

THE CITY OF SOUTH EUCLID SCHEDULE OF MEETING

September 10, 2012

8:00 PM

1. PLEDGE OF ALLEGIANCE

2. ROLL CALL

3. RETIREMENT CEREMONY: In Honor of K-9 Officer Rex

4. SWEARING-IN CEREMONY: Auxiliary Police Officers: Charles Thompson, Michael Brown, and Steven Weiss

5. RECOGNITION CEREMONY:

1. RESOLUTION 53-12 DEDICATING AND RENAMING THE BASEBALL FIELD AT QUARRY PARK SOUTH AS "JOE CORENO FIELD". FIRST READING.

6. OPEN MEETING

7. REPORT OF COMMITTEES

COMMITTEE-OF-THE-WHOLE:

1. ORDINANCE 10-12 AMENDING SECTION 303.99 "TRAFFIC CODE MISDEMEANOR CLASSIFICATIONS AND PENALTIES" OF PART THREE "TRAFFIC CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO TO REDUCE THE PENALTY OF A PARKING TICKET TO A MINOR MISDEMEANOR; AND DECLARING AN EMERGENCY. **THIRD READING.**
2. ORDINANCE 11-12 AN ORDINANCE ESTABLISHING NEW CHAPTER 147 "PARKING GENERALLY" OF TITLE FIVE "ADMINISTRATIVE" OF PART ONE "ADMINISTRATIVE CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. **THIRD READING.**

8. LEGISLATION REQUESTED BY THE PLANNING COMMISSION

1. RESOLUTION 50-12 GRANTING A CONDITIONAL USE PERMIT FOR A DRIVE THROUGH AT 1516 WARRENSVILLE CENTER ROAD IN THE CITY OF SOUTH EUCLID, OHIO; AND DECLARING AN EMERGENCY. FIRST READING.

9. MAYOR'S REPORT

10. LEGISLATION REQUESTED BY THE MAYOR AND ADMINISTRATION

1. RESOLUTION 51-12 DECLARING IT NECESSARY TO IMPROVE CERTAIN DESCRIBED PUBLIC STREETS, ROADS, AND PLACES IN THE CITY OF SOUTH EUCLID, OHIO BY PROVIDING STREET LIGHTING; AND DECLARING AN EMERGENCY. FIRST READING.
2. RESOLUTION 52-12 A RESOLUTION AUTHORIZING THE APPROPRIATION OF UNAPPROPRIATED FUNDS IN THE FOLLOWING FUND: "GENERAL FUND #101-BUILDING DEPARTMENT-OUTSIDE LABOR." FIRST READING.

3. ORDINANCE 21-12 DETERMINING TO PROCEED WITH THE IMPROVEMENT OF CERTAIN DESCRIBED PUBLIC STREETS, ROADS, AND PLACES IN THE CITY OF SOUTH EUCLID BY PROVIDING STREET LIGHTING AND DECLARING AN EMERGENCY. FIRST READING.
4. ORDINANCE 22-12 ASSESSING ALL UNPAID COSTS OF ABATEMENT OF NUISANCES, AS AUTHORIZED BY CHAPTER 531 OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO, THE CUYAHOGA COUNTY COMMON PLEAS COURT AND THE OHIO REVISED CODE; AND DECLARING AN EMERGENCY. FIRST READING.
5. ORDINANCE 23-12 TO PROVIDE FOR THE ISSUANCE AND SALE OF NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS IN A PRINCIPAL AMOUNT NOT TO EXCEED \$2,000,000 FOR THE PURPOSE OF PAYING THE COSTS OF THE ACQUISITION, AND ANY NECESSARY CLEARANCE AND PREPARATION, OF REAL PROPERTY FOR URBAN REDEVELOPMENT, AND PAYING COSTS OF ISSUANCE; AND DECLARING AN EMERGENCY. FIRST READING.
6. ORDINANCE 24-12 TO PROVIDE FOR THE ISSUANCE AND SALE OF NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS IN A PRINCIPAL AMOUNT NOT TO EXCEED \$100,000 FOR THE PURPOSE OF REFUNDING CERTAIN NOTES ISSUED FOR PAYING THE COSTS OF IMPROVING STANHOPE PARKING LOT, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND PAYING COSTS OF ISSUANCE; AND DECLARING AN EMERGENCY. FIRST READING.
7. ORDINANCE 25-12 AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF GENERAL OBLIGATION (LIMITED TAX) BONDS OF THE CITY OF SOUTH EUCLID, OHIO, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$15,585,000 TO RETIRE AT MATURITY CERTAIN NOTES ISSUED IN ANTICIPATION OF BONDS AND CERTAIN OTHER OBLIGATIONS INCURRED FOR THE PURPOSE OF PAYING THE COSTS OF THE ACQUISITION, AND ANY NECESSARY CLEARANCE AND PREPARATION OF REAL PROPERTY FOR URBAN REDEVELOPMENT, AND PAYING COSTS OF ISSUANCE; AND DECLARING AN EMERGENCY. FIRST READING.

11. LAW DIRECTOR'S REPORT

12. LETTERS AND COMMUNICATIONS

13. ADJOURN

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 53-12
INTRODUCED BY: Fiorelli
REQUESTED BY: Mayor

September 10, 2012

A RESOLUTION
DEDICATING AND NAMING THE BASEBALL FIELD AT QUARRY PARK SOUTH
AS "JOE CORENO FIELD"

WHEREAS, Joe Coreno, was a resident of South Euclid for 42 years and married to his wife Patricia for 46 years; and

WHEREAS, Joe was a parishioner of St. Margaret Mary Church for 41 years, and was blessed with three children and seven grandchildren; and

WHEREAS, Joe was elected to South Euclid City Council in 1990 and served the City until his retirement in 2003; and

WHEREAS, Joe served the City of South Euclid as Councilman, and significantly contributed to and assisted in various capacities of city government and community organizations; and

WHEREAS, Joe served on all Council Committees and chaired the Recreation, Safety, Public Utilities and Legislative Committees, served as Council President from 2002 to 2003, and;

WHEREAS, Joe also was a coach, manager, director, trustee and President from 1988 to 1991 of the South Euclid Boys Baseball League, was a member and trustee of the Italian Sons and Daughters of America, University Lodge, and founding member of the South Euclid Italian-American Family Club, and served on the "chain gang" for Brush High school football games; and

WHEREAS, Joe chaired the committee and led the campaign to completely renovate Bexley, Quarry, and Victory parks with state of the art pool facilities, lighted ball fields and many other amenities; and

WHEREAS, the Mayor and City Council desire to show their appreciation to Joe Coreno's dedication and support over many years to the South Euclid Boys Baseball League by dedicating and naming the baseball field at Quarry Park South as "Joe Coreno Field."

NOW, THEREFORE, BE IT RESOLVED, by the Council of the City of South Euclid:

Section 1: That the Mayor and members of Council, on behalf of the people of the City of South Euclid and the Coreno family herby dedicate and name the baseball field located at Quarry South as "Joe Coreno Field."

Section 2: That the Clerk be and is hereby directed to furnish an executed copy of this Resolution to the Family of Mr. Joseph Coreno.

Section 3: This Resolution shall take effect and be in force from and after the earliest period permitted by law and upon signature of the Mayor.

Passed this _____ day of _____, 2012

David B. Miller, President of Council

Attest:

Approved:

Keith Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

SUBSTITUTE ORDINANCE NO.: 10-12
INTRODUCED BY: Gelfand
REQUESTED BY: Gelfand

July 23, 2012

AN ORDINANCE

AMENDING SECTION 303.99 "TRAFFIC CODE MISDEMEANOR CLASSIFICATIONS AND PENALITIES" OF PART THREE "TRAFFIC CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO TO REDUCE THE PENALTY FOR A PARKING TICKET TO A MINOR MISDEMEANOR; AND DECLARING AN EMERGENCY.

WHEREAS, a parking ticket in the City of South Euclid is currently a fourth degree misdemeanor that is subject to a penalty of jail, not more than 30 days and a fine of no more than \$250.00; and

WHEREAS, City Council desires, where permissible under Ohio law, to reduce the penalty of a parking ticket to a non-reportable minor misdemeanor that would be punishable by a fine of no more than \$150.00; and

WHEREAS, it is necessary that this Council change the Codified Ordinances to reflect this desired decriminalization; and

WHEREAS, it is necessary that alleged parking law violators have certain due process rights of which they must be notified; and

WHEREAS, it is the intention of this Council that residents and visitors to South Euclid be afforded convenient means and methods for paying parking fines;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of South Euclid, County of Cuyahoga, State of Ohio:

Section 1: That relevant sections of the Codified Ordinances of the City of South Euclid, Ohio be hereby amended to read as follows:

303.99 TRAFFIC CODE MISDEMEANOR CLASSIFICATIONS AND PENALTIES:

- (a) Penalties for Misdemeanors. Whoever is convicted of or pleads guilty to a misdemeanor, or minor misdemeanor shall be sentenced in accordance with Section 501.99.
- (b) **Whoever violates any parking offense contained in Chapter 351 of the Codified Ordinances of the City of South Euclid, with the exception of Section 351.04(d), shall be guilty of a minor misdemeanor.**
- (c) **Whoever violates Section 351.04(d) of the Codified Ordinances of the City of South Euclid shall be guilty of a misdemeanor of the fourth degree.**
- (d) **In no case shall an offender who violates any parking offense contained in Chapter 351 of the Codified Ordinance of the City of South Euclid be sentenced to any term of imprisonment or any other punishment than a fine as delineated by division (f) of this section. Nothing in this section shall be construed as to limit the ability of peace officers to remove a vehicle for purposes other than punishment as allowed under the Codified Ordinances of the City of South Euclid or the Ohio Revised Code.**
- (e) **An arrest or conviction for any parking offense contained in Chapter 351 of the Codified Ordinances of South Euclid does not constitute a criminal record and need not be reported by the person so arrested or convicted in response to any inquiries contained in any application for employment, license, or other right or privilege, or made in connection with the person's appearance as a witness.**
- (f) **The following fines for parking infractions are hereby established:**

	If paid within 10 days of the time notice was issued	After 10 days	Upon conviction the Court may impose a fine no higher than
351.03	\$15.00	\$30.00	\$150.00
351.04(d)	\$250.00	\$250.00	\$250.00
351.045	\$15.00	\$30.00	\$150.00
351.06	\$15.00	\$30.00	\$150.00
351.07	\$15.00	\$30.00	\$150.00
351.09	\$15.00	\$30.00	\$150.00
351.10	\$15.00	\$30.00	\$150.00
351.11	\$15.00	\$30.00	\$150.00
351.12	\$15.00	\$30.00	\$150.00
351.14	\$15.00	\$30.00	\$150.00
351.15	\$15.00	\$30.00	\$150.00
351.16			\$150.00
1 st offense	\$20.00	\$30.00	
351.16			\$150.00
2 nd offense	\$30.00	\$50.00	
351.18	\$15.00	\$30.00	\$150.00
351.19	\$15.00	\$30.00	\$150.00
351.20	\$15.00	\$30.00	\$150.00

Section 2: Due Process. Parking citations issued in the City of South Euclid shall provide the following information:

1. **Rights of the Accused:** The following rights shall appear on any parking citation issued in the City of South Euclid advising alleged offenders that they understand that they have been accused of a Minor Misdemeanor and have the following rights:
 - i. right to appear before the court located at 1349 South Green Road, South Euclid, Ohio 44121 before or at the time designated in the summons provided to contest the charge for which they are accused. They may also contact the court at (216) 381-2880 to request a hearing on this case.
 - ii. right to a trial within 30 days
 - iii. right to be represented by an attorney
 - iv. right to remain silent
 - v. right to have any guilt proven beyond a reasonable doubt
 - vi. right to confront any accusers and have witnesses subpoenaed for trial on defendant's behalf.

