

VOTING ORDER

R. James
D. Kos
L. Meiners
M. O'Donnell
J. Shondel
D. Bucci
J. Fenderbosch

**CITY OF AVON LAKE
150 AVON BELDEN ROAD
AVON LAKE, OHIO**

The following business is to be considered at the regular meeting of the Avon Lake City Council on November 14, 2016 at 7:30 P.M. in the Council Chamber.

Pledge of Allegiance

Roll Call: Mr. Bucci, Mrs. Fenderbosch, Mr. James, Mr. Kos, Mr. Meiners, Mr. O'Donnell, Mr. Shondel, Mayor Zilka, Director of Law Lieberman, Director of Finance Presley, Public Works Director Reitz.

Approval of Minutes: October 24, 2016 Regular Council Meeting as prepared and published.

Correspondence

Reports
Mayor
Council President
Public Works Director
Director of Law
Director of Finance
Standing Committees
Special Committees

Audience Participation

Motions

**Accepting the Deer Management Proposal for the City of Avon Lake – 2016-2017 –
J. Shondel.**

Legislation

Third Reading:

Temporary Legislation #10753, amending the rules of the Civil Service Commission.

Second Readings:

Temporary Legislation #10758, approving a salary increase for Kathy Novotny, Clerk of Court.→

Temporary Legislation #10762, authorizing the Mayor to enter into a CRA Tax Incentive Agreement for Avon Lake Aqua, Ltd.

First Readings:

Temporary Legislation #10764, adopting a job description for the position of Animal Control Officer/Community Service Officer.

Temporary Legislation #10765, adopting a job description for the position of Customer Service Clerk for Avon Lake Regional Water.

Temporary Legislation #10766, adopting a job description for the position of Executive Assistant for Avon Lake Regional Water.

Temporary Legislation #10767, authorizing the purchase of police vehicles.

Temporary Legislation #10768, approving a conditional use site plan for Health Express Urgent Care.→

Temporary Legislation #10769, rezoning a portion of 127 Miller Road and a vacated alley for Avon Lake Animal Clinic.

Temporary Legislation #10770, authorizing the issuance of wastewater system revenue bonds in the maximum principal amount of \$5,000,000.→

Temporary Legislation #10771, authorizing the execution of and delivery of a master trust agreement providing for the rights of the holders of the bonds and pledging certain revenues and funds to secure those bonds.→

Temporary Legislation #10772, proving for the transfer of funds.→

Temporary Legislation #10773, accepting the amounts and rates as determined by the Budget Commission and authorizing the necessary tax levies.→

Temporary Legislation #10774, authorizing a cooperative service agreement with the United States Department of Agriculture, Animal and Plant Health Inspection

→Suspension of the rule requiring three readings

Service related to the deer management plan.→

Temporary Legislation #10775, approving the use of submerged lands.→

Temporary Legislation #10776, amending Codified Ordinance Chapter 618, entitled Animals.

Temporary Legislation #10777, confirming the contract for general liability and property insurance.→

Temporary Legislation #10778, amending Ordinance No. 52-2016 approving the lease agreement for the purchase of two Ford F750 trucks.→

Miscellaneous Business and Announcements

Public Input

Adjournment

By: Mr. Shondel

TEMP NO: 10753

ORDINANCE NO: _____

AN ORDINANCE AMENDING THE RULES OF THE CIVIL SERVICE COMMISSION, AND DECLARING AN EMERGENCY.

WHEREAS, it has been recommended by the Civil Service Commission and the Human Resources Committee of Council that revisions be made in the Civil Service Rules, now therefore:

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON LAKE,
STATE OHIO

Section No. 1: That Rule 9 Section C of the Rules of the Civil Service, is hereby amended as follows:

Seniority. There shall be added to the **final combined score of the** passing written grade **and assessment center** of those applicants taking promotional examinations a credit for seniority, which shall be determined as follows:

One percentage point (1%) for each year of the first four (4) years of service and six-tenths of one percentage point (.6 %) for each year of the next ten (10) years of service. Seniority credits shall be awarded for partial years of service for each full month of service less than one year on a pro rata basis.

Section No. 2: That Rule 15 of the Rules of the Civil Service, is hereby amended as follows:

Section A. In addition to the general requirements specified in these regulations:

1. No person shall be eligible to take the examination for an original appointment as a firefighter/paramedic unless he/she has attained the age of twenty-one (21) years.
2. A candidate must possess both a valid Ohio Paramedic certificate and a valid Ohio Level II firefighter certificate. ~~upon appointment as a~~ **Firefighter/Paramedic**

Section F. Except as otherwise determined by the Commission and excepting the requirements set forth in Section 15(B), candidates for the position of Firefighter/Paramedic must satisfy all job qualifications and requirements for an original appointment, and must submit to the Clerk of the Commission all required documentation demonstrating that the candidate meets the qualifications and requirements, not later than fourteen (14) days after the deadline for submission of applications for the posted position.

Section No. 3: That Rule 17 of the Rules of the Civil Service, is hereby amended as follows:

Section G. Except as provided in Section J of this Rule, no person who has not had at least one (1) year of continuous service as a Lieutenant in the Fire Department of the City of Avon Lake shall be eligible to take an examination for promotion to the position of ~~Chief~~ **Captain.**

Section H. Except as provided in Section J of this Rule, no person who has not had at least one (1) year of continuous service as a Captain in the Fire Department of the City of Avon Lake shall be eligible to take an examination for promotion to the position of Assistant Chief.

Section I. Except as provided in Section J of this Rule, no person who has not had at least one (1) year of continuous service as an Assistant Chief in the Fire Department of the City of Avon Lake shall be eligible to take an examination for promotion to the position of Chief.

Section No. 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 which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 4: That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity to establish an effective method of evaluating employees and clarifying Civil Service requirements to ensure the best hiring and promotional practices for the smooth operation of City departments, thus safety, health and welfare of the public. Therefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

1st reading: 10/11/16
2nd reading: 10/24/16
3rd reading:

PASSED: _____

President of Council

POSTED: _____

Approved

ATTEST: _____

Clerk of Council

Mayor

BY: Mr. Shondel

TEMP NO: 10758

ORDINANCE NO. _____

AN ORDINANCE APPROVING A SALARY INCREASE FOR KATHY NOVOTNY, CLERK OF COURT, AND DECLARING AN EMERGENCY.

WHEREAS, it has been recommended by Judge Bilancini and the Human Resources Committee that Kathy Novotny, Clerk of Court should be granted a salary increase, and

WHEREAS, Council coming now to consider said recommendation approves it in full and desires to put it into effect, now therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That the following employee be granted the following salary increase effective December 1, 2016.

Kathy Novotny Clerk of Court \$47,476.00/year

Section No. 2: 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 which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 3: That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity of complying with provisions of the Fair Labor Standards Act. Therefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

1st reading: 10/24/16
2nd reading:
3rd reading:

PASSED: _____
President of Council

POSTED: _____
Approved

ATTEST: _____
Clerk of Council Mayor

BY: Mr. Bucci

TEMP. NO. 10762

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE MAYOR TO ENTER INTO A CRA TAX INCENTIVE AGREEMENT WITH AVON LAKE AQUA, LTD WITHIN THE COMMUNITY REINVESTMENT AREA, AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON LAKE,
STATE OF OHIO:

Section No. 1: That the Mayor of the City of Avon Lake be, and he is hereby authorized and directed to enter into a CRA Tax Incentive Agreement with Avon Lake Aqua, Ltd. hereafter ("Avon Lake Aqua") to assist with the construction of 144 new apartment homes, which is within a designated Community Reinvestment Area. A copy of the CRA Tax Incentive Agreement is attached hereto as "Exhibit A".

Section No. 2: That the Mayor be, and is hereby authorized to execute such amendments to said Agreement and to take such action and to execute such other documents and amendments thereto as may be necessary and as are approved by the Law Director.

Section No. 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 which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Ohio Revised Code §121.22.

Section No. 4: That this Ordinance is hereby declared to be an emergency measure, in order that Avon Lake Aqua may begin construction activities as soon as possible to further the economic development of Avon Lake and bring new jobs to the City, thus for the public welfare. Therefore, this Ordinance shall be in full force and effect from and after its passage and approval by the Mayor.

1st reading: 10/24/16

2nd reading: _____

3rd reading: _____

PASSED: _____

President of Council

POSTED: _____

Approved

ATTEST: _____
Clerk of Council

Mayor

CITY OF AVON LAKE
COMMUNITY REINVESTMENT AREA
TAX INCENTIVE AGREEMENT

THIS AGREEMENT is made and entered into this _____ day of _____, 2016, by and between the City of Avon Lake, Ohio, with its Municipal building located at 150 Avon Belden Road, Avon Lake, Ohio, 44012 (hereinafter referred to as the "City of Avon Lake") and 216 Miller Rd., LLC, Miller Road Assoc., LLC and Avon Lake Equities, Ltd., (Real Property Owners) with its principal offices located at 420 Avon Belden Road, Avon Lake, Ohio 44012, (hereinafter referred to as "Avon Lake Aqua, Ltd.").

WITNESSETH:

WHEREAS, Avon Lake Aqua, Ltd. is a company engaged in the business of rental of residential apartment homes headquartered in Avon Lake, Ohio, whose principal owners and/or officers are H.R. Kopf; and,

WHEREAS, City of Avon Lake has encouraged the development of real property located in the area designated as Community Reinvestment Area; and,

WHEREAS, Avon Lake Aqua, Ltd. desires to construct 144 new apartment homes at the northwest corner of Miller and Walker Roads in, Avon Lake, Ohio, a location within the boundaries of the aforementioned Community Reinvestment Area (hereinafter referred to as the "Property"), provided the appropriate development incentives are available to support the economic viability of said project; and,

WHEREAS, the Property, with a business mailing address of 420 Avon Belden Road, Avon Lake, Ohio, 44012, is owned by 216 Miller Rd., LLC, Miller Road Assoc., LLC and Avon Lake Equities, Ltd.; and,

WHEREAS, the Municipal Council of the City of Avon Lake, Ohio, by resolution No. 132-94 adopted on June 20, 1994, amended and replaced by Resolution No. 82-2014 adopted June 24, 2014, designated the area as a "Community Reinvestment Area" pursuant to Chapter 3735 of the Ohio Revised Code; and

WHEREAS, the City of Avon Lake, having the appropriate authority for the stated type of project, is desirous of providing Avon Lake Aqua, Ltd. with tax incentives

available for the development of the Project in said Community Investment Area under Chapter 3735 of the Ohio Revised Code; and

WHEREAS, Avon Lake Aqua, Ltd. has submitted an Application for Tax Incentive to the City of Avon Lake; and

WHEREAS, Avon Lake Aqua, Ltd. has been investigated and recommended to the Council of the City of Avon Lake on the basis that it is qualified by financial responsibility and business experience to create and preserve employment opportunities in said Community Reinvestment Area and improve the economic climate of the City of Avon Lake; and

WHEREAS, the project site as proposed by Avon Lake Aqua, Ltd. is located in the Avon Lake School District whose Board of Education has been notified in accordance with ORC §3735.671 and has been given a copy of this Agreement; and

WHEREAS, pursuant to ORC §3735.67(A) and in conformance with the format required under ORC §3735.671(B), the parties hereto desire to set forth their Agreement with respect to matters hereinafter contained.

NOW THEREFORE, in consideration of the mutual covenants hereinafter contained and the benefit to be derived by the parties from the execution hereof, the parties herein agree as follows:

1. Avon Lake Aqua, Ltd. will expand its operations in Avon Lake, Ohio by constructing 144 new apartment homes, as part of an expansion project (hereinafter referred to as the "Project"), as follows:

The Project will include the following investments by Avon Lake Aqua, Ltd.:

i. Acquisition of buildings	\$
ii. Additions/New Construction	\$16,493,000.00
iii. Office Complex Construction	\$
iv. Machinery & Equipment	\$
v. Furniture & Fixtures	\$
vi. Inventory	\$
vii Land	<u>\$ 1,420,000.00</u>
Total Project Investment	\$17,913,000.00

2. The Project shall commence no earlier than Spring, 2017. It is expected that the Project will be concluded by Fall, 2019.
3. The Project shall create 3 new permanent full time jobs in the City of Avon Lake within a 30 month period after the completion of the Project and approximately 300 part time construction jobs.

4. The newly-created full time jobs will have an annual payroll of approximately One Hundred Twenty-Five Thousand Dollars (\$125,000.00) and the newly-created part time construction jobs will have a payroll of approximately Two Million Five Hundred Thousand Dollars (\$2,500,000.00).

5. The City of Avon Lake hereby grants Avon Lake Aqua, Ltd. a limited exemption from taxation. The limited exemption shall apply to the improvements made to the real property located at the Property comprised of Lorain County Permanent Parcel Numbers 04-00-006-105-055, 04-00-006-105-033 and 04-00-006-105-048 at the northwest corner of Miller and Walker Roads, Avon Lake, Ohio 44012 and included in the Project site pursuant to ORC §3735.67 and shall be noted as follows:

<u>REAL PROPERTY TAX EXEMPTION</u>	<u>TAX EXEMPTION AMOUNT</u>	<u>LENGTH OF EXEMPTION</u>
Buildings & Improvements	100%	10

*25% of the taxes exempted pursuant to this agreement shall paid directly to the Avon Lake City Schools

6. The exemption shall commence the first year for which the improvements to the Property would first be taxable were the Property not exempted from taxation. The exemption shall continue for a period of 10 years after the improvements to the Property would first be taxable were the Property not exempted from taxation. No exemption from taxation shall commence before January 1, 2017, nor after December 31, 2019.

