

# THE CITY OF SOUTH EUCLID SCHEDULE OF MEETING

April 8, 2019

8:00 PM

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1. PLEDGE OF ALLEGIANCE

2. ROLL CALL

3. MINUTES OF MEETINGS: March 25, 2019

4. REPORT OF MAYOR

5. REPORT OF LAW DIRECTOR & DEPARTMENTAL HEADS

6. REPORT OF SCHOOL DISTRICT (1<sup>st</sup> Meeting of Month Only)

7. PUBLIC HEARINGS (OPEN MEETING) RELATED TO AGENDA ITEMS

8. REPORT OF COMMITTEES

**Committee of the Whole**

1. RESOLUTION 04-19

A RESOLUTION TO ADOPT THE SOLID WASTE MANAGEMENT PLAN FOR THE CUYAHOGA COUNTY SOLID WASTE MANAGEMENT DISTRICT. **SECOND READING.**

**9. LEGISLATION REQUESTED BY THE MAYOR AND ADMINISTRATION**

1. RESOLUTION 10-19

AUTHORIZING THE MAYOR TO CONVEY CERTAIN REAL PROPERTY OF THE CITY OF SOUTH EUCLID, OHIO TO ONE SOUTH EUCLID. FIRST READING.

2. RESOLUTION 11-19

AUTHORIZING THE MAYOR TO ENTER INTO A PARTICIPATION AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) TO PROVIDE 4,500 TONS OF SODIUM CHLORIDE (BULK ROCK SALT) TO THE CITY OF SOUTH EUCLID, PER OHIO REVISED CODE SECTION 5513.01(B); FOR THE 2019-2020 WINTER SEASON. FIRST READING.

3. RESOLUTION 12-19

AUTHORIZING THE APPROPRIATION OF UNAPPROPRIATED FUNDS IN THE AMOUNT OF \$20,000 IN THE FOLLOWING FUND: "YOUTH PROGRAMS/MISCELLANEOUS #101-4460-52799" FOR A GRANT RECEIVED FROM THE NEIGHBORHOOD LEADERSHIP INSTITUTE. FIRST READING.

4. RESOLUTION 13-19

APPROVING THE ISSUANCE OF REVENUE BONDS BY THE PUBLIC FINANCE AUTHORITY, THE PROCEEDS OF WHICH SHALL BE LOANED TO, AND USED BY, THE NOTRE DAME COLLEGE TO FINANCE AND REFINANCE VARIOUS CAPITAL COSTS; AND DECLARING AN EMERGENCY. FIRST READING.

5. ORDINANCE 08-19

AMENDING SECTION 1411.081 "WASTE CONTAINER LOCATION AND PICK UP" OF CHAPTER 1411 "COMPLIANCE AND ENFORCEMENT" OF PART FOURTEEN "HOUSING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO. FIRST READING.

- 10. PUBLIC HEARINGS (OPEN MEETING) RELATED TO OPEN BUSINESS**
- 11. COMMUNICATIONS OF CITY COUNCIL**
- 12. ADJOURN TO EXECUTIVE SESSION TO DISCUSS PENDING LITIGATION.**
- 13. ADJOURN**



**RATIFICATION OF THE CUYAHOGA COUNTY SOLID WASTE MANAGEMENT PLAN UPDATE (2019 – 2033)**  
**A Fact Sheet for Community Officials – TIME SENSITIVE!**

The development of the solid waste plan is a requirement of Ohio law. Every solid waste management district in Ohio must periodically update their solid waste management plan and submit it to each political subdivision to be ratified. Ratification occurs when city/village councils and township trustees representing 60% of a district's population, including its largest city and the legislative authority of the county, vote to approve the plan. If a district's plan is not ratified, the Ohio EPA will prepare the plan and order it to be implemented. **This fact sheet provides general information about Cuyahoga County's solid waste plan which is now out for ratification.**