2. **Hearing or Protest Option:** The following statement shall appear on any parking citation issued in the City of South Euclid advising alleged offenders of their right to contest any charge: "If you desire to contest the charge or if a court appearance is required, you must appear at the time and place stated

in the summons or you may contact the South Euclid Municipal Court at 1349 South Green Road, South Euclid, Ohio 44121, (216) 381-2880"

- 3. **Waiver Option:** The following statement shall appear on any parking citation issued in the City of South Euclid advising alleged offenders of their option to waive their rights to a hearing and pay the fine as provided for the specific violation described in the citation:

"I the undersigned defendant, do hereby enter my written plea of guilty to the offense charged in this ticket. I realize that by signing this guilty plea, I admit my guilt of the offense as charged and waive my right to contest the offense in a trial before the court. Further, I realize that this is a non-jailable offense for which no points will be assessed to my Driver's License, therefore no reporting will be transmitted to the Bureau of Motor Vehicles pursuant to this plea. I plead guilty to this offense as charged."

Defendant's Signature _____

Date _____

Section 3: Payment of Parking Fines. The court shall establish payment procedures for offenders which are convenient. Options may include, but are not limited to:

- (a) U.S. Postal Service; or
- (b) Hand-delivery to South Euclid Municipal Court customer service window during court business hours; or
- (c) Hand-delivery in sealed envelope to police dispatcher 24 hours per day, seven days per week; or
- (d) Through the South Euclid Municipal Court website; or
- (e) Through a telephone payment option.

Section 4: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 28, 1975, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 5: That this ordinance is deemed to be an emergency measure necessary for the immediate preservation for the public peace, health, and safety and for further reason that a vital function of the municipal government is effected hereby. Wherefore, this ordinance shall take effect and be in force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this _____ day of _____, 2012.

David B. Miller, President of Council

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 11-12
INTRODUCED BY: Miller
REQUESTED BY: Miller

June 11, 2012
Second Reading: July 23, 2012
Third Reading: September 10, 2012

AN ORDINANCE

AN ORDINANCE ESTABLISHING NEW CHAPTER 147
"PARKING GENERALLY" OF TITLE FIVE "ADMINISTRATIVE"
OF PART ONE "ADMINISTRATIVE CODE" OF THE CODIFIED
ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO.

WHEREAS, the Council of the City of South Euclid believes that parking violations within the City of South Euclid should not be considered criminal offenses for any purpose; and

WHEREAS, the Council of the City of South Euclid desires to establish clear and concise rules and regulations for all aspects dealing with the issuance and administration of parking violations within the City of South Euclid.

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of South Euclid, Ohio:

Section 1: That new Chapter 147 "Parking Generally" of Title Five "Administrative" of Part One "Administrative Code" of the Codified Ordinances of the City of South Euclid, Ohio be hereby created to read as follows:

147.01 DESIGNATING PARKING INFRACTIONS, ESTABLISHING VIOLATIONS BUREAU.

1. Definitions.

- (A) "Parking Infraction" means a violation of Section 147.02
- (B) "Vehicle" has the same meaning as in Section 301.51 of Codified Ordinances of the City of South Euclid.
- (C) "Court" or "Municipal Court" means the South Euclid Municipal Court.
- (D) "Bureau" means the City of South Euclid Parking Violations Bureau.
- (E) "Local Authority" means every county, municipal corporation, township, or other local board or body having authority to adopt police regulations pursuant to the constitution and laws of this state.
- (F) "Disability Parking Space" means a motor vehicle parking location that is reserved for the exclusive standing or parking of a vehicle that is operated by or on behalf of a person with a disability that limits or impairs the ability to walk and displays a placard or license plates issued under section 4503.44 of the Revised Code.
- (G) "Person with a disability that limits or impairs the ability to walk" has the same meaning as in section 4503.44 of the Revised Code.

2. IMPOUNDMENT AND IMMOBILIZATION.

- (A) A parking infraction shall not be considered a criminal offense for any purpose.
- (B) A vehicle involved in five or more parking infractions in which judgments or default judgments have been filed with the Clerk of the Municipal Court pursuant to § 7(C) is subject to impoundment or immobilization by law enforcement officers of the City, without regard to whether the vehicle, at the time of impoundment or immobilization, is legally parked.
- (C) The owner of any vehicle impounded is liable for impoundment fees and storage charges as provided by § 6.

(D) A vehicle impounded or immobilized under division (B) or (E) of this section shall be released to the owner upon the owner presenting a valid certificate of title to the vehicle to the violations clerk of the Parking Violations Bureau and either paying the fines, penalties, fees and costs due on the parking infractions issued or outstanding or payment of the judgments or default judgments which led to the impoundment or immobilization, or posting a bond equal to the amount of the fines, penalties, fees and costs. In no case shall the owner of a vehicle impounded or immobilized be required to post a bond in excess of \$1,000.00 to obtain release of the vehicle.

(E) Notwithstanding divisions (B) and (D) of this section, a vehicle parked, stopped, or standing on a public street or highway in commission of a parking infraction is subject to impoundment if the law enforcement officer issuing the parking infraction determines that the vehicle is substantially impeding, or hindering the movement of other traffic.

3. PARKING TICKET, SERVICE AND LIABILITY.

(A) The parking ticket adopted in § 9 shall be used by law enforcement officers in all cases in which a person is charged with committing a parking infraction within the City. The parking ticket shall be the summons and complaint.

(B) A law enforcement officer who issues a parking ticket for a parking infraction shall complete the ticket by identifying the infraction charged, recording the license plate number, type, and make or model of the vehicle, and indicating the date, time, and place of the infraction. The officer shall sign the ticket and affirm the facts it contains and file a copy with the violations clerk. If the operator of the vehicle is present, the officer shall record on the ticket the name of the operator on the ticket, and then shall personally serve the parking ticket upon the operator. If the operator of the vehicle is not present, the officer shall insert the word "owner" in the space provided on the ticket for identification of the offender, and constructively serve the parking ticket upon the owner of the vehicle by affixing the ticket to the vehicle in a conspicuous place.

Constructive service of a parking ticket upon an owner of a vehicle by affixation as provided in this division, or by the procedure described in division (D) of this section has the same force and effect, and potentially subjects both the owner and the operator of the vehicle whose act or omission resulted in the parking infraction, if different, to the same fine and the same penalties, fees, and costs for failure to timely answer or to appear, if a hearing is requested, as if the parking ticket were personally served on both the owner and operator of the vehicle at the time of the violation.

(C) The original of a parking ticket issued pursuant to this section or any true copy of it shall be considered a record kept in the ordinary course of business of the City and of the law enforcement agency whose officer issued it, and shall be prima facie evidence of the facts it contains.

(D) An operator of a vehicle who is not the owner of the vehicle, but who operates it with the express or implied permission of the owner, is the agent of the owner for purposes of the receipt of parking tickets served in accordance with this section and personal service of a parking ticket upon the operator in accordance with this section constitutes constructive service upon the owner. The operator of a rented or leased vehicle whose act or omission resulted in an alleged parking infraction is not considered an agent of the owner if the owner is engaged in the business of renting and leasing vehicles pursuant to a written rental or lease agreement and if the owner follows the procedures set forth in § 8.

(E) Except as provided in § 8, when a parking ticket is issued for a parking infraction and is served pursuant to this section, the operator of the vehicle whose act or omission resulted in the parking infraction for which the ticket was issued and the owner of the vehicle involved in the parking infraction, if different, are jointly liable for the parking infraction and any fine, penalty, fees, and costs arising out of the parking infraction. Any owner of a vehicle who pays any fine, penalty, fee, and cost imposed for a parking infraction may recover the amount paid from the operator of the vehicle whose act or omission resulted in the infraction.

(F) No person upon whom a parking ticket charging a parking infraction is personally or constructively served shall be arrested as a result of the commission of the parking infraction.

4. PARKING VIOLATIONS BUREAU.

(A) The City of South Euclid Parking Violations Bureau is hereby established pursuant to section 4521.04 of the Ohio Revised Code. The Parking Violations Bureau shall be a Division within the office of the Chief of Police. The Parking Violations Bureau has jurisdiction over each parking infraction that occurs within the territory of the City.

(B) The operating costs of the Parking Violations Bureau shall be paid by the City. The Police Chief shall appoint a violations clerk, hearing examiners, and necessary clerical employees. No person shall be employed as a hearing examiner unless the person is an attorney admitted to the practice of law in this state or formerly was employed as a law enforcement officer.

(C) The fine, penalties, fees, and costs established for a parking infraction shall be collected, retained, and disbursed by the violations clerk if the parking infraction out of which the fine, penalties, fees, and costs arose occurred within the jurisdiction of the Bureau. The violations clerk shall issue blank tickets for parking infractions to law enforcement officers for the City, and prescribe conditions for issuance and accountability. The fine, penalties, fees, and costs collected by a violations clerk for a parking infraction shall be disbursed by the clerk to the City.

(D) The Chief of Police has authority to contract with any nongovernmental entity to provide services in processing, collecting, and enforcing parking tickets issued by law enforcement officers and civil judgments and default civil judgments entered pursuant to this ordinance. No contract shall affect the responsibilities of hearing examiners, or the ultimate responsibility of the violations clerk to collect, retain, and disburse fines, penalties, fees, and costs for parking infractions and money paid in satisfaction of judgments and default judgments entered pursuant to this ordinance. All contracts entered into by the violations clerk shall be subject to approval of City Council and the Mayor.

5. ANSWERS, PROCEDURE.

(A) A person who is personally or constructively served with a parking ticket charging a parking infraction may answer the charge by appearing personally before the Parking Violations Bureau or by mail, within ten days from the date of the infraction. The answer shall be in one of the following forms:

(1) An admission that the person committed the infraction, by payment of any fine arising out of the parking infraction;

(2) An admission that the person committed the infraction, with an explanation of the circumstances surrounding the infraction;

(3) A denial that the person committed the infraction and a request for a hearing. If the person desires the presence, at the hearing, of the law enforcement officer who issued the parking ticket, the person must request his presence in his answer.

(B)(1) A person who admits that he committed a parking infraction shall, and a person who admits that he committed a parking infraction with explanation may, when he makes his answer, pay the fine arising out of the infraction admitted to the violations clerk of the Bureau.

(2) A person who admits that he committed a parking infraction with explanation shall submit evidence to the Bureau that explains the circumstances surrounding the parking infraction. The evidence may be submitted in person or, to avoid the necessity of personal appearance, may be sent as affidavits and other documentary evidence by mail. The Bureau, when it receives an answer admitting that a person committed a parking infraction with explanation, shall promptly determine whether the explanation mitigates the fact that the person committed the parking infraction and notify the person, in writing, of its determination.

If the Bureau determines that the explanation mitigates the fact that the person committed the parking infraction, the Bureau shall eliminate or reduce the amount of the fine arising out of the

parking infraction. If the fine is eliminated or reduced and the person has previously paid the fine, the amount paid in excess of the revised fine shall be returned to the person; if the fine is eliminated or reduced and the person has not previously paid the fine, the person shall pay only the amount of the revised fine. If the Bureau determines that the explanation does not mitigate the fact that the person committed the infraction, the person owes the entire amount of the fine arising out of the parking infraction, and if the person has not previously paid the fine, the person shall pay the entire amount of the fine. If a person admits that he committed a parking infraction with explanation and the person fails to pay the amount of the fine due within ten days after receiving notice of the Bureau's determination, unless the amount due has previously been paid, the Bureau's determination and the amount of the fine due shall be considered a judgment and shall be treated as if it were a judgment rendered subsequent to a hearing held pursuant to division (B) of § 7.

(3) A person who denies that he committed a parking infraction shall be granted a hearing concerning the infraction. The Bureau shall set a date for the hearing and notify the person, in writing, of the date, time, and place of the hearing. The hearing shall be conducted by a hearing examiner of the Parking Violations Bureau in accordance with § 7.

(C) If a person who is personally or constructively served with a parking ticket charging the commission of a parking infraction fails to timely answer the charge, as provided in division (A) of this section, the Parking Violations Bureau shall issue the proper notifications of infraction pursuant to § 6, and proceed according to that section. Failure to timely answer a charge may result in the imposition of an additional penalty of \$50.00.

(D) The issuance of a parking ticket, the filing of or failure to file an answer by a person personally or constructively served with the ticket, the substance of an answer, the payment of any fine, penalty, fee, and cost, and any other relevant information shall be entered in the records of the Bureau.