7. Avon Lake Aqua, Ltd. shall pay such real and tangible personal property taxes as are not exempted under this Agreement and are charged against such property and shall file all tax reports and returns as required by law. If Avon Lake Aqua, Ltd. fails to pay such taxes or file such returns and reports, exemptions from taxation granted under this Agreement shall be rescinded beginning with the year for which such taxes are charged or such reports are required to be filed and thereafter.

8. Avon Lake Aqua, Ltd. shall maintain a membership in the North Coast Regional Chamber of Commerce.

9. Avon Lake Aqua, Ltd. hereby certifies that at the time this Agreement is executed, Avon Lake Aqua, Ltd. does not owe any delinquent real or tangible personal property taxes for which Towne Care Center, LLC, or Avon Lake Aqua, Ltd. Apartments, Ltd. is liable under Chapters 5733, 5735, 5741, 5743, 5747 and 5753 of the Ohio Revised Code. For the purpose of this certification, delinquent taxes are taxes that remain unpaid on the last day prescribed for payment without penalty under the chapter of the Revised Code governing payment of those taxes.
10. The City of Avon Lake shall perform such acts as are reasonably necessary or appropriate to affect, claim, reserve and maintain exemptions from taxation granted under this Agreement including, without limitation, joining in the execution of all documentation and providing any necessary certificates required in connection with such exemptions.
11. If for any reason the City of Avon Lake revokes the designation of the area, entitlements granted under this Agreement shall continue for the number of years specified under this Agreement, unless Avon Lake Aqua, Ltd. materially fails to fulfill its obligations under this Agreement or the City of Avon Lake terminates or modifies the exemptions from taxation pursuant to the Agreement.
12. The City of Avon Lake may terminate or modify the exemptions from taxation pursuant to this Agreement and may require the repayment of the amount of taxes that would have been payable had the property not been exempted from taxation under this Agreement if Avon Lake Aqua, Ltd. materially fails to fulfill its obligations under this Agreement (hereinafter "material failure"). A material failure includes, but is not limited to:
 - a. Avon Lake Aqua, Ltd.'s obligation to complete the Project as described herein as well as the obligation to retain existing jobs and create new jobs.
 - b. Avon Lake Aqua, Ltd.'s obligation, if any, to make any payment or transfer of other consideration to the Avon Lake School District in lieu of taxes being exempted under this Agreement; and
 - c. Avon Lake Aqua, Ltd.'s certification as to the delinquent taxes required by this Agreement is determined to be false or fraudulent.
13. Avon Lake Aqua, Ltd. shall provide to the Avon Lake Housing Council Review Board, or other property Tax Incentive Review Council, any information reasonably required by the Council to evaluate Avon Lake

Aqua, Ltd.'s compliance with the Agreement, including returns filed pursuant to ORC §5711.02 if requested by Council.

14. Exemptions from taxation granted under this Agreement shall be revoked if it is determined that Avon Lake Aqua, Ltd., or any successor that obtains an interest in the Property and encompassed within the Project, or any related member (as those terms are defined in Division (3) of ORC §3735.671) has violated the prohibition against entering into this Agreement under Division (E) of ORC §3735.671 or ORC §§5709.62, or 5709.63, or 5709.632 prior to the time prescribed by that division or either of those sections.
15. Avon Lake Aqua, Ltd. shall pay the initial application fee of Seven-hundred and Fifty Dollars (\$750.00) to the Ohio Department of Development. Pursuant to ORC §3735.671(D).
16. Avon Lake Aqua, Ltd. shall pay an annual fee of \$750.00. The fee shall be made payable to the City of Avon Lake once per year for each year the agreement is effective on the days and in the following forum: certified check. The fee is to be paid to Director of Finance, City of Avon Lake and made out to the City of Avon Lake. This fee shall be deposited in a special fund created for such purpose and shall be used exclusively for the purpose of complying with Section 3735.671 (D) of the revised code and by the Tax Incentive Review Council created under Section 3735.671 (D) of the revised code exclusively for the purposes of performing the duties prescribed under that Section.
17. **Avon Lake Aqua, Ltd. must file the appropriate tax forms, including but not limited to Form (DTE 24) with the County Auditor, and any other appropriate entities, to initiate and maintain the exemptions covered in the Agreement.**
18. The City of Avon Lake has developed a policy to ensure recipients of Community Reinvestment Area tax abatement maintain and apply non-discriminatory practices in all hiring and operations associated with the Project. By execution of this Agreement, Avon Lake Aqua, Ltd. hereby commits to non-discriminating hiring practices acknowledging that no individuals shall be denied employment solely on the basis of race, religion, disability, color, national origin, familial status or ancestry.
19. Avon Lake Aqua, Ltd. acknowledges that, as a condition precedent, this Agreement must be approved by formal action of the Municipal Council of the City of Avon Lake. As an additional condition for the Agreement to take effect, the Agreement must also be reviewed and approved by the Ohio Department of Development and the Lorain County Auditor.

20. This Agreement is **not** transferable or assignable without the express written approval of the City of Avon Lake, except that the exemption from taxation granted herein may be transferred without the approval of the City of Avon Lake to any other entity which may acquire the Property so long as the acquiring entity is controlled by H.R. Kopf . Any notices, statements, acknowledgment, consent approvals, certificates or requests required to be given on behalf of either party shall be in writing as follows:

If to the City of Avon Lake, Ohio:
Ltd.: _____

City of Avon Lake
150 Avon Belden Road
Avon Lake, Ohio 44012
ATTN: Mayor's Office

If to Avon Lake Aqua,

Avon Lake Aqua, Ltd.
420 Avon Belden Road
Avon Lake, Ohio 44012
Attn: H. R. Kopf

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed by the duly authorized representatives as of the date and year set forth above:

Witnessed by:

The City of Avon Lake

By: _____
Greg Zilka, Mayor

Witnessed by:

Avon Lake Aqua, Ltd.

By: _____
Its: _____

BY: Mr. Shondel

TEMP NO: 10764

ORDINANCE NO. _____

AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF ANIMAL CONTROL/COMMUNITY SERVICE OFFICER FOR THE CITY OF AVON LAKE, ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, AND DECLARING AN EMERGENCY.

WHEREAS, it has been recommended by the Human Resources Committee that a job description for the position of Animal Control/Community Service Officer for the City of the Avon Lake be adopted, now therefore;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON LAKE,
STATE OF OHIO:

Section No. 1: That the specifications, responsibilities, and duties applicable to the position of Animal Control/Community Service Officer for the City of Avon Lake shall be as shown on the job description, a copy of which is attached hereto and made a part hereof.

Section No. 2: 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 which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 3: That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity of creating a position to continue the services of Animal Control Officer and adding the duties of Community Service Officer to aid the Police Department in their duties to ensure the optimal operation of the department, thus for public health, safety, and welfare. Therefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

1st reading:
2nd reading:
3rd reading:

PASSED: _____
President of Council

POSTED: _____
Approved

ATTEST: _____
Clerk of Council Mayor

CITY OF AVON LAKE
Position Description
Animal Control/Community Service Officer (ACCSO)
(Part-time)

October, 2016

Job Title: Animal Control / Community Service Officer [ACCSO]
Department: Police Department
Immediate Supervisor: Administrative Sergeant and/or the Officer-in-Charge
Positions Supervised: None
Position Status: Part-time
FLSA Status: Exempt
Bargaining Unit: Non-Bargaining Unit
Civil Service Status: Unclassified

GENERAL RESPONSIBILITIES:

Under the general supervision of the Police Chief and/or his designee, the Animal Control / Community Service Officer [ACCSO] provides a wide range of support to the Avon Lake Police Department. In addition to being responsible for the administration and enforcement of Codified Ordinances dealing with the control of wild and domestic animals, the ACCSO also assists the Police Department with a variety of routine, public safety tasks which can be performed by a non-commissioned officer.

Such duties include, but are not limited to; community policing activities, traffic control activities, and any other police service oriented activities within the City of Avon Lake.

The ACCSO shall be able to function with a minimum amount of supervision and perform under stressful conditions.

GENERAL QUALIFICATIONS:

Completion of a secondary education (High School or GED).

Ability to maintain effective working relationships with associates, City officials, and the general public through professional interpersonal communication skills.

CITY OF AVON LAKE
Position Description
Animal Control/Community Service Officer (ACCSO)
(Part-time)

The qualified applicant must have a valid Ohio driver's license with an acceptable driving record, possess no felony convictions, and pass a background check. Any individual who poses a threat to the health and safety of himself / herself or others in the workplace will be deemed as not being qualified for this position.

GENERAL DUTIES:

The following duties are typical for this classification. Employees may not perform all of the listed duties and/or may be required to perform additional or different duties from those set forth below to address business needs and changing business practices.

ESSENTIAL JOB FUNCTIONS:

- Consistently work in an efficient, effective, and productive manner without direct supervision.
- Maintains regular and predictable attendance.
- Maintains a professional appearance at all times.
- Maintains and increases knowledge / skills through attendance at meetings and training seminars.
- Work during inclement weather conditions.
- Animal Control / Complaints, including but not limited to:
 - a. Assist with the building maintenance of the animal kennel, ensuring that it is kept clean and maintained in an orderly fashion while feeding and caring for any impounded animals.
 - b. Under the direction of the Administrative Sergeant and/or the Officer-in-Charge, assist with impounding strays, investigating animal nuisance complaints, investigating animal related neighbor disputes, and the monitoring of all ordered animal designations.
 - c. Monitor and enforce section 618 of the Avon Lake Codified Ordinances by educating the general public when observing violations, and/or issuing citations to repeat offenders.
 - d. Assist with the investigation of deer feeding complaints, and the subsequent monitoring of those complaints which have been validated.
 - e. Assist with the emergency trapping of nuisance animals as needed for the immediate safety of the community.
 - f. Provide general education on animal care and control to individuals and the general public.
 - g. Maintain effective relationships with appropriate organizations and agencies, including the Lorain County Dog Warden, the Ohio Department of Natural Resources – Division of Wildlife and other entities.
- Routine calls for service, including but not limited to:
 - a. Assist with the general building maintenance of the Avon Lake Safety Center.

CITY OF AVON LAKE
Position Description
Animal Control/Community Service Officer (ACCSO)
(Part-time)

- b. Assist with the care, cleanliness, and maintenance of City vehicles.
- c. Drive police equipment to and from repair facilities.
- d. Automobile and residential lockouts
- e. Assist and/or provide traffic control during motor vehicle accidents or City events.
- f. Assist disabled motorists
- g. Assist with the transport of prisoner(s), to include picking up and delivering prisoners meals.
- h. Standby at hazards such as large pot holes, water main breaks, downed wires, and inoperable traffic signals.
- i. Set up and take down traffic cones, barricades, traffic counters, and speed trailers.
- j. Perform vacation watch residential checks. Assist the community with non-emergency matters.
- k. Deliver City Administration correspondence and mail.
- l. Routine park patrol.
- m. Any other duties as assigned by the Chief of Police or his designee(s).

REQUIRED KNOWLEDGE, SKILLS AND ABILITIES:

- A thorough knowledge of departmental rules, regulations, policies, procedures, and standard operating guidelines. *
- A working knowledge of Ohio Revised Code sections pertaining to animal control enforcement and regulations. *
- A working knowledge of Avon Lake Codified Ordinances pertaining to animal control, specifically those ordinances listed within section 618. *
- Animal behavior and identification.
- Animal diseases.
- Capture, trapping, and restraint techniques.
- City geography, streets, neighborhoods, business locations and landmarks. *
- Rules of evidence. *
- Avon Lake jail procedures and prisoner protocols. *
- Avon Lake Municipal Court procedures. *
- Correct English usage, including spelling, grammar, punctuation and vocabulary.
- Ability to maintain information of a confidential or sensitive nature.
- Provide effective care and maintenance for impounded animals.
- Ability to administer first aid.
- Respond effectively to emergency or crisis situations.
- Exercise independent judgement and make decisions in stressful or dangerous situations. *

CITY OF AVON LAKE
Position Description
Animal Control/Community Service Officer (ACCSO)
(Part-time)

- Operate specialized law enforcement computer programs. *
- Document police activities and prepare routine paperwork and reports. *
- Operate and utilize various equipment including flashlights, cameras, police cruiser radios, mobile data terminal, console and handheld two-way radios. *
- Operate a police vehicle and occasionally drive under stressful or dangerous conditions. *

*[* Denotes that the knowledge, skill, and/or requirement can be acquired after hire]*

PHYSICAL DEMANDS:

The physical demands described here are representative of those that must be met by an employee to successfully perform the essential functions of the job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

- Ability to sit, talk, hear, stand and walk; use hands and fingers; handle and operate objects, tools, or controls; reach with hands and arms.
- Ability to lift, push, pull and/or carry light to moderate weights;
- Ability to understand and carry out instruction in either written, oral, diagram, or schedule form, giving close attention to detail and accuracy.
- Ability to communicate clearly and effectively, both orally and in writing.
- Special vision abilities required by the job include close vision, and the ability to adjust focus in the normal range with or without correction.

WORK ENVIRONMENT

The work environment characteristics described here are representative of those that must be met by an employee to successfully perform the essential functions of the job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

- Reactive emergency, natural or man-made disaster and routine peace keeping environments with travel from site to site.
- The employee is regularly exposed to outside weather conditions, and may be occasionally exposed to extreme cold, and extreme heat.
- The employee may be exposed to potentially hostile environments and extensive public contact.
- Working time may require irregular hours and shifts; at times voluntary and involuntary overtime may be necessary, as well as being called back to work on short notice.
- Employees may be required to work various shifts, including evenings and weekends.
- Employees may be required to travel outside the City boundaries to attend meetings.

Note: This class specification should not be interpreted as all inclusive. In accordance with the U.S. Department of Labor physical demands strength ratings, this is considered heavy work.

BY: Mr. Shondel

TEMP NO: 10765

ORDINANCE NO. _____

AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF CUSTOMER SERVICE CLERK FOR AVON LAKE REGIONAL WATER, ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, AND DECLARING AN EMERGENCY.