**The Cuyahoga County Solid Waste Management Plan**

The Cuyahoga County Solid Waste Management Plan was first ratified by communities in 1994 and three times since. The Cuyahoga County Solid Waste District (the District) and its Solid Waste Policy Committee are now seeking local approval for the fourth Plan Update. **The ratification process takes place from January 11, 2019 through April 11, 2019.** This Plan Update complies with an Ohio EPA format and contains 6 chapters and 21 appendices. It describes the waste management methods to be used in the upcoming planning period and details how the nine waste reduction and recycling goals established in the State Solid Waste Management Plan will be achieved. It also describes how the Plan will be implemented by the Cuyahoga County Solid Waste District.

**What's the best way to review the Plan Update?**

The plan chapters provide an executive summary of the plan. The District recommends reading the chapters for an overview of the plan and if additional information is desired, referring to the appendices for more detail. **See your council clerk for a printed copy of the plan chapters or for an electronic copy.** The complete Cuyahoga County Solid Waste Management Plan Update (2019 – 2033) is also available on the District's web site – CuyahogaRecycles.org and at the Cuyahoga County Solid Waste District's office.

**Who prepared the Plan Update?**

The Plan Update was prepared by the Cuyahoga County Solid Waste District in conjunction with the Cuyahoga County Solid Waste Policy Committee. Various stakeholders were also consulted through the 18-month process. **The Policy Committee consists of the Cuyahoga County Planning Commission members and two public members.**

**Who implements the Plan Update and how is it funded?**

The District is responsible for implementing the Plan Update which contains a variety of programs and services that support waste reduction and recycling. The District employs six staff and is funded by a "generation fee" which is a fee of \$1.50 levied on each ton of waste produced in Cuyahoga County and landfilled in Ohio. **The generation fee is approved by communities each time it ratifies the plan.** Cuyahoga County's current fee of \$1.50 per ton is one of the lowest in Ohio and was increased just once since 1994. **Under this Plan Update, the generation fee will increase by \$0.50 beginning in 2023.** For comparison, the statewide fee average is \$4.50 per ton.

**Programs and services offered through the Plan**

**All the existing programs and services offered by the Cuyahoga County Solid Waste District will continue with the ratification of this Plan Update.** Some programs will expand slightly while some programs will be modified to reflect the feedback the District received during its strategic planning process. A complete description of the District's action's priorities and programs for this Plan Update can be found in **Appendix I.**

**For more information**

The following **informational meetings** will be held for local officials about the Plan and the ratification process. Questions can also be directed to Diane Bickett or Jessica Fenos by calling the District at (216) 443-3749.

- February 6, 2019 - 4:30 p.m. Parma Heights City Hall, 6281 Pearl Rd, Parma Heights, 44130
- February 13, 2019 - 6:30 p.m. Ross DeJohn Community Center, 6306 Marsol Rd, Mayfield Heights, 44124
- February 19, 2019 6:00 p.m. Rocky River Library, 1600 Hampton Rd, Rocky River, OH 44116

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 04-19  
INTRODUCED BY: Fiorelli  
REQUESTED BY: Mayor

February 11, 2019

A RESOLUTION

A RESOLUTION TO ADOPT THE SOLID WASTE MANAGEMENT PLAN FOR THE CUYAHOGA COUNTY SOLID WASTE MANAGEMENT DISTRICT

WHEREAS, the City of South Euclid is located within the jurisdiction of the Cuyahoga County Solid Waste Management District; and

WHEREAS, the Cuyahoga County Solid Waste Management District Policy Committee prepared and adopted a final draft of the Cuyahoga County Solid Waste Management Plan Update in accordance with Ohio Revised Code Sections 3734.53, 3734.54 and 3734.55; and

WHEREAS, the District provided a copy of the Cuyahoga County Solid Waste Management Plan Update (2019-2033) for ratification to each of the legislative authorities of the District; and

WHEREAS, the City of South Euclid must decide whether it approves of said Solid Waste Management Plan Update no later than April 11, 2019.