6. FAILURE TO ANSWER.

(A) When a person is personally or constructively served with a parking ticket charging the commission of a parking infraction and fails to answer the charge within the time specified in § 5, the Parking Violations Bureau shall send notification of infraction as follows:

(1) If the person who fails to answer was the operator of the vehicle involved in the parking infraction at the time of the commission of the parking infraction and was personally served with the parking ticket, a notification of infraction shall be sent to that person, and additionally, if such person is not the owner of the vehicle, as determined from the records of the Bureau of Motor Vehicles, a notification of infraction also shall be sent to the owner at his most recent address appearing in such records;

(2) If the person who fails to answer was the owner of the vehicle and was constructively served with the parking ticket, a notification of infraction shall be sent to the owner at his most recent address appearing in the records of the Bureau of Motor Vehicles.

(B) A notification of infraction shall be sent within twelve months after the expiration of the time specified in § 5 for the making of an answer, shall be sent by first class mail, and shall contain all of the following:

(1) An identification of the parking infraction with which the person was charged and the time and date of the infraction, which identification may be a copy of the parking ticket;

(2) The amount of the fine, penalties, fees, and costs due;

(3) A warning that the person must answer the parking infraction charged in the ticket within thirty days or a default civil judgment in the amount of the fine, penalties, fees, and costs due may be entered against the person;

(4) A description of the allowable answers that may be made and notification that the person will be afforded a hearing before the Bureau if he denies in his answer that he committed the

parking infraction;

(5) An identification of the manner in which and the entity to which an answer may be made;

(6) A warning that if the person fails to appear at a requested hearing, a default civil judgment in the amount of the fine, penalties, fees, and costs due may be entered against the person.

(C) A person who receives a notification of infraction pursuant to this section may answer in any of the ways provided in division (A) of § 5 for answers to parking infractions charged in a parking ticket. An answer under this section shall be made within thirty days after the date on which the notification of infraction was mailed, and shall be in one of the forms specified in divisions (A)(1), (2), and (3) of § 5 for answers to parking infractions charged in a parking ticket, except that if the answer includes payment of the fine arising out of the parking infraction any penalty, fee, or cost arising out of such infraction also shall be paid. The answer shall be governed by division (B) of § 5 for answers relative to parking infractions charged in a parking ticket, except that any determination of the amount to be paid under an answer admitting the commission of the parking infraction with explanation also shall consider any penalty, fee, or cost arising out of such infraction.

(D) If a person who is issued a notification of infraction fails to timely answer, as provided in division (C) of this section, the failure to answer shall be considered an admission that the person committed the parking infraction, and a default civil judgment in the amount of the fine, penalties, and costs due may be entered against the person. Failure to timely answer the parking infraction identified in the notification of infraction may result in the imposition of an additional penalty of \$50.00.

(E) The sending of a notification of infraction, the filing of or failure to file an answer by the person to whom it is sent, the substance of an answer, the payment of any fine, penalty, fee, and cost and any other relevant information shall be entered in the records of the Bureau.

7. Hearing procedure.

information in proper form is prima facie evidence that the registered owner of the vehicle was the person who committed the (A) If a person who is personally or constructively served with a parking ticket charging the commission of a parking infraction or who receives a notification of infraction, in his answer to the charge denies that he committed the infraction, the Parking Violations Bureau shall conduct a hearing to determine if the person committed the infraction. Each hearing shall be conducted by a hearing examiner of the Parking Violations Bureau, in such manner as the hearing examiner considers appropriate. Rules regarding the admissibility of evidence shall not be strictly applied in the hearing, but all testimony shall be under oath.

At the hearing, the City has the burden of proving, by a preponderance of the evidence, that the person committed the parking infraction. If the person, in his answer, denied that he committed the infraction and requested the presence at the hearing of the law enforcement officer who issued the parking ticket, the officer shall be required to attend the hearing unless the hearing examiner determines that the officer's presence is not required. If the officer's presence at the hearing has been requested and the officer is unable to attend the hearing on the day and at the time scheduled, the hearing examiner may grant a reasonable continuance. The person for whom the hearing is being conducted may present any relevant evidence and testimony at the hearing. The person does not have to attend the hearing if he submits documentary evidence to the hearing examiner prior to the day of the hearing.

The City shall submit the original parking ticket that was personally or constructively served on the person or a true copy of that ticket, and information from the Bureau of Motor Vehicles that identifies the owner of the vehicle. The ticket and the parking infraction. The City may present additional evidence and testimony at the hearing. The City does not have to be represented at the hearing by an attorney.

(B)(1) If a person for whom a hearing is to be conducted appears at the scheduled hearing, the hearing examiner shall consider all evidence and testimony presented and shall determine whether the City has established, by a preponderance of the evidence, that the person committed the parking infraction. If the hearing examiner determines that the person committed the

infraction, an order indicating the determination as a judgment against the person and requiring the person to pay the appropriate fine and any additional penalties, fees and costs shall be entered in the records of the Parking Violations Bureau.

(2) If a person for whom a hearing is to be conducted fails to appear at the scheduled hearing and fails to submit evidence in accordance with that division, the hearing examiner shall, if he determines from any evidence and testimony presented, by a preponderance of the evidence, that the person committed the parking infraction, enter a default judgment against the person and require the person to pay the appropriate fine and any additional penalties, fees, and costs. A default judgment entered under this division shall be entered in the records of the Parking Violations Bureau.

(3) If a person who is sent a notification of infraction does not timely answer, the hearing examiner of the Parking Violations Bureau shall, if he determines from any evidence and testimony presented to him, by a preponderance of the evidence, that the person committed the parking infraction, enter a default judgment against the person and require the person to pay the appropriate fine and any additional penalties, fees, and costs. A default judgment entered under this division shall be entered in the records of the Parking Violations Bureau.

(4) If the hearing examiner does not determine, by a preponderance of the evidence, that a person in any of the classes described in division (B)(1), (2), or (3) of this section committed the parking infraction, the hearing examiner shall enter judgment against the City, shall dismiss the charge against the person, and enter the judgment and dismissal in the records of the Parking Violations Bureau.

(5) A default judgment entered under this section may be vacated by the hearing examiner who entered it if all of the following apply:

(a) The person against whom the default judgment was entered files a motion with the Parking Violations Bureau within one year of the date of entry of the judgment;

(b) The motion sets forth a sufficient defense to the parking infraction out of which the judgment arose; and

(c) The motion sets forth excusable neglect as to the person's failure to attend the hearing or answer the notification of infraction.

(C) Payment of any judgment or default judgment entered against a person pursuant to this section shall be made to the violations clerk of the Parking Violations Bureau in which the judgment was entered within ten days of the date of entry. All money paid in satisfaction of a judgment or default judgment shall be disbursed by the clerk to the City, and the clerk shall enter the fact of payment and its disbursement in the records of the Bureau. If payment is not made within this period, the judgment or default judgment shall be filed with the Clerk of the South Euclid Municipal Court and when so filed, shall have the same force and effect as a money judgment in a civil action rendered in that court.

As required by RC 4521.08(C), judgments and default judgments filed with the South Euclid Municipal Court pursuant to this division shall be maintained in a separate index and judgment roll from other judgments rendered in that court. Computer printouts, microfilm, microdot, microfiche, or other similar data recording techniques may be utilized to record such judgments. When a judgment or default judgment is filed with the court, execution may be levied, and such other measures may be taken for its collection as are authorized for the collection of an unpaid money judgment in a civil action rendered in that Court. The court may assess costs against the judgment debtor, in an amount not exceeding \$79.00 for each parking infraction, to be paid upon satisfaction of the judgment.

(D) Any person against whom a judgment or default judgment is entered pursuant to this section, and the City, if a judgment is entered against the City pursuant to this section, may appeal the judgment to the South Euclid Municipal Court by filing notices of appeal with the Parking Violations Bureau and the Municipal Court within fifteen days of the date of entry of the judgment and by the payment of such reasonable costs as the Court requires. Upon the filing

of an appeal, the Court shall schedule a hearing date and notify the parties of the date, time, and place of the hearing. The hearing shall be held by the Court in accordance with the rules of the Court. Service of notice of appeal under this division by a person does not stay enforcement and collection of the judgment or default judgment from which appeal is taken by the person unless the person who files the appeal posts bond with the Parking Violations Bureau in the amount of the judgment, plus court costs, at or before service of the notice of appeal.

The judgment on appeal to the Municipal Court is final, and no other appeal of the judgment of the Parking Violations Bureau and no appeal of the judgment of the Municipal Court may be taken.

(E) A default judgment entered pursuant to this section may be filed with the Municipal Court under division (C) of this section at any time within three years after the date of issuance of the parking ticket charging the parking infraction out of which the judgment arose. This division applies to any ticket issued for an offense that would be a parking infraction on or after the effective date of this section if the ticket was issued within three years prior to the effective date of this section.

8. NONLIABILITY OF OWNER.

(A) An owner of a vehicle is not jointly liable with an operator of the vehicle whose act or omission resulted in a parking infraction for the parking infraction or any fine, penalty, fee, or cost arising out of the parking infraction if any of the following apply:

(1) The owner answers the charge of the parking infraction under § 5 or 6, the answer denies that he committed the infraction and requests a hearing concerning the infraction, the owner additionally asserts and provides reasonable evidence at that time to prove that the vehicle, at the time of the commission of the parking infraction, was being used by the operator without the owner's express or implied consent, and the Parking Violations Bureau determines that the vehicle was being used without the owner's express or implied consent at that time. If the Bureau does not so determine, it shall conduct the hearing concerning the infraction according to § 7.

(2) The owner answers the charge of the parking infraction under § 5 or 6, the answer denies that he committed the parking infraction, the owner additionally submits evidence at that time that proves that, at the time of the alleged commission of the infraction, the owner was either engaged in the licensed taxicab business or otherwise engaged in the business of renting or leasing vehicles underwritten rental or lease agreements, and the owner additionally submits evidence that proves that, at the time of the alleged commission of the parking infraction, the vehicle in question was in the care, custody, or control of a person other than the owner either pursuant to an employment relationship, if the owner was engaged in the licensed taxicab business, or otherwise pursuant to a written rental or lease agreement. If the owner does not so prove, the Parking Violations Bureau shall conduct a hearing relative to the infraction according to § 7.

(3) The owner, at a hearing concerning the parking infraction conducted in accordance with § 7, proves that the vehicle, at the time of the parking infraction, was being used by the operator without the owner's express or implied consent or proves the facts described in division (A)(2) of this section.

(B) An owner of a vehicle who is either engaged in the licensed taxicab business or otherwise engaged in the business of renting or leasing vehicles underwritten rental or lease agreements, but who does not satisfy the additional requirement of division (A)(2) of this section is not liable for any penalties arising out of a parking infraction involving the vehicle if at the time of the commission of the parking infraction, the vehicle was in the care, custody, or control of a person other than the owner either pursuant to an employment relationship, if the owner was engaged in the licensed taxicab business, or otherwise pursuant to a written rental or lease agreement, and if the owner answers the charge of the parking infraction by denying that he committed the parking infraction or by paying the fine arising out of the parking infraction within thirty days after actual receipt of the parking ticket charging the infraction or, if the owner did not receive the parking ticket, within thirty days after receipt of the notification of infraction.

Proof that the vehicle was in the care, custody, or control of a person other than the owner pursuant to a written rental or lease agreement at the time of the alleged parking infraction shall be established by sending a true copy of the rental or lease agreement or an affidavit to that effect to the Parking Violations Bureau within thirty days after the date of receipt by the owner of the parking ticket charging the infraction or, if the owner did not receive the parking ticket, within thirty days after receipt of the notification of infraction. The submission of a true copy of a written rental or lease agreement or affidavit shall be prima facie evidence that a vehicle was in the care, custody, or control of a person other than the owner. In addition, any information required by division (A)(2) of this section may be provided on magnetic tape or another computer-readable media in a format acceptable to the City of South Euclid.

9. PARKING TICKET ADOPTED.

The following parking ticket is adopted to be used by law enforcement officers in all cases in which a person is charged with a parking infraction within the City of South Euclid:

(Front)

Offender

Name

License Plate
No.