WHEREAS, it has been recommended by the Human Resources Committee that a job description for the position of Customer Service Clerk for Avon Lake Regional Water be adopted, now therefore;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That the specifications, responsibilities, and duties applicable to the position of Customer Service Clerk for Avon Lake Regional Water shall be as shown on the job description, a copy of which is attached hereto and made a part hereof.

Section No. 2: 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 which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 3: That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity of creating the position of Customer Service Clerk to ensure the optimal operation of Avon Lake Regional Water, thus for public health, safety, and welfare. Therefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

1st reading:

2nd reading:

3rd reading:

PASSED: _____

President of Council

POSTED: _____

Approved

ATTEST: _____

Clerk of Council

Mayor

Job Title: Customer Service Clerk
Organization: Avon Lake Regional Water
Immediate Supervisor: Chief Utilities Executive
Positions Supervised: N/A
FLSA Status: Non-Exempt
Bargaining Unit: Yes
Civil Service Status: Classified

GENERAL RESPONSIBILITIES:

Under direct supervision of the Chief Utilities Executive, with related supervision from the Chief of Utility Operations performs duties required for operation of Avon Lake Regional Water's billing and record keeping. Perform the job duties with strict attention to procedures with the knowledge gained through training and experience in a neat, workmanlike, efficient manner maintaining Avon Lake Regional Water's customer service goals.

GENERAL QUALIFICATIONS:

1. High School Graduate.
2. Must have ability to be bonded.

SPECIFIC DUTIES

Under the direction of a supervisor, shall perform a variety of technical and routine tasks which may include but not be limited to:

1. Assist in maintaining all Avon Lake Regional Water utility billing records.
2. Answer phones, receive guests at the counter, and operate the drive-up window.
3. Maintain computer based record of utility billing deposits, adjustments, water usage, etc.
4. Process and maintain records of miscellaneous billings and collections.
5. Maintain all utility locate (OUPS) data entry and notifications.
6. Coordinate and maintain sewer inspections, locations and storm disconnection information.
7. Maintain customer files and records.
8. Maintain good customer service practices and procedures.
9. Perform additional functions/tasks, as needed.

REQUIRED KNOWLEDGE, SKILLS AND ABILITIES

The job description does not constitute an employment agreement between Avon Lake Regional Water and the employee and is subject to change by the employer as the needs and requirements of the job change.

1. Ability to perform all standard and complex clerical tasks.
2. Communicate effectively, both orally and in writing.
3. Work accurately with numbers.
4. Follow oral and written instructions, procedures and supervisory direction.
5. Ability to collect money and record fees from all departments.

The physical/mental demands described here are representative of the position to successfully perform the essential functions of the job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

1. Quickly answer staff and customer queries.
2. Work accurately, even with repeated interruptions.
3. Prioritize workloads.
4. Always be mentally alert.
5. Professional and courteous.
6. Normal physical activity for an office environment.
7. Work independently or in a team environment.
8. Work accurately and calmly under pressure.
9. Must work overtime as needed.

BY: Mr. Shondel

TEMP NO: 10766

ORDINANCE NO. _____

AN ORDINANCE ADOPTING A JOB DESCRIPTION FOR THE POSITION OF EXECUTIVE ASSISTANT FOR AVON LAKE REGIONAL WATER, ESTABLISHING THE QUALIFICATIONS AND DUTIES FOR SAID POSITION, AND DECLARING AN EMERGENCY.

WHEREAS, it has been recommended by the Human Resources Committee that a job description for the position of Executive Assistant for Avon Lake Regional Water be adopted, now therefore;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That the specifications, responsibilities, and duties applicable to the position of Executive Assistant for Avon Lake Regional Water shall be as shown on the job description, a copy of which is attached hereto and made a part hereof.

Section No. 2: 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 which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 3: That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity of creating the position of Executive Assistant to ensure the optimal operation of Avon Lake Regional Water, thus for public health, safety, and welfare. Therefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

1st reading:
2nd reading:
3rd reading:

PASSED: _____
President of Council

POSTED: _____
Approved

ATTEST: _____
Clerk of Council Mayor

Job Title: Executive Assistant
Organization: Avon Lake Regional Water
Immediate Supervisor: Chief Utilities Executive
Positions Supervised: N/A
FLSA Status: Non-Exempt
Bargaining Unit: N/A
Civil Service Status: Unclassified

GENERAL RESPONSIBILITIES:

Provides administrative support to the Chief Utilities Executive (CUE) to help the organization operate progressively and efficiently.

GENERAL QUALIFICATIONS:

1. Educational experience: Bachelor's Degree.
2. Highly proficient with standard software, internet research, and business computing.
3. Ability to type at least 50 wpm and take minutes of meetings.
4. Must possess a valid Ohio driver's license with an acceptable driving record.

SPECIFIC DUTIES

Under the direction of the CUE, shall perform a variety of technical and routine tasks including but not limited to:

- Compose and/or prepare documents, spreadsheets, and other forms of information to assist the CUE in interacting with the Board, staff, customers, and other stakeholders.
- Create "dashboards" to help track and manage budgets and other functions of the organization.
- Monitor expenditures and performs various budgeting tasks.
- Manage projects assigned by the CUE and conduct research for these and other projects.
- Assist the CUE with Board of Municipal Utilities' duties such as creating agendas, collecting background information, and preparing minutes.
- Plan and schedule meetings.
- Organize and maintain files and records.
- Perform routine office functions such as copying, scanning, and operating office equipment.
- Maintain effective interactions and good working relationships with internal and external stakeholders.
- Represent the CUE at meetings as needed and as directed.
- Perform administrative functions for other departments as needed.
- Perform other duties, as needed.

REQUIRED KNOWLEDGE, SKILLS AND ABILITIES

The job description does not constitute an employment agreement between the Avon Lake Regional Water and the employee and is subject to change by the employer as the needs and requirements of the job change.

Before being hired, the successful applicant should possess:

1. An Associate's Degree, with a Bachelor's Degree preferred, experience in an office setting, ability to type at least 50 wpm, and excellent public relations skills or an equivalent combination of skills, training, and experience.
2. Knowledge of general office, filing, and record keeping practices and procedures.
3. Knowledge of various word processing, spreadsheet, presentation, and similar software applications.
4. Ability to effectively communicate in written and verbal forms.
5. Ability to operate various forms of office equipment.
6. Ability to maintain confidential and sensitive information.
7. Ability to positively promote the organization.

After performing the job, the successful applicant should also possess:

1. Knowledge of Avon Lake Regional Water operations.
2. Knowledge of the budgeting, purchasing, and tracking processes.
3. Knowledge of the interrelations and necessary interactions between the City of Avon Lake and Avon Lake Regional Water.

The physical/mental demands described here are representative of the position to successfully perform the essential functions of the job. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

1. Meet the physical and mental demands.
2. Quickly answer staff and customer queries.
3. Work accurately, even with repeated interruptions.
4. Prioritize workloads.
5. Always be mentally alert.
6. Professional and courteous.
7. Work accurately and calmly under pressure.
8. Must work overtime as needed.

BY: Mr. Kos

TEMP NO: 10767

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING THE PURCHASE OF THREE FORD SUV INTERCEPTORS FOR THE POLICE DEPARTMENT, AND DECLARING AN EMERGENCY.

WHEREAS, the City of Avon Lake has entered into a Cooperative Purchasing Program with the State of Ohio, and

WHEREAS, the State has advertised for bids for the purchase of three 2017 Ford SUV Interceptors and finds that the bid of Lebanon Ford of Lebanon, Ohio to be the lowest and best bid, now therefore;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That the bid by Lebanon Ford of Lebanon, Ohio submitted through the Cooperative Purchasing Program of the State of Ohio, to supply to the City with three 2017 Ford SUV Interceptors in the total amount of \$82,779.00, be and it is hereby accepted and approved.

Section No. 2: That upon delivery to this City with the proper specifications, to the full satisfaction of the Police Chief and the Director of Finance and accompanied by Title Certificate showing said vehicles to be free and clear of any and all liens and encumbrances and titled in the City of Avon Lake, then the Director of Finance is hereby directed to deliver to Lebanon Ford of Lebanon, Ohio the warrant of this City in the amount of \$82,779.00 and to cause said warrant to be paid.

Section No. 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 which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 4: That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity of providing the Police Department with safe and reliable vehicles in order that they may promptly, safely and efficiently perform their duties and further to take advantage of the State Purchasing Program since a limited number of vehicles are available, thus for the health, safety, and welfare of the

residents of Avon Lake. Therefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

1st reading:

2nd reading:

3rd reading:

PASSED: _____
President of Council

POSTED: _____
Approved

ATTEST: _____
Clerk of Council Mayor

BY: Mrs. Fenderbosch

TEMP NO: 10768

ORDINANCE NO. _____

AN ORDINANCE APPROVING A CONDITIONAL USE SITE
PLAN FOR HEALTH EXPRESS URGENT CARE, AND
DECLARING AN EMERGENCY.

WHEREAS, Planning Commission has at its meeting of November 1, 2016, recommended the approval of a Conditional Use Site Plan for Health Express Urgent Care, now therefore;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON LAKE,
STATE OF OHIO:

Section No. 1: That after approval by Planning Commission and review by this Council, Council hereby confirms the recommendation of approval by Planning Commission of a Conditional Use Site Plan for Health Express Urgent Care in the existing space at 445 Avon Belden Road, Unit B-4.

Section No. 2: 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 which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 3: That this Ordinance is hereby declared to be an emergency measure to allow the project to begin as soon as possible to have the facility ready by the end of the year, and further to promote economic development and generate additional revenue for the City of Avon Lake, thus for public welfare of Avon Lake residents. Therefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

PASSED: _____
President of Council

POSTED: _____
Approved

ATTEST: _____
Clerk of Council Mayor

BY: Mrs. Fenderbosch

TEMP NO: 10769

ORDINANCE NO. _____

AN ORDINANCE TO REZONE A PORTION OF 127 MILLER ROAD AND THE RECENTLY VACATED ALLEY, AND DECLARING AN EMERGENCY.

WHEREAS, Planning Commission has at its meeting of November 1, 2016 approved a request to rezone a portion of 127 Miller Road and the vacated alley, now therefore;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That a portion of 127 Miller Road and the vacated alley, described in Exhibit A, as attached hereto and made a part of, which is presently zoned R1-A, be and it is hereby zoned as B-1 Limited Business.

Section No. 2: That the official zoning map and Zoning Code of the City of Avon Lake be, and it is hereby amended accordingly, and the Municipal Engineer is directed to make the necessary changes thereto.

Section No. 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 which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 4: That this Ordinance is hereby declared to be an emergency measure to allow the Avon Lake Animal Clinic to move forward with its expansion project and further the economic development of Avon Lake, thus for the public welfare of Avon Lake residents. Therefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

1st reading:
2nd reading:
3rd reading:

PASSED: _____
President of Council

POSTED: _____
Approved

ATTEST: _____
Clerk of Council Mayor

**Rezoning Parcel
September 2016**

0.8766 of an Acre

Situated in the City of Avon Lake, County of Lorain, State of Ohio, and known as being part of Original Avon Township Section Number 6 and further described as being Sublot Numbers 222 and 223 and a portion of a 20 foot wide Alley in Avon Lake Harbor Estates recorded in Volume 12, Page 24 of the Lorain County Plat Records and a portion of Sublot Number 2 in Paws by the Lake Subdivision as recorded in Volume 102, Page 50 of the Lorain County Plat Records and further described as follows:

Commencing at the intersection of the northerly right-of-way line of Durrell Avenue (50 feet wide) with the easterly right-of-way line of Miller Road (60 feet wide) and the **True Place of Beginning** of land herein described;

- Course 1:** Thence **North 02° 20' 00" East**, along the easterly right-of-way line of said Miller Road, a distance of **95.09 feet** to the northerly line of said 20 foot alley;
- Course 2:** Thence **North 75° 35' 02" East**, along the northerly line of said 20 foot alley, a distance of **140.18 feet** to a point in the westerly line of a vacated alley (now part of said Sublot Number 2 in Paws by the Lake Subdivision) as recorded in Volume 50, Page 11 of the Lorain County Plat Records ;
- Course 3:** Thence **South 14° 24' 58" East**, along the westerly line of said vacated alley and said Sublot Number 2, a distance of **10.00 feet** to a point in the centerline of said vacated alley;
- Course 4:** Thence **North 75° 35' 02" East**, along the centerline of said vacated alley, a distance of **154.48 feet** to a point in the westerly right-of-way line of Alameda Avenue (50 feet wide) (unimproved);
- Course 5:** Thence **South 02° 20' 00" West**, along the westerly right-of-way line of said Alameda Avenue and parallel with the centerline of said Miller Road, a distance of **173.33 feet** to a point in the northerly right-of-way line of said Durrell Avenue;

EXHIBIT A

**Rezoning Parcel
September 2016**

0.8766 of an Acre

Course 6: Thence **North 87° 05' 00" West**, along the northerly right-of-way line of said Durrell Avenue, a distance of **285.05 feet** to a point and the **True Place of Beginning**.

Containing within said bounds 0.8766 of an acre of land, be the same more or less, but subject to all legal highways and easements of record. All bearings are intended to describe angles only. The basis of bearings used was a portion of the centerline of Miller Road which was assumed to be North 02° 20' 00" East.

The above intends to describe all of Lorain County Auditor's Permanent Parcel Number: 04-00-006-109-008, a portion of a 20 foot wide Alley and a portion of Sublot Number 2 in Paws by the Lake Subdivision as recorded in Volume 102, Page 50 of the Lorain County Plat Records. This legal description is for rezoning purposes only.