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

Section 1: The City of South Euclid approves the Cuyahoga County Solid Waste Management Plan Update.

Section 2: The Clerk is hereby directed to send the District a copy of this resolution/ordinance to the attention of Diane T. Bickett, Executive Director, Cuyahoga County Solid Waste Management District, 4750 East 131 Street, Garfield Heights, OH 44105.

Section 3: 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 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 4: That this Resolution is deemed to be an emergency measure necessary for the immediate preservation of the peace, health, safety and welfare of the residents and for the further reason that advertising for bids as early as possible will likely obtain the best results for the City. This Resolution shall take effect upon passage and approval.

Passed this \_\_\_\_\_ day of \_\_\_\_\_, 2019.

\_\_\_\_\_  
Dennis Fiorelli, President of Council

Attest:

Approved:

\_\_\_\_\_  
Keith A. Benjamin, Clerk of Council

\_\_\_\_\_  
Georgine Welo, Mayor

Approved as to form:

\_\_\_\_\_  
Michael P. Lograsso, Director of Law



COME TOGETHER & THRIVE

Memo

To: Council President Dennis Fiorelli & City Council Members

From: Michael Love, Economic Development Director

Re: Res. 10-19: One South Euclid Property Conveyance

Date: April 2, 2019

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Res. 10-19 is a piece of legislation conveying properties from the City of South Euclid Land Bank to One South Euclid, per the agreement between the two entities. As is typically the case, upon passage of this legislation, the Mayor is authorized to convey the property to One South Euclid.

What follows is an explanation of each property One South Euclid is requesting be conveyed to the organization to market, sell, and restore to productive reuse.

1. 4222 Harwood Road (PP# 704-12-054): Vacant Lot

This property is the site of a nuisance demolition. The home was demolished in 2017. The property then went through tax foreclosure and eventually came into the City Land Bank. One South Euclid will market the property to the adjacent homeowners for side yard expansion and then to the developer community for single family infill construction.

2. 4528 Anderson Road (PP# 702-28-013): Vacant Lot

This property is the site of a nuisance demolition. The home was demolished in 2017. The property then went through tax foreclosure and eventually came into the City Land Bank. This property will be marketed to the developer community for infill construction. There are no eligible homeowners to purchase it for a side yard expansion.

3. 1312 Avondale Road (PP#702-04-008): Vacant Home

This property has been a long-time vacant home in need of extensive repairs. It is a nuisance property which went through tax foreclosure and into the City Land Bank. One South Euclid will market it to the rehab community for someone to purchase, rehab to One South Euclid's scope of work, and then sell to an owner-occupant buyer upon completion.

4. 4081 Wilmington Road (PP#704-12-081): Vacant Home

This property has been a long-time vacant home in need of extensive repairs. It is a nuisance property. The owner of the property, Wells Fargo Bank, has decided to donate the home to the City of South Euclid, with the understanding it will eventually be resold and restored through One South Euclid's Program. Res. 24-15 allows the City to accept such donations from Wells Fargo. One South Euclid will market it to the rehab community for someone to purchase, rehab to One South Euclid's scope of work, and then sell to an owner-occupant buyer upon completion.

Please feel free to contact me with any questions.

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 10-19  
INTRODUCED BY: Fiorelli  
REQUESTED BY: Mayor

April 8, 2019

A RESOLUTION

AUTHORIZING THE MAYOR TO CONVEY CERTAIN REAL PROPERTY OF THE CITY OF SOUTH EUCLID, OHIO TO ONE SOUTH EUCLID.

WHEREAS, the City of South Euclid is the owner of certain parcels of vacant and developed land, as defined in Exhibit A attached hereto; and

WHEREAS, the subject parcels were deeded to the City of South Euclid through the tax foreclosure process or bank donation process, as authorized by Resolution 24-15; and

WHEREAS, the Council of the City of South Euclid has, upon study and consideration, determined that said parcels do not serve and are not needed for any municipal purpose; and

WHEREAS, in accordance with the agreement for professional services, the City's Community Development Corporation, One South Euclid, has the ability to dispose of the subject parcels and return the land to productive use.