Vehicle

Parking Infraction
Date of Violation

Type,

Make

or

Model
Time of
Violation

Place of Violation

Below signed officer affirms the facts contained in this parking infraction.

Ptl.

(Back)

The owner-operator of the vehicle designated has been charged with a parking infraction.

You must, within 10 days, answer this infraction by admitting the parking infraction, admitting the parking infraction with an explanation of the circumstances, or denying the parking infraction and requesting a hearing.

Answers may be made in person, by mail or phone to the violations clerk, Parking Violations Bureau,
[address]

Failure to answer within 10 days or to appear at a requested hearing will be considered an admission of this parking infraction, and may result in a default judgment against you and impoundment or immobilization of the designated vehicle, and penalties prescribed by ordinance.

10. PARKING INFRACTION FINES.

The following fines for parking infractions are hereby established:

	If paid within 10 days of the time notice was issued	After 20 days but within 30 days from the time notice was issued	After 30 days but prior to the time a civil complaint is issued
351.03	\$15.00	\$30.00	\$45.00

351.04(f)	\$250.00	\$300.00	\$350.00
351.045	\$15.00	\$30.00	\$45.00
351.06	\$15.00	\$30.00	\$45.00
351.07	\$15.00	\$30.00	\$45.00
351.09	\$15.00	\$30.00	\$45.00
351.10	\$15.00	\$30.00	\$45.00
351.11	\$15.00	\$30.00	\$45.00
351.12	\$15.00	\$30.00	\$45.00
351.14	\$15.00	\$30.00	\$45.00
351.15	\$15.00	\$30.00	\$45.00
351.16			
1st offense	\$20.00	\$30.00	\$60.00
351.16			
2nd offense	\$30.00	\$50.00	\$100.00
351.18	\$15.00	\$30.00	\$45.00
351.19	\$15.00	\$30.00	\$30.00
351.20	\$15.00	\$30.00	\$45.00

Section 2: That is hereby found and determined that all formal actions of this council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3: That this Ordinance is deemed to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety by ensuring the safe and orderly regulation of vehicle parking within the City and therefore should be adopted at the earliest possible time. Wherefore this Ordinance shall take effect and be in force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this _____ day of _____, 2012

David B. Miller, President of Council

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 50-12
INTRODUCED BY: Miller
REQUESTED BY: Planning Commission

September 10, 2012

A RESOLUTION

GRANTING A CONDITIONAL USE PERMIT FOR A DRIVE THROUGH AT 1516 WARRENSVILLE CENTER ROAD IN THE CITY OF SOUTH EUCLID, OHIO; AND DECLARING AN EMERGENCY.

WHEREAS, the Council of the City of South Euclid recognizes the need for a drive through as part of the Wal-Mart Store to be located at Oakwood Commons, 1516 Warrensville Center Road; and

WHEREAS, the Planning Commission, after careful study, has recommended to Council in a vote of 3-0-0 that a Conditional Use Permit be granted to permit a drive through at 1516 Warrensville Center Road; and

WHEREAS, notice of a public hearing on the aforesaid requested Conditional Use Permit has been duly given, and a full public hearing has been held thereon by the Planning Commission pursuant to such notice and as prescribed by law; and

WHEREAS, the Council of the City of South Euclid deems that the aforesaid Conditional Use Permit should be given in that a hardship exists in the land and that the standards set forth in Chapter 772 of the South Euclid Zoning Code have been achieved.

NOW THEREFORE, BE IT RESOLVED by the Council of the City of South Euclid, Ohio:

Section 1: That a Conditional Use Permit is hereby granted to permit a drive through at 1516 Warrensville Center Road, per the following conditions:

- Condition 1:** That if a drive through is provided at 1516 Warrensville Center Road, that the property owner and/or lessee provide stacking space for the queuing of vehicles awaiting service as determined by the South Euclid Traffic Commissioner.
- Condition 2:** That each stacking space shall be twenty (20) feet long, and a minimum of nine (9) feet wide.
- Condition 3:** That the lane widths should be delineated with pavement markings (individual spaces within the lane do not need to be marked).
- Condition 4:** Stacking spaces shall be in addition to the required parking spaces and must not be located within a required driveway, internal circulation system, or parking aisle.

Section 2: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3: That this Resolution is declared to be an emergency measure necessary for the preservation of the public peace, health and safety and for the further reason that a vital function of the municipal government is affected thereby. Wherefore, this Resolution shall take effect and be in full force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this _____ day of _____, 2012.

David B. Miller, President of Council

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO. 51-12
INTRODUCED BY: Miller
REQUESTED BY: Mayor

September 10, 2012

A RESOLUTION

DECLARING IT NECESSARY TO IMPROVE CERTAIN DESCRIBED PUBLIC STREETS, ROADS, AND PLACES IN THE CITY OF SOUTH EUCLID, OHIO BY PROVIDING STREET LIGHTING; AND DECLARING AN EMERGENCY.

BE IT RESOLVED by the Council of the City of South Euclid, County of Cuyahoga, State of Ohio:

Section 1: That it is necessary to improve in the City of South Euclid, Ohio, the public streets, roads and places by lighting with lamps of the size and at the locations specified in the certified list as filed with the Clerk of Council and furnished by the Illuminating Company.

Section 2: That said public streets, roads and places shall be improved as shown on the plans hereinafter referred to and now on file in the office of the Clerk of Council of this City.

Section 3: It is hereby determined and declared that said improvement is conducive to the public health, convenience and welfare of said City and the inhabitants thereof.

Section 4: That the grade of said public streets, roads and places and improvement shall be the grade as shown by the Engineer's plans and profiles, heretofore prepared and now on file in the office of the Clerk of Council of this City.

Section 5: That the plans, specifications and estimates of the proposed improvement, heretofore prepared and now on file in the office of the Clerk of Council of this City, are hereby approved.

Section 6: That the whole cost of said improvement, less 1/50th of such whole cost, together with the cost of intersections, shall be assessed in proportion to the benefits which may result from the improvement upon the following described lots and lands, to wit:

All lots and lands situated within the corporate limits of the City of South Euclid, Ohio, which said lots and lands are hereby determined to be specifically benefited by said improvement; and the cost of said improvement shall include the cost of preliminary and other surveys, plans, specifications, profiles and estimates and of printing, serving and publishing notices, resolutions and ordinances, the amount of damage resulting from the improvement assessed in favor of any land owner of land affected by the improvement and the interest thereon, the costs incurred in connection with the preparation, levy and collection of the special assessments, the cost of purchasing, appropriating, and otherwise acquiring therefore any required real estate or interest therein, expenses of legal services including obtaining an approving legal opinion, cost of labor and material together with all other necessary expenditures.

Section 7: That the Engineer be and he is hereby authorized and directed to prepare and file in the office of the Clerk of Council of this City the estimated assessments of the cost of the improvement described in this resolution. Such estimated assessments shall be based upon the estimate of cost of said improvement now on file in the office of the Clerk of Council of this City and shall cause notice of the adoption of this resolution and the filing of said estimated assessments to be given to owners of all lots and lands to be assessed as provided in Section 727.14 of the Ohio Revised Code.

Section 8: That the assessments to be levied and collected shall be paid in two annual installments; provided that the owner of any property assessed may, at his option, pay such assessment in cash within ten days after passage of the assessing ordinance.

Section 9: That the bonds of the City shall not be issued in anticipation of the collection of assessments by installments.

Section 10: That it is hereby found and determined that all formal actions of this Council concerning and relating to the adoption of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action, were in meetings open to the public in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

Section 11: That this Resolution is hereby determined to be an emergency measure necessary for the preservation of the public peace, health and safety of this City, and for the further reason that the immediate provision for the lighting of said public streets, roads, and places is necessary for safe and convenient travel upon the streets of the City; wherefore, this Resolution shall take effect and be in force immediately upon its passage and approval by the Mayor.

Passed this _____ day of _____, 2012.

David B. Miller, President of Council

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 52-12
INTRODUCED BY: Miller
REQUESTED BY: Mayor

September 10, 2012

A RESOLUTION

A RESOLUTION AUTHORIZING THE APPROPRIATION
OF UNAPPROPRIATED FUNDS IN THE FOLLOWING FUND:
"GENERAL FUND #101-BUILDING DEPARTMENT-OUTSIDE LABOR."

WHEREAS, the Building Department contracts with outside services for commercial plumbing inspections; and

WHEREAS, due to the increase in commercial development projects, additional funding is needed to cover the cost of these inspections.

NOW THEREFORE BE IT RESOLVED by the Council of the City of South Euclid, Ohio:

Section 1: That the Council of the City of South Euclid hereby authorizes the Finance Director to appropriate unappropriated funds in the "General Fund #101-Building Department-Outside Labor" in the amount of \$4,000.00.

Section 2: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Resolution were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 3: That this Resolution is deemed to be an emergency measure necessary for the immediate preservation of the public peace, health, safety, and welfare of the residents and for the further reason that a vital function of government is affected thereby. Wherefore, this Resolution shall take effect and be in force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this _____ day of _____, 2012.

David B. Miller, President of Council

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 21-12
INTRODUCED BY: Miller
REQUESTED BY: Mayor

September 10, 2012

AN ORDINANCE

DETERMINING TO PROCEED WITH THE IMPROVEMENT OF CERTAIN DESCRIBED PUBLIC STREETS, ROADS, AND PLACES IN THE CITY OF SOUTH EUCLID, OHIO BY PROVIDING STREET LIGHTING; AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Council of the City of South Euclid, County of Cuyahoga, State of Ohio:

Section 1: That it is hereby determined to proceed with the improvement in the City of South Euclid of certain public streets, roads, and places described in Resolution No. 50-12 duly adopted by this Council on September 10, 2012, by lighting with lamps as described in such Resolution 50-12.

Section 2: That said improvement shall be made in accordance with the provisions of Resolution 50-12 adopted on September 10, 2012 and with the plans, specifications, estimates, and profiles heretofore approved and now on file in the office of the Clerk of this Council.

Section 3: That all claims for damages resulting therefrom that have been legally filed shall be inquired into before the commencement of the proposed improvement, and the Director of Law is hereby authorized and directed to institute legal proceedings in a court of competent jurisdiction to inquire into any such claims that have been so filed.

Section 4: That portion of the cost provided in the above-mentioned Resolution of necessity to be assessed shall be assessed in the manner provided in said Resolution No. 50-12 and on the lots and lands described therein for a period of three (3) consecutive years beginning with the 2012 Tax Duplicate for collection in the years 2013 through 2015.

Section 5: That the estimated assessments heretofore prepared and filed in the office of the Clerk of this Council be and the same are hereby approved and adopted.

Section 6: That said assessment shall be paid in two (2) equal annual installments, shall be certified to the County Auditor and placed upon the Tax Duplicate according to law, and shall be collected as other taxes; provided, however, that a property owner shall have the option of paying the assessment in cash within ten (10) days from the passage of this levy Ordinance.

Section 7: That the Clerk of this Council is hereby directed to deliver a Certified Copy of this Ordinance to the Cuyahoga County Auditor within fifteen days after its passage.

Section 8: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 9: That this Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of said City and for the further reason that the immediate provision for the lighting of said public streets, roads, and places is necessary for safe and convenient travel upon the streets of this City; wherefore; this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

Passed this _____ day of _____, 2012.

David B. Miller, President of Council

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 22-12
INTRODUCED BY: Miller
REQUESTED BY: Mayor

September 10, 2012

AN ORDINANCE

ASSESSING ALL UNPAID COSTS OF ABATEMENT OF NUISANCES, AS AUTHORIZED BY CHAPTER 531 OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO, THE CUYAHOGA COUNTY COMMON PLEAS COURT AND THE OHIO REVISED CODE; AND DECLARING AN EMERGENCY.

