

**AGENDA
EUCLID CITY COUNCIL MEETING
MONDAY, AUGUST 19, 2024 AT 7:00 PM
EUCLID MUNICIPAL CENTER COUNCIL CHAMBER**

PERMISSIBLE PRELIMINARIES:

FIRST GAVEL

PLEDGE OF ALLEGIANCE

EUCLID CITY COUNCIL MEETING BUSINESS:

SECOND GAVEL

ROLL CALL OF MEMBERS

COMMUNICATIONS:

- No Communications

COUNCIL MINUTES:

- June 17, 2024
- July 15, 2024

ADMINISTRATION REPORTS & COMMUNICATIONS:

COMMITTEE DOCUMENTATION:

- Executive and Finance Committee Summary 8-5-2024
- Public Safety Committee Summary – 8-14-2024
- Board of Control Minutes – July 8, 15, 22 & 29, 2024 and August 5 & 12, 2024

COMMITTEE OF THE WHOLE FOR LEGISLATIVE MATTERS ONLY

ACTION	LEGISLATION	PROPOSED
1.	<p>An ordinance amending Sections 121.07 “Order of Business”, 121.18 “Committee of the Whole”, 121.20 “Council Members’ Comments”, 121.21 “Legislative Debate”, 121.22 “Order”, 121.27 “Change of Vote”, and 121.29 (a)(2) “Reporting of Gifts, Salaries, Wages or Commissions” of Chapter 121 “Council” of the Administration Code of the Codified Ordinances of the City of Euclid to combine the Committee of the Whole for legislative matters and the public comment for the good of the City and to clarify certain other matters therein. (Sponsored by All Members of Council)</p> <p>Comment: This would change the Order of Business for City Council meetings, the time for comments by the public, and to clarify other matters related to City Council’s operations per Chapter 121 of the Codified Ordinances.</p>	Ord. (038-24)
2.	<p>An ordinance to provide for the issuance and sale of general obligation bonds of the City of Euclid, Ohio, in a principal amount not to exceed \$5,545,000 to pay the costs of resurfacing, constructing, and otherwise improving various streets in the city, together with the necessary appurtenances thereto, and declaring an emergency. (Sponsored by Council President Mancuso by request of the Director of Finance)</p> <p>Comment: This would allow the City to issue and sell bonds and use those proceeds to pay for street resurfacing projects.</p>	Ord. (086-24)

3. An ordinance to provide for the issuance and sale of general obligation bonds of the City of Euclid, Ohio, in a principal amount not to exceed \$1,030,000 to pay the costs of acquiring vehicles and ancillary equipment, including three, one-ton dump trucks, one full-size dump truck, and one leaf collection truck, and declaring an emergency. (Sponsored by Council President Mancuso by request of the Director of Finance) Ord. (087-24)

Comment: This would allow the City to issue and sell bonds and use those proceeds to purchase equipment for the Service Department.

4. An ordinance to provide for the issuance and sale of general obligation bonds of the City of Euclid, Ohio, in a principal amount not to exceed \$665,000 to pay the costs of constructing, reconstructing and otherwise improving certain of the city's streets, together with the necessary appurtenances thereto, and declaring an emergency. (Sponsored by Council President Mancuso by request of the Director of Finance) Ord. (088-24)

Comment: This would allow the City to issue and sell bonds and use those proceeds to pay for street repairs.

5. A resolution approving a special leave of absence until November 30, 2024, for Patrolman Vincent Trusso. (Sponsored by Mayor Holzheimer Gail) Res. (081-24)

Comment: This would allow Patrolman Vincent Trusso to extend his special leave of absence.

6. A resolution authorizing the Mayor of the City of Euclid to execute an Agreement by and between the City of Euclid and Local #337, International Association of Fire Fighters, as exclusive bargaining agent for Fire Fighters in the Euclid Fire Department, to be effective January 1, 2024 through December 31, 2026. (Sponsored by Mayor Holzheimer Gail) Res. (090-24)

Comment: This would authorize the Mayor to sign a three (3) year Collective Bargaining Agreement with Local #337, International Association of Fire Fighters agent for members of the Euclid Fire Department.

7. An emergency ordinance authorizing the Director of Planning and Development to advertise for bids and enter into a contract for labor and materials necessary for the construction of the Hero Park Improvements Project. (Sponsored by Mayor Holzheimer Gail and Councilperson Tolton) Ord. (082-24)

Comment: This would allow the City to enter into a contract, after accepting bids, for improvements at Hero Park.

8. An emergency ordinance authorizing the Director of Planning and Development to advertise for bids and enter into a contract for labor and materials necessary for the construction of the Russell Avenue Park Improvements Project. (Sponsored by Mayor Holzheimer Gail and Councilperson Steele) Ord. (083-24)

Comment: This would allow the City to enter into a contract, after accepting bids, for improvements at Russell Avenue Park.

9. An ordinance authorizing the sale of Permanent Parcel Number 647-33-155, vacant land at 1451 E. 252nd Street, from the Euclid Land Bank, to Louis Dantzler for Two Hundred Fifty Dollars (\$250.00) for yard expansion, as authorized by Ordinance No. 97-2023. (Sponsored by Mayor Holzheimer Gail and Councilperson Gresham) Ord. (084-24)

Comment: This would authorize the sale of a Land Bank parcel.

10. A resolution proclaiming, recognizing and celebrating the 50th anniversary of the Community Development Block Grant (CDBG) program, and reiterating the City's commitment to vital community development activities which this important grant program supports for the City of Euclid. (Sponsored by Mayor Holzheimer Gail) Ord. (085-24)

Comment: This would recognize the 50th Anniversary of the Community Development Block Grant program.

11. An ordinance authorizing the Director of Public Service of the City of Euclid to enter into a professional services agreement with GPD Group for the design work for the Coulter Avenue and E. 217th Streets Waterline Replacement projects at an amount not to exceed \$98,771.00. (Sponsored by Councilpersons Hannum, Tolton and Wojtila by request of the Director of Public Service) Ord. (089-24)

Comment: This would authorize the City to enter into an agreement for design work for two (2) waterline projects.

12. An ordinance amending Chapter 529, "Nuisance Abatement," of the Codified Ordinances of the City of Euclid – Title Five – General Offenses, to clarify the process for declaring a property a nuisance, and increase the assessments for subsequent violations. (Sponsored by Mayor Holzheimer Gail and Councilperson Jarosz) Ord. (091-24)

Comment: This would amend the "Nuisance Abatement" Ordinance to expand incidents that are nuisances at a residential and commercial property and increase the assessments for violations after a decalaration of nuisance.

13. An emergency ordinance enacting a special assessment upon all real property within the City of Euclid to be used for the payment of street lighting within the City. (Sponsored by Mayor Holzheimer Gail) Ord. (092-24)

Comment: This would authorize the assessment of all real property parcels in the City to pay for street lighting.

14. An emergency ordinance authorizing the continuation of the solid waste collection fee for residential accounts for the years 2025 and 2026. (Sponsored by Mayor Holzheimer Gail) Ord. (093-24)

Comment: This would authorize the assessment of all residential real property parcels in the City to pay for garbage and recycling services.

15. An ordinance authorizing the Mayor of the City of Euclid to renew its contract with Indigo Sports, LLC to operate and manage the Briardale Greens Golf Course for a period of five years, commencing February 1, 2025 and ending January 31, 2030. (Sponsored by Mayor Holzheimer Gail) Ord. (080-24)

Comment: This would authorize the Mayor to sign a contract extending the management agreement at Briardale Greens Golf Course for a five (5) year term.

16. A resolution objecting to the renewal of the liquor permit for Sharita Roberts, who operates the establishment known as Boozers Sports Bar and Grill, 21702 St. Clair Avenue, Euclid, OH 44117, Ohio Division of Liquor Control Permit Number 7443995, and encouraging the Ohio Department of Commerce, Division of Liquor Control, to deny the renewal of said liquor permit. (Sponsored by Councilperson Tolton) Ord. (094-24)

Comment: This would inform the Division of Liquor Control that City Council objects to the reissuance of the liquor permit for Sharita Roberts, who operates Boozerz Sports Bar and Grill.

**COMMITTEE OF THE WHOLE – PUBLIC PORTION
COUNCIL MEMBERS' COMMENT
ADJOURNMENT**

Ordinance No.

By – All Members of Council

An ordinance amending Sections 121.07 "Order of Business", 121.18 "Committee of the Whole", 121.20 "Council Members' Comments", 121.21 "Legislative Debate", 121.22 "Order", 121.27 "Change of Vote", and 121.29 (a)(2) "Reporting of Gifts, Salaries, Wages or Commissions" of Chapter 121 "Council" of the Administration Code of the Codified Ordinances of the City of Euclid to combine the Committee of the Whole for legislative matters and the public comment for the good of the City and to clarify certain other matters therein.

WHEREAS, many members of the public attend our council meetings to discuss or comment on pieces of legislation on the agenda and matters concerning the good of the City; and

WHEREAS, currently in Council's order of business, there are two Committees of the Whole—one for legislative matters and one for public comment for the good of the City; and

WHEREAS, if someone has an issue for the good of the City, that Committee of the Whole is not until the end of the council meeting and members of the public must sit through the entire meeting before being able to speak; and

WHEREAS, it is the intention of Euclid City Council to consolidate the two Committees of the Whole and allow the public to speak on both agenda items and matters for the good of the City during the first Committee of the Whole; and

WHEREAS, there are other matters related to Chapter 121 "Council" that need to be corrected or clarified.