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

Section 1: That the Council has determined the subject parcels do not serve any municipal purpose.

Section 2: That the Mayor be and she is hereby authorized to convey said parcels of real property (as shown in Exhibit A, attached hereto) to the City's Community Development Corporation, One South Euclid, in order to dispose of the property and return the land to productive use.

Section 3: 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 4: 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 \_\_\_\_\_, 2019.

\_\_\_\_\_  
Dennis Fiorelli, President of Council

Attest:

Approved:

\_\_\_\_\_  
Keith A. Benjamin, Clerk of Council

\_\_\_\_\_  
Georgine Welo, Mayor

Approved as to form:

\_\_\_\_\_  
Michael P. Lograsso, Director of Law

**EXHIBIT A:**

Parcels of vacant land to be conveyed to One South Euclid:

<b>PP#</b>	<b>Address</b>	<b>Street Name</b>
<b>704-12-054</b>	<b>4222</b>	<b>Harwood Road</b>
<b>702-28-013</b>	<b>4528</b>	<b>Anderson Road</b>

Parcels with structures to be conveyed to One South Euclid:

<b>PP#</b>	<b>Address</b>	<b>Street Name</b>
<b>702-04-008</b>	<b>1312</b>	<b>Avondale Road</b>
<b>704-12-081</b>	<b>4081</b>	<b>Wilmington Road</b>



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## Memorandum

**To:** Members of Council

**From:** Keith Ari Benjamin, Director of Community Services

**Date:** April 4, 2019

**RE:** Res. 11-19 Participation Agreement with ODOT for the purchase of Rock Salt for the 2019-2020 Winter Season.

This is the annual resolution authorizing the Mayor and Service Director to enter into a participation agreement with the Ohio Department of Transportation (ODOT) for the purchase of up to 4,500 tons of Bulk Rock Salt for the next winter season. For comparison purposes last year the City purchased 5,000 tons.

**The participation agreement is due to ODOT by April 19, 2019.**

Please don't hesitate to let Service Director Anderson know if you have any questions or need additional information.

Thank you.

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 11-19  
INTRODUCED BY: Fiorelli  
REQUESTED BY: Mayor

April 8, 2019

A RESOLUTION

AUTHORIZING THE MAYOR TO ENTER INTO A PARTICIPATION AGREEMENT WITH THE OHIO DEPARTMENT OF TRANSPORTATION (ODOT) TO PROVIDE 4,500 TONS OF SODIUM CHLORIDE (BULK ROCK SALT) TO THE CITY OF SOUTH EUCLID, PER OHIO REVISED CODE SECTION 5513.01 (B); FOR THE 2019-2020 WINTER SEASON.

WHEREAS, the City of South Euclid (hereinafter referred to as the "Political Subdivision") hereby submits this written agreement to participate in the Ohio Department of Transportation's (ODOT) annual winter road salt bid (018-19) in accordance with Ohio Revised Code 5513.01(B) and hereby agrees to all of the following terms and conditions in its participation of the ODOT winter road salt contract; and

WHEREAS, the Political Subdivision hereby agrees to be bound by all terms and conditions established by ODOT in the winter road salt contract and acknowledges that upon award of the contract by the Director of ODOT it shall be bound by all such terms and conditions included in the contract; and

WHEREAS, the Political Subdivision hereby acknowledges that upon the Director of ODOT's signing of the winter road salt contract, it shall effectively form a contract between the awarded salt supplier and the Political Subdivision; and

WHEREAS, the Political Subdivision agrees to be solely responsible for resolving all claims or disputes arising out of its participation in the ODOT winter road salt contract and agrees to hold the Department of Transportation harmless for any claims, actions, expenses, or other damages arising out of the Political Subdivision's participation in the winter road salt contract; and