BE IT ORDAINED by the Council of the City of South Euclid, Ohio:

Section 1: That for the purpose of paying all costs in abating nuisances, there is hereby levied and assessed upon the following described property, situated in the City of South Euclid, County of Cuyahoga and State of Ohio, the following amount:

CITY OF SOUTH EUCLID
ABATEMENT OF NUISANCES ASSESSMENT
ASSESSMENT ON TAX DUPLICATE FOR TAX YEAR 2012 (1 YEAR
ASSESSMENT)

2011-2012 Abatement of Nuisances

Parcel No.	Street	Principal
<u>BOOK 701</u>		
701-44-012	4681 Anderson	\$ 850.00
<u>BOOK 702</u>		
702-01-009	4094 Bluestone	\$ 1,800.00
702-20-005	4273 Ardmore	\$ 8,528.00
702-20-005	4273 Ardmore	\$ 1,260.00
<u>BOOK 703</u>		
703-12-027	1864 Oakmount	\$ 1,110.00
<u>BOOK 704</u>		
704-11-066	4155 Hinsdale	\$ 1,319.00
704-11-114	4121 Bayard	\$ 8,353.00
704-15-019	4246 Bayard	\$ 8,353.00
704-24-063	3901 Eastway Rd	\$ 8,089.00
		\$ 39,662.00

Section 2: That the total assessment against the above parcels of land be paid by Cash, Certified Check or Money Order made payable to the City of South Euclid, within fifteen (15) days from and after the passage of this Ordinance. All assessments remaining unpaid at the expiration of said fifteen (15) days shall be certified by the Director of Finance to the County Auditor as provided by law, to be placed on the tax duplicate of each parcel and collected as

other taxes are collected and paid in two (2) installments within one-year with interest not to exceed 8 1/2 %.

Section 3: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 4: That this Ordinance is deemed to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety and for the further reason it is necessary to levy assessments to reimburse the City for said work in abating the nuisances. Wherefore, this Ordinance shall take effect upon passage and approval.

Passed this _____ day of _____, 2012.

David B. Miller, President of Council

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 23-12
INTRODUCED BY: Miller
REQUESTED BY: Mayor

September 10, 2012

AN ORDINANCE

TO PROVIDE FOR THE ISSUANCE AND SALE OF NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS IN A PRINCIPAL AMOUNT NOT TO EXCEED \$2,000,000 FOR THE PURPOSE OF PAYING THE COSTS OF THE ACQUISITION, AND ANY NECESSARY CLEARANCE AND PREPARATION, OF REAL PROPERTY FOR URBAN REDEVELOPMENT, AND PAYING COSTS OF ISSUANCE; AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 86-06, passed January 9, 2007, the Council of the City authorized the issuance of notes (the "2007 Notes") in anticipation of the issuance of bonds in the principal amount of \$17,000,000 for the purpose of paying the costs of the acquisition, and any necessary clearance and preparation, of real property for urban redevelopment, and paying costs of issuance therefor, which 2007 Notes were dated January 30, 2007 and matured on January 29, 2008, and which 2007 Notes were retired with proceeds of notes in the amount of \$18,010,000 (the "2008 Notes") which 2008 Notes were dated January 28, 2008 and matured January 27, 2009, and which 2008 Notes were retired with proceeds of notes in the amount of \$18,550,000 (the "2009 Notes") which 2009 Notes were dated January 26, 2009 and matured January 25, 2010, and which 2009 Notes were retired with proceeds of notes in the amount of \$19,225,000 (the "2010-1 Notes") which 2010-1 Notes were dated January 21, 2010 and matured September 30, 2010, which 2010-1 Notes were retired with proceeds of notes in the amount of \$17,270,000 (the "2010-2 Notes") which 2010-2 Notes were dated September 29, 2010 and matured September 28, 2011, and which 2010-2 Notes were retired, in part, with proceeds of taxable notes in the amount of \$9,595,000 (the "Refunded Notes"), together with other funds of the City, which Refunded Notes were dated September 27, 2011 and will mature September 26, 2012; and

WHEREAS, the Council of the City has determined that payment of the outstanding principal of the Refunded Notes shall be funded at maturity, in part, by the issuance of new notes in a principal amount not to exceed \$2,000,000 in anticipation of the issuance of bonds for the purpose hereinabove stated and the balance of the outstanding principal of the Refunded Notes shall be paid from the issuance of bonds for that purpose and from other sources; and

WHEREAS, the fiscal officer has certified to the estimated life of the improvements to be acquired with the proceeds of the bonds anticipated, the maximum maturity of the bonds anticipated and the notes herein authorized;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of South Euclid, Ohio:

Section 1: That it is hereby declared necessary to issue bonds of the City of South Euclid in a principal sum not to exceed \$2,000,000 for the purpose of paying the costs of the acquisition, and any necessary clearance and preparation, of real property for urban redevelopment; and paying costs of issuance.

Section 2: That said bonds shall be dated September 1, 2013, shall bear interest at the estimated rate of six and fifty one-hundredths percent (6.50%) per annum, payable semi-annually until the principal sum is paid, and shall mature in thirty (30) annual installments after their issuance.

Section 3: That it is hereby determined that notes (hereinafter referred to as the "Notes") in a principal amount not to exceed \$2,000,000 shall be issued in anticipation of the issuance of bonds for the above-described purposes. The services of Calfee, Halter & Griswold LLP, Bond Attorneys, Cleveland, Ohio, as Bond Counsel for the Notes are hereby retained. The Notes shall be sold at private sale and shall bear interest at the rates fixed by the Finance Director or the Mayor in the certificate awarding the Notes (the "Certificate of Award"), provided that such

rates shall not exceed seven per centum (7.0%) per annum. Interest on the Notes shall be payable at maturity, with provision, if requested by the purchaser, that, in the event of default, the Notes shall bear interest, at a rate which shall not exceed ten per centum (10%) per annum, until the principal sum is paid or provided for. The Notes shall be dated their date of issuance, shall mature on a date that is between three months and twelve months, inclusive, from their date of issuance, all as determined by the Finance Director or the Mayor to be in the best interest of the City and set forth in the Certificate of Award, provided that if such maturity date is not a business day, the Notes shall mature on the first business day immediately preceding such date. The Notes shall not be subject to redemption by the City at any time prior to maturity, unless the Original Purchaser (as defined herein) of the Notes requests that the Notes provide for such redemption, in which case provision shall be made for calling the Notes for redemption upon ten (10) days written notice to the Paying Agent for the Notes (as defined below), or to the Original Purchaser if the Finance Director is the Paying Agent. In addition, the Notes shall be issued in the numbers and denominations requested by the Original Purchaser (subject to the provisions of Section 4), and shall be payable as to both principal and interest at the office of the Finance Director of the City, or at a bank or trust company designated by the Finance Director (herein individually or collectively the "Paying Agent"), without deduction for exchange, collection or service charge. To the extent that at the maturity of the Notes funds of the City, whether from the levy of taxes or otherwise, are not available in an amount sufficient to retire the Notes, the Council of the City shall pass legislation authorizing the issuance of notes or bonds, the proceeds of which shall be used to retire said Notes.

Section 4: The Notes shall be designated "Taxable Real Estate Acquisition and Urban Redevelopment General Obligation Bond Anticipation Notes, Series 2012." Pursuant to Section 133.30(B), Ohio Revised Code, the Fiscal Officer may combine the Notes with other bond anticipation notes into a single consolidated issue of bond anticipation notes for purposes of their sale as a single issue to be designated "Taxable Various Purpose General Obligation (Limited Tax) Bond Anticipation Notes, Series 2012." Such Notes shall contain a summary statement of purposes for which they are issued; shall state that they are issued pursuant to this Ordinance, shall be issued in the numbers and denominations requested by the Original Purchaser, provided that the Notes shall be in minimum denominations of \$100,000, and shall be executed by the Mayor and the Finance Director of the City, provided that one of such signatures may be a facsimile signature.

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

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

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

As used in this Section and this Ordinance:

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

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

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

Section 5: That the Notes shall be sold by the Finance Director or the Mayor at private sale in a manner and upon terms determined by the Finance Director or the Mayor to be in the best interest of the City at not less than par plus accrued interest to KeyBanc Capital Markets Inc. (the “Original Purchaser”), in accordance with law and the provisions of this Ordinance. The Finance Director shall, in accordance with his determination of the best interests of and financial advantages to the City and its taxpayers and conditions then existing in the financial market, consistently with the provisions hereof, establish the terms of the Notes to be specified in a Certificate of Award and sign the Certificate of Award referred to in Section 3 evidencing the sale of the Notes. The Finance Director is hereby authorized and directed to deliver the Notes, when executed, to the Original Purchaser thereof upon payment of the purchase price. The proceeds of such sale shall be paid into the proper fund and used for the purpose for which the Notes are being issued and to pay those costs of issuance set forth in Section 133.15(B), Ohio Revised Code. Any premium received by the City and accrued interest shall be transferred to the City’s Bond Retirement Fund to be applied to the payment of the principal of and interest on the Notes in the manner provided by law. In addition, the Mayor and the Finance Director, as appropriate, are each authorized and directed to sign any other transcript certificates, financial statements and other documents, agreements, representations and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance.

Section 6: That the Finance Director is authorized and directed to execute a continuing disclosure certificate (the “Disclosure Certificate”) dated the date of delivery of the Notes and delivered to the Original Purchaser of the Notes for the benefit of the holders of the Notes (the “Noteholders”) and to assist the Original Purchaser in complying with S.E.C. Rule 15c2-12(b)(5), which Disclosure Certificate shall set forth the City’s undertaking to provide annual reports and notices of certain events. The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Disclosure Certificate. Failure of the City to comply with the Disclosure Certificate shall not be considered an event of default; however, any Noteholder may take such actions as may be necessary and appropriate to cause the City to comply with its obligations under this Section.

Section 7: That the Notes shall be full general obligations of the City and that the full faith and credit of the City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the bonds anticipated by the Notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used only for the retirement of the Notes at maturity together with the interest thereon, and is hereby pledged for such purpose.

Section 8: That during the years while the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually not less than that which would have been levied if bonds had been issued without the prior issuance of the Notes. Said tax shall be and is hereby 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 said years are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof.

The funds derived from said tax levies hereby required shall be placed in a separate and distinct fund which, together with the interest collected on the same, shall be irrevocably pledged for the payment of the principal of and interest on the Notes or the bonds in anticipation of which they are issued, when and as the same falls due; provided, however, that in each year to the extent that revenues are available from other sources for the payment of the Notes and bonds and are appropriated for such purpose, the amount of such direct tax upon all of the taxable property in the City shall be reduced by the amount of such revenues so available and appropriated.

Section 9: That while the Notes are outstanding, the City hereby covenants to appropriate annually, to the extent required, sufficient amounts from municipal income tax revenues to pay principal and interest on the Notes when the same fall due, and to continue to levy and collect the municipal income tax in an amount necessary to meet debt charges on the Notes. The City covenants to deposit into the Bond Retirement Fund, from available funds appropriated for the purpose, an amount necessary to meet any shortfall that may exist between the amount then available in the Bond Retirement Fund and the amount of principal and interest due at maturity of the Notes.

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

Section 11: That the Finance Director of the City is hereby directed to forward or cause to be forwarded a certified copy of this Ordinance to the County Fiscal Officer of Cuyahoga County and to secure a receipt therefor.

Section 12: That the Mayor and Finance Director, or either of them, are hereby authorized to prepare, execute and deliver to the Original Purchaser of the Notes a preliminary and final Official Statement or any other appropriate disclosure document of the City in connection with the sale and delivery of the Notes.

Section 13: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 14: That this Ordinance is deemed to be an emergency measure necessary for the immediate preservation for the public peace, health, and safety and for further reason that this Ordinance is required to be immediately effective to provide funds to retire the Refunded Notes which are about to mature and thereby protect the credit of the City. Wherefore, this Ordinance shall take effect and be in force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this _____ day of _____, 2012.

David B. Miller, President of Council

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law

I, Keith A. Benjamin, do hereby certify that this Ordinance No. ____ is an exact copy of the Ordinance No. ____ passed by South Euclid City Council on September ____, 2012.

