

**RESOLUTION NO. 2017-06
INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE GRANTING A PERMANENT
EASEMENT TO THE CLEVELAND ELECTRIC
ILLUMINATING COMPANY, AN OHIO CORPORATION,
OR ITS DESIGNEE, UPON CUYAHOGA COUNTY
AUDITOR'S PERMANENT PARCEL NO. 714-16-002 IN
ORDER TO INSTALL ELECTRIC FACILITIES AT
BRAINARD PARK, AND DECLARING AN EMERGENCY.**

WHEREAS, The City of Lyndhurst, Ohio is the owner of real property known as Cuyahoga County Permanent Parcel No. 714-16-002 and also known as Brainard Park; and

WHEREAS, The Cleveland Electric Illuminating Company must replace and relocate the existing transformer that powers the baseball field lights for the west field at Brainard Park; and

WHEREAS, in order to do so the City must grant a permanent underground easement to the Cleveland Electric Illuminating Company, or its designee; and

WHEREAS, the City's Service Department has reviewed the request, and does not object to the installation; and

WHEREAS, the City's Engineer has reviewed the request, and does not object to the installation; and

WHEREAS, the City's Law Department has reviewed the request, and has determined the request can be granted provided a permanent underground easement setting out the rights, duties and obligations of the parties is executed. Now, therefore,

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNDHURST,
CUYAHOGA COUNTY, STATE OF OHIO, THAT:**

SECTION 1. This Council authorizes the City to grant a permanent underground easement to The Cleveland Electric Illuminating Company, an Ohio Corporation, or its designee, upon Cuyahoga County Permanent Parcel No. 714-16-002.

SECTION 2. This Council hereby directs the Law Director to prepare a permanent easement which will incorporate sufficient protections for the City.

SECTION 3. This Council hereby directs the Mayor to execute the permanent easement document.

SECTION 4. The permanent easement shall be granted and recorded at no cost to the City.

SECTION 5. 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 6. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City of Lyndhurst and its residents for the reason that it is necessary to approve the aforesaid changes so as to not unnecessarily delay the installation of the transformer. Therefore, this Ordinance shall take effect immediately upon the affirmative vote of not less than five (5) members elected to Council, and signature by the Mayor, or otherwise at the earliest time allowed by law.

PASSED: _____

MAYOR

VICE-MAYOR

ATTEST: _____
Clerk of Council

I, the undersigned Clerk of Council of the City of Lyndhurst, hereby certify that there is no newspaper published or having an office of publication in said City, and that I published the foregoing Ordinance by advertising the same by title on one day in each of two consecutive weeks in a newspaper of general circulation in said City, on _____ and _____.

Clerk of Council

First Reading: _____

Second Reading: _____

Third Reading: _____

ORDINANCE NO. 2017-07
INTRODUCED BY: ADMINISTRATION

**AN ORDINANCE AMENDING SECTION 957.02 OF THE
CODIFIED ORDINANCES REGARDING SWIMMING POOL
ADMISSION FEES FOR 2017, AND DECLARING AN
EMERGENCY**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF
LYNDHURST, CUYAHOGA COUNTY, STATE OF OHIO:**

SECTION 1. That Section 957.02 of the Codified Ordinances of the City of Lyndhurst is hereby amended to read as follows (new material appears like THIS, deleted materials appear like ~~this~~):

957.02 ADMISSION FEES; SEASON PASSES; AND SPECIAL PROGRAMS (a) Single full access season swim passes to both Lyndhurst Pool and Brainard Sprayground for residents of the City of Lyndhurst for each season commencing with the swimming season ~~2016~~ 2017 shall be Sixty-Five Dollars (\$65.00) each with a maximum cost of One Hundred Eighty Dollars (\$180.00) per "Family" living in the same household. No additional charge will be made for passes purchased after pool opening. Passes shall be issued in the name of a specific person and be non-transferable.

Season passes shall not be sold to any child under the age of four (4) unless such child will be four (4) by the end of the third learn to swim session. All children under the age of four (4) will be admitted free but must be accompanied by an adult who has a season pass or pays admission or by a related or non-related young adult fourteen (14) years to seventeen (17) years of age, with a note or request signed by the parent or guardian. In the interest of safety, children under the age of eight (8) must be accompanied by an adult or young adult at all times. Each child must use either the baby pool or the large pool but must be accompanied as provided herein.