ORDINANCE NO. 2016-_____

AN ORDINANCE AUTHORIZING THE ISSUANCE OF WASTEWATER SYSTEM REVENUE BONDS, SERIES 2016, UNDER ARTICLE XVIII OF THE OHIO CONSTITUTION, IN THE MAXIMUM PRINCIPAL AMOUNT OF \$5,000,000, FOR THE PURPOSE OF PAYING THE COST OF RETIRING CERTAIN OUTSTANDING OBLIGATIONS HERETOFORE ISSUED TO IMPROVE THE UTILITY; AND AUTHORIZING VARIOUS RELATED DOCUMENTS AND INSTRUMENTS, INCLUDING A FIRST SUPPLEMENTAL TRUST AGREEMENT, A BOND PURCHASE AGREEMENT, A CONTINUING DISCLOSURE AGREEMENT AND AN OFFICIAL STATEMENT, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to Article XVIII of the Ohio Constitution, the City now owns and operates, as a public utility, a municipal wastewater system (the "*Utility*") the services of which are supplied to users within and without the corporate limits of the City; and,

WHEREAS, this Council has previously determined that improvements to the Utility are necessary for it to be adequate to meet the needs of the City, its inhabitants and other users, and this Council caused to be prepared by consulting engineers suitable reports, plans, specifications and estimates of cost sufficient to determine the nature, character and cost of improving the Utility; and,

WHEREAS, based upon those reports, this Council previously determined it to be necessary and took certain steps to improve the Utility; and,

WHEREAS, pursuant to Ordinance No. 86-2016 passed on June 27, 2016 (the "*Note Ordinance*"), bond anticipation notes in the aggregate principal amount of \$5,550,000 dated as of July 12, 2016 (the "*Series 2016 Notes*"), were issued for the purpose of paying the costs of improving the Utility; and,

WHEREAS, this Council finds and determines that it will be in the City's best interest to issue Bonds in the maximum principal amount of \$5,000,000 (the "*Series 2016 Bonds*") in order to retire the Series 2016 Notes on their maturity date and to pay any expenses relating to the issuance of the Series 2016 Bonds; and,

WHEREAS, this Council previously determined, pursuant to Ordinance No. __-2016 passed on November __, 2016 (the "*General Bond Ordinance*"), that it is necessary and in the best interest of the City to issue revenue bonds from time to time to provide moneys (i) for the purpose of paying the costs of improving the Utility and for the purpose of paying the costs of refunding debt

issued to pay the costs of improving the Utility, (ii) to refund any or all of the revenue bonds, (iii) to fund a bond reserve fund, and (iv) to pay the costs of issuance of the revenue bonds; and,

WHEREAS, this Council finds and determines that it is necessary and in the best interest of the City to issue Wastewater System Revenue Bonds, Series 2016, to provide moneys to, (i) together with other available funds of the City, pay the costs of retiring the Series 2016 Notes which were issued to pay the costs of improving the Utility, and (ii) to pay the costs of issuance of the Series 2016 Bonds;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Avon Lake, Lorain County, Ohio, that:

Section 1. Definitions and Interpretation. In addition to the words and terms elsewhere defined in this Ordinance, unless the context or use clearly indicates another or different meaning or intent:

“*Act*” means the Ohio Constitution, in particular Article XVIII of that Constitution, and any constitutionally applicable Ohio laws.

“*Authorized Denominations*” means, with respect to the Series 2016 Bonds, the denomination of \$5,000 or any integral multiple in excess thereof.

“*Bond Register*” means the books kept and maintained by the Bond Registrar pursuant to the Trust Agreement for the registration, exchange and transfer of Series 2016 Bonds.

“*Bond Reserve Requirement*” means the balance, if any, required by the Trust Agreement to be maintained in the Wastewater Bond Reserve Fund for Series 2016 Bonds.

“*Book entry form*” or “*book entry system*” means a form or system under which (a) the ownership of beneficial interests in Series 2016 Bonds and the principal of and interest on the Series 2016 Bonds may be transferred only through a book entry, and (b) physical Series 2016 Bond certificates in fully registered form are issued by the City and payable only to a Depository or its nominee as registered owner, with the certificates deposited with and maintained in the custody of the Depository or its designated agent. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in those Series 2016 Bonds and that principal and interest.

“*Certificate of Award*” means the certificate authorized by Section 6(a), to be executed by the Director of Finance, setting forth and determining those terms or other matters pertaining to the Series 2016 Bonds and their issuance, sale and delivery as this Ordinance requires or authorizes to be set forth or determined therein.

“*City*” means the City of Avon Lake, Ohio.

“*Clerk of Council*” means the Clerk of Council of the City.

“*Closing Date*” means the date of physical delivery of, and payment of the purchase price for, the Series 2016 Bonds.

“*Code*” means the Internal Revenue Code of 1986, the Regulations (whether temporary or final) under that Code or the statutory predecessor of that Code, and any amendments of, or successor provisions to, the foregoing and any official rulings, announcements, notices, procedures and judicial determinations regarding any of the foregoing, all as and to the extent applicable. Unless otherwise indicated, reference to a Section of the Code includes any applicable successor section or provision and such applicable Regulations, rulings, announcements, notices, procedures and determinations pertinent to that Section.

“*Continuing Disclosure Agreement*” means the Continuing Disclosure Agreement which shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and beneficial owners of the Series 2016 Bonds in accordance with the Rule, as it may be modified from the form on file with the Clerk of Council and executed by the Mayor and the Director of Finance, all in accordance with Section 6(c).

“*Council*” means the City Council of the City.

“*Director of Finance*” means the Director of Finance of the City.

“*Director of Law*” means the Director of Law of the City.

“*First Supplemental Trust Agreement*” means the First Supplemental Trust Agreement by and between the City and the Trustee, as it may be modified from the form on file with the Clerk of Council and executed by the Mayor and the Director of Finance, all in accordance with Section 4.

“*General Bond Ordinance*” means Ordinance No. __-2016 passed by the Council on November __, 2016.

“*Interest Payment Dates*” means June 1 and December 1 of each year that the Series 2016 Bonds are outstanding, commencing on the date specified in the Certificate of Award.

“*Mandatory Redemption Date*” shall have the meaning set forth in Section 3(b).

“*Mandatory Sinking Fund Redemption Requirements*” shall have the meaning set forth in Section 3(e)(i).

“*Mayor*” means the Mayor of the City.

“*Original Purchaser*” means the purchaser of the Series 2016 Bonds specified in the Certificate of Award.

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

“*Principal Payment Dates*” means December 1 in each of the years as determined by the Director of Finance in the Certificate of Award, all of which determinations shall be made by the Director of Finance in the Certificate of Award.

“*Purchase Agreement*” means the Bond Purchase Agreement between the City and the Original Purchaser, as it may be modified from the form on file with the Clerk of Council and executed by the Mayor and the Director of Finance, all in accordance with Section 6.

“*Regulations*” means Treasury Regulations issued pursuant to the Code or to the statutory predecessor of the Code.

“*Rule*” means Rule 15c2-12 prescribed by the SEC pursuant to the Securities Exchange Act of 1934.

“*SEC*” means the Securities and Exchange Commission.

“*Securities Depository*” or “*Depository*” means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in the Series 2016 Bonds or the principal of and interest on Series 2016 Bonds, and to effect transfers of the Series 2016 Bonds, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

“*Serial Bonds*” means those Series 2016 Bonds designated as such and maturing on the dates set forth in the Certificate of Award, bearing interest payable on each Interest Payment Date and not subject to mandatory sinking fund redemption.

“*Series 2016 Bond Proceedings*” means, collectively, the General Bond Ordinance, this Ordinance, the Trust Agreement (including the First Supplemental Trust Agreement), the Certificate of Award, the Continuing Disclosure Agreement and such other proceedings of the City, including the Series 2016 Bonds, that provide collectively for, among other things, the rights of holders and beneficial owners of the Series 2016 Bonds.

“*Series 2016 Bonds*” means the Wastewater System Revenue Bonds, Series 2016, as authorized in Section 2.

“*Series 2016 Notes*” means the City’s Utilities Revenue Note, Series 2016, dated July 12, 2016, and issued in the principal amount of \$5,550,000 for the purpose of improving the Utility.

“*Term Bonds*” means those Series 2016 Bonds designated as such and maturing on the date or dates set forth in the Certificate of Award, bearing interest payable on each Interest Payment Date and subject to mandatory sinking fund redemption.

“*Trust Agreement*” means the Master Trust Agreement by and between the City and the Trustee, as a supplemented from time to time, including by the First Supplemental Trust Agreement.

“*Trustee*” means a bank or trust company authorized to do business in the State of Ohio and designated by the Director of Finance in the Certificate of Award to act as the initial trustee under the Trust Agreement, and any successor trustee pursuant to the Trust Agreement.

“*Utility*” means the municipal wastewater system which is owned and operated by the City.

“*Wastewater Bond Reserve Fund*” means the Wastewater Bond Reserve Fund created in the Master Trust Agreement.

“*Wastewater Bond Service Fund*” means the Wastewater Bond Service Fund created in the Master Trust Agreement.

“*Wastewater Construction Fund*” means the Wastewater Construction Fund created in the Master Trust Agreement.

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

Section 2. Authorized Principal Amount and Purpose; Application of Proceeds. This Council determines that it is necessary and in the best interest of the City to issue bonds of this City in the maximum principal amount of \$5,000,000 (the “*Series 2016 Bonds*”) for the purpose of paying the costs of retiring the Series 2016 Notes. The Series 2016 Bonds shall be issued pursuant to the Act, the General Bond Ordinance, the Trust Agreement, this Ordinance and the Certificate of Award.

The aggregate principal amount of Series 2016 Bonds to be issued shall not exceed the maximum principal amount specified in this Section 2 and shall be an amount determined by the Director of Finance in the Certificate of Award to be the aggregate principal amount of Series 2016 Bonds that is required to be issued at this time for the purpose stated in this Section 2 and paying the issuance costs.

The Certificate of Award and the Purchase Agreement may authorize the Original Purchaser to withhold certain proceeds from the purchase price of the Series 2016 Bonds to provide for the payment of issuance costs related to the Bonds on behalf of the City. Any portion of those proceeds received by the City representing premium (after payment of any issuance costs identified in the Certificate of Award) shall be used to pay costs of retiring the Series 2016 Notes and/or be paid into the Wastewater Bond Service Fund, with such

determination being made by the Director of Finance in the Certificate of Award, consistent with the Director of Finance's determination of the best interest of and financial advantage to the City.

The proceeds from the sale of the Series 2016 Bonds received by the City (after the withholding described in the preceding paragraph) and any other available monies of the City as determined by the Director of Finance in the Certificate of Award shall be allocated and deposited as follows and in the following order:

(a) To the Wastewater Bond Service Fund to retire the Series 2016 Notes at their maturity;

(b) To the provider of a policy for bond insurance, if any, the amount necessary to pay the premium for a bond insurance policy on the Series 2016 Bonds;

(c) To the Wastewater Bond Reserve Fund, the amount necessary to fully fund the Bond Reserve Requirement (if any);

(d) To the Wastewater Construction Fund, the balance to provide for the payment of the costs of issuance of the Series 2016 Bonds (which may include such portion (if any) of the proceeds of the Series 2016 Bonds representing premium and determined by the Director of Finance in the Certificate of Award to be used to pay costs of issuance of the Series 2016 Bonds).

The proceeds of the sale of the Series 2016 Bonds are appropriated and shall be used for the purpose for which those Series 2016 Bonds are issued as provided in this Ordinance and the Trust Agreement.

Section 3. Denominations; Dating; Principal and Interest Payment and Redemption Provisions. The Series 2016 Bonds shall be issued in one lot and only as fully registered bonds, in the Authorized Denominations, but in no case as to a particular maturity date exceeding the principal amount maturing on that date. The Series 2016 Bonds shall be dated as provided in the Certificate of Award, *provided* that their dated date shall not be more than sixty (60) days prior to the Closing Date.

(a) Interest Rates and Payment Dates. The Series 2016 Bonds shall bear interest at the rate or rates per year (computed on the basis of a 360-day year consisting of twelve 30-day months), as shall be determined by the Director of Finance, subject to subsection (c) of this Section, in the Certificate of Award. Interest on the Series 2016 Bonds shall be payable at such rate or rates on the Interest Payment Dates until the principal amount has been paid or provided for. The Series 2016 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.

(b) Principal Payment Schedule. The Series 2016 Bonds shall mature or be payable pursuant to Mandatory Sinking Fund Redemption Requirements on the Principal Payment Dates in principal amounts as shall be determined by the Director of Finance, subject to subsection (c) of this

Section, in the Certificate of Award, which determination shall be in the best interest of and financially advantageous to the City.

Consistent with the foregoing and in accordance with the determination of the best interest of and financial advantages to the City, the Director of Finance shall specify in the Certificate of Award (i) the aggregate principal amount of Series 2016 Bonds to be issued as Serial Bonds, the Principal Payment Date or Dates on which those Series 2016 Bonds shall be stated to mature and the principal amount thereof that shall be stated to mature on each such Principal Payment Date, and (ii) the aggregate principal amount of Series 2016 Bonds to be issued as Term Bonds, the Principal Payment Date or Dates on which those Series 2016 Bonds shall be stated to mature, the principal amount thereof that shall be stated to mature on each such Principal Payment Date, the Principal Payment Date or Dates on which Term Bonds shall be subject to mandatory sinking fund redemption (each a "*Mandatory Redemption Date*") and the principal amount thereof that shall be payable pursuant to Mandatory Sinking Fund Redemption Requirements on each Mandatory Redemption Date.

(c) Conditions for Establishment of Interest Rates. The true interest cost for the Series 2016 Bonds determined by taking into account the respective principal amounts of the Series 2016 Bonds and terms to maturity or Mandatory Sinking Fund Redemption Requirements of those principal amounts of Series 2016 Bonds shall not exceed 6.00%.

