCIL OF THE VILLAGE OF OAKWOOD, OHIO:


As fiscal officer of the Village of Oakwood, Ohio, I certify in connection with your proposed issue of not to exceed \$1,975,000 of notes (the Notes), to be issued in anticipation of the issuance of bonds (the Bonds), for the purpose of paying costs of (i) improving streets and roads in the Village by reconstructing, resurfacing, grading, draining, curbing, paving, constructing storm sewers and related facilities and making other improvements as designated in the plans approved or to be approved by Council, together with the necessary related improvements and appurtenances thereto (the 2009 Street improvement) (not to exceed \$335,000 of the Notes), (ii) acquiring, remodeling, renovating, furnishing and equipping a building to house Village Service Department functions and improving its site (the 2009 Service Department improvement) (not to exceed \$225,000 of the Notes), (iii) improving streets and roads in the Village by reconstructing, resurfacing, grading, draining, curbing, paving, constructing storm sewers and related facilities and making other improvements as designated in the plans approved or to be approved by Council, together with the necessary related improvements and appurtenances thereto (the 2010 Street improvement) (not to exceed \$775,000 of the Notes), (iv) improving streets and roads in the Village by reconstructing, resurfacing, grading, draining, curbing, paving, constructing storm sewers and related facilities and making other improvements as designated in the plans approved or to be approved by Council, together with the necessary related improvements and appurtenances thereto (the 2011 Street improvement) (not to exceed \$420,000 of the Notes), (v) acquiring motor vehicles for use by the Village's Police Department, together with the necessary appurtenances thereto (the 2015 Vehicle improvement) (not to exceed \$35,000 of the Notes), (vi) remodeling, renovating, installing lighting and otherwise improving the Village's Community Center (the 2018 Community Center improvement) (not to exceed \$40,000 of the Notes), (vii) acquiring real estate for Village purposes (the 2018 Real Estate improvement) (not to exceed \$35,000 of the Notes), (viii) resurfacing streets and roads in the Village with asphalt as designated in the plans approved or to be approved by Council, together with the necessary related improvements and appurtenances thereto (the 2018 Street improvement) (not to exceed \$30,000 of the Notes), (ix) acquiring solid waste and recycling containers for use in refuse collection (the 2018 Recycling Container improvement) (not to exceed \$30,000 of the Notes) and (x) resurfacing Forbes Road from Northfield Road to Broadway Avenue in accordance with plans approved or to be approved by Council, together with the necessary related improvements and appurtenances thereto (the 2020 Forbes Road improvement, and, collectively with the 2009 Street improvement, the 2009 Service Department improvement, the 2010 Street improvement, the 2011 Street improvement, the 2015 Vehicle improvement, the 2018 Community Center improvement, the 2018 Real Estate improvement, the 2018 Street improvement and the 2018 Recycling Container improvement, the improvements) (not to exceed \$50,000 of the Notes), that:

1. The estimated life or period of usefulness of the improvements is at least five years.
2. The estimated maximum maturity of the Bonds, calculated in accordance with Section 133.20 of the Revised Code, is (i) 20 years as to the portions of the Bonds related to the 2009 Street improvement, the 2010 Street improvement, the 2011 Street improvement and the 2018 Community

Center improvement, (ii) 25 years as to the portion of the Bonds related to the 2009 Service Department improvement, (iii) five years as to the portions of the Bonds related to the 2015 Vehicle improvement and the 2018 Recycling Container improvement, (iv) 30 years as to the portion of the Bonds related to the 2018 Real Estate improvement and (v) 15 years as to the portion of the Bonds related to the 2018 Street improvement and the 2020 Forbes Road improvement. If notes in anticipation of the related Bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original issue of notes, the period in excess of those five years shall be deducted from that maximum maturity of the related Bonds. Thus, the maximum maturity of the Bonds related to the (A) 2009 Street improvement is 11 years, (B) 2009 Service Department improvement is 16 years, (C) 2010 Street improvement is 12 years, (D) 2011 Street improvement is 13 years and (E) 2015 Vehicle improvement is two years.

3. The maximum maturity of the Notes is (i) October 7, 2029, as to the portions of the Notes related to the 2009 Street improvement and the 2009 Service Department improvement, which date is 20 years from October 7, 2009, the date of issuance of the original notes issued for those purposes, (ii) October 6, 2030, as to the portion of the Notes related to the 2010 Street improvement, which date is 20 years from October 6, 2010, the date of issuance of the original notes issued for that purpose, (iii) October 5, 2031, as to the portion of the Notes related to the 2011 Street improvement, which date is 20 years from October 5, 2011, the date of issuance of the original notes issued for that purpose, (iv) September 23, 2025, as to the portion of the Notes related to the 2015 Vehicle improvement, which date is 10 years from September 23, 2015, the date of issuance of the original notes issued for that purpose, (v) September 19, 2038, as to the portion of the Notes related to the 2018 Community Center improvement, the 2018 Real Estate improvement and the 2018 Street improvement, which date is 20 years from September 19, 2018, the date of issuance of the original notes issued for those purposes, (vi) September 19, 2028, as to the portion of the Notes related to the 2018 Recycling Container improvement, which date is 10 years from September 19, 2018, the date of issuance of the original notes issued for that purpose, and (vii) September 16, 2040, as to the portion of the Notes related to the 2020 Forbes Road improvement, which date is 20 years from September 16, 2020, the date of issuance of the original notes issued for that purpose.

Dated: July 12, 2022



Brian Thompson, Director of Finance
Village of Oakwood, Ohio