"Family", as used in this section, means the members of a household living as a single housekeeping unit in a dwelling unit who are related to the nominal head of the household or to the spouse of the nominal head of the household, and includes:

- (1) Husband or wife of the nominal head of the household.
- (2) Unmarried children (23 years or under) of the nominal head of the household or of the spouse of the nominal head of the household provided, however, that such unmarried children have no children residing with them.

Upon presenting proper identification, non-residents may purchase an individual pass for \$100.00 with a family cost of \$365.00 per family living in the same household.

(b) Single admission pool fee for Lyndhurst residents shall be Five Dollars (\$5.00) per person: Guests shall sign their names into a registration book provided for guests. Single admission fees for non-residents shall be Seven Dollars (\$7.00) per person.

Single admission Brainard Sprayground fee for Lyndhurst residents shall be three dollars (\$3.00) per person. Guests shall sign their name into a registration book provided for guests. Single admission fees for non-residents shall be six dollars (\$6.00) per person.

The regular season shall begin in June, as determined by the City, and continue through Labor Day.

(c) Regular season pass holders who are residents of the City of Lyndhurst may participate in the Learn-To-Swim program by purchasing a Learn-To-Swim pass for Twenty Dollars (\$20.00) per individual Learn-To-Swim course based on two and one-half (2-1/2) week sessions. The fee for the Learn-to-Swim Pass will be waived for any season pass holder who is considered as disabled pursuant to the guidelines of the Federal Americans with Disabilities Act of 1990. Swim team fee shall be Forty-five Dollars (\$45.00) per child per season paid to the City.

Pool employees required to pay for lifeguard training shall be reimbursed up to Two Hundred Dollars (\$200.00) (which includes the Red Cross Fees) per person.

Adult Baby Water Adjustment training for children, ages six months thru three years, is authorized at the rate of Twenty Dollars (\$20.00) for each two and one half week session. A season pass is required of the parent who must accompany the child. No pass or admission fee is required of the child.

(d) Private parties hosted by a Lyndhurst resident at the Lyndhurst Pool or Brainard Sprayground will be authorized during the hours of 8:30 p.m. to 10:30 p.m. on Friday or Saturday and 6:30 p.m. to 8:30 p.m. on Sundays unless otherwise authorized by the Pool Director. A charge of One Hundred Fifty Dollars (\$150.00) for Brainard Sprayground and Two Hundred Sixty Dollars (\$260.00) for Lyndhurst pool for up to one hundred fifty (150) people is hereby established. Parties for over one hundred fifty (150) people may be allowed upon approval of the Pool Director and Mayor; additional fees may apply. If the Lyndhurst Pool or Brainard Sprayground is closed due to rain or cold weather on the scheduled pool party date, another date may be selected or a refund given at the discretion of the Mayor. Additional swimming times for pool personnel and private parties shall be permitted during such times after regular hours as permitted by the Mayor and Pool Director.

A deposit of Fifty Dollars (\$50.00) shall be required for each private party to reserve availability of the pool. If the private party is cancelled without selecting another date, the deposit will be forfeited. If another date is selected, and said date is acceptable to the City, the deposit will be transferred to cover the second date. After the private party, the deposit will also be applied against the cost of repairing any damage caused by persons attending said party. In the event of damage, the Fifty Dollar (\$50.00) deposit will be applied to the payment of the cost of repairs, and any unused portion will be refunded. In addition, said deposit may be forfeited in increments of Twenty-Five Dollars (\$25.00) for each 15 minutes, or part thereof, that a party exceeds the established ending time for use of the facilities. No more than three hundred (300) people shall be permitted at a private party.

All regulations currently in effect and as required by Ordinance for the use of the pools are applicable to private parties except that food and non-alcoholic beverages may be brought upon the premises for such parties in compliance with rules and regulations to be promulgated by the Lyndhurst Pool Director. Such rules and regulations shall not be effective until approved by motion of Council. A person twenty-one (21) years of age or older shall be present at the private party and responsible for the conduct of persons present and any damages to property.