(d) Payment of Bond Service Charges. The bond service charges on the Series 2016 Bonds shall be payable in accordance with the provisions of the Trust Agreement.

(e) Redemption Provisions. The Series 2016 Bonds shall be subject to redemption prior to stated maturity as follows:

(i) Mandatory Sinking Fund Redemption of Term Bonds. If any of the Series 2016 Bonds are issued as Term Bonds, the Term Bonds shall be subject to mandatory redemption in part by lot and be redeemed pursuant to Mandatory Sinking Fund Redemption Requirements, at a redemption price of 100% of the principal amount redeemed, plus accrued interest to the redemption date, on the applicable Mandatory Redemption Dates and in the principal amounts payable on those Dates, for which provision is made in the Certificate of Award (such Dates and amounts being referred to as the "*Mandatory Sinking Fund Redemption Requirements*") and the Trust Agreement.

(ii) Optional Redemption. The Series 2016 Bonds (if any) of the interest rates and maturities specified in the Certificate of Award may be subject to optional redemption in accordance with the provisions of the Trust Agreement, in whole or in part in integral multiples of \$5,000 on the dates and at the redemption prices (expressed as a percentage of the principal amount to be redeemed), plus accrued interest to the redemption date, to be determined by the Director of Finance in the Certificate of Award; *provided* that the earliest optional redemption date shall not be later than December 1, 2026, and the redemption price for any optional redemption date shall not be greater than 100%.

Section 4. Execution and Authentication of Series 2016 Bonds. The Series 2016 Bonds shall be signed by the Mayor and the Director of Finance, in the name of the City and in their official capacities; *provided* that either or both of those signatures may be a facsimile. The Series 2016 Bonds shall be issued in the Authorized Denominations and numbers as requested by the Original Purchaser and approved by the Director of Finance, shall be numbered as determined by the Director of Finance in order to distinguish each Series 2016 Bond from any other Series 2016 Bond, and shall express upon their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to the Act, the General Bond Ordinance, this Ordinance, the Trust Agreement and the Certificate of Award.

In the name and on behalf of the City, the First Supplemental Trust Agreement shall be signed by the Mayor and Director of Finance in substantially the form now on file with the Clerk of Council. The First Supplemental Trust Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by those officers on behalf of the City, all of which shall be conclusively evidenced by the signing of the First Supplemental Trust Agreement or any amendments thereto. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Trust Agreement, except to the extent paid or reimbursed by the Original Purchaser in accordance with the Purchase Agreement and the Certificate of Award, from the proceeds of the Series 2016 Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

No Series 2016 Bond shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under the Series 2016 Bond proceedings unless and until the certificate of authentication printed on the Series 2016 Bond is signed by the Trustee as authenticating agent. Authentication by the Trustee shall be conclusive evidence that the Series 2016 Bond so authenticated has been duly issued, signed and delivered under, and is entitled to the security and benefit of, the Series 2016 Bond Proceedings. The certificate of authentication may be signed by any authorized officer or employee of the Trustee or by any other person acting as an agent of the Trustee and approved by the Director of Finance on behalf of the City. The same person need not sign the certificate of authentication on all of the Series 2016 Bonds.

Section 5. Registration; Transfer and Exchange; Book Entry System.

(a) Bond Register. So long as any of the Series 2016 Bonds remain outstanding, the City will cause the Trustee to maintain and keep the Bond Register in accordance with the provisions of the Trust Agreement.

(b) Transfer and Exchange. The Series 2016 Bonds shall be exchanged and transferred in accordance with the provisions of the Trust Agreement.

(c) Book Entry System. Notwithstanding any other provisions of this Ordinance, if the Director of Finance determines in the Certificate of Award that it is in the best interest of and financially advantageous to the City, the Series 2016 Bonds may be issued in book entry form in accordance with the following provisions of this Section.

The Series 2016 Bonds may be issued to a Securities Depository for use in a book entry system and, if and as long as a book entry system is utilized: (i) the Series 2016 Bonds may be issued in the form of a single, fully registered Series 2016 Bond representing each maturity, and, if applicable, each interest rate within a maturity, and registered in the name of the Securities Depository or its nominee, as registered owner, and immobilized in the custody of the Securities Depository or its designated agent for that purpose, which may be the Trustee; (ii) the beneficial owners of Series 2016 Bonds in book entry form shall have no right to receive Series 2016 Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Securities Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry, by the Securities Depository and its Participants; and (iv) the Series 2016 Bonds as such shall not be transferable or exchangeable, except for transfer to another Securities Depository or to another nominee of a Securities Depository, without further action by the City.

If any Securities Depository determines not to continue to act as a Securities Depository for the Series 2016 Bonds for use in a book entry system, the Director of Finance and the Trustee may attempt to establish a securities depository/book entry relationship with another qualified Securities Depository. If the Director of Finance and the Trustee do not or are unable to do so, the Director of Finance and the Trustee, after making provision for notification of the beneficial interest owners by the then Securities Depository and any other arrangements deemed necessary, shall permit withdrawal of the Series 2016 Bonds from the Securities Depository, and shall cause Series 2016 Bond certificates in registered form and Authorized Denominations to be authenticated by the Trustee and delivered to the assignees of the Securities Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Director of Finance and the Trustee are hereby authorized and directed, to the extent necessary or required, to enter into any agreements, in the name and on behalf of the City, that the Director of Finance determines to be necessary in connection with a book entry system for the Series 2016 Bonds.

Section 6. Sale of the Series 2016 Bonds.

(a) To the Original Purchaser. The Series 2016 Bonds shall be awarded and sold to the Original Purchaser at a purchase price of not less than 97% of the aggregate principal amount thereof, as shall be determined by the Director of Finance in the Certificate of Award, plus accrued interest (if any) on the Series 2016 Bonds from their date to the Closing Date, and shall be awarded by the Director of Finance with and upon such other terms as are required or authorized by this Ordinance to be specified in the Certificate of Award, in accordance with law, the provisions of this Ordinance and the Purchase Agreement.

The Director of Finance shall sign and deliver the Certificate of Award and shall cause the Series 2016 Bonds to be prepared and signed and delivered, together with a true transcript of

proceedings with reference to the issuance of the Series 2016 Bonds, to the Original Purchaser upon payment of the purchase price.

The Mayor and the Director of Finance shall sign and deliver, in the name and on behalf of the City, the Purchase Agreement between the City and the Original Purchaser, in substantially the form as is now on file with the Clerk of Council, providing for the sale to, and the purchase by, the Original Purchaser of the Series 2016 Bonds. The Purchase Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Mayor and the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Purchase Agreement or amendments thereto.

(b) Primary Offering Disclosure -- Official Statement. The Mayor and the Director of Finance are each authorized and directed, on behalf of the City and in their official capacities, to (i) prepare or cause to be prepared, and make or authorize modifications, completions or changes of or supplements to, a disclosure document in the form of an official statement relating to the original issuance of the Series 2016 Bonds, (ii) determine, and to certify or otherwise represent, when the official statement is to be “deemed final” (except for permitted omissions) by the City as of its date or is a final official statement for purposes of paragraph (b) of the Rule, (iii) 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 Series 2016 Bonds, and (iv) complete and sign those official statements and any supplements thereto as so approved, together with such certificates, statements or other documents in connection with the finality, accuracy and completeness of those official statements and any supplements, as they may deem necessary or appropriate.

(c) Agreement to Provide Continuing Disclosure. For the benefit of the holders and beneficial owners from time to time of the Series 2016 Bonds, the City agrees to provide or cause to be provided such financial information and operating data, audited financial statements and notices of the occurrence of certain events, in such manner as may be required for purposes of the Rule. The Mayor and the Director of Finance are each authorized and directed to complete, sign and deliver the Continuing Disclosure Agreement, in the name and on behalf of the City, in substantially the form as is now on file with the Clerk of Council. The Continuing Disclosure Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Mayor and the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Continuing Disclosure Agreement or amendments thereto.

The Director of Finance is further authorized and directed to establish procedures in order to ensure compliance by the City with its Continuing Disclosure Agreement, including timely provision of information and notices as described above. Prior to making any filing required under the Rule, the Director of Finance shall consult with and obtain legal advice from, as appropriate, the Director of Law and bond or other qualified independent special counsel selected by the City. The Director of Finance, acting in the name and on behalf of the City, shall be entitled to rely upon any such legal advice in determining whether a filing should be made. The performance by the City of

its Continuing Disclosure Agreement shall be subject to the annual appropriation of any funds that may be necessary to perform it.

(d) Application for Rating or Bond Insurance. If, in the judgment of the Director of Finance, the filing of an application for (i) a rating on the Series 2016 Bonds by one or more nationally recognized rating agencies, or (ii) a policy of insurance from a company or companies to better assure the payment of principal of and interest on the Series 2016 Bonds, is in the best interest of and financially advantageous to this City, the Director of Finance is authorized to prepare and submit those applications, to provide to each such agency or company such information as may be required for the purpose, and to provide further for the payment of the cost of obtaining each such rating or policy, except to the extent otherwise paid in accordance with the Purchase Agreement, from the proceeds of the Series 2016 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 Director of Finance is hereby authorized, to the extent necessary or required, to enter into any agreements, in the name of and on behalf of the City, that the Director of Finance determines to be necessary in connection with the obtaining of that bond insurance.

Section 7. Covenants of the City. The City, by issuance of the Series 2016 Bonds, covenants and agrees with their holders to perform its applicable covenants and agreements set forth in this Ordinance, the General Bond Ordinance and the Trust Agreement. The City particularly covenants that it will:

(a) Operate the Utility as a public utility under the Act, including all extensions thereof and improvements thereto.

(b) Subject to applicable requirements and restrictions imposed by law, at all times prescribe and charge such rates, charges and rentals for the services and facilities of the Utility, and so restrict Operating Expenses (as defined in the Trust Agreement), as shall be necessary in order to meet the earnings coverage and other requirements of the Trust Agreement.

(c) Segregate, for accounting purposes, the Revenues and the Funds in its custody (as defined in the Trust Agreement) in its custody from all other revenues and funds of the City.

(d) At any and all times, cause to be done all such further acts and things and cause to be signed and delivered all such further instruments as may be necessary to carry out the purpose of the Series 2016 Bonds and any Bond Legislation (as defined in the Trust Agreement) or as may be required by the Act, and comply with all requirements of law applicable to the Utility and its operation.

(e) Observe and perform faithfully at all times all covenants, agreements, authority, actions, undertakings, stipulations and provisions to be observed or performed on its part under the Trust Agreement, the Continuing Disclosure Certificate, the Purchase Agreement, this Ordinance, the General Bond Ordinance, the Series 2016 Bonds and any other Bond Proceedings (as defined in the Trust Agreement) for the Series 2016 Bonds, and under all Council proceedings pertaining thereto.

Each of those obligations is binding upon the City, and upon each City officer or employee as from time to time may have the authority under law to take any action on behalf of the City that may be necessary to perform all or any part of that obligation, as a duty of the City and of each of those officers and employees resulting from an office, trust or station within the meaning of Section 2731.01 of the Ohio Revised Code, providing for enforcement by writ of mandamus.

Section 8. Security. The Series 2016 Bonds shall be special obligations of the City. To the extent provided in and except as otherwise permitted by the Series 2016 Bond Proceedings, the Bond Service Charges (as defined in the Master Trust Agreement) shall be payable equally and ratably solely from the Net Revenues and the Pledged Funds (each as defined in the Master Trust Agreement), and the payment of Bond Service Charges on the Bonds shall be secured (a) by the Trust Agreement and (b) by a pledge and assignment of and a lien on the Net Revenues and the Pledged Funds. However, any pledge or assignment of or lien on any fund, account, receivables, revenues, money or other intangible property not in the custody of the Trustee shall be valid and enforceable only to the extent permitted by law.

Nothing in the Series 2016 Bond Proceedings shall constitute a general obligation debt or tax-supported bonded indebtedness of the City; the general resources of the City shall not be required to be used, and neither the general credit nor taxing power or full faith and credit of the City are or shall be pledged, for the performance of any duty under the Series 2016 Bond Proceedings. Nothing in the Series 2016 Bond Proceedings gives the holders of the Series 2016 Bonds, and they do not have, the right to have excises or taxes levied by the City for the payment of Bond Service Charges or Operating Expenses (as defined in the Master Trust Agreement), but the Series 2016 Bonds are payable solely from the Net Revenues and the Pledged Funds, as provided in the Series 2016 Bond Proceedings, and each Series 2016 Bond shall contain a statement to that effect; *provided, however*, that nothing shall be deemed to prohibit the City, of its own volition, from using to the extent it is lawfully authorized to do so, any other resources or revenues for the fulfillment of any of the terms, conditions or obligations of the Series 2016 Bond Proceedings.

Section 9. Federal Tax Considerations. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Series 2016 Bonds in such manner and to such extent as may be necessary so that (a) the Series 2016 Bonds will not (i) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Code or (ii) be treated other than as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (b) the interest on the Series 2016 Bonds will not be an item of tax preference under Section 57 of the Code

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Series 2016 Bonds to be and remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Series 2016 Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports and (v)

refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Director of Finance or any other officer of the City having responsibility for issuance of the Series 2016 Bonds is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Series 2016 Bonds as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Series 2016 Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties with respect to the Series 2016 Bonds, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments with respect to the Series 2016 Bonds, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Series 2016 Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Series 2016 Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Series 2016 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 and the tax status of the Series 2016 Bonds. The Director of Finance or any other officer of the City having responsibility for issuance of the Series 2016 Bonds is specifically authorized to designate the Series 2016 Bonds as "qualified tax-exempt obligations" if such designation is applicable and desirable, and to make any related necessary representations and covenants.

Each covenant made in this section with respect to the Series 2016 Bonds is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Series 2016 Bonds (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Series 2016 Bonds from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this section to take with respect to the Series 2016 Bonds.