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That Sections 121.07 "Order of Business", 121.18 "Committee of the Whole", 121.20 "Council Members' Comments", 121.22 "Order", 121.27 "Change of Vote", and 121.29 (a)(2) "Reporting of Gifts, Salaries, Wages or Commissions" of Chapter 121 "Council" of the Administration Code of the Codified Ordinances of the City of Euclid are hereby amended to read as follows:

121.07 ORDER OF BUSINESS

The order of business at meetings of Council shall be as follows:

- (a) Pledge of Allegiance to the flag.
- (b) Roll call of members by the Clerk.
- (c) Disposal of the journal of the preceding minutes.
- (d) Reports and communications from Mayor and administration.
- (e) Communications, petitions, memorials and certifications.
- (f) Reports and summary documentation of all committees.
- (g) Committee of the Whole ~~for legislative matters only~~.
- (h) Legislation.
- ~~(i) Committee of the Whole.~~
- ~~(j)(i) Council members' Comments.~~
- ~~(k) Miscellaneous business.~~
- ~~(l)(j) Adjournment.~~

The President of Council shall at any time by majority of vote of all members elected thereto permit a member to introduce any business out of the regular order.

121.18 COMMITTEE OF THE WHOLE

Council shall go into the Committee of the Whole at regular meetings pursuant to the order of business for the purpose of encouraging public participation in addressing Council and the administration. Advocacy by members of the public for a political candidate is prohibited, but advocacy by members of the public for or against a political issue is permitted. The public shall speak to legislation on the agenda and to the good of the City, but no person shall speak for more than five minutes ~~on either matter~~. Persons speaking shall remain polite and courteous, at all times respecting the office being addressed and the decorum of the meeting. Vulgar or foul language and public remarks tending to embarrass or humiliate or which are personal in nature, are at all times out of order. Questions asked about legislation on the agenda will be addressed when the legislation is discussed. All other questions shall be answered immediately after they have been asked, and the person speaking has completed his or her remarks. Time limits established herein may be extended by majority vote of the members of Council after request is made by a person prior to the commencement of an address to the body.

121.20 COUNCIL MEMBERS' COMMENTS

Council members' comments would directly follow the ~~second committee of the whole~~ Legislation. No Council Member shall speak for more than five minutes during the Council members' comments unless the President of Council or a majority of Council agree to waive the rule. The request to waive the time limit should be made before a particular member begins his or her presentation.

The President of Council will be primarily responsible for the enforcement of these rules as well as the control of the meetings in general.

121.22 ORDER

If any member, in speaking or otherwise, transgresses the rules of Council, the President of Council shall call the offending member to order. The member so called to order shall immediately yield the floor unless permitted by the Presidents of Council to explain. Any member may by raising to the point of order, call the attention of the President of Council to such transgression. The point of order shall be decided by the President of Council without debate. Every such decision of the President of Council shall be subject to appeal to Council by two members.

121.27 CHANGE OF VOTE

Before the announcement of the vote on any measure the Clerk of Council shall read the vote so taken upon the demand of any member, at which time any Council member on account of error or for any other reason may change his or her vote. But no Council member shall be permitted to change his or her vote as recorded after the roll call has been verified and the result declared.

121.29 REPORTING OF GIFTS, SALARIES, WAGES OR COMMISSIONS

(a)(2) The source of each gift of over seventy-five dollars (\$75.00) received by the person in his or her own name or by any other person for his or her use or benefit during the preceding calendar year from any person, firm or corporation which is interested directly or indirectly in any manner whatsoever in business dealings with the City. Gifts received by will or by virtue of State law, or received from the immediate family, or received by way of distribution from any inter vivos or testamentary trust established by a spouse or by an ancestor need not be reported. The ~~intermediate-immediate~~ family shall be limited to a spouse, child, parent (including foster parent), stepmother, stepfather, mother-in-law, father-in-law, grandmother, grandfather, grandmother-in-law, grandfather-in-law, grandchild, stepchild, foster child, sister, brother, sister-in-law and brother-in-law.

Section 2: That Sections 121.07 "Order of Business", 121.18 "Committee of the Whole", 121.20 "Council Members' Comments", 121.22 "Order", 121.27 "Change of Vote", and 121.29 (a)(2) "Reporting of Gifts, Salaries, Wages or Commissions" of Chapter 121 "Council" of the Administration Code of the Codified Ordinances of the City of Euclid are hereby amended.

Section 3: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of 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 Section 121.22 of the Ohio Revised Code.

Section 4: That this ordinance shall be in full force and effect from and after the earliest period allowed by law.

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Effective:

Mayor

FISCAL OFFICER'S CERTIFICATE

City of Euclid, Ohio
_____, 2024

TO THE COUNCIL OF THE CITY OF EUCLID, OHIO

The undersigned, as fiscal officer of the City of Euclid, Ohio (the "City"), as defined by Section 133.01 of the Ohio Revised Code, certifies as follows in connection with your proposed issue of general obligation bonds in an amount not to exceed \$5,545,000 to pay the costs resurfacing, constructing and otherwise improving various streets in the City, together with the necessary appurtenances thereto (the "Improvements"):

1. The estimated life or period of usefulness of the Improvements is at least five years.
2. The maximum maturity of the bonds, calculated in accordance with the provisions of Section 133.20 of the Ohio Revised Code, is 15 years.

Director of Finance
City of Euclid, Ohio

ORDINANCE NO. ____-2024

Sponsored by Council President Mancuso (by request)

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS OF THE CITY OF EUCLID, OHIO, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$5,545,000 TO PAY THE COSTS OF RESURFACING, CONSTRUCTING, AND OTHERWISE IMPROVING VARIOUS STREETS IN THE CITY, TOGETHER WITH THE NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

WHEREAS, the Council of the City of Euclid, Ohio (the "City") has determined that the bonds shall be issued in a principal amount not to exceed \$5,545,000 for the purpose described below; and

WHEREAS, the Director of Finance of the City (the "Director of Finance") 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 Euclid, Cuyahoga County, Ohio that:

SECTION 1. It is necessary to issue bonds (the "Bonds") of the City in an aggregate principal sum not to exceed \$5,545,000 for the purpose of paying costs of resurfacing, constructing, and otherwise improving various streets in the City, together with the necessary appurtenances thereto (the "Project"), and paying the financing costs associated with the issuance of the Bonds.

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 multiples of \$1,000 in excess of \$5,000 ("Authorized Denominations"), 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 Director of Finance in the Certificate of Award described below.

The Bonds shall bear interest at the rate or rates of interest (computed on the basis of a 360-day year consisting of twelve, 30-day months) as are determined by the Director of Finance to be in the best interest of the City as provided in the Certificate of Award which shall be signed by the Director of Finance and provide for the award of the Bonds in accordance with Section 5 of this ordinance (the "Certificate of Award"). Interest on the Bonds shall be payable semiannually on the dates (the "Interest Payment Dates") determined by the Director of Finance in the Certificate of Award, until the principal amount has been paid or provided for. The Bonds shall bear interest from the most recent date to which interest has been paid or provided for or, if no interest has been paid or provided for, from their date. The true interest cost on the Bonds shall not exceed 7% per annum.

SECTION 3. The Bonds shall mature serially and annually on such dates and in such principal amounts as is fixed by the Director of Finance in the Certificate of Award, provided however, 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 defined and described below. The Director of Finance, 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 Director of Finance for each purpose specified in Section 1 and the requirements of Section 133.20, Ohio Revised Code. The Director of Finance 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 before 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% 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 Registrar (defined in Section 6) 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 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 30th day preceding the applicable Mandatory Redemption Date, by furnishing the Registrar a certificate, signed by the Director of Finance, setting forth the extent of the credit to be applied with respect to the then current Mandatory Sinking Fund Redemption Requirement. If the certificate is not timely furnished to the Registrar, 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 Registrar 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 Director of Finance.

(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 Director of Finance 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 Director of Finance to the Registrar, 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 30 days before to the redemption date or such shorter period as shall be acceptable to the Registrar. In the event that notice of redemption shall have been given by the Registrar to the registered owners as provided below, there shall be deposited with the Registrar on or before 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, 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 Authorized Denominations, 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 the Authorized Denominations are then outstanding, each Authorized Denomination shall be treated as though it were a separate bond of an Authorized Denomination. If it is determined that one or more, but not all of the Authorized Denominations of principal amount represented by a bond are to be called for redemption, then upon notice of redemption of Authorized Denominations unit or units, the registered owner of that bond shall surrender the bond to the Registrar (i) for payment of the redemption price of the Authorized Denomination unit or units called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (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 before 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 Registrar on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as 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 Registrar 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 "Street Resurfacing General Obligation Bonds, Series 2024" or as otherwise determined by the Director of Finance in the Certificate of Award. Pursuant to Section 133.30(B) of the Ohio Revised Code, the Director of Finance may combine the Bonds with other bonds into a single consolidated issue of bonds for purposes of their sale as a single issue. Such bonds shall contain a summary statement of purposes encompassing the purpose for which the Bonds and any other bonds are issued; shall state that they are issued pursuant to this ordinance; shall be executed by the Mayor and by the Director of Finance, 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 office of the Registrar. In the absence of the Mayor, the Bonds must be executed by the Acting Mayor and, in the absence of the Director of Finance, the Bonds must be executed by any Deputy Director of Finance. The Bonds shall be issued in the denominations and numbers as requested by the Original Purchaser (defined below) and approved by the Director of Finance and shall be numbered as determined by the Director of Finance. The principal of 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 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 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 therefor to be mailed, first class postage prepaid, not less than 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.

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 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 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.

If requested by the Original Purchaser and at the Original Purchaser's expense, the Bonds, pursuant to the terms set forth below, may also be issued to a Depository (defined below) for use in a book-entry system (defined below). The Director of Finance is 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 (defined below), 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 this Council.

