

The City Record

Official Publication of the Council of the City of Cleveland



May the Eighteenth, Two Thousand and Five

Jane L. Campbell
Mayor

Frank G. Jackson
President of Council

Valarie J. McCall
City Clerk, Clerk of Council

Ward	Name
1	Joseph T. Jones
2	Robert J. White
3	Zachary Reed
4	Kenneth L. Johnson
5	Frank G. Jackson
6	Patricia J. Britt
7	Fannie M. Lewis
8	Sabra Pierce Scott
9	Kevin Conwell
10	Roosevelt Coats
11	Michael D. Polensek
12	Edward W. Rybka
13	Joe Cimperman
14	Nelson Cintron, Jr.
15	Merle R. Gordon
16	Kevin J. Kelley
17	Matthew Zone
18	Jay Westbrook
19	Dona Brady
20	Martin J. Sweeney
21	Michael A. Dolan

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Frank G. Jackson

Ward	Name	Residence	
1	Joseph T. Jones	4691 East 177th Street	44128
2	Robert J. White	9703 Cardwell Avenue	44105
3	Zachary Reed	3734 East 149th Street	44120
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Frank G. Jackson	2327 East 38th Street	44115
6	Patricia J. Britt	12402 Britton Drive	44120
7	Fannie M. Lewis	7416 Star Avenue	44103
8	Sabra Pierce Scott	9212 Kempton Avenue	44108
9	Kevin Conwell	10647 Ashbury Avenue	44106
10	Roosevelt Coats	1775 Cliffview Road	44112
11	Michael D. Polensek	17855 Brian Avenue	44119
12	Edward W. Rybka	6832 Indiana Avenue	44105
13	Joe Cimperman	3053 West 12th Street	44113
14	Nelson Cintron, Jr.	3004 Vega Avenue	44113
15	Merle R. Gordon	1700 Denison Avenue	44109
16	Kevin J. Kelley	6608 Woodhaven Avenue	44144
17	Matthew Zone	1228 West 69th Street	44102
18	Jay Westbrook	1278 West 103rd Street	44102
19	Dona Brady	1272 West Boulevard	44102
20	Martin J. Sweeney	3632 West 133rd Street	44111
21	Michael A. Dolan	16519 West Park Road	44111

City Clerk, Clerk of Council – Valarie J. McCall, 216 City Hall, 664-2840
 First Assistant Clerk – Sandra Franklin

MAYOR – Jane L. Campbell

Christopher S. Ronayne, Chief of Staff
 Darnell Brown, Chief Operating Officer
 Craig Tame, Executive Assistant
 Collette J. Appolito, Director, Office of Equal Opportunity
 Margreat A. Jackson, Legislative Affairs Liaison
 Erik Janas, Inter-Governmental Affairs Officer
 Lorna Wisham, Chief Public Affairs Officer

DEPT. OF LAW – Teresa M. Beasley, Director, Richard F. Horvath, Chief Counsel, Rm. 106
 Karen E. Martines, Law Librarian, Room 100

DEPT. OF FINANCE – Robert H. Baker, Director, Room 104;

Frank Badalamenti, Manager, Internal Audit
 DIVISIONS: Accounts – Alan Schneider, Commissioner, Room 19
 Assessments and Licenses – Dedrick Stephens, Commissioner, Room 122
 City Treasury – Algeron Walker, Treasurer, Room 115
 Financial Reporting and Control – James Gentile, Controller, Room 18
 Information Technology and Services – Douglas Divish, Commissioner, 1404 East 9th Street
 Purchases and Supplies – James E. Hardy, Commissioner, Room 128
 Printing and Reproduction – Michael Hewitt, Commissioner, 1735 Lakeside Avenue
 Taxation – Nassim Lynch, Tax Administrator, 1701 Lakeside Avenue

DEPT. OF PUBLIC UTILITIES – Julius Ciaccia, Director, 1201 Lakeside Avenue

DIVISIONS – 1201 Lakeside Avenue
 Cleveland Public Power – James F. Majer, Commissioner
 Street Lighting Bureau – _____, Acting Chief
 Utilities Fiscal Control – Dennis Nichols, Commissioner
 Water – John Christopher Nielson, Commissioner
 Water Pollution Control – Ollie Shaw, Commissioner