Section 10. Further Authorizations and Implementation of Authorizations. The Mayor, the Mayor, the Director of Finance, the Director of Law, the Clerk of Council and other City officials, as appropriate, each are authorized and directed to do all things necessary and appropriate to complete and perform the delivery of the Series 2016 Bonds to the Original Purchaser and, in accordance with the terms and provisions of the Trust Agreement, the General Bond Ordinance, this Ordinance, the Purchase Agreement and the Certificate of Award, to make the necessary arrangements on behalf of the City to establish the date, location, procedure and conditions for the delivery of the Series 2016 Bonds to the Original Purchaser to the extent not provided for therein, and those officials, or any of them are further directed to take all steps

necessary to effect due authentication, delivery and security of the Series 2016 Bonds under the terms of the Trust Agreement, the General Bond Ordinance, this Ordinance, the Purchase Agreement and the Certificate of Award, including, without limitation, the execution and delivery of such transcript certificates, financial statements and other documents and instruments as are, in the opinion of bond counsel, necessary or appropriate to consummate the transactions provided for in the Trust Agreement, the General Bond Ordinance, this Ordinance, the Purchase Agreement and the Certificate of Award.

The Director of Finance is authorized to enter into necessary contracts without competitive bidding to provide services with respect to the Series 2016 Bonds by City's bond counsel, the City's financial advisor, the rating services, the Trustee, by providers of credit support instruments, for the printing of the preliminary and final official statements and for the printing of the Series 2016 Bonds, and by other necessary service providers, all as deemed necessary by the Director of Finance to be consistent with the foregoing authorization and in the best interests of the City. The costs of those services shall be paid from monies (a) withheld by the Original Purchaser on behalf of the City from the purchase price of the Series 2016 Bonds or (b) deposited in the Wastewater Construction Fund which is appropriated for that purpose. The actions of the Director of Finance or any other officer of the City in doing any and all acts necessary in connection with the issuance and sale of the Series 2016 Bonds are hereby ratified and confirmed.

Section 11. Bond Counsel. The legal services of the law firm of Squire Patton Boggs (US) LLP are hereby retained. Those legal services shall be in the nature of legal advice and recommendations as to the documents and the proceedings in connection with the authorization, sale and issuance of the Series 2016 Bonds and rendering at delivery related legal opinions. In providing those legal services, as an independent contractor and in an attorney-client relationship, that firm shall not exercise any administrative discretion on behalf of this City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, any county or municipal corporation or of this City, or the execution of public trusts. For those legal services that firm shall be paid just and reasonable compensation and shall be reimbursed for actual out-of-pocket expenses incurred in providing those legal services. The Director of Finance is authorized and directed to make appropriate certification as to the availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm.

Section 12. Municipal Advisor. The services of Sudsina & Associates, LLC, as municipal advisor, are hereby retained. The advisory services shall be in the nature of financial advice and recommendations in connection with the issuance and sale of the Series 2016 Bonds. In rendering those financial advisory services, as an independent contractor, that firm shall not exercise any administrative discretion on behalf of the City in the formulation of public policy, expenditure of public funds, enforcement of laws, rules and regulations of the State, the City or any other political subdivision, or the execution of public trusts. That firm shall be paid just and reasonable compensation for those financial advisory services and shall be reimbursed for the actual out-of-pocket expenses it incurs in rendering those financial advisory services. The Director of Finance is authorized and directed to make appropriate certification as to the

availability of funds for those fees and any reimbursement and to issue an appropriate order for their timely payment as written statements are submitted by that firm.

Section 13. Other Determinations. This Council determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Series 2016 Bonds in order to make them legal, valid and binding special obligations of the City have been performed and have been met, or will at the time of delivery of the Series 2016 Bonds have been performed and have been met, in regular and due form as required by law; and that no statutory or constitutional limitation of indebtedness or taxation will have been exceeded in the issuance of the Series 2016 Bonds.

Section 14. Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or its committees and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law, including Section 121.22 of the Ohio Revised Code.

Section 15. Severability. Each section of this Ordinance and each subdivision of any section thereof is hereby declared to be independent, and the finding or holding of any section or subdivision of any section thereof to be invalid or void shall not be deemed nor held to affect the validity of any other section or subdivision of this Ordinance.

Section 176 Declaration of Emergency; Effective Date. This Ordinance is hereby declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City and for the further reason that this Ordinance is required to be immediately effective in order to enable the City to sell the Bonds, which is necessary to enable the City to retire the Series 2016 Notes; wherefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

1st Reading: _____
2nd Reading: _____
3rd Reading: _____

PASSED: _____, 2016

President of Council

POSTED: _____, 2016

Approved

ATTEST: _____
Clerk of Council

Mayor

ORDINANCE NO. __-2016

AN ORDINANCE AUTHORIZING THE ISSUANCE OF REVENUE BONDS FROM TIME TO TIME FOR THE PURPOSE OF PAYING THE COSTS OF IMPROVING THE CITY'S MUNICIPAL WASTEWATER SYSTEM OR REFUNDING DEBT ISSUED BY THE CITY FOR THAT PURPOSE AND AUTHORIZING THE EXECUTION AND DELIVERY OF A MASTER TRUST AGREEMENT PROVIDING FOR THE RIGHTS OF THE HOLDERS OF THE BONDS AND PLEDGING CERTAIN REVENUES AND FUNDS TO SECURE THOSE BONDS, AND DECLARING AN EMERGENCY.

WHEREAS, pursuant to the Article XVIII of the Ohio Constitution, the City now owns and operates, as a public utility, a municipal wastewater system (the "*Utility*") the services of which are supplied to users within and without the City; and,

WHEREAS, pursuant to the Ohio Constitution, the City is authorized to: (a) issue its revenue bonds (the "*Bonds*") for the purpose of paying the costs of improving the Utility and for the purpose of paying the costs of refunding debt issued to pay the costs of improving the Utility, (b) refund any or all of the Bonds, (c) enter into a master trust agreement and supplemental trust agreements to secure the Bonds, and (d) provide for the pledge or assignment of revenues sufficient to pay the principal of and interest and any redemption premium on the Bonds;

NOW, THEREFORE, BE IT ORDAINED by the Council of the City of Avon Lake, Lorain County, Ohio, that:

Section 1. Determinations, Findings and Covenants by the City.

(a) This Council finds and determines that it is necessary and in the best interest of the City to issue Bonds from time to time to provide moneys (i) for the purpose of paying the costs of improving the Utility and for the purpose of paying the costs of refunding debt issued to pay the costs of improving the Utility, (ii) to refund any or all of the Bonds, (iii) to fund a bond reserve fund (if required by the applicable proceedings), and (iv) to pay the costs of issuance of the Bonds.

(b) This Council hereby finds and determines that, pursuant to the Constitution and laws of the State, the City as necessary shall have the right to issue Bonds pursuant to the terms and conditions of the Master Trust Agreement (the "*Master Trust Agreement*") dated as of the date of delivery of the first series of Bonds and by and between the City and the Trustee (as defined in Section 2), which provides that each series of Bonds shall be authorized by an ordinance of this Council and any related supplemental trust agreement.

(c) This Council hereby covenants that the City will observe and perform all of its agreements and obligations provided for by the Bonds, the Master Trust Agreement and this Ordinance.

Section 2. Trustee; Security for the Bonds; Master Trust Agreement. The Director of Finance is hereby authorized to designate in the certificate awarding the first series of Bonds a bank or trust company authorized to do business in the State of Ohio to act as the initial trustee (the "Trustee") under the Master Trust Agreement.

The Bonds shall be special obligations of the City. To the extent provided in and except as otherwise permitted by the Master Trust Agreement, the Bond Service Charges (as defined in the Master Trust Agreement) shall be payable equally and ratably solely from the Net Revenues and the Pledged Funds (each as defined in the Master Trust Agreement), and the payment of Bond Service Charges on the Bonds shall be secured (a) by the Master Trust Agreement (as such Master Trust Agreement may be amended and supplemented from time to time in accordance with its terms) and (b) by a pledge and assignment of and a lien on the Net Revenues and the Pledged Funds. However, any pledge or assignment of or lien on any fund, account, receivables, revenues, money or other intangible property not in the custody of the Trustee shall be valid and enforceable only to the extent permitted by law.

The City covenants that it will promptly pay from such sources the Bond Service Charges on every Bond issued under the Master Trust Agreement at the places, on the dates and in the manner provided in the applicable ordinance authorizing each series of Bonds, the applicable supplemental trust agreement relating to each series of Bonds, the Master Trust Agreement and the Bonds, according to the true intent and meaning thereof.

Nothing in this Ordinance, the Bonds or the Master Trust Agreement shall constitute a general obligation debt or tax-supported bonded indebtedness of the City; the general resources of the City shall not be required to be used, and neither the general credit nor taxing power or full faith and credit of the City are or shall be pledged, for the performance of any duty under this Ordinance, the Master Trust Agreement or the Bonds. Nothing in this Ordinance gives the holders of Bonds, and they do not have, the right to have excises or taxes levied by the City for the payment of Bond Service Charges or Operating Expenses (as defined in the Master Trust Agreement), but the Bonds are payable solely from the Net Revenues and the Pledged Funds, as provided in this Ordinance and the Master Trust Agreement, and each Bond shall contain a statement to that effect; provided, however, that nothing shall be deemed to prohibit the City, of its own volition, from using to the extent it is lawfully authorized to do so, any other resources or revenues for the fulfillment of any of the terms, conditions or obligations of the Master Trust Agreement, this Ordinance or the Bonds.

In the name and on behalf of the City, the Master Trust Agreement shall be signed by the Mayor and Director of Finance in substantially the form now on file with the Clerk of Council. The Master Trust Agreement is approved, together with any changes or amendments that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by those officers on behalf of the City, all of which shall be conclusively evidenced by the signing of the Master Trust Agreement or any amendments thereto.

Section 3. Creation of Funds. The Wastewater Construction Fund, the Wastewater Revenue Fund, the Wastewater Bond Service Fund, the Wastewater Bond Reserve Fund, the Wastewater Replacement and Improvement Fund, the Wastewater Utility Reserve Fund and the Wastewater Rebate Fund, each as defined and described in the Master Trust Agreement, are hereby created as of the date of the Master Trust Agreement. Moneys in those Funds shall be applied as provided in the Master Trust Agreement. The Director of Finance is hereby authorized to transfer, simultaneously with the issuance and delivery of the first series of Bonds pursuant to the Master Trust Agreement, all monies now on deposit in the existing funds and accounts relating to the operation of the Utility into the Funds and accounts established by the Master Trust Agreement and the supplemental trust agreement relating to the first series of Bonds, which together with the proceeds received from the issuance and delivery of the first series of Bonds, will be sufficient to establish the balance in each of those Funds as is required by the Master Trust Agreement and the related supplemental trust agreement. The Director of Finance is hereby authorized to maintain, or permit the maintenance of, such separate accounts in any of those Funds, and such separate subaccounts in any account, as is determined to be in the best interest of the City.

Section 4. Further Authorization. The Mayor, the Director of Finance, the Director of Law, the Clerk of Council, the Chief Utilities Executive and other City officials, as appropriate, are each hereby authorized to execute any agreements, certifications, financing statements, documents or other instruments, and to take such other actions which are necessary or appropriate in the judgment of such officers to consummate the transactions contemplated herein and the Master Trust Agreement, or to protect the rights and interests of the City, the Trustee or the holders of Bonds.

Section 5. Compliance with Open Meeting Law. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or its committees and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law, including Section 121.22 of the Ohio Revised Code.

Section 6. Declaration of Emergency; Effective Date. This Ordinance is declared to be an emergency measure necessary for the immediate preservation of the public peace, health and safety of the City, and for the further reason that this Ordinance is required to be immediately effective in order to issue and sell the first series of Bonds, which is necessary to enable the City to retire certain notes heretofore issued by the City for the purpose of paying the costs of improving the Utility; wherefore, this Ordinance shall be in full force and effect immediately upon its passage and approval by the Mayor.

1st Reading:
2nd Reading:
3rd Reading:

PASSED: _____, 2016

President of Council

POSTED: _____, 2016

Approved

ATTEST: _____
Clerk of Council

Mayor

BY: Mr. Meiners

TEMP NO: 10772

ORDINANCE NO. _____

AN ORDINANCE PROVIDING FOR TRANSFERS, AND DECLARING AN EMERGENCY.

WHEREAS, it has been determined by the Finance Director that certain transfers of funds are needed, now therefore;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That the following transfers be executed for the month of November:

From 204	Income Tax Transfer Fund	\$759,375.00
To 101	General Fund	\$609,375.00
To 207	Income Tax Capital Improvement Fund	\$62,500.00
To 301	Bond Retirement (Unvoted) Fund	\$87,500.00

Section No. 2: 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 which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 3: That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity of transferring funds for the current and necessary expenses of the City of Avon Lake, thus for the public welfare. Therefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

PASSED: _____
Council President

POSTED: _____
Approved

ATTEST: _____
Clerk of Council Mayor

**AVON LAKE CITY
RESOLUTION ACCEPTING THE AMOUNTS AND RATES AS DETERMINED BY THE
BUDGET COMMISSION AND AUTHORIZING THE NECESSARY TAX LEVIES
AND CERTIFYING THEM TO THE COUNTY AUDITOR
(CITY COUNCIL)**

Revised Code, Secs. 5705.34, 5705.35

The Council of the City of AVON LAKE *Lorain*
County, Ohio, met in _____ session on the _____ day of _____,
2016, at the office of the _____
with the following members present:

_____ moved the adoption of the following Resolution:

*WHEREAS, This Council in accordance with the provisions of law has previously
adopted a Tax Budget for the next succeeding fiscal year commencing January 1st, 2017; and*

*WHEREAS, The Budget Commission of Lorain County, Ohio, has certified its action
thereon to this Council together with an estimate by the County Auditor of the rate of each tax necessary
to be levied by this Council, and what part thereof is without, and what part within, the ten mill tax
limitation; therefore, be it*

*RESOLVED, By the Council of the City of _____
Lorain County, Ohio, that the amounts and rates, as determined by the Budget
Commission in its certification, be and the same are hereby accepted; and be it further*

*RESOLVED, That there be and is hereby levied on the tax duplicate of said City
the rate of each tax necessary to be levied within and without the ten mill limitation as
follows:*

AVON LAKE CITY

CERTIFICATE OF COPY
ORIGINAL ON FILE

The State of Ohio, LORAIN County, ss.