If any Depository determines not to continue to act as a Depository for the Bonds for use in a book-entry system, the Director of Finance may attempt to have established a securities depository/book-entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Director of Finance, after making provision for notification of the beneficial owners by the then Depository and any other arrangements 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.

If the Bonds are sold in a private placement and not in book-entry form, the City, if requested by a Holder of the Bonds and at the Holder's expense, will complete the necessary procedures to qualify the Bonds as book-entry bonds.

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 to be sold at private sale in a manner determined by the Director of Finance and shall be awarded by the Director of Finance to the entity noted in the Certificate of Award (the “Original Purchaser”) 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 at a purchase price of not less than 97% of par plus accrued interest to their date of delivery, all as determined by the Director of Finance to be in the best interest of the City. The Director of Finance may enter into (a) a bond purchase agreement with the Original Purchaser or (b) a bond placement agreement with a placement agent for the private placement 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 Director of Finance, 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 Director of Finance, 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 Director of Finance 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.

The Mayor and the Director of Finance, 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, Cleveland, Ohio, as Bond Counsel for the City are retained. The Director of Finance shall cause the Bonds to be prepared, and have the Bonds signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Bonds, to the Original Purchaser upon payment of the purchase price.

SECTION 6. U.S. Bank Trust Company, National Association is appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent for the Bonds (the “Registrar”). The Director of Finance shall sign and deliver, in the name and on behalf of the City, a Bond Registrar Agreement between the City and the Registrar (the “Agreement”). The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Agreement from the proceeds of the Bonds to the extent available and then from other moneys lawfully available and appropriated or to be appropriated for that purpose.

SECTION 7. The proceeds from the sale of the Bonds, except the accrued interest thereon, shall be paid into the proper fund and used for the purpose for which the Bonds are being issued under the provisions of this ordinance and may be used to pay those certain costs set forth in Section 133.15(B), Ohio Revised Code; any such costs also may be paid out of any other lawfully available moneys of the City and any such costs which are future financing costs may be paid from the same sources from which the principal of and interest on the Bonds are paid. The accrued interest and any other proceeds so designated shall be paid into the Bond Retirement Fund to be applied to the payment of the principal and interest of the Bonds in the manner provided by law.

SECTION 8. For the purpose of providing the necessary funds to pay the interest on the foregoing issue of Bonds promptly when and as the same falls due, and also to provide a fund sufficient to pay the principal of the Bonds when due, there shall be and is hereby levied on all taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are to run in an amount sufficient to provide funds to pay the interest upon the 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.

SECTION 9. The tax described in Section 8 shall be within the ten-mill limitation imposed by Ohio law, and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of the years are certified, extended and collected. The tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the 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 the 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 10. While the Bonds are outstanding, the City covenants to appropriate annually, to the extent required, sufficient amounts from lawfully available municipal income tax revenues to pay principal and interest on the Bonds when the same fall due, and to continue to levy and collect those municipal income taxes in an amount necessary to meet debt charges on the Bonds.

SECTION 11. It is determined that all acts, conditions and things necessary to be done precedent to and in and for the issuing of the Bonds in order to make them legal, valid and binding obligations of the City have been performed in regular and due form as required by law; that the full faith and credit of the City shall be and are 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 issuing the Bonds.

SECTION 12. The City covenants that it will restrict the use of the proceeds of the Bonds in such manner and to such extent, if any, as may be necessary so that the Bonds will not constitute arbitrage bonds under Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"). The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for the issuance of the Bonds shall give an appropriate certificate of the City, for inclusion in the transcript of proceedings for the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on the Bonds.

The City further covenants that it (a) will take or cause to be taken such actions that may be required of it for the interest on the Bonds to be and remain excluded from gross income for

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

SECTION 13. The Director of Finance is authorized and directed to designate the Bonds in the Certificate of Award as “qualified tax-exempt obligations” if the Bonds meet the requirements under Code Section 265(b)(3).

SECTION 14. If, in the judgment of the Director of Finance, 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 Director of Finance 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 Director of Finance to provide for the payment of those amounts from any funds lawfully available that are appropriated for that purpose.

SECTION 15. The Director of Finance, as fiscal officer of the City, is directed to forward or cause to be forwarded a certified copy of this ordinance to the Fiscal Officer of Cuyahoga County and to secure a receipt therefor.

SECTION 16. The Mayor, Director of Finance, Law Director or 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 17. 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, Ohio Revised Code.

SECTION 18. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the City, and for the further reason that the immediate issuance and sale of the Bonds is necessary to enable the City to commence street resurfacing and construction and improve the safety of vehicular traffic in the City, and provided it receives the affirmative vote of at least two-thirds (2/3) of the membership of Council, this ordinance shall take effect and be in force immediately upon its passage by the

FISCAL OFFICER'S CERTIFICATE

City of Euclid, Ohio
_____, 2024

TO THE COUNCIL OF THE CITY OF EUCLID, OHIO

The undersigned, as fiscal officer of the City of Euclid, Ohio, as defined by Section 133.01 of the Ohio Revised Code, certifies as follows in connection with your proposed issue of general obligation bonds in an amount not to exceed \$1,030,000 to pay the costs of acquiring vehicles and ancillary equipment, including three, one-ton dump trucks, one full-size dump truck, and one leaf collection truck (the "Service Vehicle Project"):

1. The estimated life or period of usefulness of the Service Vehicle Project is at least five years.
2. The maximum maturity of the bonds, calculated in accordance with the provisions of Section 133.20 of the Ohio Revised Code, is 10 years.

Director of Finance
City of Euclid, Ohio

(087-24)

ORDINANCE NO. ____-2024

Sponsored by Council President Mancuso (by request)

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS OF THE CITY OF EUCLID, OHIO, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$1,030,000 TO PAY THE COSTS OF ACQUIRING VEHICLES AND ANCILLARY EQUIPMENT, INCLUDING THREE, ONE-TON DUMP TRUCKS, ONE FULL-SIZE DUMP TRUCK, AND ONE LEAF COLLECTION TRUCK, AND DECLARING AN EMERGENCY.

WHEREAS, the Council of the City of Euclid, Ohio (the "City") has determined that the bonds shall be issued in a principal amount not to exceed \$1,030,000 for the purpose described below; and

WHEREAS, the Director of Finance of the City (the "Director of Finance") 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 Euclid, Cuyahoga County, Ohio that:

SECTION 1. It is necessary to issue bonds (the "Bonds") of the City in an aggregate principal sum not to exceed \$1,030,000 for the purpose paying costs of acquiring vehicles and ancillary equipment, including three, one-ton dump trucks, one full-size dump truck, and one leaf collection truck (the "Service Vehicle Project"), and paying the financing costs associated with the issuance of the Bonds.

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 multiples of \$1,000 in excess of \$5,000 ("Authorized Denominations"), 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 Director of Finance in the Certificate of Award described below.

The Bonds shall bear interest at the rate or rates of interest (computed on the basis of a 360-day year consisting of twelve, 30-day months) as are determined by the Director of Finance to be in the best interest of the City as provided in the Certificate of Award which shall be signed by the Director of Finance and provide for the award of the Bonds in accordance with Section 5 of this ordinance (the "Certificate of Award"). Interest on the Bonds shall be payable semiannually on the dates (the "Interest Payment Dates") determined by the Director of Finance in the Certificate of Award, until the principal amount has been paid or provided for. The Bonds shall bear interest from the most recent date to which interest has been paid or provided for or, if no interest has been paid or provided for, from their date. The true interest cost on the Bonds shall not exceed 7% per annum.

SECTION 3. The Bonds shall mature serially and annually on such dates and in such principal amounts as is fixed by the Director of Finance in the Certificate of Award, provided

however, 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 defined and described below. The Director of Finance, 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 Director of Finance for each purpose specified in Section 1 and the requirements of Section 133.20, Ohio Revised Code. The Director of Finance 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 before 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% 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 Registrar (defined in Section 6) 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 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 30th day preceding the applicable Mandatory Redemption Date, by furnishing the Registrar a certificate, signed by the Director of Finance, setting forth the extent of the credit to be applied with respect to the then current Mandatory Sinking Fund Redemption Requirement. If the certificate is not timely furnished to the Registrar, 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 Registrar 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 Director of Finance.

(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 Director of Finance 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 Director of Finance to the Registrar, 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 30 days before to the redemption date or such shorter period as shall be acceptable to the Registrar. In the event that notice of redemption shall have been given by the Registrar to the registered owners as provided below, there shall be deposited with the Registrar on or before 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, 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 Authorized Denominations, 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 the Authorized Denominations are then outstanding, each Authorized Denomination shall be treated as though it were a separate bond of an Authorized Denomination. If it is determined that one or more, but not all of the Authorized Denominations of principal amount represented by a bond are to be called for redemption, then upon notice of redemption of Authorized Denominations unit or units, the registered owner of that bond shall surrender the bond to the Registrar (i) for payment of the redemption price of the Authorized Denomination unit or units called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (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 before 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 Registrar on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as 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 Registrar 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 "Service Vehicle Acquisition General Obligation Bonds, Series 2024" or as otherwise determined by the Director of Finance in the Certificate of Award. Pursuant to Section 133.30(B) of the Ohio Revised Code, the Director of Finance may combine the Bonds with other bonds into a single consolidated issue of bonds for purposes of their sale as a single issue. Such bonds shall contain a summary statement of purposes encompassing the purpose for which the Bonds and any other bonds are issued; shall state that they are issued pursuant to this ordinance; shall be executed by the Mayor and by the Director of Finance, 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 office of the Registrar. In the absence of the Mayor, the Bonds must be executed by the Acting Mayor and, in the absence of the Director of Finance, the Bonds must be executed by any Deputy Director of Finance. The Bonds shall be issued in the denominations and numbers as requested by the Original Purchaser (defined below) and approved by the Director of Finance and shall be numbered as determined by the Director of Finance. The principal of 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 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 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 therefor to be mailed, first class postage prepaid, not less than 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.