Keith A. Benjamin, Clerk of Council

FISCAL OFFICER'S CERTIFICATE

City of South Euclid, Ohio
September 10, 2012

TO THE COUNCIL OF THE CITY OF SOUTH EUCLID, OHIO

The undersigned, as fiscal officer of the City of South Euclid, Ohio, as defined by Revised Code Section 133.01, hereby certifies as follows in connection with your proposed issue not more than \$2,000,000 of bonds and notes in anticipation thereof for the purpose of paying the costs of the acquisition, and any necessary clearance and preparation, of real property for urban redevelopment, including public infrastructure improvements to be located thereon, and paying costs of issuance:

1. That the estimated life of the improvements to be acquired from the proceeds of said issue is hereby certified to be at least five (5) years.
2. That the maximum maturity of such bonds calculated in accordance with the provisions of Section 133.20 of the Revised Code of Ohio is at least thirty (30) years, provided that if notes in anticipation of such bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original notes (2007), the period thereof in excess of five (5) years shall be deducted from the latest permitted maturity of said bonds.
3. That the maximum maturity of notes issued in anticipation of such bonds is January 30, 2037, which is thirty (30) years from the date of the notes originally issued for such purpose.

Finance Director
City of South Euclid

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 24-12
INTRODUCED BY: Miller
REQUESTED BY: Mayor

September 10, 2012

AN ORDINANCE

TO PROVIDE FOR THE ISSUANCE AND SALE OF NOTES IN ANTICIPATION OF THE ISSUANCE OF BONDS IN A PRINCIPAL AMOUNT NOT TO EXCEED \$100,000 FOR THE PURPOSE OF REFUNDING CERTAIN NOTES ISSUED FOR THE PURPOSE OF PAYING COSTS OF IMPROVING STANHOPE PARKING LOT, TOGETHER WITH ALL NECESSARY APPURTENANCES THERETO, AND PAYING COSTS OF ISSUANCE; AND DECLARING AN EMERGENCY.

WHEREAS, the Council of the City previously authorized the issuance of, and the City did issue bonds (the "1994 Bonds") for the purpose of paying costs of improving Stanhope Parking Lot, together with all necessary appurtenances thereto, and paying costs of issuance, in the amount of \$630,000, which 1994 Bonds are currently outstanding in the principal amount of \$145,000 and mature on December 1, 2014; and

WHEREAS, the Council of the City has determined that currently refunding the 1994 Bonds is in the best interests of the City by the issuance of notes in a principal amount not to exceed \$100,000 in anticipation of the issuance of bonds for the purpose hereinafter stated; and

WHEREAS, the fiscal officer originally certified to the estimated life of the improvements constructed from the proceeds of the 1994 Bonds, the maximum maturity of the bonds anticipated and the notes herein authorized shall not exceed such estimated life;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of South Euclid, Ohio:

Section 1: That it is hereby declared necessary to issue bonds of the City of South Euclid in a principal sum not to exceed \$100,000 for the purpose of paying costs of improving Stanhope parking lot, together all necessary appurtenances thereto, and paying costs of issuance.

Section 2: That said bonds shall be dated September 1, 2013, shall bear interest at the estimated rate of six and fifty one-hundredths percent (6.50%) per annum, payable semi-annually until the principal sum is paid, and shall mature no later than December 1, 2014.

Section 3: That it is hereby determined that notes (hereinafter referred to as the "Notes") in a principal amount not to exceed \$100,000 shall be issued in anticipation of the issuance of bonds for the above-described purposes. The services of Calfee, Halter & Griswold LLP, Bond Attorneys, Cleveland, Ohio, as Bond Counsel for the Notes are hereby retained. The Notes shall be sold at private sale and shall bear interest at the rates fixed by the Finance Director or the Mayor in the certificate awarding the Notes (the "Certificate of Award"), provided that such rates shall not exceed seven per centum (7.0%) per annum. Interest on the Notes shall be payable at maturity, with provision, if requested by the purchaser, that, in the event of default, the Notes shall bear interest, at a rate which shall not exceed ten per centum (10%) per annum, until the principal sum is paid or provided for. The Notes shall be dated their date of issuance, shall mature on a date that is between three months and twelve months, inclusive, from their date of issuance, all as determined by the Finance Director or the Mayor to be in the best interest of the City and set forth in the Certificate of Award, provided that if such maturity date is not a business day, the Notes shall mature on the first business day immediately preceding such date. The Notes shall not be subject to redemption by the City at any time prior to maturity, unless the Original Purchaser (as defined herein) of the Notes requests that the Notes provide for such redemption, in which case provision shall be made for calling the Notes for redemption upon ten (10) days written notice to the Paying Agent for the Notes (as defined below), or to the Original Purchaser if the Finance Director is the Paying Agent. In addition, the Notes shall be issued in the numbers and denominations requested by the Original Purchaser (subject to the provisions of Section 4), and shall be payable as to both principal and interest at the office of the Finance Director of the City, or at a bank or trust company designated by the Finance Director (herein

individually or collectively the "Paying Agent"), without deduction for exchange, collection or service charge. To the extent that at the maturity of the Notes funds of the City, whether from the levy of taxes or otherwise, are not available in an amount sufficient to retire the Notes, the Council of the City shall pass legislation authorizing the issuance of notes or bonds, the proceeds of which shall be used to retire said Notes.

Section 4: That the Notes shall be issued in one issue of taxable general obligation notes, and shall be designated "Taxable Parking Facilities General Obligation Bond Anticipation Notes, Series 2012." Pursuant to Section 133.30(B), Ohio Revised Code, the Fiscal Officer may combine the Notes with other notes into a single consolidated issue of notes for purposes of their sale as a single issue, to be designated "Taxable Various Purpose General Obligation Bond Anticipation Notes, Series 2012"; such notes shall contain a summary statement of purposes encompassing the purpose for which the Notes are issued, shall state they are issued pursuant to this Ordinance, shall be issued in the numbers and denominations requested by the Original Purchaser, provided that the Notes shall be in minimum denominations of \$100,000, and shall be executed by the Mayor and the Finance Director of the City, provided that one of such signatures may be a facsimile signature.

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

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

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

As used in this Section and this Ordinance:

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

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

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

Section 5: That the Notes shall be sold by the Finance Director or the Mayor at private sale in a manner and upon terms determined by the Finance Director or the Mayor to be in the best interest of the City at not less than par plus accrued interest to KeyBanc Capital Markets Inc. (the “Original Purchaser”), in accordance with law and the provisions of this Ordinance. The Finance Director shall, in accordance with his determination of the best interests of and financial advantages to the City and its taxpayers and conditions then existing in the financial market, consistently with the provisions hereof, establish the terms of the Notes to be specified in a Certificate of Award and sign the Certificate of Award referred to in Section 3 evidencing the sale of the Notes. The Finance Director is hereby authorized and directed to deliver the Notes, when executed, to the Original Purchaser thereof upon payment of the purchase price. The proceeds of such sale shall be paid into the proper fund and used for the purpose for which the Notes are being issued and to pay those costs of issuance set forth in Section 133.15(B), Ohio Revised Code. Any premium received by the City and accrued interest shall be transferred to the City’s Bond Retirement Fund to be applied to the payment of the principal of and interest on the Notes in the manner provided by law. In addition, the Mayor and the Finance Director, as appropriate, are each authorized and directed to sign any other transcript certificates, financial statements and other documents, agreements, representations and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance.

Section 6: That the Finance Director is authorized and directed to execute a continuing disclosure certificate (the “Disclosure Certificate”) dated the date of delivery of the Notes and delivered to the Original Purchaser of the Notes for the benefit of the holders of the Notes (the “Noteholders”) and to assist the Original Purchaser in complying with S.E.C. Rule 15c2-12(b)(5), which Disclosure Certificate shall set forth the City’s undertaking to provide annual reports and notices of certain events. The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Disclosure Certificate. Failure of the City to comply with the Disclosure Certificate shall not be considered an event of default; however, any Noteholder may take such actions as may be necessary and appropriate to cause the City to comply with its obligations under this Section.

Section 7: That the Notes shall be full general obligations of the City and that the full faith and credit of the City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the bonds anticipated by the Notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used only for the retirement of the Notes at maturity together with the interest thereon, and is hereby pledged for such purpose.

Section 8: That during the years while the Notes are outstanding, there shall be levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually not less than that which would have been levied if bonds had been issued without the prior issuance of the Notes. Said tax shall be and is hereby 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 said years are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from said tax levies hereby required shall be placed in a separate and distinct fund which, together with the interest collected on the same, shall be irrevocably pledged for the payment of the principal of and interest on the Notes or the bonds in anticipation of which they are issued, when and as the same falls due; provided, however, that in each year to the extent that revenues are available from other sources for the payment of the Notes and bonds and are appropriated for such purpose, the amount of such direct tax upon all of the taxable property in the City shall be reduced by the amount of such revenues so available and appropriated.

Section 9: That while the Notes are outstanding, the City hereby covenants to appropriate annually, to the extent required, sufficient amounts from municipal income tax revenues to pay principal and interest on the Notes when the same fall due, and to continue to levy and collect the municipal income tax in an amount necessary to meet debt charges on the Notes. The City covenants to deposit into the Bond Retirement Fund, from available funds appropriated for the purpose, an amount necessary to meet any shortfall that may exist between

the amount then available in the Bond Retirement Fund and the amount of principal and interest due at maturity of the Notes.

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

Section 11: That the Finance Director of the City is hereby directed to forward or cause to be forwarded a certified copy of this Ordinance to the County Fiscal Officer of Cuyahoga County and to secure a receipt therefor.

Section 12: That the Mayor and Finance Director, or either of them, are hereby authorized to prepare, execute and deliver to the Original Purchaser of the Notes a preliminary and final Official Statement or any other appropriate disclosure document of the City in connection with the sale and delivery of the Notes.

Section 13: That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all deliberations of this Council and any of its committees on or after November 25, 1975, that resulted in such formal action were in meetings open to the public in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section 14: That this Ordinance is deemed to be an emergency measure necessary for the immediate preservation for the public peace, health, and safety and for further reason that this Ordinance is required to be immediately effective to provide funds to retire the Refunded Notes which are about to mature and thereby protect the credit of the City. Wherefore, this Ordinance shall take effect and be in force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this ____ day of _____, 2012.

David B. Miller, President of Council

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law

I, Keith A. Benjamin, do hereby certify that this Ordinance No. ____ is an exact copy of the Ordinance No. ____ passed by South Euclid City Council on September ____, 2012.

Keith A. Benjamin, Clerk of Council

FISCAL OFFICER'S CERTIFICATE

City of South Euclid, Ohio
September 10, 2012

TO THE COUNCIL OF THE CITY OF SOUTH EUCLID, OHIO

The undersigned, as fiscal officer of the City of South Euclid, Ohio, as defined by Revised Code Section 133.01, hereby certifies as follows in connection with your proposed issue not more than \$100,000 of bonds and notes in anticipation thereof for the purpose of refunding bonds (the "1994 Bonds") issued to pay the costs of improving Stanhope parking lot, together with all necessary appurtenances thereto, and paying costs of issuance:

1. That the estimated life of the improvements financed with the proceeds of the 1994 Bonds at the time of issuance was certified to be at least five (5) years.
2. That the maximum maturity of such bonds calculated in accordance with the provisions of Section 133.20 of the Revised Code of Ohio was originally twenty years, and such 1994 Bonds mature on December 1, 2014; therefore, the maximum maturity of notes issued in anticipation of such bonds is December 1, 2014, which is twenty years from the date of the 1994 Bonds.

Finance Director
City of South Euclid

FISCAL OFFICER'S CERTIFICATE

City of South Euclid, Ohio
September 10, 2012

TO THE COUNCIL OF THE CITY OF SOUTH EUCLID, OHIO

The undersigned, as fiscal officer of the City of South Euclid, Ohio, as defined by Revised Code Section 133.01, hereby certifies as follows in connection with your proposed issue of not more than \$15,585,000 of bonds for the purpose of paying the costs of the acquisition, and any necessary clearance and preparation, of real property for urban redevelopment, and paying costs of issuance:

1. That the estimated life of the improvements to be acquired from the proceeds of said issue is hereby certified to be at least five (5) years.
2. That the maximum maturity of such bonds calculated in accordance with the provisions of Section 133.20 of the Revised Code of Ohio is at least thirty (30) years, provided that if notes in anticipation of such bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original notes (2007), the period thereof in excess of five (5) years shall be deducted from the latest permitted maturity of said bonds.
3. That the maximum maturity of notes issued in anticipation of such bonds is January 30, 2037, which is thirty (30) years from the date of the notes originally issued for such purpose.