I, _____, Clerk of the Council of the City of
_____ Avon Lake _____, within and for said County, and in whose
custody the Files and Records of said Council are required by the Laws of the State of
Ohio to be kept, do hereby certify that the foregoing is taken and copied from the original

now on file, that the foregoing has been compared by me with said original document,
and that the same is a true and correct copy thereof.

WITNESS my signature, this _____ day of _____ 2016

Clerk of Council

1. A copy of this Resolution must be certified to the County Auditor within the time prescribed by Sec. 5705.34 R.C., or at such later date as may be approved by the Department of Taxation of Ohio.

No. _____

COUNCIL OF THE CITY OF
AVON LAKE
LORAIN County, Ohio

RESOLUTION
ACCEPTING THE AMOUNTS AND RATES AS
DETERMINED BY THE BUDGET COMMISSION
AND AUTHORIZING THE NECESSARY TAX
LEVIES AND CERTIFYING THEM TO THE
COUNTY AUDITOR.
(City Council)

Adopted _____ 2016

Clerk of Council

Filed _____ 2016

County Auditor

By _____
Deputy

AVON LAKE CITY

and be it further

RESOLVED, That the Clerk of this Council be and he is hereby directed to certify a copy of this Resolution to the County Auditor of said County.

_____ seconded the Resolution and the roll being called upon

its adoption the vote resulted as follows:

_____ ,	_____ yes	_____ no
_____ ,	_____ yes	_____ no
_____ ,	_____ yes	_____ no
_____ ,	_____ yes	_____ no
_____ ,	_____ yes	_____ no

Adopted the _____ day of _____, 2016

Attest:

President of Council

Clerk of Council

BY: Mr. Shondel

TEMP NO: 10774

ORDINANCE NO. _____

AN ORDINANCE AUTHORIZING A COOPERATIVE SERVICE AGREEMENT BETWEEN THE CITY OF AVON LAKE AND THE UNITED STATES DEPARTMENT OF AGRICULTURE, ANIMAL AND PLANT HEALTH INSPECTION SERVICE RELATED TO THE DEER MANAGEMENT PLAN, AND DECLARING AN EMERGENCY.

WHEREAS, the overpopulation of white-tailed deer within the City of Avon Lake negatively impacts public health and safety primarily due to an excessive number of deer-related vehicular accidents, as well as destruction of natural habitats and biodiversity, increases the risk of disease transmission to humans from deer parasites, and damage to private and public property; and,

WHEREAS, it has been determined that it is in the best interest of the City to implement a comprehensive deer management plan to reduce the deer population of the City to a level that is acceptable from a safety and nuisance perspective and thereafter to maintain the deer population at such level; and,

WHEREAS, as part of the City's comprehensive deer management plan, it is necessary to authorize a cooperative service agreement with the United States Department of Agriculture, Animal and Plant Health Inspection Service, as recommended by the Environmental Committee of City Council; now therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON LAKE,
STATE OF OHIO:

Section No. 1: That the Mayor be and he hereby is authorized and directed to enter into a Cooperative Service Agreement with the United States Department of Agriculture, Animal and Plant Health Inspection Service as part of a comprehensive deer management plan at a cost not to exceed \$43,966.00, a copy of which proposed agreement is attached hereto and incorporated herein by reference.

Section No. 2: That the Mayor be and he hereby is authorized to execute and deliver on behalf of the City any and all instruments he may deem necessary or advisable to implement the Cooperative Service Agreement

Section No. 3: That it is found and determined that all formal actions of this Council concerning and relating to the adoption of this Ordinance were conducted in an open meeting of

this Council and that all deliberations of this Council and any of its committees that resulted in such formal actions, were in meetings open to the public, in accordance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 4: That this Ordinance is hereby declared to be an emergency measure necessary to protect the health and safety of the City's residents, the emergency being the necessity to begin the process of reducing the deer population while conditions are favorable. Therefore, this Ordinance shall be in full force and effect immediately after its passage and approval by the Mayor.

PASSED: _____
President of Council

POSTED: _____
Approved

ATTEST: _____
Clerk of Council Mayor

COOPERATIVE SERVICE AGREEMENT
between
THE CITY OF AVON LAKE
and
UNITED STATES DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE (APHIS)
WILDLIFE SERVICES (WS)

ARTICLE 1

The purpose of this Cooperative Service Agreement is to allow for reimbursement of funds expended by the APHIS WS program while assisting the CITY OF AVON LAKE with their White-tailed Deer Management Plan as detailed in the attached work plan and financial plan.

ARTICLE 2

APHIS WS has statutory authority under the Act of March 2, 1931 (46 Stat. 1468; 7 U.S.C.426-426b) as amended, and the Act of December 22, 1987 (101Stat. 1329-331, 7 U.S.C. 426c), to cooperate with States, local jurisdictions, individuals, public and private agencies, organizations, and institutions while conducting a program of wildlife services involving mammal and bird species that are reservoirs for zoonotic diseases, or animal species that are injurious and/or a nuisance to, among other things, agriculture, horticulture, forestry, animal husbandry, wildlife, and human health and safety.

ARTICLE 3

APHIS WS and the CITY OF AVON LAKE mutually agree:

1. The parties' authorized representatives who shall be responsible for carrying out the provisions of this Agreement shall be:

CITY OF AVON LAKE:
Joseph Reitz
Director of Public Works
150 Avon Belden Road
Avon Lake, Ohio 44012
Phone: (440) 933-6141 x1200
Fax: (440) 930-4107

APHIS WS:
Andrew J. Montoney
State Director
USDA, APHIS, Wildlife Services
4469 Professional Parkway
Groveport, OH 43125-9229
Office: (614) 993-3444
Fax: (614) 836-5597

2. To meet as determined necessary by either party to discuss mutual program interests, accomplishments, needs, technology, and procedures to maintain or amend the Work Plan (Attachment A). Personnel authorized to attend meetings under this Agreement shall be the CITY OF AVON LAKE or his/her designee, the State Director or his/her designee, and/or those additional persons authorized and approved by the CITY OF AVON LAKE, and the State Director.
3. APHIS WS shall perform services more fully set forth in the Work Plan, which is attached hereto and made a part hereof. The parties may mutually agree in writing, at any time during the term of this Agreement, to amend, modify, add or delete services from the Work Plan.

ARTICLE 4

The CITY OF AVON LAKE agrees:

1. To authorize APHIS WS to conduct direct control activities to reduce human health and safety risks and property damage associated with white-tailed deer populations on CITY OF AVON LAKE property. These activities are defined in the Work Plan (Attachment A). APHIS WS will be considered an invitee on the lands controlled by the CITY OF AVON LAKE. The CITY OF AVON LAKE will be required to exercise reasonable care to warn APHIS WS as to dangerous conditions or activities in the project areas.
2. To reimburse APHIS WS for costs of services provided under this Agreement up to but not exceeding the amount specified in the Financial Plan (Attachment B) on a quarterly basis. The final quarterly invoice will arrive approximately by the end of November 2017. The CITY OF AVON LAKE will begin processing for payment invoices submitted by APHIS WS within 30 days of receipt. The CITY OF AVON LAKE ensures and certifies that it is not currently debarred or suspended and is free of delinquent Federal debt.
3. To designate to APHIS WS the CITY OF AVON LAKE authorized individual whose responsibility shall be the coordination and administration of activities conducted pursuant to this Agreement.
4. To notify APHIS WS verbally or in writing as far in advance as practical of the date and time of any proposed meeting related to the program.
5. APHIS WS shall be responsible for administration and supervision of APHIS WS personnel and APHIS WS activities.
6. There will be no equipment with a procurement price of \$5,000 or more per unit purchased directly with funds from the cooperator for use solely on this project. All

other equipment purchased for the program is and will remain the property of APHIS WS.

7. To coordinate with APHIS WS before responding to all media requests.

ARTICLE 5

APHIS WS Agrees:

1. To conduct activities within the CITY OF AVON LAKE as described in the attached Work Plan.
2. Designate to the CITY OF AVON LAKE the authorized APHIS WS individual who shall be responsible for the joint administration of the activities conducted pursuant to this Agreement.
3. To invoice the CITY OF AVON LAKE for actual costs incurred by APHIS WS on a Quarterly basis, during the performance of services agreed upon and specified in the attached Work and Financial Plans. The final quarterly invoice will arrive approximately by the end of November 2017. APHIS WS shall keep records and receipts of all reimbursable expenditures hereunder for a period of not less than one year from the date of completion of the services provided under this Agreement and the CITY OF AVON LAKE shall have the right to inspect and audit such records.
4. To provide the CITY OF AVON LAKE an estimate of APHIS WS deer damage management expenditures prior to May 1, 2017.
5. To coordinate with the CITY OF AVON LAKE before responding to all media requests.

ARTICLE 6

This Agreement is contingent upon the passage by Congress of an appropriation from which expenditures may be legally met and shall not obligate APHIS WS upon failure of Congress to so appropriate. This Agreement may also be reduced or terminated if Congress only provides APHIS WS funds for a finite period under a Continuing Resolution.

ARTICLE 7

APHIS WS assumes no liability for any actions or activities conducted under this Cooperative Service Agreement except to the extent that recourse or remedies are provided by Congress under the Federal Tort Claims Act (28 U.S.C. 1346(b), 2401(b), and 2671-2680).

ARTICLE 8

Pursuant to Section 22, Title 41, United States Code, no member of or delegate to Congress shall be admitted to any share or part of this Agreement or to any benefit to arise therefrom.

ARTICLE 9

Nothing in this Agreement shall prevent APHIS WS from entering into separate agreements with any other organization or individual for the purpose of providing wildlife damage management services exclusive of those provided for under this agreement.

ARTICLE 10

The CITY OF AVON LAKE certifies that APHIS WS has advised the CITY OF AVON LAKE that there may be private sector service providers available to provide wildlife management services that the CITY OF AVON LAKE is seeking from APHIS WS.

ARTICLE 11

The performance of wildlife damage management actions by APHIS WS under this agreement is contingent upon a determination by APHIS WS that such actions are in compliance with the National Environmental Policy Act, Endangered Species Act, and any other applicable federal statutes. APHIS WS will not make a final decision to conduct requested wildlife damage management actions until it has made the determination of such compliance.

ARTICLE 12

This Cooperative Service Agreement may be amended at any time by mutual agreement of the parties in writing. Also, this Agreement may be terminated at any time by mutual agreement of the parties in writing, or by one party provided that party notifies the other in writing at least 120 days prior to effecting such action. Further, in the event the CITY OF AVON LAKE does not provide necessary funds, APHIS WS is relieved of the obligation to provide services under this agreement

In accordance with the Debt Collection Improvement Act of 1996, the Department of Treasury requires a **Taxpayer Identification Number** for individuals or businesses conducting business with the agency.

CITY OF AVON LAKE's Taxpayer Identification Number (TIN): 34-6000166

BY: _____ Date _____
Mayor Greg Zilka
Mayor of the City of Avon Lake
150 Avon Belden Road
Avon Lake, Ohio 44012
Phone: (440) 930-4100
Fax: (440) 930-4107

**UNITED STATES DEPARTMENT OF AGRICULTURE
ANIMAL AND PLANT HEALTH INSPECTION SERVICE
WILDLIFE SERVICES**

Tax Identification Number (TIN): 41-0696271

BY: _____ Date _____
Andrew J. Montoney, State Director
USDA, APHIS, WS
4469 Professional Parkway
Groveport, OH 43125-9229
Office: (614) 993-3444
Fax: (614) 836-5597

BY: _____ Date _____
Janet L. Bucknall
Director, Eastern Region
USDA, APHIS, WS
920 Main Campus Drive; Suite 200
Raleigh, NC 27606
Phone: (919) 855-7200

ATTACHMENT A WORK PLAN

Introduction

The U.S. Department of Agriculture (USDA) is authorized to protect American agriculture and other resources from damage associated with wildlife. The primary authority for Wildlife Services (WS) is the Act of March 2, 1931 (46 Stat. 1468; 7 U.S.C.426-426b) as amended, and the Act of December 22, 1987 (101Stat. 1329-331, 7 U.S.C. 426c). Wildlife Services activities are conducted in cooperation with other Federal, State and local agencies; private organizations and individuals.

Purpose

To assist the CITY OF AVON LAKE with meeting the objectives of their White-tailed Deer Management Plan.

Planned APHIS WS Activities

This work plan is contingent upon an approved deer management plan between the City of Avon Lake and the Ohio Division of Wildlife, and the resulting permit issued by the Ohio Division of Wildlife and the issuance of an Avon Lake Municipal Deer Control Permit (MDCP) by the Avon Lake Chief of Police or his designee.

Through the implementation of management measures described below, APHIS WS will assist the CITY OF AVON LAKE with the sharpshooting portion of their White-tailed Deer Management Plan. These objectives are to help reduce damage and public safety threats caused by white-tailed deer in the CITY OF AVON LAKE.