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 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 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.

If requested by the Original Purchaser and at the Original Purchaser's expense, the Bonds, pursuant to the terms set forth below, may also be issued to a Depository (defined below) for use in a book-entry system (defined below). The Director of Finance is 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 (defined below), 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 this Council.

If any Depository determines not to continue to act as a Depository for the Bonds for use in a book-entry system, the Director of Finance may attempt to have established a securities depository/book-entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Director of Finance, after making provision for notification of the beneficial owners by the then Depository and any other arrangements 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.

If the Bonds are sold in a private placement and not in book-entry form, the City, if requested by a Holder of the Bonds and at the Holder's expense, will complete the necessary procedures to qualify the Bonds as book-entry bonds.

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 to be sold at private sale in a manner determined by the Director of Finance and shall be awarded by the Director of Finance to the entity noted in the Certificate of Award (the "Original Purchaser") 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 at a purchase price of not less than 97% of par plus accrued interest to their date of delivery, all as determined by the Director of Finance to be in the best interest of the City. The Director of Finance may enter into (a) a bond purchase agreement with the Original Purchaser or (b) a bond placement agreement with a placement agent for the private placement 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 Director of Finance, 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 Director of Finance, 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 Director of Finance 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.

The Mayor and the Director of Finance, 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, Cleveland, Ohio, as Bond Counsel for the City are retained. The Director of Finance shall cause the Bonds to be prepared, and have the Bonds signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Bonds, to the Original Purchaser upon payment of the purchase price.

SECTION 6. U.S. Bank Trust Company, National Association is appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent for the Bonds (the “Registrar”). The Director of Finance shall sign and deliver, in the name and on behalf of the City, a Bond Registrar Agreement between the City and the Registrar (the “Agreement”). The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Agreement from the proceeds of the Bonds to the extent available and then from other moneys lawfully available and appropriated or to be appropriated for that purpose.

SECTION 7. The proceeds from the sale of the Bonds, except the accrued interest thereon, shall be paid into the proper fund and used for the purpose for which the Bonds are being issued under the provisions of this ordinance and may be used to pay those certain costs set forth in Section 133.15(B), Ohio Revised Code; any such costs also may be paid out of any other lawfully available moneys of the City and any such costs which are future financing costs may be paid from the same sources from which the principal of and interest on the Bonds are paid. The accrued

interest and any other proceeds so designated shall be paid into the Bond Retirement Fund to be applied to the payment of the principal and interest of the Bonds in the manner provided by law.

SECTION 8. For the purpose of providing the necessary funds to pay the interest on the foregoing issue of Bonds promptly when and as the same falls due, and also to provide a fund sufficient to pay the principal of the Bonds when due, there shall be and is hereby levied on all taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are to run in an amount sufficient to provide funds to pay the interest upon the 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.

SECTION 9. The tax described in Section 8 shall be within the ten-mill limitation imposed by Ohio law, and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of the years are certified, extended and collected. The tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the 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 the 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 10. While the Bonds are outstanding, the City covenants to appropriate annually, to the extent required, sufficient amounts from lawfully available municipal income tax revenues to pay principal and interest on the Bonds when the same fall due, and to continue to levy and collect those municipal income taxes in an amount necessary to meet debt charges on the Bonds.

SECTION 11. It is determined that all acts, conditions and things necessary to be done precedent to and in and for the issuing of the Bonds in order to make them legal, valid and binding obligations of the City have been performed in regular and due form as required by law; that the full faith and credit of the City shall be and are 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 issuing the Bonds.

SECTION 12. The City covenants that it will restrict the use of the proceeds of the Bonds in such manner and to such extent, if any, as may be necessary so that the Bonds will not constitute arbitrage bonds under Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"). The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for the issuance of the Bonds shall give an appropriate certificate of the City, for inclusion in the transcript of proceedings for the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on the Bonds.

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

SECTION 13. The Director of Finance is authorized and directed to designate the Bonds in the Certificate of Award as “qualified tax-exempt obligations” if the Bonds meet the requirements under Code Section 265(b)(3).

SECTION 14. If, in the judgment of the Director of Finance, 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 Director of Finance 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 Director of Finance to provide for the payment of those amounts from any funds lawfully available that are appropriated for that purpose.

SECTION 15. The Director of Finance, as fiscal officer of the City, is directed to forward or cause to be forwarded a certified copy of this ordinance to the Fiscal Officer of Cuyahoga County and to secure a receipt therefor.

SECTION 16. The Mayor, Director of Finance, Law Director or 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 17. 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, Ohio Revised Code.

SECTION 18. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the City, and for the further reason that the immediate issuance and sale of the Bonds is necessary to enable the City to acquire service vehicles which are urgently required to maintain the streets and protect the safety

FISCAL OFFICER’S CERTIFICATE

City of Euclid, Ohio
_____, 2024

TO THE COUNCIL OF THE CITY OF EUCLID, OHIO

The undersigned, as fiscal officer of the City of Euclid, Ohio (the “City”), as defined by Section 133.01 of the Ohio Revised Code, certifies as follows in connection with your proposed issue of general obligation bonds in an amount not to exceed \$665,000 to pay the costs constructing, reconstructing and otherwise improving certain streets within the City, together with the necessary appurtenances thereto (the “Improvements”):

1. The estimated life or period of usefulness of the Improvements is at least five years.
2. The maximum maturity of the bonds, calculated in accordance with the provisions of Section 133.20 of the Ohio Revised Code, is 20 years.

Director of Finance
City of Euclid, Ohio

(088-24)

ORDINANCE NO. ___-2024

Sponsored by Council President Mancuso (by request)

AN ORDINANCE TO PROVIDE FOR THE ISSUANCE AND SALE OF GENERAL OBLIGATION BONDS OF THE CITY OF EUCLID, OHIO, IN A PRINCIPAL AMOUNT NOT TO EXCEED \$665,000 TO PAY THE COSTS OF CONSTRUCTING, RECONSTRUCTING AND OTHERWISE IMPROVING CERTAIN OF THE CITY'S STREETS, TOGETHER WITH THE NECESSARY APPURTENANCES THERETO, AND DECLARING AN EMERGENCY.

WHEREAS, the Council of the City of Euclid, Ohio (the "City") has determined that the bonds shall be issued in a principal amount not to exceed \$665,000 for the purpose described below; and

WHEREAS, the Director of Finance of the City (the "Director of Finance") 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 Euclid, Cuyahoga County, Ohio that:

SECTION 1. It is necessary to issue bonds (the "Bonds") of the City in an aggregate principal sum not to exceed \$665,000 for the purpose of paying costs of constructing, reconstructing and otherwise improving certain City streets, together with the necessary appurtenances thereto (the "Project"), and paying the financing costs associated with the issuance of the Bonds.

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 multiples of \$1,000 in excess of \$5,000 ("Authorized Denominations"), 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 Director of Finance in the Certificate of Award described below.

The Bonds shall bear interest at the rate or rates of interest (computed on the basis of a 360-day year consisting of twelve, 30-day months) as are determined by the Director of Finance to be in the best interest of the City as provided in the Certificate of Award which shall be signed by the Director of Finance and provide for the award of the Bonds in accordance with Section 5 of this ordinance (the "Certificate of Award"). Interest on the Bonds shall be payable semiannually on the dates (the "Interest Payment Dates") determined by the Director of Finance in the Certificate of Award, until the principal amount has been paid or provided for. The Bonds shall bear interest from the most recent date to which interest has been paid or provided for or, if no interest has been paid or provided for, from their date. The true interest cost on the Bonds shall not exceed 7% per annum.

SECTION 3. The Bonds shall mature serially and annually on such dates and in such principal amounts as is fixed by the Director of Finance in the Certificate of Award, provided however, 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 defined and described below. The Director of Finance, 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 Director of Finance for each purpose specified in Section 1 and the requirements of Section 133.20, Ohio Revised Code. The Director of Finance 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 before 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% 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 Registrar (defined in Section 6) 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 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 30th day preceding the applicable Mandatory Redemption Date, by furnishing the Registrar a certificate, signed by the Director of Finance, setting forth the extent of the credit to be applied with respect to the then current Mandatory Sinking Fund Redemption Requirement. If the certificate is not timely furnished to the Registrar, 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 Registrar 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 Director of Finance.

(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 Director of Finance 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 Director of Finance to the Registrar, 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 30 days before to the redemption date or such shorter period as shall be acceptable to the Registrar. In the event that notice of redemption shall have been given by the Registrar to the registered owners as provided below, there shall be deposited with the Registrar on or before 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, 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 Authorized Denominations, 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 the Authorized Denominations are then outstanding, each Authorized Denomination shall be treated as though it were a separate bond of an Authorized Denomination. If it is determined that one or more, but not all of the Authorized Denominations of principal amount represented by a bond are to be called for redemption, then upon notice of redemption of Authorized Denominations unit or units, the registered owner of that bond shall surrender the bond to the Registrar (i) for payment of the redemption price of the Authorized Denomination unit or units called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (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 unmaturing 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 before 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 Registrar on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as 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 Registrar 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 "Street Improvement General Obligation Bonds, Series 2024" or as otherwise determined by the Director of Finance in the Certificate of Award. Pursuant to Section 133.30(B) of the Ohio Revised Code, the Director of Finance may combine the Bonds with other bonds into a single consolidated issue of bonds for purposes of their sale as a single issue. Such bonds shall contain a summary statement of purposes encompassing the purpose for which the Bonds and any other bonds are issued; shall state that they are issued pursuant to this ordinance; shall be executed by the Mayor and by the Director of Finance, 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 office of the Registrar. In the absence of the Mayor, the Bonds must be executed by the Acting Mayor and, in the absence of the Director of Finance, the Bonds must be executed by any Deputy Director of Finance. The Bonds shall be issued in the denominations and numbers as requested by the Original Purchaser (defined below) and approved by the Director of Finance and shall be numbered as determined by the Director of Finance. The principal of 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 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 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 therefor to be mailed, first class postage prepaid, not less than 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.