(e) A free swimming pass shall be issued to Lyndhurst residents sixty (60) years of age or older. Appropriate identification shall be required of the residency of such applicant, and the pass issued to such person shall not be transferable.

City employees, upon presentation of City employee identification, shall be issued a pool pass free of charge.

(f) There shall be a charge of Five Dollars (\$5.00) for replacement of a lost pass.

(g) Refunds for any reason of any fees or charges imposed by this Ordinance may be made at the discretion of the Mayor.

(h) A free single swimming pass and a free caregiver pass shall be issued to an individual with a disability. "Disabled" shall be defined in accordance with the Federal Americans with Disabilities Act of 1990 (42 U.S.C. 12131 et seq.).

(I) Section 955.01(b) of the Codified Ordinances regarding intoxicating beverages shall be strictly enforced at the pool and spraypark.

SECTION 2. 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 3. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the health, safety and welfare of the residents of Lyndhurst for the reason that the admission fees must be published to the citizens of Lyndhurst as soon as possible. It shall therefore take effect immediately upon passage by the affirmative vote of not less than five (5) members elected to Council and approval by the Mayor or otherwise at the earliest time allowed by law.

PASSED: _____

MAYOR

VICE MAYOR

ATTEST: _____
Clerk of Council

I, the undersigned Clerk of Council of the City of Lyndhurst, hereby certify that there is no newspaper published or having an office of publication in said City, and that I published the foregoing Resolution by advertising the same by title on one day in each of two consecutive weeks in a newspaper of general circulation in said City on _____ and _____.

Clerk of Council

First Reading: _____

Second Reading: _____

Third Reading: _____

**RESOLUTION NO. 2017-08
INTRODUCED BY: ADMINISTRATION**

**A RESOLUTION ESTABLISHING THE TERMS OF
RECIPROCITY WITH THE CITY OF SOUTH EUCLID
DURING THE 2017 POOL SEASON.**

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF
THE CITY OF LYNDHURST, CUYAHOGA COUNTY, STATE OF
OHIO:**

SECTION 1. Conditioned on reciprocity rights being granted by the City of South Euclid to Lyndhurst residents who are season swimming pass holders, South Euclid residents who are swimming pass holders of that City will be permitted the use of the Lyndhurst swimming pool during open swim sessions only, and the use of the Lyndhurst Spraypark at all times it is open. In the case where the cost of a Lyndhurst season swimming pass exceeds the cost of a South Euclid season swimming pass, the South Euclid season swimming pass holder may access the Lyndhurst facilities on a seasonal basis by paying to the City of Lyndhurst Twenty Dollars (\$20.00) for a single pass and Sixty Dollars (\$60.00) for a family pass, and receiving a Lyndhurst photo identification to be shown for entry to Lyndhurst pool facilities.

SECTION 2. The Council finds and determines that all formal actions of this Council relating to the adoption of this Resolution 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 3. This Resolution shall be in full force and effect from and after the earliest period allowed by law.

PASSED: _____

MAYOR

VICE MAYOR

ATTEST: _____
Clerk of Council

I, the undersigned Clerk of Council of the City of Lyndhurst, hereby certify that there is no newspaper published or having an office of publication in said City, and that I published the foregoing Resolution by advertising the same by title on one day in each of two consecutive weeks in a newspaper of general circulation in said City on _____ and _____.

Clerk of Council

First Reading: _____

Second Reading: _____

Third Reading: _____

**ORDINANCE NO. 2017-09
INTRODUCED BY: ADMINISTRATION**

**AN ORDINANCE PROVIDING FOR COMPENSATION FOR
SWIMMING POOL PERSONNEL IN 2017 AND REPEALING
ORDINANCE NO. 2016-20.**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNDHURST,
CUYAHOGA COUNTY, STATE OF OHIO, THAT:**

SECTION 1. The provisions of Ordinance No. 2016-20 are hereby repealed.