WHEREAS, the Political Subdivision hereby requests through this participation agreement a total of 4,500 tons of Sodium Chloride (Road Salt) of which the Political Subdivision agrees to purchase from its awarded salt supplier at the delivered bid price per ton awarded by the Director of ODOT; and

WHEREAS, the Political Subdivision hereby agrees to purchase a minimum of 90% of its above-requested salt quantities from its awarded salt supplier during the contract's effective period of September 1, 2019 through April 30, 2020; and

WHEREAS, the Political Subdivision hereby agrees to place orders with and directly pay the awarded salt supplier on a net 30 basis for all road salt it receives pursuant to ODOT winter salt contract; and

WHEREAS, the Political Subdivision acknowledges that should it wish to rescind this participation agreement it will do so by written, emailed request by no later than June 1, 2019. The written, emailed request to rescind this participation agreement must be received by the ODOT Office of Contract Sales, Purchasing Section email: [Contracts.Purchasing@dot.ohio.gov](mailto:Contracts.Purchasing@dot.ohio.gov) by the deadline. The Department, upon receipt, will respond that it has received the request and that it has effectively removed the Political Subdivision's participation request. Furthermore, it is the sole responsibility of the Political Subdivision to ensure ODOT has received this participation agreement as well as the receipt of any request to rescind this participation agreement. The Department shall not be held responsible or liable for failure to receive a Political Subdivision's participation agreement and/or a Political Subdivision's request to rescind its participation agreement.

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

Section 1: That the Mayor is hereby authorized and directed to enter into a participation agreement with the Ohio Department of Transportation for the ODOT winter road salt contract for the purchase of up to 4,500 tons of Sodium Chloride (bulk rock salt).

Section 2: That funding has been authorized, and the City of South Euclid agrees to the above terms and conditions regarding participation on the ODOT winter salt contract, per Section 5513.01 (B) of the Ohio Revised Code for the salting of the streets and roadways within the City for the 2019-2020 winter season.

Section 3: 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 4: That this Resolution is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, and safety and for the further reason that a vital function of the Municipal government is effected 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 \_\_\_\_\_, 2019.

\_\_\_\_\_  
Dennis Fiorelli, 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.: 12-19  
INTRODUCED BY: Fiorelli  
REQUESTED BY: Mayor

April 8, 2019

A RESOLUTION

AUTHORIZING THE APPROPRIATION OF UNAPPROPRIATED FUNDS IN THE AMOUNT OF \$20,000 IN THE FOLLOWING FUND: "YOUTH PROGRAMS #101-4460-52799" FOR A GRANT RECEIVED FROM THE NEIGHBORHOOD LEADERSHIP INSTITUTE.

WHEREAS, the City of South Euclid has received a grant from the Neighborhood Leadership Institute in the amount of \$20,000 to fund youth, student and workforce development programs as part of the MyCom Regional Network.

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 from the General Fund to the "Youth Programs #101-4460-52799" in the amount of \$20,000.

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: 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 \_\_\_\_\_, 2019.

\_\_\_\_\_  
Dennis Fiorelli, President of Council

Attest:

Approved:

\_\_\_\_\_  
Keith A. Benjamin, Clerk of Council

\_\_\_\_\_  
Georgine Welo, Mayor

Approved as to form:

\_\_\_\_\_  
Michael P. Lograsso, Director of Law



COME TOGETHER & THRIVE

## Memorandum

**To:** Members of Council  
**From:** Keith Ari Benjamin, Director of Community Services  
**Date:** April 4, 2019  
**RE:** Res. 13-19 Notre Dame College Note Ordinance Refinancing

Several years ago Notre Dame College financed the construction of new residence halls and other college improvements. At this time the College is seeking to refinance their debt utilizing tax-exempt private activity bonds.

Pursuant to Federal Internal Revenue Service (IRS) Requirements (Section 147f), **issuers of tax-exempt private activity bonds are required to obtain public approval** under section 147(f), which is a component of the Federal Tax Equity and Fiscal Responsibility Act (TEFRA) of 1982. Since Notre Dame College is in the City of South Euclid, we are the public jurisdiction responsible for review and approval.