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 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 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.

If requested by the Original Purchaser and at the Original Purchaser's expense, the Bonds, pursuant to the terms set forth below, may also be issued to a Depository (defined below) for use in a book-entry system (defined below). The Director of Finance is 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 (defined below), 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 this Council.

If any Depository determines not to continue to act as a Depository for the Bonds for use in a book-entry system, the Director of Finance may attempt to have established a securities depository/book-entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Director of Finance, after making provision for notification of the beneficial owners by the then Depository and any other arrangements 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.

If the Bonds are sold in a private placement and not in book-entry form, the City, if requested by a Holder of the Bonds and at the Holder's expense, will complete the necessary procedures to qualify the Bonds as book-entry bonds.

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 to be sold at private sale in a manner determined by the Director of Finance and shall be awarded by the Director of Finance to the entity noted in the Certificate of Award (the "Original Purchaser") 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 at a purchase price of not less than 97% of par plus accrued interest to their date of delivery, all as determined by the Director of Finance to be in the best interest of the City. The Director of Finance may enter into (a) a bond purchase agreement with the Original Purchaser or (b) a bond placement agreement with a placement agent for the private placement 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 Director of Finance, 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 Director of Finance, 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 Director of Finance 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.

The Mayor and the Director of Finance, 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, Cleveland, Ohio, as Bond Counsel for the City are retained. The Director of Finance shall cause the Bonds to be prepared, and have the Bonds signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Bonds, to the Original Purchaser upon payment of the purchase price.

SECTION 6. U.S. Bank Trust Company, National Association is appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent for the Bonds (the "Registrar"). The Director of Finance shall sign and deliver, in the name and on behalf of the City, a Bond Registrar Agreement between the City and the Registrar (the "Agreement"). The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Agreement from the proceeds of the Bonds to the extent available and then from other moneys lawfully available and appropriated or to be appropriated for that purpose.

SECTION 7. The proceeds from the sale of the Bonds, except the accrued interest thereon, shall be paid into the proper fund and used for the purpose for which the Bonds are being issued under the provisions of this ordinance and may be used to pay those certain costs set forth in Section 133.15(B), Ohio Revised Code; any such costs also may be paid out of any other lawfully available moneys of the City and any such costs which are future financing costs may be paid from the same sources from which the principal of and interest on the Bonds are paid. The accrued interest and any other proceeds so designated shall be paid into the Bond Retirement Fund to be applied to the payment of the principal and interest of the Bonds in the manner provided by law.

SECTION 8. For the purpose of providing the necessary funds to pay the interest on the foregoing issue of Bonds promptly when and as the same falls due, and also to provide a fund sufficient to pay the principal of the Bonds when due, there shall be and is hereby levied on all taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are to run in an amount sufficient to provide funds to pay the interest upon the 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.

SECTION 9. The tax described in Section 8 shall be within the ten-mill limitation imposed by Ohio law, and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of the years are certified, extended and collected. The tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the 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 the 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 10. While the Bonds are outstanding, the City covenants to appropriate annually, to the extent required, sufficient amounts from lawfully available municipal income tax revenues to pay principal and interest on the Bonds when the same fall due, and to continue to levy and collect those municipal income taxes in an amount necessary to meet debt charges on the Bonds.

SECTION 11. It is determined that all acts, conditions and things necessary to be done precedent to and in and for the issuing of the Bonds in order to make them legal, valid and binding obligations of the City have been performed in regular and due form as required by law; that the full faith and credit of the City shall be and are 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 issuing the Bonds.

SECTION 12. The City covenants that it will restrict the use of the proceeds of the Bonds in such manner and to such extent, if any, as may be necessary so that the Bonds will not constitute arbitrage bonds under Section 148 of the Internal Revenue Code of 1986, as amended (the "Code"). The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for the issuance of the Bonds shall give an appropriate certificate of the City, for inclusion in the transcript of proceedings for the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on the Bonds.

The City further covenants that it (a) will take or cause to be taken such actions that may be required of it for the interest on the Bonds to be and remain excluded from gross income for

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

SECTION 13. The Director of Finance is authorized and directed to designate the Bonds in the Certificate of Award as “qualified tax-exempt obligations” if the Bonds meet the requirements under Code Section 265(b)(3).

SECTION 14. If, in the judgment of the Director of Finance, 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 Director of Finance 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 Director of Finance to provide for the payment of those amounts from any funds lawfully available that are appropriated for that purpose.

SECTION 15. The Director of Finance, as fiscal officer of the City, is directed to forward or cause to be forwarded a certified copy of this ordinance to the Fiscal Officer of Cuyahoga County and to secure a receipt therefor.

SECTION 16. The Mayor, Director of Finance, Law Director or 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 17. 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, Ohio Revised Code.

SECTION 18. This ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health, safety and welfare of the City, and for the further reason that the immediate issuance and sale of the Bonds is necessary to enable the City to commence street improvements and improve the safety of vehicular traffic in the City, and provided it receives the affirmative vote of at least two-thirds (2/3) of the membership of Council, this ordinance shall take effect and be in force immediately upon its passage by the Council and

Resolution No.

By – Mayor Holzheimer Gail

A resolution approving a special leave of absence until November 30, 2024, for Patrolman Vincent Trusso.

WHEREAS, Vincent Trusso, a Patrolman and member of the Euclid Fraternal Order of Police Lodge #18 (FOP) Union, has requested a special leave of absence from his position; and

WHEREAS, Patrolman Trusso is presently on Special Leave until August 24, 2024; and

WHEREAS, Article 15 of the Collectible Bargaining Agreement between the City and the FOP allows for a special leave of absence beyond three months to be authorized by City Council; and

WHEREAS, the Mayor of the City of Euclid has recommended this special leave of absence be granted.

NOW, THEREFORE, be it resolved by the Council of the City of Euclid, State of Ohio:

Section 1: That this Council does hereby approve a special leave of absence until November 30, 2024 to Patrolman Vincent Trusso.

Section 2: That it is 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 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 3: That this resolution shall take immediate effect.

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Mayor

Resolution No.

By – Mayor Holzheimer Gail

A resolution authorizing the Mayor of the City of Euclid to execute an Agreement by and between the City of Euclid and Local #337, International Association of Fire Fighters, as exclusive bargaining agent for Fire Fighters in the Euclid Fire Department, to be effective January 1, 2024 through December 31, 2026.

WHEREAS, pursuant to Ohio Revised Code Chapter 4117, negotiations were held between the City of Euclid and Local #337, International Association of Fire Fighters to determine equitable compensation, benefits, working hours and other employment matters for members in the Euclid Fire Department; and

WHEREAS, other non-economic language changes will be made to clarify current contract provisions; and

WHEREAS, the terms and conditions of the Agreement between the City of Euclid to execute an Agreement by and between the City of Euclid and Local #337, International Association of Fire Fighters, to be effective January 1, 2024 through December 31, 2026, have been ratified by the members of the collective bargaining unit.

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That the Mayor of the City of Euclid be, and she is hereby authorized, empowered and directed to execute an Agreement by and between the City of Euclid and Local #337, International Association of Fire Fighters, effective January 1, 2024 through December 31, 2026.

Section 2: That it is 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 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 3: That this resolution shall take immediate effect.

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Mayor

Ordinance No.

By – Mayor Holzheimer Gail and Councilperson Tolton

An emergency ordinance authorizing the Director of Planning and Development to advertise for bids and enter into a contract for labor and materials necessary for the construction of the Hero Park Improvements Project.

WHEREAS, the 2018 Master Plan in the Play focus area, Goal 6 calls for enhancing the existing neighborhood parks with additional programs and amenities; and

WHEREAS, in 2022 the City invested more than \$114,000.00 for the installation of new playground equipment in the northeast corner of the park; and

WHEREAS, in 2023 the City invested more than \$200,000.00 for the construction of an approximately two-thirds of a mile walking path around the stormwater retention basin and installed seating at various points along the walking path; and

WHEREAS, feedback from residents has guided the development of the Hero Park Improvements Project, which includes planting trees and shrubs and the installation of lighting along the northern portion of the trail for safety.

WHEREAS, GPD Group will prepare documents that will be used to bid this project; and

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That the Director of Planning and Development is hereby authorized, empowered, and directed to advertise for bids and enter into a contract for labor and materials necessary for the construction of the Hero Park Improvements Project in accordance with plans on file in the office of the Director of Planning and Development. Said contract shall be entered into after advertising for not less than two consecutive weeks in a newspaper of general circulation in the City of Euclid and awarded by the Board of Control to the lowest and best bidder. The contract shall be in a form approved by the Director of Law and shall be in conformance with such specifications as developed by the Director of Planning and Development. The contract shall be executed by the Director of Planning and Development. The Board of Control is hereby authorized to waive any minor or technical irregularities that may occur during the bid process.

Section 2: Funds to pay for this expenditure are to be derived from the Community Development Block Grant Fund (250), Other Grants Fund (255), and American Rescue Plan Act Fund (259).

Section 3: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of 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 Section 121.22 of the Ohio Revised Code.

Section 4: That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, safety, and welfare of the citizens of the City of Euclid, and provided it receives the two-thirds vote of all members of Council elected thereto, shall be in full force and effect from after it passage and approval; otherwise, to be in full force and effect from and after the earliest period allowed by law.