DEPT. OF PORT CONTROL – John C. Mok, Director

Cleveland Hopkins International Airport, 5300 Riverside Drive
 Burke Lakefront Airport – Khalid Bahhur, Commissioner
 Cleveland Hopkins International Airport – Fred Szabo, Commissioner

DEPT. OF PUBLIC SERVICE – Mark Ricchiuto, Director, Room 113

DIVISIONS: Architecture – Kurt Wiebusch, Commissioner, Room 517
 Engineering and Construction – Randall E. DeVaul, Commissioner, Room 518
 Motor Vehicle Maintenance, Daniel A. Novak, Commissioner, Harvard Yards
 Streets – Randell T. Scott, Commissioner, Room 25
 Traffic Engineering – Robert Mavec, Commissioner, 4150 East 49th Street, Building #1
 Waste Collection and Disposal – Ron Owens, Commissioner, 5600 Carnegie Avenue

DEPT. OF PUBLIC HEALTH – Matthew Carroll, Director, Mural Building, 1925 St. Clair Ave.

DIVISIONS: Air Quality – Richard L. Nemeth, Commissioner
 Correction – Robert Taskey, Commissioner, Cleveland House of Corrections, 4041 Northfield Rd.
 Environment – Willie Bess, Commissioner, Mural Building, 1925 St. Clair Ave.
 Health – Anjou Parekh, Commissioner, Mural Building, 1925 St. Clair Ave.

DEPT. OF PUBLIC SAFETY – Sanford E. Watson, Director, Room 230

DIVISIONS: Dog Pound – John Baird, Chief Dog Warden, 2690 West 7th Street
 Emergency Medical Service – Edward Eckart, Commissioner, 1708 South Pointe Drive
 Fire – Paul A. Stubbs, Chief, 1645 Superior Avenue
 Police – Michael C. McGrath, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street

DEPT. OF PARKS, RECREATION & PROPERTIES – Natalie A. Ronayne, Director

Cleveland Convention Center, Clubroom A, 1220 East 6th Street
 DIVISIONS: Convention Center & Stadium – James Glending, Commissioner
 Public Auditorium, East 6th Street and Lakeside Avenue
 Parking Facilities – Dennis Donahue, Commissioner
 Public Auditorium, East 6th Street and Lakeside Avenue
 Park Maintenance and Properties – Richard L. Silva, Commissioner
 Public Auditorium – East 6th Street and Lakeside Avenue
 Property Management – Tom Nagle, Commissioner, East 49th Street & Harvard
 Recreation – Michael Cox, Commissioner, Room 8
 Research, Planning & Development – Mark Fallon, Commissioner, 1501 N. Marginal Road
 Burke Lakefront Airport

DEPT. OF COMMUNITY DEVELOPMENT – Daryl Rush, Director, 3rd Floor, City Hall

DIVISIONS: Administrative Services – Terrence Ross, Commissioner
 Neighborhood Services – Louise V. Jackson, Commissioner
 Neighborhood Development – Joseph A. Sidoti, Commissioner

DEPT. OF BUILDING AND HOUSING – James G. Williams, Director, Room 500

DIVISIONS: Code Enforcement – Tyrone L. Johnson, Commissioner
 Construction Permitting – Timothy R. Wolosz, Commissioner

DEPT. OF PERSONNEL AND HUMAN RESOURCES – Gina Routen, Director, Room 121

DEPT. OF ECONOMIC DEVELOPMENT – Gregory G. Huth, Director, Room 210

DEPT. OF AGING – Jane E. Fumich, Director, Room 122

DEPT. OF CONSUMER AFFAIRS – Kenya Taylor, Director

COMMUNITY RELATIONS BOARD – Room 111, Jeffrey D. Johnson, Director; Mayor Jane

L. Campbell, Chairman Ex-Officio; Rev. Charles Lucas, Jr., Vice-Chairman; Councilman Kevin Conwell, Councilman Matthew Zone, City Council Representatives; Charles L. Patton, Jr., Paula Castleberry, Emmett Saunders, John Banno, Kathryn M. Hall, Evangeline Hardaway, Janet Jankura, Gia Hoa Ryan, Rev. Jesse Harris, Magda Gomez, Fred J. Livingstone, Margot James Copeland.