Finance Director
City of South Euclid

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 25-12
INTRODUCED BY: Miller
REQUESTED BY: Mayor

September 10, 2012

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF GENERAL OBLIGATION (LIMITED TAX) BONDS OF THE CITY OF SOUTH EUCLID, OHIO, IN PRINCIPAL AMOUNT NOT TO EXCEED \$15,585,000 TO RETIRE AT MATURITY CERTAIN NOTES ISSUED IN ANTICIPATION OF BONDS AND CERTAIN OTHER OBLIGATIONS INCURRED FOR THE PURPOSE OF PAYING THE COSTS OF THE ACQUISITION, AND ANY NECESSARY CLEARANCE AND PREPARATION, OF REAL PROPERTY FOR URBAN REDEVELOPMENT, AND PAYING COSTS OF ISSUANCE; AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Ordinance No. 86-06, passed January 9, 2007, the Council of the City authorized the issuance of notes (the "2007 Notes") in anticipation of the issuance of bonds in the principal amount of \$17,000,000 for the purpose of paying the costs of the acquisition, and any necessary clearance and preparation, of real property for urban redevelopment, which 2007 Notes were dated January 30, 2007 and matured on January 29, 2008, and which 2007 Notes were retired with proceeds of notes in the amount of \$18,010,000 (the "2008 Notes") which 2008 Notes were dated January 28, 2008 and matured January 27, 2009, and which 2008 Notes were retired with proceeds of notes in the amount of \$18,550,000 (the "2009 Notes") which 2009 Notes were dated January 26, 2009 and matured January 25, 2010, and which 2009 Notes were retired with proceeds of notes in the amount of \$19,225,000 (the "2010-1 Notes") which 2010-1 Notes were dated January 21, 2010 and matured September 30, 2010, which 2010-1 Notes were retired with proceeds of notes in the amount of \$17,270,000 (the "2010-2 Notes") which 2010-2 Notes were dated September 29, 2010 and matured September 28, 2011, and which 2010-2 Notes were retired with proceeds of notes in the aggregate amount of \$17,270,000 (the "2011 Notes") which 2011 Notes were dated September 27, 2011 and will mature September 26, 2012, (the "Outstanding Notes"); and

WHEREAS, the City incurred certain indebtedness to Cuyahoga County in connection with the remediation of real property for urban redevelopment (the "Brownfield Loans") and has incurred certain additional costs in connection with such purpose; and

WHEREAS, the Council of the City has determined that it should retire, in part, the Outstanding Notes, refund the Brownfield Loans and pay such additional costs by the issuance of bonds in a principal amount not to exceed \$15,585,000 for the purposes hereinabove stated, and that it should retire the balance of the Outstanding Notes with the proceeds of other bond anticipation notes to be issued pursuant to Ordinance No. 23-12; and

WHEREAS, the Fiscal Officer has certified to the maximum maturity of the bonds proposed to be issued;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of South Euclid that:

Section 1. It is hereby declared necessary to issue Bonds (the "Bonds") of the City in an aggregate principal sum not to exceed \$15,585,000 if the Bonds are to be initially offered to the public at a price at least equal to 100% of their aggregate principal amount, but if any of the Bonds is to be initially offered to the public at an original issue discount (any such original issue discount being hereinafter referred to as an "Original Issue Discount"), then the maximum aggregate principal amount of the Bonds hereby authorized shall be increased over \$15,585,000 by an amount equal to the sum of the products from multiplying the Original Issue Discount at which each Bond to be sold with an Original Issue Discount is to be initially offered to the public by the principal amount of the Bonds so offered. The Bonds shall be issued to pay costs, together with other funds of the City available for such purpose, of paying at maturity the Outstanding Notes and paying the Brownfield Loans, which were originally issued and incurred, respectively, for the purpose of paying the costs of the acquisition, and any necessary clearance and preparation, of real property for urban redevelopment, paying additional costs of such acquisition, clearance and preparation, and paying costs of issuance.

Section 2. The Bonds shall be issued in one lot and only as fully registered Bonds. The Bonds may be issued in the denomination of \$5,000 or any integral multiple of \$5,000, but in no case as to a particular maturity date exceeding the principal amount maturing on that date. The Bonds shall be dated as determined by the Fiscal Officer in his Certificate of Award (defined below), but no later than December 31, 2012.

The Bonds shall bear interest at the rate or rates of interest (computed on a 360-day per year basis) as specified in a Certificate of Award which shall be signed by the Fiscal Officer and provide for the award of the Bonds in accordance with Section 5 of this Ordinance (the "Certificate of Award"), provided that the maximum average interest rate on the Bonds shall not exceed seven percent (7%) per annum. Interest on the Bonds shall be payable on June 1 and December 1 of each year (the "Interest Payment Dates"), commencing no later than June 1, 2013, until the principal amount has been paid or provided for. The Bonds of any one maturity shall bear the same rate of interest. A particular Bond shall bear interest from the most recent date to which interest has been paid or provided for or, if no interest has been paid or provided for, from their date. "Fiscal Officer" as used in this Ordinance means the City's Director of Finance.

Section 3. The Bonds shall mature serially and annually on such dates and in such principal amounts as are fixed by the Fiscal Officer in the Certificate of Award, provided, however, that the first principal payment shall not be later than as set forth in Section 133.21 of the Ohio Revised Code, as amended, and provided further, that the Bonds stated to mature in any year may be issued as term bonds (the "Term Bonds") payable pursuant to Mandatory Sinking Fund Redemption Requirements as hereinafter defined and further described below. The Fiscal Officer, in fixing such year and such amounts, shall be consistent in the aggregate with the separate periodic maturities and principal payments determined in accordance with maximum maturities certified to this Council by the Fiscal Officer for each purpose specified in Section 1 hereof and the requirements of Section 133.20, Ohio Revised Code. The Fiscal Officer shall determine in the Certificate of Award whether any of the Bonds shall be issued as Term Bonds and any dates (the "Mandatory Redemption Dates") on which the principal amount stated above shall be payable pursuant to Mandatory Sinking Fund Redemption Requirements rather than at stated maturity (the "Mandatory Sinking Fund Redemption Requirements"). The aggregate principal of and interest on the Bonds payable in each calendar year in which principal is payable, whether at maturity or by mandatory sinking fund redemption, shall be not more than three times such principal of and interest on the Bonds payable in any other calendar year in which principal is payable.

The Bonds shall be subject to redemption prior to stated maturity as follows:

(a) Mandatory Sinking Fund Redemption. If any of the Bonds are issued as Term Bonds, the Term Bonds shall be subject to mandatory sinking fund redemption and be redeemed pursuant to Mandatory Sinking Fund Redemption Requirements, at a redemption price of 100 percent of the principal amount redeemed, plus interest accrued to the redemption date, on the Mandatory Redemption Dates.

The aggregate of the moneys to be deposited with the Paying Agent (as defined in Section 6 hereof) for payment of principal of and interest on any Term Bonds shall include amounts sufficient to redeem on the Mandatory Redemption Dates the principal amount of Term Bonds payable on those dates pursuant to the Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as provided below).

The City shall have the option to deliver to the Registrar (as defined in Section 6 hereof) for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City for any Term Bonds. That option shall be exercised by the City on or before the forty-fifth (45th) day preceding the applicable Mandatory Redemption Date, by furnishing the Registrar and Paying Agent a certificate, signed by the Fiscal Officer, setting forth the extent of the credit to be applied with respect to the then current Mandatory Sinking Fund Redemption Requirement. If the certificate is not timely furnished to the Registrar and Paying Agent, the Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) also shall be received by the City for any Term Bonds which prior thereto

have been redeemed (other than through the operation of the Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Registrar, to the extent not applied theretofore as a credit against any mandatory redemption obligation.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Paying Agent at 100% of the principal amount thereof against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation). Any excess of that amount over the then current Mandatory Sinking Fund Redemption Requirement shall be credited against subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations) in the order directed by the Fiscal Officer.

(b) Optional Redemption. The Bonds shall be subject to redemption prior to maturity by and at the option of the City, in whole or in part at any time on the dates and for the prices specified in the Certificate of Award, provided, however, that the Fiscal Officer may determine in the Certificate of Award that it is in the best interest of the City that the Bonds not be subject to redemption prior to maturity. If the Bonds are subject to redemption, the maximum redemption price shall be no greater than 103% of the principal amount redeemed, plus accrued interest to the redemption date.

If optional redemption at a price exceeding 100% of the principal amount to be redeemed is to take place as of any applicable Mandatory Redemption Date, the bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the bonds to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements of paragraph (a). The bonds shall be redeemed pursuant to this paragraph only upon written notice from the Fiscal Officer to the Registrar and Paying Agent, given upon the direction of the Council of the City by passage of an ordinance. That notice shall specify the redemption date and the principal amount of each maturity of bonds to be redeemed, and shall be given at least 45 days prior to the redemption date or such shorter period as shall be acceptable to the Paying Agent. In the event that notice of redemption shall have been given by the Registrar to the registered owners as hereinafter provided, there shall be deposited with the Paying Agent on or prior to the redemption date, funds which, in addition to any other moneys available therefor and held by the Registrar, will be sufficient to redeem at the redemption price thereof, plus interest accrued to the redemption date, all of the redeemable bonds for which notice of redemption has been given.

(c) Partial Redemption. If fewer than all of the outstanding bonds are called for redemption at one time, they may be called in any order of their maturities directed by the City, and if fewer than all bonds of a single maturity are to be redeemed, the selection of bonds to be redeemed, or portions thereof in amounts of \$5,000 or any integral multiple thereof, shall be made by lot by the Registrar in any manner which the Registrar may determine. In the case of a partial redemption of bonds by lot when bonds of denominations greater than \$5,000 are then outstanding, each \$5,000 unit of principal thereof shall be treated as though it were a separate bond of the denomination of \$5,000. If it is determined that one or more, but not all of the \$5,000 units of principal amount represented by a bond are to be called for redemption, then upon notice of redemption of a \$5,000 unit or units, the registered owner of that bond shall surrender the bond to the Registrar (i) for payment of the redemption price of the \$5,000 unit or units called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (ii) for issuance, without charge to the registered owner thereof, of a new bond or bonds of any authorized denominations or denominations in an aggregate principal amount equal to the unmatured and unredeemed portion of, and bearing interest at the same rate and maturing on the same date as, the bond surrendered.

(d) Notice of Redemption. The notice of the call for redemption of bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the bonds or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Registrar on behalf of the City by mailing a copy of the redemption notice by first class mail, postage prepaid, at least 30 days prior to the date fixed for redemption, to the registered owner of each bond subject to redemption in whole or in part at the registered owner's address shown on the Register maintained by the Registrar at the close of business on the 15th day preceding that mailing. Failure to receive notice by mail or any defect in that notice

regarding any bond, however, shall not affect the validity of the proceedings for the redemption of any bonds.

(e) Payment of Redeemed Bonds. Notice having been mailed in the manner provided in the preceding paragraph of this Ordinance, the bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus interest accrued to the redemption date. If moneys for the redemption of all of the bonds and portions thereof to be redeemed, together with interest accrued thereon to the redemption date, are held by the Paying Agent on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If those moneys shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All moneys held by the Paying Agent for the redemption of particular bonds shall be held in trust for the account of the registered owners thereof and shall be paid to them, respectively, upon presentation and surrender of those bonds.

