

NANCY E. FELLOWS
President of Council

JOHN PLECNIK
Vice President of Council

VICTORIA ANN SAVAGE, CMC
Clerk of Council

City of Willoughby Hills

ORDINANCE NO. 2019-53

Council

DAVID M. FIEBIG

CHRISTOPHER HALLUM

LAURA LENZ

JANET R. MAJKA

LAURA PIZMOHT

AN ORDINANCE AUTHORIZING AND DIRECTING THE MAYOR TO ENTER INTO A PROJECT GRANT/LOAN AGREEMENT WITH THE OHIO PUBLIC WORKS COMMISSION FOR THE SOLE AND EXPRESS PURPOSE OF FINANCING OR REIMBURSING COSTS OF THE DODD ROAD RESURFACING PROJECT AND DECLARING AN EMERGENCY.

WHEREAS, the State Capital Improvement Program and the Local Transportation Improvement Program both provide financial assistance to political subdivisions for capital improvement to public infrastructure; and

WHEREAS, the City of Willoughby Hills is planning to make capital improvements to resurface Dodd Road; and

WHEREAS, the infrastructure improvement herein above described is considered to be a priority need for the community and is a qualified project under the OPWC programs; and

WHEREAS, on October 11, 2018, the Council adopted Resolution No. 2018-17 authorizing and directing the Mayor to file an application with the Ohio Public Works Commission for funding in the amount of \$287,000 necessary for the Dodd Resurfacing Project; and

WHEREAS, pursuant to Section 164.05 of the Revised Code, the Director of the OPWC is empowered to (i) enter into agreements with Local subdivisions to provide loans, grants, and local debt support and credit enhancements for Capital Improvement Projects; and (ii) authorize payments to Local Subdivisions or their Contractors for costs incurred for Capital Improvement Projects which have been approved by the Director; and

WHEREAS, the City of Willoughby Hills desires to engage in the Capital Improvement Project described in Appendix A of the Agreement, attached hereto as the "Exhibit A"; and

WHEREAS, the Project has been duly recommended to the Director pursuant to Ohio Revised Code 164.06 by the District Committee of which the City is a part; and

NOW, THEREFORE, BE IT ORDAINED BY THE COUNCIL OF THE CITY OF WILLOUGHBY HILLS, COUNTY OF LAKE, STATE OF OHIO THAT:

SECTION 1. The Mayor is hereby authorized and directed to enter into a Project Grant/Loan Agreement by and between the State of Ohio, acting by and through the Director of the Ohio Public Works Commission for the sole and express purpose of financing or reimbursing costs of the Dodd Road Resurfacing Project, pursuant to the terms and conditions as identified in the *Ohio Public Works Commission Project Grant/Loan Agreement/State Capital Improvements Program* attached hereto as the "Exhibit A" consisting of twenty-two (22) pages and incorporated herein by reference.

SECTION 2. Subject to the terms and conditions contained within the **Ohio Public Works Commission Project Grant/Loan Agreement/State Capital Improvements Program**, the Director hereby grants to the City financial assistance for the sole and express purpose of paying or reimbursing the eligible costs certified to the Director under said Agreement for the completion of the Project.

SECTION 3. The Grant. The OPWC hereby agrees to provide financial assistance in the form of a grant, from the State Capital Improvements Fund, which constitutes the proceeds of the Infrastructure Bonds, in an amount not to exceed **Two Hundred Eight-Seven Thousand Seven Hundred Dollars (\$287,700)**.

SECTION 4. Once the abovementioned grant amount is fully expended, the loan amount will be drawn on for disbursing the remaining OPWC obligations contained in the Agreement, unless otherwise specified in Appendix A of said Agreement. If the loan amount is necessitated for the local share, grant and loan assistance will be disbursed concurrently.

SECTION 5. The Loan. On the terms and conditions of the Agreement, which are incorporated herein and made a part hereof, the OPWC shall lend to the City and the City shall borrow from the OPWC an amount not to exceed **Seventy-One Thousand Nine Hundred Dollars (\$71,900)**, the proceeds of which shall be utilized solely to finance the eligible project costs, and/or reimburse the City for its advance payment of such eligible project costs.

SECTION 6. The loan shall be disbursed by the OPWC to the City pursuant to Section V of the Agreement and the terms of repayment of the loan shall be as set forth in the Note and the City shall make all payments required to be made under the Note as and when due.

SECTION 7. The actions of this Council concerning and relating to the passage of this legislation were conducted in lawful meetings of this Council and that all deliberations of this Council and any of its committees that resulted in such formal action were in compliance with all legal requirements including Chapter 107 of the Codified Ordinances of the City of Willoughby Hills.

SECTION 8. This Ordinance is hereby deemed to be an emergency measure in order to insure the timely filing of said Project Agreement with the Ohio Public Works Commission to secure funding for the Dodd Road Resurfacing Project, same being deemed necessary for the immediate preservation of the public peace, safety and welfare of the inhabitants of the City of Willoughby Hills; therefore this Ordinance shall be in full force and effect from and after its adoption and approval by the Mayor.

PASSED: July 11, 2019

Nancy E. Fellows
Nancy E. Fellows
President of Council

Submitted to the Mayor for his approval
on this 11 day of July, 2019

Approved by the Mayor

July 12, 2019

ATTEST:
Victoria Ann Savage
Victoria Ann Savage, CMC
Clerk of Council

Robert M. Weger
Robert M. Weger
Mayor