### **Does approval of the Resolution mean the City has any financial or legal obligations or Liability?**

**No.** The City is NOT the issuer of the proposed bonds and will not be a party to any of the Bond Documents **and will not be liable in any way**: no payment obligations and no pledge against the faith and credit of the city. **The City does not bear any responsibility for the bonds, debt service or any other related matter.**

### **What are the City's Obligations?**

Pursuant to IRS Section 147f, the City of South Euclid is responsible for the following two actions:

- A Public Hearing must be held for individuals to express their views.
- A Resolution must be approved by City Council authorizing the College's issuance of notes.

Officials from Notre Dame College & their bond counsel will be at the Finance Committee Public Hearing scheduled for April 8, 2019 at 6 pm to hear comments and answer questions.

Please don't hesitate to let me know if you have any questions or need additional information.

Thank you.

1349 South Green Road • South Euclid, Ohio 44121-3985 • 216.381.0400 • Fax 216.291.4959

Web: [www.cityofsoutheuclid.com](http://www.cityofsoutheuclid.com) • Facebook: [www.facebook.com/southeuclid](http://www.facebook.com/southeuclid)

• Twitter: [www.twitter.com/southeuclidLIVE](http://www.twitter.com/southeuclidLIVE)

CITY OF SOUTH EUCLID, OHIO

RESOLUTION NO.: 13-19  
INTRODUCED BY: Fiorelli  
REQUESTED BY: Mayor

April 8, 2019

A RESOLUTION

APPROVING THE ISSUANCE OF REVENUE BONDS BY THE PUBLIC FINANCE AUTHORITY, THE PROCEEDS OF WHICH SHALL BE LOANED TO, AND USED BY, THE NOTRE DAME COLLEGE TO FINANCE AND REFINANCE VARIOUS CAPITAL IMPROVEMENTS AND RELATED COSTS, AND DECLARING AN EMERGENCY.

WHEREAS, The Notre Dame College, an Ohio nonprofit corporation (the "College"), has requested that the Public Finance Authority, a public authority existing under the laws of the State of Wisconsin (the "Issuer"), issue its Educational Facilities Revenue Bonds (Notre Dame College Project) in one or more series (the "Bonds"), in an aggregate principal amount not to exceed \$30,000,000, and loan the proceeds thereof to the College for the purpose of, among other things, (i) refinancing (A) \$20,000,000 Ohio Higher Educational Facility Commission Higher Educational Facility Revenue Bonds (Notre Dame College Project) Series 2008, the proceeds of which were used by the College to finance or refinance certain educational facilities and sites thereof, consisting of constructing, equipping, furnishing and otherwise improving two new student housing facilities, renovations and improvements to the campus dining hall and classroom remodeling in the main administration building and library building, routine capital expenditures to the Notre Dame College Campus, including construction of additional appurtenant parking and repairing and improving sidewalks, roofs, elevators, windows and other existing building structures (the "2008 Project"), (B) outstanding taxable indebtedness used by the College to acquire the former Regina High School located at 1857 South Green Road, South Euclid, Ohio, for use as an academic building (the "Regina High School Project") and (C) outstanding taxable indebtedness of the College, the proceeds of which were used by the College to finance the construction of athletic fields located on the main campus at 4545 College Road, South Euclid, Ohio (the "Athletic Fields Project"), (ii) financing the construction, renovation and equipping of capital improvements to the College's student residence halls, each of which is located on the campus of the College at 4545 College Road, South Euclid, Ohio (the "2019 Project" and, together with the 2008 Project, the Regina High School Project, and the Athletic Fields Project, the "Project") and (iii) paying certain costs of issuing the Bonds. The Project is and will be owned and operated by the College; and