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Mayor

Ordinance No.

By – Mayor Holzheimer Gail and Councilperson Steele

An emergency ordinance authorizing the Director of Planning and Development to advertise for bids and enter into a contract for labor and materials necessary for the construction of the Russell Avenue Park Improvements Project.

WHEREAS, the 2018 Master Plan in the Play focus area, Goal 6 calls for enhancing the existing neighborhood parks with additional programs and amenities; and

WHEREAS, City Council adopted 121-2023 on November 20, 2023, which authorized the Administration to apply for Community Development Supplemental Grant (CDSG) funding. The City was awarded \$50,000.00 for improvements to Russell Avenue Park, including resurfacing the walking path, replacing benches/seating areas, tree planting, signage, and improving the fencing around the park; and

WHEREAS, Stephen Hovancsek & Associates, Inc. will prepare documents that will be used to bid this project.

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That the Director of Planning and Development is hereby authorized, empowered, and directed to advertise for bids and enter into a contract for labor and materials necessary for the construction of the Russell Avenue Park Improvements Project in accordance with plans on file in the office of the Director of Planning and Development. Said contract shall be entered into after advertising for not less than two consecutive weeks in a newspaper of general circulation in the City of Euclid and awarded by the Board of Control to the lowest and best bidder. The contract shall be in a form approved by the Director of Law and shall be in conformance with such specifications as developed by the Director of Planning and Development. The contract shall be executed by the Director of Planning and Development. The Board of Control is hereby authorized to waive any minor or technical irregularities that may occur during the bid process.

Section 2: Funds to pay for this expenditure are to be derived from the Community Development Block Grant Fund (250), Other Grants Fund (255), and American Rescue Plan Act Fund (259).

Section 3: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of 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 Section 121.22 of the Ohio Revised Code.

Section 4: That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, safety, and welfare of the citizens of the City of Euclid, and provided it receives the two-thirds vote of all members of Council elected thereto, shall be in full force and effect from after its passage and approval; otherwise, to be in full force and effect from and after the earliest period allowed by law.

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Mayor

Ordinance No.

By – Mayor Holzheimer Gail and Councilperson Gresham

An ordinance authorizing the sale of Permanent Parcel Number 647-33-155, vacant land at 1451 E. 252nd Street, from the Euclid Land Bank, to Louis Dantzler for Two Hundred Fifty Dollars (\$250.00) for yard expansion, as authorized by Ordinance No. 97-2023.

WHEREAS, Ordinance 97-2023, passed by Council on October 2, 2023 authorizes the sale of properties in the Euclid Land Bank for private use; and

WHEREAS, Louis Dantzler owns the adjacent properties, Permanent Parcel Numbers 647-33-156, 647-33-157, and 647-33-158, 1445 and 1447 E. 252nd Street, and has submitted a Land Bank application to purchase Land Bank parcel 647-33-155 in order to expand his yard and make future improvements to his property.

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That the sale of Permanent Parcel Number 647-33-155, vacant land at 1451 E. 252nd Street, from the Euclid Land Bank to Louis Dantzler for the total amount of Two Hundred Fifty Dollars (\$250.00) for yard expansion. The sale of Permanent Parcel Number 647-33-155 shall be sold with the condition that the parcel be consolidated with the adjacent properties, Permanent Parcel Numbers 647-33-156, 647-33-157, and 647-33-158; a consolidation plat shall be prepared and submitted to the City of Euclid prior to transfer and recording, as authorized by Ordinance No. 97-2023, is hereby approved.

Section 2: That City Council approves the sales price adjustment below the Cuyahoga County Auditor’s market value due to area market conditions and based on pricing policies adopted in Ordinance 97-2023.

Section 3: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council and that all deliberations of 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 Section 121.22 of the Ohio Revised Code.

Section 4: That this ordinance shall be in full force and effect from and after the earliest period allowed by law.

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Effective:

Mayor

Resolution No.

By: Mayor Kirsten Holzheimer Gail

A resolution proclaiming, recognizing and celebrating the 50th anniversary of the Community Development Block Grant (CDBG) program, and reiterating the City’s commitment to vital community development activities which this important grant program supports for the City of Euclid.

WHEREAS, the Housing and Community Development Act was enacted on August 22, 1974, which authorized the Community Development Block Grant (CDBG) program, administered by the U.S. Department of Housing and Urban Development (HUD). The purpose of CDBG was to consolidate several federal grant programs including, but not limited to, the Urban Renewal Program, into a flexible grant to allow statewide and local grantees to allocate federal monies for important housing rehabilitation programs, economic development, infrastructure projects, and limited public services; and

WHEREAS, the City of Euclid was one of HUD’s earliest Entitlement Grantees to be awarded CDBG funds beginning in 1975, and Euclid’s first allocation was \$178,000.00; and

WHEREAS, the City’s has received a total of \$48,380,752.00 in CDBG since 1975, which has been used to support various neighborhood revitalization and stabilization efforts, including housing rehabilitation; commercial demolition; storefront renovation; improvements to parks, playgrounds, and neighborhood facilities; senior programs; fair housing activities; youth recreation programs; and

WHEREAS, the purpose of CDBG is to fulfill important National Objectives, which include serving Low- to Moderate- income households through affordable housing, Low- to Moderate-income area benefits for special public improvements; serving Low- to Moderate- income clients through public service programs; and elimination of slum and blighted conditions; and

WHEREAS, the City of Euclid continues to fulfill its responsibilities and obligations as an Entitlement Grantee, including serving residents and businesses primarily benefiting Low- and Moderate- income residents and neighborhoods, and activities that Affirmatively Further Fair Housing Choice.

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That the City of Euclid proclaims, recognizes and celebrates August 22, 2024 as the 50th Anniversary of the CDBG Program.

Section 2: That the City of Euclid continues to maintain a sound partnership with HUD as the City continues to implement community programs and projects with these funds.

Section 3: That it is 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 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 4: That this resolution shall take immediate effect.

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Mayor

Ordinance No.

By: Councilpersons Hannum, Tolton and Wojtila (by request)

An ordinance authorizing the Director of Public Service of the City of Euclid to enter into a professional services agreement with GPD Group for the design work for the Coulter Avenue and E. 217th Streets Waterline Replacement projects at an amount not to exceed \$98,771.00.

WHEREAS, these two (2) projects will replace waterlines and hydrants on all of Coulter Avenue and E. 217th Street from Lakeshore Boulevard to 100 E. 217th Street; and

WHEREAS, all of Coulter Avenue and E. 217th Street from Lakeshore to Edgecliff will be resurfaced at the projects' completion; and

WHEREAS, these two (2) projects have been awarded funding by the Cleveland Water Department under their suburban waterline replacement program; and

WHEREAS, any portion not covered by the funding from the Cleveland Water Department will be funded by the 516 Waterline Replacement Fund; and

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That the Director of Public Service of the City of Euclid is authorized to enter into a professional services agreement with GPD Group for the design work for the Coulter Avenue and E. 217th Streets Waterline Replacement projects at an amount not to exceed \$98,771.00.

Section 2: That all agreement(s) shall be in a form approved by the Director of Law.

Section 3: Funds to pay for this expenditure are to be derived from the Cleveland Water Department Waterline Replacement Program and the 516 Waterline Replacement Fund.

Section 4: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of 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 Section 121.22 of the Ohio Revised Code.

Section 5: That this ordinance shall be in full force and effect from and after the earliest period allowed by law.

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Effective:

Mayor

Ordinance No.

By – Mayor Holzheimer Gail and Councilperson Jarosz

An ordinance amending Chapter 529, "Nuisance Abatement," of the Codified Ordinances of the City of Euclid – Title Five – General Offenses, to clarify the process for declaring a property a nuisance, and increase the assessments for subsequent violations.

WHEREAS, criminal activities occurring on properties in the City of Euclid have negative effects on residents, neighborhoods, commercial investment, and public safety; and

WHEREAS, addressing complaints related to such nuisances and investigating the same consumes significant City resources; and

WHEREAS, felony activity should be included in nuisance activity; and

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That Section 529.07 of the Nuisance Abatement Chapter of the Codified Ordinances of the City of Euclid be, and the same are hereby amended to read as follows:

CHAPTER 529 NUISANCE ABATEMENT.

529.07 CRIMINAL ACTIVITY AS A NUISANCE; COST OF ABATEMENT.

(a) The following activities occurring in the City of Euclid on any residential or commercial property, or within **one thousand feet (1,000)** ~~4,000 feet~~ of the property line of said residential or commercial property, and engaged in by an owner, or the owner's agent, or the owner's lessee, occupant, or invitee or person or entity in charge of any commercial or residential property (including individual apartment and condominium units), are hereby declared to be a public nuisance:

- (1) Alcohol violations under Section 503.02, 503.03, 503.07, 503.08, 503.09, 503.11, 503.12, or 503.13 of the Codified Ordinances or under Chapter 4301 of the Ohio Revised Code;
- (2) Animal violations under Section 505.06, 505.07, 505.08, 505.09, 505.10, 505.11, 505.13, 505.17 or 505.37 of the Codified Ordinances;
- (3) Any drug violation under Chapter 513 of the Codified Ordinances;
- (4) Any gambling violation under Chapter 517 of the Codified Ordinances;
- (5) Any violation of offenses relating to persons under Chapter 537 of the Codified Ordinances except domestic violence, 537.17;
- (6) Any violation of offenses relating to property under section 541.02, 541.05, 541.06, 541.07, 541.08, 541.09, 541.10, 541.11, 541.12, 541.125, 541.23, 541.26, 541.29, 541.32, ~~or~~ 541.35, or 541.37 of the Codified Ordinances;
- (7) Any peace disturbance violation under Chapter 545 of the Codified Ordinances;
- (8) Any safety violation under Chapter 559 of the Codified Ordinances;
- (9) Any violation of a sex offense under Chapter 563 of the Codified Ordinances;
- (10) Any weapons or explosives violation under Chapter 571 of the Codified;
- (11) Any obstruction of official business violation under section 501.14 of the Codified Ordinances of the City of Euclid;
- (12) Any violations of section 909.01, 909.02, 909.03, 909.07, 909.10, 909.11, 909.16, or 909.20 of the Codified Ordinances;
- (13) Any activity or violation indicated to be a public nuisance anywhere in the Codified Ordinances;
- (14) Any false alarm call violation under sections 945.05 of the Codified Ordinances.
- (15) Any offense that is a felony under the Ohio Revised Code, except domestic violence;
- (16) Parking violations under Section [351.03](#), 351.05, 351.12, and 351.13 of the Codified Ordinances;
- (17) Littering violations under Section [1129.01](#)(c), (d), (e), or (f) of the Codified Ordinances of the City of Euclid.