Section 4. The Bonds shall be designated "Real Estate Acquisition and Urban Redevelopment General Obligation Bonds, Series 2012." Pursuant to Section 133.30(B), Ohio Revised Code, the Fiscal Officer may combine the Bonds with other bonds into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated "Various Purpose General Obligation (Limited Tax) Bonds, Series 2012." Such Bonds shall contain a summary statement of purposes for which the Bonds are issued; shall state that they are issued pursuant to this Ordinance; shall be executed by the Mayor and by the Fiscal Officer, one or both of whose signatures may be a facsimile signature; shall be issued only in fully registered form; and shall be registered as to both principal and interest at the corporate trust office of the Paying Agent. The Bonds shall be issued in the denominations and numbers as requested by the original purchaser (the "Original Purchaser") and approved by the Fiscal Officer, and shall be numbered as determined by the Fiscal Officer. The principal on the Bonds shall be payable upon presentation and surrender to the Registrar. Interest on any Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name that Bond is registered (the "Holder") on the registration books of the City maintained by the Registrar and at the address appearing thereon at the close of business of the fifteenth (15th) day of the calendar month next preceding the Interest Payment Date (the "Regular Record Date"). Any interest not timely paid (the "Defaulted Interest") shall cease to be payable to the person who is the Holder as of the Regular Record Date and shall be payable to the person who is the Holder at the close of business on a special record date for the payment of such defaulted interest. Such Special Record Date (the "Special Record Date") shall be fixed by the Council of the City whenever moneys become available for payment of the Defaulted Interest, and the Registrar shall cause notice of the proposed payment of such Defaulted Interest and the Special Record Date therefore to be mailed, first class postage prepaid, not less than ten (10) days prior thereto to each Holder at his address as it appears on the registration books of the City maintained by the Registrar. The principal and interest on the Bonds is payable in lawful money of the United States of America without deduction for the services of the Registrar or Paying Agent.

No Bond shall be valid or become obligatory for any purpose unless and until an authentication certificate appearing on the Bond shall have been duly endorsed by the Registrar.

Any Bond, upon surrender thereof at the principal corporate trust office of the Registrar, together with an assignment duly executed by the Holder or his duly authorized attorney in such form as shall be satisfactory to the Registrar, at the option of the Holder thereof, may be exchanged for Bonds of any authorized denomination or denominations in an aggregate principal amount not exceeding the principal amount of the Bond so exchanged, and bearing interest at the same rate and maturing on the same date.

Any Bond may be transferred only upon the books kept for the registration and transfer of Bonds upon surrender thereof at the principal corporate trust office of the Registrar together with an assignment duly executed by the Holder or his duly authorized attorney in such form as shall be satisfactory to the Registrar. Upon the transfer of any such Bond and on request of the Registrar, the City shall execute in the name of the transferee, and the Registrar shall

authenticate and deliver, a new Bond, of any authorized denomination, in aggregate principal amount equal to the principal amount of such Bond, and bearing interest at the same rate and maturing on the same date.

In all cases in which Bonds shall be exchanged or transferred, the City shall execute and the Registrar shall authenticate and deliver Bonds in accordance with the provisions of this Ordinance. The City and Registrar may make a charge for every such exchange or transfer of Bonds sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to such exchange or transfer, and the Registrar may require that such charge or charges shall be paid before any such new Bond shall be delivered.

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

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

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

As used in this Section and this Ordinance:

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

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

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

Section 5. The Bonds are sold at private sale to KeyBanc Capital Markets Inc. in a manner and upon terms determined by the Fiscal Officer to be in the best interest of the City and shall be awarded by the Fiscal Officer, with the final purchase price, aggregate principal amount, interest rate or rates, redemption provisions, if any, and principal installments due at stated

maturity or pursuant to Mandatory Sinking Fund Redemption Requirements as set forth in the Certificate of Award, in accordance with law, and the provisions of this Ordinance, provided that the purchase price shall not be less than 97% of par plus accrued interest to their date of delivery, exclusive of Original Issue Discount, if any. The Mayor and the Fiscal Officer, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents, agreements, representations and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance. The services of Calfee, Halter & Griswold LLP, Bond Attorneys, Cleveland, Ohio, as Bond Counsel for the Bonds are hereby retained. The Director of Finance shall cause the Bonds to be prepared, and shall have the Bonds signed and delivered, together with a true transcript of proceedings with respect to the issuance of the Bonds, to the Original Purchaser thereof upon payment of the purchase price therefore. The Director of Finance of the City is hereby authorized and directed to deliver the Bonds, when executed, to the Original Purchaser thereof upon payment of the purchase price. The proceeds of such sale shall be paid into the proper fund and used for the purpose for which the Bonds are being issued under the provisions of this Ordinance and to pay those costs set forth in Section 133.15(B), Ohio Revised Code; and any such costs which are future financing costs may be paid from the same sources from which the principal of and interest on the Bonds are paid. Any premium received by the City and accrued interest shall be transferred to the City's Bond Retirement Fund to be applied to the payment of the principal and interest of the Bonds in the manner provided by law.

The Director of Finance is hereby authorized, if he determines it to be in the best interests of the City, to retain the services of a qualified financial advisor in connection with the issuance of the Bonds.

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

If, in the judgment of the Fiscal Officer, the filing of an application for a rating on the Bonds by one or more nationally-recognized rating agencies is in the best interest of and financially advantageous to the City, the Fiscal Officer is authorized to prepare and submit those applications, to provide to each such agency such information as may be required for the purpose, and to provide further for the payment of the cost of obtaining each such rating from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose.

Section 6. The Huntington National Bank, Columbus, Ohio, is hereby appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent for the Bonds (the "Registrar" or "Paying Agent," as applicable). The Fiscal Officer shall sign and deliver, in the name and on behalf of the City, a Bond Registrar Agreement between the City and the Registrar (the "Agreement"). The Fiscal Officer shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Agreement from the proceeds of the Bonds to the extent available and then from other moneys lawfully available and appropriated or to be appropriated for that purpose.

Section 7. For the purpose of providing the necessary funds to pay the interest on the Bonds promptly when and as the same falls due, and also to provide a fund sufficient to pay the principal of the Bonds when due, there shall be and is hereby levied on all taxable property in the City, in addition to all other taxes, a direct tax annually during the period said Bonds are to run in an amount sufficient to provide funds to pay the interest upon said Bonds as and when the same fall due, and also to provide a fund for the payment of the principal of the Bonds when due, which tax shall not be less than the interest and sinking fund tax required by Section 11 of

Article XII of the Constitution of Ohio; provided, however, that in each year to the extent that revenues are available from other sources for the payment of the Bonds and are appropriated for such purpose, the amount of such direct tax upon all of the taxable property in the City shall be reduced by the amount of such revenues so available and appropriated.

Section 8. Said tax shall be and is hereby 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 said years are certified, extended and collected. Said tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from said tax levy hereby required shall be placed in a separate and distinct fund, which, together with the interest collected on the same (other than such interest as may be required to be rebated to the federal government), shall be irrevocably pledged for the payment of the principal of and interest on said Bonds when and as the same fall due; provided, however, that in each year to the extent that revenues are available from other sources for the payment of the Bonds and are appropriated for such purpose, the amount of such direct tax upon all of the taxable property in the City shall be reduced by the amount of such revenues so available and appropriated.

Section 9. While the Bonds are outstanding, the City hereby covenants to appropriate annually, to the extent required, sufficient amounts from municipal income tax revenues to pay principal and interest on the Bonds when the same fall due, and to continue to levy and collect the municipal income tax in an amount necessary to meet debt charges on the Bonds. On or before the maturity date of the Bonds, the City covenants to deposit into the Bond Retirement Fund, from available funds appropriated for the purpose, an amount necessary to meet any shortfall that may exist between the amount then available in the Bond Retirement Fund and the amount of principal and interest due at maturity of the Bonds.

Section 10. The City covenants that it will restrict the use of the proceeds of said Bonds in such manner and to such extent, if any, as may be necessary so that the Bonds will not constitute arbitrage bonds under Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"). The Finance Director, as the Fiscal Officer, or any other officer of the City having responsibility for the issuance of the Bonds shall give an appropriate certificate of the City, for inclusion in the transcript of proceedings for the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on the Bonds.

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

Section 11. The Fiscal Officer is authorized and directed to execute a continuing disclosure certificate (the "Disclosure Certificate") setting forth the City's undertaking to provide annual reports and notices of certain events dated the date of delivery of the Bonds and delivered to the Original Purchaser of the Bonds for the benefit of the holders of the Bonds (the "Bondholders") and to assist the Original Purchaser in complying with S.E.C. Rule 15c2-12(b)(5). The City hereby covenants and agrees that it will comply with and carry out all of the provisions of the Disclosure Certificate. Failure of the City to comply with the Disclosure Certificate shall not be considered an event of default; however, any Bondholder may take such actions as may be necessary and appropriate to cause the City to comply with its obligations under this Section.

Section 12. If, in the judgment of the Fiscal Officer, the filing of an application for a policy of insurance from a company or companies to better assure the payment of principal and

interest on the Bonds, is in the best interest of and financially advantageous to the City, the Council authorizes and directs the Fiscal Officer to prepare and submit that application and to provide to that company or companies the information required for the purpose. This Council authorizes and approves the expenditure of the amounts necessary to secure such insurance and authorizes and directs the Fiscal Officer to provide for the payment of those amounts from any funds lawfully available that are appropriated for that purpose and to enter into such contracts with a bond insurer as may, in the judgment of the Fiscal Officer, be necessary to secure such insurance on terms which are in the best interest of and financially advantageous to the City.

Section 13. It is hereby determined that all acts, conditions and things necessary to be done precedent to and in the issuing of the Bonds, in order to make them legal, valid and binding obligations of the City, have been done or will have been done and performed in regular and due form as required by law; that the full faith and credit of said City shall be and are hereby irrevocably pledged for the prompt payment of the principal and interest thereof at maturity; and that no limitation of indebtedness or taxation, either statutory or constitutional, will be exceeded in the issuance of the Bonds.

Section 14. The Fiscal Officer of the City is hereby directed to forward a certified copy of this Ordinance to the County Fiscal Officer of Cuyahoga County and to secure a receipt therefor.

Section 15. The Mayor, Director of Finance, Law Director and the Clerk of Council, as appropriate, are each authorized and directed to prepare, execute and deliver any transcript certificates, financial statements and other documents, agreements, representations and instruments and to take such actions as are necessary or appropriate to consummate the issuance of the Bonds as provided in this Ordinance.

Section 16. It is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were adopted in an open meeting of this Council, and that all such deliberations of this Council and any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with all legal requirements, including the City's Charter, Codified Ordinances and any applicable provisions of Section 121.22 of the Ohio Revised Code.

Section 17. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health or safety of the City and for the further reason that the immediate issuance and sale of the Bonds herein authorized is necessary to enable the City to retire the Outstanding Notes at maturity and thereby preserve the City's credit; therefore, this Ordinance shall take effect and be in force from and after the earliest period allowed by law and upon signature of the Mayor.

Passed this _____ day of _____, 2012.

David B. Miller, President of Council

Attest:

Approved:

Keith A. Benjamin, Clerk of Council

Georgine Welo, Mayor

Approved as to form:

Michael P. Lograsso, Director of Law

I, Keith A. Benjamin, do hereby certify that this Ordinance No. _____ is an exact copy of the Ordinance No. _____ passed by South Euclid City Council on September _____, 2012.

Keith A. Benjamin, Clerk of Council

FISCAL OFFICER'S CERTIFICATE

City of South Euclid, Ohio
September 10, 2012

TO THE COUNCIL OF THE CITY OF SOUTH EUCLID, OHIO

The undersigned, as fiscal officer of the City of South Euclid, Ohio, as defined by Revised Code Section 133.01, hereby certifies as follows in connection with your proposed issue of not more than \$15,585,000 of bonds for the purpose of paying the costs of the acquisition, and any necessary clearance and preparation, of real property for urban redevelopment, and paying costs of issuance:

1. That the estimated life of the improvements to be acquired from the proceeds of said issue is hereby certified to be at least five (5) years.
2. That the maximum maturity of such bonds calculated in accordance with the provisions of Section 133.20 of the Revised Code of Ohio is at least thirty (30) years, provided that if notes in anticipation of such bonds are outstanding later than the last day of December of the fifth year following the year of issuance of the original notes (2007), the period thereof in excess of five (5) years shall be deducted from the latest permitted maturity of said bonds.
3. That the maximum maturity of notes issued in anticipation of such bonds is January 30, 2037, which is thirty (30) years from the date of the notes originally issued for such purpose.

Finance Director
City of South Euclid