SECTION 2. There are hereby established the following personnel categories and salaries for swimming pool operations:

All employees and personnel required to operate the swimming pools shall be employees of the City of Lyndhurst, shall consist of the following, and shall receive the compensation payable bi-weekly commencing with the swimming season of 2017, in the amount set opposite each job classification as follows, to wit:

Pool Director - salary per annum shall be within a range of \$8000 - \$13,400. Payment shall be made during the period of active service as determined by the Mayor.

<i>Hourly Rates</i>	<i>Base</i>	<i>2nd Year</i>	<i>3rd Year</i>	<i>4th Year</i>	<i>5th Year</i>	<i>6th Year & After</i>
<i>Non certified Employee</i>	\$8.20	\$8.30	\$8.35	\$8.40	\$8.45	\$8.55 - \$9.10
<i>Life Guarding</i>	\$8.30	\$8.40	\$8.45	\$8.50	\$8.55	\$8.65 - \$9.60
<i>Water Safety Instructor</i>	\$8.75	\$8.85	\$8.95	\$9.20	\$9.60	\$9.75 - \$9.85
<i>Life Guarding Instructor</i>	\$9.10	\$9.25	\$9.40	\$9.55	\$9.70	\$9.85
<i>Pool Supervisor</i>	\$9.35	\$9.70	\$10.35	\$11.00	\$11.60	\$12.20

AFTER THE BASE YEAR an employee must work a minimum of 150 hours in order to achieve the seniority acquired to advance in years on the pay schedule. The minimum number of hours may be accumulated over a period of more than one year, however, no more than one year's seniority may be earned in any one year.

Upon recommendation of the Pool Director and the approval of the Mayor, employees may be paid at a rate in accordance with their experience instead of years of employment in Lyndhurst. Further, upon recommendation of the Pool Director, and approval by the Mayor, "training expenses" or additional training required in order to maintain certification will be reimbursed to the employee for one class up to a maximum of Two Hundred Dollars (\$200.00) per year.

SECTION 2. 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 3. This Ordinance shall be in full force and effect from and after the earliest period allowed by law.

PASSED: _____

MAYOR

VICE MAYOR

ATTEST: _____
Clerk of Council

I, the undersigned Clerk of Council of the City of Lyndhurst, hereby certify that there is no newspaper published or having an office of publication in said City, and that I published the foregoing Resolution by advertising the same by title on one day in each of two consecutive weeks in a newspaper of general circulation in said City on _____ and _____.

Clerk of Council

First Reading: _____

Second Reading: _____

Third Reading: _____

Proposed

ORDINANCE NO. 2017-10
INTRODUCED BY: ADMINISTRATION

AN ORDINANCE PROVIDING FOR THE ISSUANCE AND SALE OF \$1,100,000 OF NOTES, IN ANTICIPATION OF THE ISSUANCE OF BONDS, FOR THE PURPOSE OF PAYING COSTS OF IMPROVING STREETS BY RESURFACING, PAVING WITH CONCRETE AND MAKING OTHER IMPROVEMENTS AS DESIGNATED IN THE PLANS APPROVED OR TO BE APPROVED BY COUNCIL, AND DECLARING AN EMERGENCY.

WHEREAS, the Director of Finance, as fiscal officer of the City, has certified to this Council that the estimated life or period of usefulness of the improvement described in Section 1 is at least five years, the estimated maximum maturity of the Bonds described in Section 1 is five years, and the maximum maturity of the Notes described in Section 3, to be issued in anticipation of the Bonds, is 10 years from their date of issuance;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Lyndhurst, County of Cuyahoga, Ohio, that:

Section 1. Authorized Principal Amount and Purpose of Anticipated Bonds. It is necessary to issue bonds of the City in the aggregate principal amount of \$1,100,000 (the Bonds) for the purpose of paying costs of improving streets by resurfacing, paving with concrete and making other improvements as designated in the plans approved or to be approved by Council.

Section 2. Estimated Bond Terms. The Bonds shall be dated approximately March 1, 2018, shall bear interest at the now estimated rate of 4% per year, payable semiannually until the principal amount is paid, and are estimated to mature in five annual principal installments on December 1 of each year that are substantially equal. The first interest payment on the Bonds is estimated to be June 1, 2018, and the first principal payment of the Bonds is estimated to be December 1, 2019.