WHEREAS, pursuant to Section 147(f) of the Internal Revenue Code of 1986, as amended (the "Code"), prior to their issuance, the Bonds are required to be approved by the "applicable elected representative" of a governmental unit having jurisdiction over the area in which the Project is or is to be located, after a public hearing held following reasonable public notice;

WHEREAS, pursuant to the laws under which the Issuer was formed, prior to their issuance, bonds issued by the Issuer must be approved by the governing body or highest ranking executive or administrator of the political jurisdiction within whose boundaries the Project is or is to be located;

WHEREAS, the City Council (the "City Council") of the City of South Euclid, Ohio (the "City") is an "applicable elected representative" of the City under the Code for the Project located within the City;

WHEREAS, the College has requested that this City Council approve the Issuer's issuance of the Bonds and the financing and refinancing of the Project located within the City in order to satisfy the requirements of Section 147(f) of the Code;

WHEREAS, the College has requested that this City Council approve the financing and refinancing of the Project and the issuance of the Bonds in order to satisfy the requirements of the Issuer for issuing the Bonds;

WHEREAS, this City Council has this day held a public hearing regarding the Issuer's issuance of the Bonds and the financing and refinancing of the Project, and now desires to approve the Issuer's issuance of the Bonds and the financing and refinancing of the Project;

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

Section 1. That this City Council hereby approves the Issuer's issuance of the Bonds in an aggregate principal amount not to exceed \$30,000,000 and the financing and refinancing of the Project.

Section 2. The City understands and hereby confirms that (i) the Bonds are special obligations of the Issuer, payable solely out of proceeds of the Bonds and funds received from the College, and shall not constitute a pledge of the faith and credit of the Issuer or the City or an indebtedness or a charge against the general credit or taxing powers of the Issuer or the City within the meaning of any constitutional or statutory provision, (ii) the City shall have no payment obligation in respect of the Bonds, (iii) the issuance of the Bonds will in no way affect the City's debt limitations or debt capacity under any constitutional or statutory provision, (iv) the City does not bear any responsibility for the tax-exempt status of the Bonds, the debt service on the Bonds or any other matter related to the Bonds, (v) neither the City nor its staff have reviewed or considered the financial feasibility of the Project and (vi) the passage of this Resolution shall not obligate the City or any department thereof to (a) provide any financing to acquire or construct the Project or any refinancing of the Project; (b) approve any application or request for or take any other action in connection with any planning approval, permit or other action necessary for the acquisition, rehabilitation or operation of the Project; (c) make any contribution or advance any funds whatsoever to the Issuer; or (d) take any further action with respect to the Issuer or its membership therein.

Section 3: 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 4: This resolution is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Resolution is required to be immediately effective in order to expeditiously facilitate the marketing of the Bonds and ultimately the issuance of the Bonds through the Issuer, which issuance is necessary to provide long-term financing and refinancing of the Project at the lowest possible interest cost to the College; wherefore, this Resolution shall be in full force and effect immediately upon its passage and approval by the Mayor.

\_\_\_\_\_  
Dennis Fiorelli, President of Council

Attest: \_\_\_\_\_  
Keith A. Benjamin,  
Clerk of Council

Approved: \_\_\_\_\_  
Georgine Welo, Mayor

Approved as to form:

\_\_\_\_\_  
Michael Lograsso, Director of Law

**CERTIFICATE**

The undersigned, Clerk of the City Council of the City of South Euclid, Ohio does hereby certify that the foregoing is a true and correct copy of an Resolution adopted by such City Council on April 8, 2019.

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Keith A. Benjamin, Clerk of Council

[Remainder of this page intentionally left blank]

**EXTRACT FROM MINUTES OF MEETING**

The Council of the City of South Euclid, Ohio, met in regular session, on the 8<sup>th</sup> day of April, 2019, in the Council Chambers, with the following members present:

There was presented and read to Council Resolution No. \_\_\_\_-19, entitled:

AN RESOLUTION APPROVING THE ISSUANCE OF REVENUE BONDS BY THE PUBLIC FINANCE AUTHORITY, THE PROCEEDS OF WHICH SHALL BE LOANED TO, AND USED BY, THE NOTRE DAME COLLEGE TO FINANCE AND REFINANCE VARIOUS CAPITAL IMPROVEMENTS AND RELATED COSTS, AND DECLARING AN EMERGENCY.