(b) For purposes of subsection (a), the occurrence of a nuisance activity means either a citation has been issued, or an arrest has been made, or a conviction has been obtained, or a City Department, including, but not limited to,

Police, Fire, Animal Control, or Building, has verified and documented the activity in lieu of arrest or citation. Additionally, for purposes of subsection (a), any reference to a nuisance activity shall also include a violation of the Ohio Revised Code that is substantially equivalent to the section of the Codified Ordinances referenced therein.

(c) The Housing Manager, certified Building Official or the Law Director or their designee, upon finding that two (2) or more nuisance activities, or one felony activity, declared in this section have occurred within any 18-month period, may cause a written notice and order to be served on the owner or the owner's lessee occupant, or invitee or person or entity in charge of any commercial or residential property of the property, declaring that such property is a nuisance property. The notice and order shall set forth the nature of the nuisances, the estimated costs to abate any future nuisances, and state that the owner or the owner's lessee occupant, or invitee or person or entity in charge of any commercial or residential property may avoid being charged the costs of abatement by taking steps to prevent any further nuisance activity as set forth in this section. The notice shall further state that if a third or subsequent nuisance activity as declared in this section occurs within 18 months of the dates of the first two (2) nuisance activities, or one (1) felony activity, the City may abate the nuisance by responding to the activities using administrative and law enforcement actions, and the costs of such abatement shall be assessed on the nuisance property. Notice shall be served as set forth in Sections 529.05 of the Codified Ordinances.

(d) The owner of a nuisance property who receives a notice from the Housing Manager, or certified Building Official or the Law Director or their designee of the City's intent to assess the costs of abatement pursuant to division (c) of this section may appeal such notice within ten days as provided in Section 1753.09 of the Codified Ordinances of the City of Euclid.

(e) After declaration, costs of abatement, undertaken by any departments of the City of Euclid, shall be an escalating defined cost assessed upon each violation of this section. The escalating defined costs are: ~~two hundred fifty dollars (\$250.00)~~ five hundred dollars (\$500.00) upon the first violation after declaration of nuisance under this chapter; ~~five hundred dollars (\$500.00)~~ one thousand dollars (\$1,000.00) on the second violation after nuisance declaration; ~~seven hundred fifty dollars (\$750.00)~~ one thousand five hundred dollars (\$1,500.00) on the third violation after nuisance declaration; and ~~one thousand dollars (\$1,000.00)~~ two thousand dollars (\$2,000.00) on the fourth or subsequent violation after nuisance declaration.

(f) The Housing Manager and the Director of Law shall have full authority to abate such nuisances specified in division (a) hereinabove in accordance with law, and all administrative and law enforcement costs incurred by the City in abating any such nuisance may be certified to the County Auditor in accordance with law to be assessed as a lien on the real estate from which the nuisance originated; provided however, that such costs shall not be certified unless the following conditions have been met:

(1) Any appeal timely made under the Building and Housing Code has been finalized according to the proper procedures; and

(2) Upon receipt of notice of the occurrence of nuisance activities on the premises as set forth in division (b) of this section, the owner of the property establishes that he or she promptly took all actions necessary to abate the nuisance including, without limitation, compliance with the requirements of Ohio R.C. 5321.17(C) and 5321.04(A)(9).

(g) Whenever the Housing Manager has certified a lien on a property stemming from a violation of this chapter, no certificate of occupancy shall be issued for the property as a rental unit.

Section 2: That Section 529.07 of the Nuisance Abatement Chapter are hereby amended.

Section 3: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of 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 section 121.22 of the Ohio Revised Code.

Section 4: That this ordinance shall be in full force and effect from and after the earliest period allowed by law.

Attest:

Clerk of Council

Passed:

Effective:

President of Council

Approved:

Mayor

Ordinance No.

By – Mayor Holzheimer Gail

An emergency ordinance enacting a special assessment upon all real property within the City of Euclid to be used for the payment of street lighting within the City.

WHEREAS, within the City of Euclid street lighting provides benefits for all property owners as it helps to increase the safety of the community; and

WHEREAS, the safety of the citizens is a concern of this Council and Administration and through the enactment of this special assessment the City will have the ability to maintain and improve its current level of street lighting; and

WHEREAS, decisions made by the State Legislature and Governor to reduce the local government fund and estate tax provisions have impacted the ability of the City to maintain basic city services; and

WHEREAS, recently the millage was increased to 1.50 mills to allow for the collection of funds necessary to offset the expense of street lighting; and

WHEREAS, 1.50 mills will continue to provide adequate revenue to cover the annual cost of street lighting.

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: It is hereby deemed necessary to provide for the payment of electric power for street lighting by special assessments on all parcels benefited, which is hereby determined to be all parcels of land within the municipality, except parcels owned by the State of Ohio and other tax-exempt parcels.

Section 2: No expenditure shall be made nor any portion of this special assessment is to be used to improve or install additional lighting facilities except to the extent that funds are available after provision for or payment of all costs of electric power.

Section 3: The cost of said improvement, namely the lighting of streets within the municipality, less two percent (2%) for the cost of intersections shall be assessed upon all of the lots and lands within the City of Euclid which said lots and lands are hereby determined to be specifically benefited by said street lighting. Said assessment shall be levied at the rate of 1.50 mills annually. The cost of said improvement shall include the expense of the preliminary and other surveys and printing and publishing of notices, resolutions and ordinances required, and the serving of said notices, and the cost of construction, if any. No bond shall be issued in anticipation of the collection of said special assessments.

Section 4: The amount of said special assessments shall be certified by the Clerk of Council to the County Fiscal Officer, as provided by law, to be placed by the County Fiscal Officer upon the tax duplicate for collection as other taxes in 2025 and 2026.

Section 5: The Director of Finance is hereby authorized and directed to prepare an estimated assessment of the cost of electric power to provide street lighting and file said estimated costs with the office of the Clerk of Council, showing thereon the amount of the assessment against each lot or parcel of land to be assessed. Said estimated assessment shall be filed in the office of said Clerk and shall be available for public inspection.

Section 6: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of 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 Section 121.22 of the Ohio Revised Code.

Section 7: That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, safety, and welfare of the citizens of the City of Euclid, and provided it receives the two-thirds vote of all members of Council elected thereto, shall be in full force and effect from after its passage and approval; otherwise, to be in full force and effect from and after the earliest period allowed by law.

Attest:

Clerk of Council

Passed:

President of Council

Approved:

Mayor

Ordinance No.

By – Mayor Holzheimer Gail

An emergency ordinance authorizing the continuation of the solid waste collection fee for residential accounts for the years 2025 and 2026.

WHEREAS, the City of Euclid wishes to maintain the highest level of public services to City residents and with the elimination of the estate tax and prior reduction in the state/local government funds, both due to state legislative action, it is necessary for the City to address these revenue losses; and

WHEREAS, the collection and disposal of garbage and refuse in the City is a matter which affects the public health, welfare and safety of all City residents; and

WHEREAS, the Council of the City of Euclid has provided for the solid waste collection fee since 2010; and

WHEREAS, the Council has determined that provisions should be continued allowing for a reduced rate for the solid waste collection fee for senior and other persons based upon income qualifications; and

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That it has been determined that a portion of the cost of garbage, waste and refuse collection shall be borne by the property owner. The cost shall be eleven dollars (\$11.00) per month and shall be assessed through the collection of property taxes as a special assessment for the years 2025 and 2026.

Section 2: That the fee shall be reduced to five (\$5.00) per month for the owners of properties that receive the Homestead Exemption, as allowed under Section 323.152 (A) of the Ohio Revised Code, for their owner-occupied home in the City of Euclid.

Section 3: That the amount of said special assessments for each shall be certified by the Clerk of Council to the County Fiscal Officer or other designated Cuyahoga County Official as provided by law to be placed by said official upon the tax duplicate and collected as other taxes as part of the annual tax collections to be levied and collected in the same calendar year.

Section 4: That the Director of Law is authorized to take all steps permitted by law to collect delinquent fees.

Section 5: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of 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 Section 121.22 of the Ohio Revised Code.

Section 6: That this ordinance is hereby declared to be an emergency measure necessary for the preservation of the public peace, safety, and welfare of the citizens of the City of Euclid, and provided it receives the two-thirds vote of all members of Council elected thereto, shall be in full force and effect from after its passage and approval; otherwise, to be in full force and effect from and after the earliest period allowed by law.

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Mayor

Ordinance No.

By – Mayor Holzheimer Gail

An ordinance authorizing the Mayor of the City of Euclid to renew its contract with Indigo Sports, LLC to operate and manage the Briardale Greens Golf Course for a period of five years, commencing February 1, 2025 and ending January 31, 2030.