Section 3. Authorized Principal Amount of Notes; Note Terms. It is necessary to issue and this Council determines that notes in the aggregate principal amount of \$1,100,000 (the Notes) shall be issued in anticipation of the issuance of the Bonds. The Notes shall be dated the date of issuance and shall mature one year from the date of issuance; provided that the Director of Finance may, if it is determined to be necessary or advisable to the sale of the Notes, establish a maturity date that is any date up to one year from the date of issuance by setting forth that maturity date in the certificate signed in accordance with Section 6 (the Certificate of Award). The Notes shall bear interest at a rate not to exceed 4% per year (computed on the basis of a 360-day year consisting of 12 30-day months), payable at maturity and until the principal amount is paid or payment is provided for. The rate of interest on the Notes shall be determined by the Director of Finance in the Certificate of Award.

Section 4. Payment of Debt Charges; Paying Agent. The debt charges on the Notes shall be payable in Federal Reserve funds of the United States of America and shall be payable, without deduction for services of the City's paying agent, at the designated corporate trust office of U.S. Bank National Association, or at the principal corporate trust or other office of a bank or trust company designated by the Director of Finance in the Certificate of Award after determining that the payment at that bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose, or at the office of the Director of Finance if agreed to by the Director of Finance and the Original Purchaser (as defined in Section 6) (the Paying Agent).

Section 5. Form and Execution of Notes; Book Entry System. The Notes shall be signed by the Mayor or the Vice Mayor and the Director of Finance, in the name of the City and in their official capacities, provided that one of those signatures may be a facsimile. The Notes shall be issued in the denominations and numbers as requested by the Original Purchaser and approved by the Director of Finance in the Certificate of Award, provided that no Note shall be issued in a denomination less than \$100,000. The entire principal amount may be represented by a single note and may be issued as fully registered securities (for which the Director of Finance will serve as note registrar) and in book entry or other uncertificated form in accordance with Section 9.96 and Chapter 133 of the Revised Code if it is determined by the Director of Finance that issuance of fully registered securities in that form will facilitate the sale and delivery of the Notes. The Notes shall not have coupons attached, shall be numbered as determined by the Director of Finance and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Ordinance. As used in this Section and this Ordinance:

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

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

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

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

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

The Director of Finance is also hereby authorized and directed, to the extent necessary or required, to enter into any agreements determined necessary in connection with the book entry system for the Notes, after determining that the signing thereof will not endanger the funds or securities of the City.

Section 6. Award and Sale of the Notes. The Notes shall be sold at not less than par at private sale by the Director of Finance to the original purchaser designated by the Director of Finance in the Certificate of Award (the Original Purchaser) in accordance with law and the provisions of this Ordinance. The Director of Finance shall sign the Certificate of Award referred to in Section 3 evidencing that sale to the Original Purchaser, cause the Notes to be prepared, and have the Notes signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Notes if requested by the Original Purchaser, to the Original Purchaser upon payment of the purchase price. The Mayor, the Vice Mayor, the Director of Finance, the Director of Law, the Clerk of Council and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance. The Director of Finance is authorized, if it is determined to be in the best interest of the City, to combine the issue of Notes with one or more other note issues of the City into a consolidated note issue pursuant to Section 133.30(B) of the Revised Code.

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

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

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

Section 9. Provisions for Tax Levy. During the year or years in which the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, the same tax that would have been levied if the Bonds had been issued without the prior issuance of the Notes. The tax shall be within the 11.5-mill limitation provided by the City's Charter, 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.

Section 10. Federal Tax Considerations. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes in such manner and to such extent as may be necessary so that (a) the Notes will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103 of the Code applies, and (b) the interest thereon will not be treated as a preference item under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes to the governmental purposes of the borrowing, (ii) restrict the yield

on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of those proceeds and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes is hereby authorized (a) to make or effect any election, selection, designation (including specifically designation of the Notes as “qualified tax-exempt obligations” if such designation is applicable and desirable, and to make any related necessary representations and covenants), choice, consent, approval, or waiver on behalf of the City with respect to the Notes as the City is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for 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 City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes.