\_\_\_\_\_ moved to suspend the rule requiring each Resolution or resolution to be read on three different days. \_\_\_\_\_ seconded the motion and, the roll being called upon the question, the vote resulted as follows:

\_\_\_\_\_ then moved that Resolution No. \_\_\_\_-19 be passed. \_\_\_\_\_ seconded the motion and, the roll being called upon the question, the vote resulted as follows:

The Resolution was declared passed April 8, 2019.

**CERTIFICATE**

The undersigned, Clerk of Council of the City, hereby certifies that the foregoing is a true and correct extract from the minutes of a meeting of the council of the City, held on the 8<sup>th</sup> day of April, 2019, to the extent pertinent to consideration and adoption of the above-entitled legislation.

\_\_\_\_\_  
Keith A. Benjamin, Clerk of Council



**COME TOGETHER & THRIVE**

Memorandum

To: South Euclid City Council  
From: Sally Martin, Housing Director  
Re: Amending Section 1411.081 Waste Containers  
Date: March 26, 2019

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I am requesting some small changes to the Section 1411.081 Waste Container Location and Pick Up to provide more clarity around rules related to waste receptacles being left at the curbside too long after the collection period. Currently the language states "empty" containers are not permitted to remain, however it is more correct to state that all waste containers must be removed whether empty or not. Further, language has been added to refer to a contracted waste collection removal company as opposed to the City.

I am happy to answer any questions you might have as you consider passage.

CITY OF SOUTH EUCLID, OHIO

ORDINANCE NO.: 08-19  
INTRODUCED BY: Fiorelli  
REQUESTED BY: Mayor

April 08, 2019

AN ORDINANCE

AMENDING SECTION 1411.081 "WASTE CONTAINER LOCATION AND PICK UP" OF CHAPTER 1411 "COMPLIANCE AND ENFORCEMENT" OF PART FOURTEEN "HOUSING CODE" OF THE CODIFIED ORDINANCES OF THE CITY OF SOUTH EUCLID, OHIO.

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

Section 1. That Section 1411.081 "Waste Container Location and Pick Up" of Chapter 1411 "Compliance and Enforcement" of Part Fourteen "Housing Code" of the Codified Ordinances of the City of South Euclid, Ohio is hereby amended to read as follows:

**1411.081 WASTE CONTAINER LOCATION AND PICK UP.**

(a) No waste container, waste or refuse shall be placed in front of any residence or on the tree lawn of any street by the owner, agent, lessee or occupant of any building, prior to 6:00 p.m. on the evening preceding the day for refuse collection.

(b) ~~Empty~~ Waste containers are not permitted to remain in the front of any residence or on the tree lawn of any street by the owner, agent, lessee or occupant of any building for a period in excess of 12 hours from the time of collection by ~~the City~~ **a contracted waste collection removal company.**

(c) **Any waste or refuse not taken by a contracted waste collection removal company shall be removed from the front of any residence or on the tree lawn or sidewalk of any street by the owner, agent, lessee, or occupant of any building not to exceed a period of 12 hours from the time of collection by a contracted waste collection removal company.**

(d) Whoever violates this section is guilty of a minor misdemeanor and shall be subject to the penalty as provided in Section 501.99 of this Code.

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 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 \_\_\_\_\_, 2019.

\_\_\_\_\_  
Dennis Fiorelli, President of Council

Attest:

Approved:

\_\_\_\_\_  
Keith A. Benjamin, Clerk of Council

\_\_\_\_\_  
Georgine Welo, Mayor

Approved as to form:

\_\_\_\_\_  
Michael P. Lograsso, Director of Law