APHIS WS employees will be used to assist with the sharpshooting portion of the White-tailed Deer Management Plan of the CITY OF AVON LAKE. WS will coordinate with the CITY OF AVON LAKE project coordinator and Ohio Division of Wildlife (ODW) staff to inspect, propose and certify baiting and shooting zones to be used. APHIS WS personnel will prepare and arrange any necessary deer damage management equipment. WS will conduct removal of white-tailed deer from the CITY OF AVON LAKE using rifles equipped with noise-suppression devices. WS will collect and transport whole carcasses to a predetermined CITY OF AVON LAKE facility. WS will conduct removal activities between December 1, 2016 and March 31st 2017. Every effort will be made to conduct removal activities during this time period but activities are contingent upon weather conditions and site availability.

CITY OF AVON LAKE will be responsible for the following:

- Obtain Deer Permits from ODW and any other necessary authorizations naming APHIS WS as subpermittee.
- Provide a Project Coordinator during all phases of the project. The Project Coordinator shall be present and reachable via cellular phone during removal activities.
- Provide a centralized site for the storage of carcasses during nightly operations with the following minimum specifications: Enclosed garage or outbuilding with cement floor, drain, running water with standard hose connection, electricity and table or writing surface.
- Provide yearly white-tailed deer population estimates.
- Supply and place bait for baiting sites nightly for at least 1.5 weeks continuously prior to any removal operations and during any removal operations. Bait sites shall be agreed upon by APHIS WS and The CITY OF AVON LAKE.
- CITY OF AVON LAKE law enforcement shall verify that shooting areas are closed and empty of visitors ½ hour prior to removal operations.
- CITY OF AVON LAKE law enforcement shall be available during removal operations and in direct communications with APHIS WS.
- CITY OF AVON LAKE will ensure the Lorain County Metroparks is aware of sharpshooting activities in Kopf Family Reservation and will provide that notification in writing or by email and a copy of that correspondence shall be provided to APHIS WS.
- CITY OF AVON LAKE shall obtain a signed WS WID form or Lorain County Metroparks permit from the Lorain County Metroparks as needed for sharpshooting activities occurring within or near the perimeter of Kopf Family Reservation and shall provide a copy to APHIS WS.
- CITY OF AVON LAKE understands that work inside Kopf Family Reservation is contingent upon enough area for APHIS WS to operate without having to utilize lands owned by Lorain County Metroparks and that those sites must be agreed upon by APHIS WS and the CITY OF AVON LAKE before sharpshooting activities can begin.

- CITY OF AVON LAKE ensures a plan is in place to retrieve deer from properties in Kopf Family Reservation owned by Lorain County Metroparks in the rare event that deer removed by sharpshooting expire on their property and shall provide a copy of the agreed upon document to APHIS WS . If permits or permission is needed to accomplish the plan the CITY OF AVON LAKE will obtain the permits or permission (WS WID forms and/or other) and provide a copy to APHIS WS prior to any sharpshooting activities within or near the perimeter of Kopf Family Reservation.
- CITY OF AVON LAKE shall eviscerate, clean, and temporarily store deer carcasses immediately following daily operations.
- CITY OF AVON LAKE, if necessary, shall ice/cool carcasses in advance of carcass transportation to a venison processing facility.
- CITY OF AVON LAKE shall obtain a processor prior to removal operations and notify the processor that deer carcasses will come to them whole with innards intact. Transport of deer carcasses to the designated venison processor will occur within 24 hours of removal.
- CITY OF AVON LAKE shall maintain records as required by ODW and report results to ODW and APHIS WS upon completion of the program.

Monitoring of Accomplishments

APHIS WS will provide a final annual report to the City of Avon Lake no later than April 30 of the removal year.

Effective Dates

The cooperative agreement shall become effective on November 1, 2016 and shall expire on July 31, 2017.

**ATTACHMENT B
FINANCIAL PLAN**

Personnel Costs	\$ 25,812
Travel	\$ 0
Vehicle	\$ 421
Supplies	\$ 1,845
<u>Equipment</u>	<u>\$ 6,500</u>
Subtotal (Direct Costs)	\$ 34,578
Pooled Job Costs	\$ 3,803
<u>Indirect Costs</u>	<u>\$ 5,585</u>
TOTAL	\$43,966

The distribution of the budget from this Financial Plan may vary as necessary to accomplish the purpose of this agreement, but may not exceed **\$43,966**

Financial Point of Contact

CITY OF AVON LAKE: Steven J. Presley
150 Avon Belden Road
Avon Lake, Ohio 44012
Office: (440) 933-6141
spresley@avonlake.org

APHIS, WS: Virginia Green
4469 Professional Parkway
Groveport, OH 43125-9229
Office: (614) 993-3444
Fax: (614) 836-5597
Virginia.K.Green@aphis.usda.gov

BY: Mr. James

TEMP NO: 10775

RESOLUTION NO. _____

A RESOLUTION APPROVING THE USE OF SUBMERGED
LANDS, AND REPEALING RESOLUTION NO. 121-2016,
AND DECLARING AN EMERGENCY.

WHEREAS, a resident at 31906 Lake Road, in the City of Avon Lake has requested permission to install shoreline improvements, at Avon Lake, Lorain County, Ohio, and

WHEREAS, as part of the application to lease submerged land, the parties involved must submit to the Ohio Department of Natural Resources, a resolution from the Avon Lake City Council approving the proposed use of the submerged lands, now therefore;

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF AVON LAKE,
STATE OF OHIO:

Section No. 1: That the City of Avon Lake finds and determines that the submerged lands to be occupied by the proposed project at 31906 Lake Road are not necessary or required for the construction, maintenance, or operation by the municipal corporation of breakwaters, piers, docks, wharves, bulkheads, connecting ways, water terminal facilities and improvements and marginal highways in the aid of navigation and water commerce and that the land uses specified in the application comply with regulation of permissible land use under a waterfront plan of the local authority.

Section No. 2: That the property owner shall take the necessary precautions to avoid damage to the municipal infrastructure and shall be responsible for reimbursement to the City of any cost necessary to repair damage caused by the construction described in Section No. 1 herein.

Section No. 3: That prior to constructing the project described in Section No. 1 herein, the property owner shall contact the Public Works Department in order that said Public Works Department may inspect the property and municipal infrastructure in the area, by videotape or such other means, to assess the area prior to the project for the purpose of determining if any damage is incurred as a result of the construction of the project referred to herein.

Section No. 4: That the Clerk of Council is hereby authorized and directed to forward a certified copy of this

Resolution to the Ohio Department of Natural Resources, Office of Real Estate and Land Management.

Section No. 5: That Resolution No. 121-2016 is hereby repealed.

Section No. 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 which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 7: That this Resolution is hereby declared to be an emergency measure in order for the property owner to begin the approval process and to immediately secure materials to begin the erosion control project to protect the Lake Erie shoreline, thus for the public health, safety, and welfare. Therefore, this Resolution shall be in full force and effect from and immediately after its passage and approval by the Mayor.

1st reading:
2nd reading:
3rd reading:

PASSED:	_____	_____
		President of Council
POSTED:	_____	_____
		Approved
ATTEST:	_____	_____
	Clerk of Council	Mayor

ORDINANCE NO. _____

AN ORDINANCE AMENDING CODIFIED ORDINANCE CHAPTER 618, ENTITLED ANIMALS, AND DECLARING AN EMERGENCY.

WHEREAS, the Safety Committee recommended to Council an amendment to Codified Ordinance Chapter 618, entitled Animals, and

WHEREAS, Council coming now to consider said recommendation approves it in full, now therefore;

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON LAKE, STATE OF OHIO:

Section No. 1: That Codified Ordinance Section 618.20 (g) (2) is hereby amended as follows:

(g) Penalties.

(1) Whoever violates this section when the violation involves a nuisance dog is guilty of a misdemeanor of the fourth degree on the first offense, a misdemeanor of the third degree on the second offense, and a misdemeanor of the first degree on the third or any subsequent offense.

Notwithstanding the foregoing penalties, if the dog aggressively bites a domestic animal or human without provocation as a result of a violation of this section, then whoever violates this section is guilty of a misdemeanor of the first degree. Additionally, the court shall order the offender to complete dog obedience training within a specified period of time and provide written proof thereof to the Police Chief.

(2) Whoever violates this section when the violation involves a dangerous dog is guilty of a misdemeanor of the third degree on the first offense, a misdemeanor of the second degree on the second offense, and a misdemeanor of the first degree on the third or any subsequent offense.

Notwithstanding the foregoing penalties, if the dog aggressively bites a domestic animal or human without provocation as a result of a violation of this section, then whoever violates this section is guilty of a misdemeanor of the first degree. Additionally, the court shall order the offender to complete dog obedience training within a specified period of time and provide written proof thereof to the Police Chief. The court may further impose reasonable terms, conditions and restrictions deemed necessary to protect the public health, safety and welfare.

~~Notwithstanding the foregoing penalties, if the dog aggressively bites a domestic animal or human without provocation, causing serious injury, as a result of a violation of this section, then whoever violates this section is guilty of a misdemeanor of the first degree. The court may impose reasonable terms, conditions and restrictions deemed necessary to protect the public health, safety and welfare, including humane euthanasia of the dog by a licensed veterinarian.~~

Notwithstanding the foregoing penalties, if the dog kills a domestic animal or causes serious injury to a human as a result of a violation of this section, then whoever violates this section

is guilty of a misdemeanor of the first degree. The court may impose reasonable terms, conditions and restrictions deemed necessary to protect the public health, safety and welfare, including imposing additional keeping requirements on the dog while it is kept or harbored within the City, requiring the owner, keeper, or harborer of the dog to temporarily or permanently remove the dog from being kept or harbored in the City, or requiring humane euthanasia of the dog by a licensed veterinarian.

Section No. 2: That Codified Ordinance Chapter 618, entitled Animals, is hereby amended with the addition of Section 618.28, entitled Strict Liability.

618.28 STRICT LIABILITY

Strict liability is imposed for the violation of any provision of Sections 618.01, 618.19, 618.20, 618.22, 618.24, and 618.26.

Section No. 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 which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 4: That this Ordinance is hereby declared to be an emergency measure, the emergency being the necessity to amend the dangerous dog ordinance to ensure the safety of the public. Therefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

1st reading:
2nd reading:
3rd reading:

PASSED: _____
President of Council

POSTED: _____
Approved

ATTEST: _____

BY: Mr. Meiners

TEMP NO: 10777

ORDINANCE NO. _____

AN ORDINANCE CONFIRMING THE AWARD OF A CONTRACT
FOR THE PURCHASE OF COMPREHENSIVE INSURANCE
COVERAGE FOR THE CITY OF AVON LAKE, AND
DECLARING AN EMERGENCY.

WHEREAS, in accordance with the recommendations of the Finance Committee, the Director of Finance has advertised for bids for the procurement of comprehensive insurance coverage for the City of Avon Lake, and

WHEREAS, through Arthur J. Gallagher of Independence, Ohio, a proposal was received for said insurance coverage, and

WHEREAS, Council coming now to consider said proposal has determined that the proposal of Trident Insurance Company as submitted by their agent, Arthur J. Gallagher of Independence, Ohio, is the lowest and best responsible bid, now therefore,

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON LAKE,
STATE OF OHIO:

Section No. 1: That it is hereby confirmed to award Arthur J. Gallagher a contract for the purchase of a one year policy of comprehensive insurance coverage commencing November 1, 2016 for a total annual premium of \$114,696.00.

Section No. 2: Upon certification by the Mayor that Trident Insurance Company by their said authorized agent has furnished said policy of insurance coverage, as agreed, then the Director of Finance of the City of Avon Lake shall be, and he is hereby authorized and directed to issue to the Company or its said authorized agent, the warrant of this City under the terms of said contract and to cause said warrant to be paid.

Section No. 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 which resulted in such formal actions, were in meetings open to the public, in compliance with all legal requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 4: That this Ordinance is hereby declared to be an emergency measure, the emergency being the immediate necessity of providing for the protection of the City against claims for

damages, injury and loss arising out of municipal operations, and is in the best interest of the preservation of the peace, health, safety, and welfare of the City. Therefore, this Ordinance shall be in full force and effect from and immediately after its passage and approval by the Mayor.

PASSED: _____
President of Council

POSTED: _____
Approved

ATTEST: _____
Clerk of Council Mayor

BY: Mr. Meiners

TEMP NO: 10778

ORDINANCE NO. _____

AN ORDINANCE AMENDING ORDINANCE NO. 52-2016
AND DECLARING AN EMERGENCY.

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF AVON LAKE,
STATE OF OHIO:

Section No. 1: That Ordinance No. 52-2016 is hereby
amended as follows:

Section No. 1: That the bid by Valley Ford Truck, Inc.
of Cleveland, Ohio submitted through ODOT to supply the City with
two Ford F750 Plow Trucks for the Public Works Department ~~to be~~
~~paid in six years~~ at a total annual cost of ~~\$59,463.80~~
\$329,484.00 be and it is hereby accepted and approved.

Section No. 2: That the Mayor is hereby authorized to enter
into a lease agreement with ~~Valley Ford Truck, Inc.~~ **US Bank** to
provide **financing for** ~~the City of Avon Lake with~~ two Ford F750
Plow Trucks at a total annual cost of ~~\$59,463.80~~ **\$50,683.89** for
~~six~~ **seven** years, such Lease Agreement to be substantially in the
form presented to Council with such changes as may be acceptable
to the Mayor and the Law Director.

Section No. 2: 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 which resulted in such formal actions, were in
meetings open to the public, in compliance with all legal
requirements, including Section 121.22 of the Ohio Revised Code.

Section No. 3: That this Ordinance is hereby declared to be
an emergency measure, the emergency being the necessity of
arranging for a lease agreement with the most favorable terms in
order to lease safe and reliable equipment for the Public Works
Department to continue to provide services to residents, thus for
the health, safety, and welfare of public. Therefore, this
Ordinance shall be in full force and effect from and immediately
after its passage and approval by the Mayor.

PASSED: _____

President of Council

POSTED: _____

Approved

ATTEST: _____

Clerk of Council

Mayor