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

Section 12. Retention of Bond Counsel. The legal services of Squire Patton Boggs (US) LLP, as bond counsel, be and are hereby retained. The legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the issuance and sale of the Notes and the rendering of the necessary legal opinion upon the delivery of the Notes. In rendering those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those legal services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those legal services. The Director of Finance is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm.

Section 13. Satisfaction of Conditions for Note Issuance. This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Notes in order to make them legal, valid and binding general obligations of the City have been performed and have been met, or will at the time of delivery of the Notes have been performed and have been met, in regular and due form as required by law; that the full faith and credit and general property taxing power (as described in Section 9) of the City are pledged for the timely payment of the debt charges on the Notes; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Notes.

Section 14. Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council and of any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or 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 in compliance with the law.

Section 15. Captions and Headings. The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

Section 16. Declaration of Emergency; Effective Date. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective in order to enable the City to enter into contracts for the improvement which is needed to eliminate existing and potential hazards to vehicular and pedestrian traffic in the City; wherefore, this Ordinance shall be in full force and effect immediately upon its passage by the affirmative vote of not less than five (5) members elected to Council, and approval by the Mayor, or otherwise at the earliest time allowed by law.

PASSED: _____

MAYOR

VICE MAYOR

ATTEST: _____
Clerk of Council

I, the undersigned Clerk of Council of the City of Lyndhurst, hereby certify that there is no newspaper published or having an office of publication in said City, and that I published the foregoing Resolution by advertising the same by title on one day in each of two consecutive weeks in a newspaper of general circulation in said City on _____ and _____.

Clerk of Council

First Reading: _____

Second Reading: _____

Third Reading: _____

ORDINANCE NO. 2017-11
INTRODUCED BY: COUNCILPERSON CHARLES LOPRESTI

**AN ORDINANCE AMENDING CHAPTER 161 OF THE
CODIFIED ORDINANCES TITLED CRIMINAL
ACTIVITY NUISANCES BY AMENDING SECTION
161.01(i), AND DECLARING AN EMERGENCY**

**BE IT ORDAINED BY THE COUNCIL OF THE CITY OF LYNDHURST,
COUNTY OF CUYAHOGA, STATE OF OHIO, THAT:**

SECTION 1. Section 161.01(i) of the Codified Ordinances of the City titled DECLARATION OF NUISANCES is hereby amended to read as follows:

161.01 DECLARATION OF NUISANCES.

The following activities occurring either on residential or commercial property, and engaged in by an owner, occupant or invitee of the owner or occupant of the property, or within 300 feet from the property line of any residential or commercial property, and engaged in by the owner, occupant or invitee of the owner of the property, are hereby declared to be public nuisances:

- (a) Any animal violations under Chapter 618 of the Codified Ordinances;
- (b) Any disorderly conduct, disturbance of the peace or other violation of Chapter 648 of the Codified Ordinances;
- (c) Any drug abuse violation under Chapter 624 of the Codified Ordinances;
- (d) Any gambling violation under Chapter 630 of the Codified Ordinances;
- (e) Any safety, sanitation or health violation under Chapter 660 of the Codified Ordinances;
- (f) Any obstruction of official business violation under Sections 606.14 or 606.15 of the Codified Ordinances;
- (g) Any alcohol violations under Chapter 612 of the Codified Ordinances;
- (h) Any sex offenses under Chapter 666 of the Codified Ordinances;
- (i) Any offense against another person under Chapter 636 of the Codified Ordinances, WITH THE EXCEPTION OF DOMESTIC VIOLENCE CHARGED PURSUANT TO SECTION 636.17;
- (j) Any offense against property under Chapter 642 of the Codified Ordinances;
- (k) Any weapons, explosives, firearm or handgun violation under Chapters 672 of the Codified Ordinances;
- (l) Any noise violation under any Section of the Codified Ordinances.

PASSED: _____

MAYOR

VICE MAYOR

ATTEST: _____
Clerk of Council

I, the undersigned Clerk of Council of the City of Lyndhurst, hereby certify that there is no newspaper published or having an office of publication in said City, and that I published the foregoing Ordinance by advertising the same by title on one day in each of two consecutive weeks in a newspaper of general circulation in said City on _____ and _____.

Clerk of Council

First Reading: _____

Second Reading: _____

Third Reading: _____