WHEREAS, the City of Euclid selected Billy Casper Golf, LLC, now known as Indigo Sports, LLC (“Indigo”) to manage the Briardale Greens Golf Course in 2010 and renewed its contract for another five year term in Ordinance 50-2019 which is set to expire January 31, 2025; and

Indigo has met the performance goals for the course as set forth by the City and provided a quality experience for golf course patrons; and

WHEREAS, per the terms of the agreement approved by Ordinance 59-2019, the base fee increases 3% annually during the term of the agreement with the incentive management fee being unchanged; and

WHEREAS, the Council further finds that a contract based upon the terms and conditions as authorized by Ordinances 3-2010, 119-2014 and 50-2019, shall be approved and executed by the Mayor on behalf of the City.

NOW, THEREFORE, be it ordained by the Council of the City of Euclid, State of Ohio:

Section 1: That the City of Euclid authorizes Indigo Sports, LLC to operate and manage the Briardale Greens Golf Course for a period of five years, commencing February 1, 2025 and ending January 31, 2030.

Section 2: That the Director of Finance is authorized to make payment to Indigo Sports, LLC from the Briardale Greens Enterprise Fund.

Section 3: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this ordinance were adopted in an open meeting of this Council, and that all deliberations of 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 section 121.22 of the Ohio Revised Code.

Section 4: That this ordinance shall be in full force and effect from and after the earliest period allowed by law.

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Effective:

Mayor

Resolution No.

By- Councilperson Tolton

A resolution objecting to the renewal of the liquor permit for Sharita Roberts, who operates the establishment known as Boozerz Sports Bar and Grill, 21702 St. Clair Avenue, Euclid, OH 44117, Ohio Division of Liquor Control Permit Number 7443995, and encouraging the Ohio Department of Commerce, Division of Liquor Control, to deny said renewal of the liquor permit.

WHEREAS, Boozerz Sports Bar and Grill ("Boozerz") is located in an industrial area of the City of Euclid (the "City") and has a maximum total capacity of eighty-five (85); and

WHEREAS, the City has responded to Boozerz numerous times for reports of gunshots, assaults, physical fights, intoxicated patrons, and parking violations impacting neighboring businesses and traffic flow; and

WHEREAS; under the City's nuisance abatement ordinance, if two or more verified nuisance activities occur at a property, the City is able to declare the property a nuisance and charge an escalating fee for any subsequent verified nuisance activity; and

WHEREAS, due to calls for service to the Euclid Police Department, the property located at 21702 St. Clair Avenue, Euclid, Ohio 44117, was reviewed for a nuisance declaration and was declared the same on or about April 5, 2024; and

WHEREAS, the reason for the nuisance review and subsequent declaration was due to the activities of the employees and patrons of Boozerz including some of the matters described herein; and

WHEREAS, on March 19, 2023, at about 4:59 a.m. Euclid police officers were dispatched to 21702 St. Clair Avenue for a male having been shot in his left leg. Upon arrival the victim stated he was walking out of the Boozerz and three (3) individuals approached him and one (1) of them shot him during a robbery attempt; and

WHEREAS, on April 9, 2023 at about 3:36 a.m. Euclid police officers were dispatched to 21702 St. Clair Avenue for a report of many people fighting outside of Boozerz. Upon arrival a large crowd was in the middle of St. Clair Avenue and cars were illegally parked and impeding traffic. Euclid Police Officers then observed many patrons leaving the bar, after authorized hours. Based on the size of the crowd it appeared they were at maximum capacity; and

WHEREAS, on April 16, 2023 at about 2:23 a.m. Euclid police officers were dispatched to 21702 St. Clair Avenue for a report of shots fired. Upon arrival a large crowd, estimated to be over one hundred (100) people, were observed inside Boozerz and its parking lot. Also, at that time several cars were parked illegally on St. Clair Avenue impeding traffic; and

WHEREAS, on April 23, 2023 at about 3:28 a.m. a Euclid police officer, while on basic patrol, observed patrons inside Boozerz and in its parking lot drinking beverages. It was estimated that over one hundred (100) people were on the premises. Several cars were parked illegally on both sides of St. Clair Avenue impeding traffic and blocking fire hydrants; and

WHEREAS, on April 30, 2023 at about 2:39 a.m. a Euclid police officer, while on basic patrol, observed patrons inside Boozerz and in its parking lot. The officer remained on scene for about thirty (30) minutes and observed numerous individuals entering the bar after the authorized closing time; and

WHEREAS, on May 14, 2023 at about 3:15 a.m. Euclid police officers responded to 21702 St. Clair Avenue as there were numerous cars parked on both sides of the street in violation of parking ordinances and citations were issued; and

WHEREAS, on May 21, 2023 at about 3:00 a.m. Euclid police officers responded to 21702 St. Clair Avenue for parking enforcement complaints and multiple citations were issued; and

WHEREAS, on June 25, 2023 at about 3:06 a.m. Euclid police officers responded to 21702 St. Clair Avenue for parking enforcement and multiple citations were issued; and

WHEREAS, on August 3, 2013 at about 3:13 a.m. Euclid police officers responded to Boozerz of a report of four (4) individuals actively fighting. Upon arrival the parties could not be located but approximately thirty (30) vehicles were still in the parking lot; and

WHEREAS, on August 13, 2023 at about 1:30 a.m. a Euclid police officer observed a female punch another female in the eye while in front of Boozerz. Other officers arrived on scene to assist with the call and approximately one hundred fifty (150) people were observed inside the bar; and

WHEREAS, on September 2, 2023 at about 3:02 a.m. Euclid police officers responded to 21702 St. Clair Avenue for parking enforcement and multiple citations were issued; and

WHEREAS, on September 30, 2023 at about 3:09 a.m. Euclid police officers responded to 21702 St. Clair Avenue for a 911 hang up call. Upon arrival, it took security at the bar several minutes to open the door. When the door was opened, liquor bottles were observed on the bar, on tables, and individuals were drinking out of clear white cups with limes in them. The officer estimated that over one hundred (100) people were in the bar; and

WHEREAS, on December 9, 2023 at 3:07 a.m. officers from the Euclid Police Department responded to Boozerz for a disturbance call. Upon officers' arrival several patrons exited the bar and all appeared heavily intoxicated. Officers spoke to one of the patrons as she was exiting the bar and was highly intoxicated and admitted the only place she had drank was Boozerz and no arrangements were made by staff to find her a ride; and

WHEREAS, December 31, 2023 at 2:48 a.m. Euclid police officers responded to Boozerz for a parking complaint as several vehicles were preventing a tow truck driver from towing vehicles off of a neighboring business. Euclid officers observed the following: seventeen (17) vehicles parked on the south side of the road (No Parking signs were present); thirty-eight (38) vehicles parked on the hydrant side of the road; and five (5) vehicles parked on the sidewalk; and

WHEREAS, on February 11, 2024 at about 3:29 a.m. Euclid police officers, while on basic patrol, called for backup for assistance with the clearing out of a large crowd and numerous illegally parked vehicles outside of 21702 St. Clair Avenue. During the call officers encountered an individual who was drinking in his vehicle and had a fully loaded firearm in the vehicle who refused to cooperate with the police and was subsequently arrested; and

WHEREAS, on February 24, 2024 at about 2:53 a.m. a Euclid police officer drove by Boozerz and observed people still in the bar and about sixty (60) cars in the parking lot; and

WHEREAS, on March 3, 2024 at 3:55 a.m. a Euclid police officer on basic patrol observed a large multi-person physical fight outside of Boozerz and stopped to disperse the crowd. While on scene, officers observed Maurtez Prince place a fully loaded firearm in the side compartment of a dumpster. Officers confirmed that Maurtez Prince, due to a prior criminal conviction, was unable to possess a firearm. In responding to numerous prior calls at Boozerz, Maurtez Prince, has been on scene and identified himself as the manager of Boozerz; and

WHEREAS, on March 13, 2024 at 1:07 a.m. Euclid police officers responded to a motorcycle crash near 22199 St. Clair Avenue. The driver of the motorcycle was deceased on scene and it was reported to officers that he and his friends had just left Boozerz prior to the accident; and

WHEREAS, the City of Euclid does not, and will not, tolerate these criminal and nuisance activities in its city; and

WHEREAS, Euclid City Council believes it is of utmost importance to provide their residents, businesses, visitors, and first responders with a safe environment within the City of Euclid; and

WHEREAS, the operations of Boozerz at 21702 St. Clair Avenue, Euclid, Ohio necessitates that Euclid City Council take this action in order to support a safe environment for its city as Sharita Roberts and Boozerz have operated in blatant disregard for the laws and ordinances of the State of Ohio and City of Euclid; and

WHEREAS, this entity should not be permitted to renew their liquor license and the Ohio Department of Commerce, Division of Liquor Control should deny this entity the renewal of their liquor license.

NOW, THEREFORE, be it resolved by the Council of the City of Euclid, State of Ohio:

Section 1: The Euclid City Council objects to the renewal of the liquor permit for Sharita Roberts, who operates the establishment known as Boozers Sports Bar and Grill, 21702 St. Clair Avenue, Euclid, OH 44117, Ohio Division of Liquor Control Permit Number 7443995, and encourages the Ohio Department of Commerce, Division of Liquor Control, to deny said renewal of the liquor permit.

Section 2: That it is 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 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 3: That this resolution shall take immediate effect.

Section 4: That a copy of this resolution is forwarded to the Ohio Department of Commerce, Division of Liquor Control, Attention: Legal Section, 6606 Tussing Road, P.O. Box 4005, Reynoldsburg, OH 43068-9005.

Attest:

Clerk of Council

President of Council

Passed:

Approved:

Mayor