CIVIL SERVICE COMMISSION – Room 119, Reynaldo Galindo, President; Rev. Earl

Preston, Vice President; Jonalyn M. Krupka, Secretary; Members: Diane M. Downing, William Morrison.

SINKING FUND COMMISSION – Jane L. Campbell, President; Council President Frank

G. Jackson; Betsy Hruby, Asst. Sec'y.; Robert H. Baker, Director.

BOARD OF ZONING APPEALS – Room 516, Carol A. Johnson, Chairman; Members;

Margaret Hopkins, Ozell Dobbins, Joan Shaver Washington, Tim Donovan, _____, Secretary.

BOARD OF BUILDING STANDARDS AND BUILDING APPEALS – Room 516, J. F.

Denk, Chairman; James Williams, Arthur Saunders, Alternate Members – D. Cox, P. Frank, E. P. O'Brien, Richard Pace, J.S. Sullivan.

BOARD OF REVISION OF ASSESSMENTS – Law Director Teresa M. Beasley, President;

Finance Director Robert H. Baker, Secretary; Council President Frank G. Jackson.

BOARD OF SIDEWALK APPEALS – Service Director Mark Ricchiuto; Law Director

Teresa M. Beasley; Councilman Martin J. Sweeney.

BOARD OF REVIEW – (Municipal Income Tax) – Law Director Teresa M. Beasley; Utilities

Director Julius Ciaccia; Council President Frank G. Jackson.

CITY PLANNING COMMISSION – Room 501 – Robert N. Brown, Director; Anthony J.

Coyne, Chairman; David Bowen, Lillian W. Burke, Lawrence A. Lumpkin, Gloria Jean Pinkney, Rev. Sam Edward Small, Councilman Joseph Cimperman.

FAIR EMPLOYMENT WAGE BOARD – Room 210 – Gerald Meyer, Chair; Angela

Caldwell, Vice Chair; Patrick Gallagher, Kathryn Jackson, Draydean McCaleb, Council Member Nelson Cintron, Ed Romero.

HOUSING ADVISORY BOARD – Room 310 – Keith Brown, Terri Hamilton Brown, Vickie

Eaton-Johnson, Mike Foley, Eric Hodderson, Janet Loehr, Mark McDermott, Marcia Nolan, David Perkowski, Joan Shaver Washington, Keith Sutton, Council Member Merle Gordon.

FAIR HOUSING BOARD – Charles See, Chair; Cindy Barber, Vice Chair; Michael Doud,

Doris Honsa, Richard Lenard.

CLEVELAND BOXING AND WRESTLING COMMISSION – Robert Jones, Chairman;

Clint Martin, Mark Rivera.

MORAL CLAIMS COMMISSION – Law Director Teresa M. Beasley; Chairman; Finance

Director Robert H. Baker; Council President Frank G. Jackson; Councilman Dona Brady; Councilman Martin J. Sweeney.

BOARD OF EXAMINERS OF ELECTRICIANS – Samuel Montfort, Chairman; Donald

Baulknlight, Anton J. Eichmuller, J. Gilbert Steele, Raymond Ossovicki, Chief Electrical Inspector; Laszlo V. Kemes, Secretary to the Board.

BOARD OF EXAMINERS OF PLUMBERS – Joseph Gyorky, Chairman; Earl S. Bumgarner,

Alfred Fowler, Jozef Valencik, Lawrence Skule, Chief Plumbing Inspector; Laszlo V. Kemes, Secretary to the Board.

CLEVELAND LANDMARKS COMMISSION – Room 519 – James D. Gibans, Chair;

Randall B. Shorr, Vice Chair; Kevin Dreyfuss-Wells, India Pierce Lee, Laura M. Noble, Robert N. Brown, N. Kurt Wiebusch, Council Member Joe Cimperman, Robert Jackimowicz; Robert Keiser, Secretary.

CLEVELAND MUNICIPAL COURT JUSTICE CENTER – 1200 ONTARIO STREET JUDGE COURTROOM ASSIGNMENTS

Judge	Courtroom
Presiding and Administrative Judge Larry A. Jones	14B
Judge Ronald B. Adrine	15A
Judge Emanuella Groves	13A
Judge Mabel M. Jasper	14D
Judge Kathleen Ann Keough	13D
Judge Anita Laster Mays	14C
Judge Lauren C. Moore	12B
Judge Raymond L. Pianka (Housing Court Judge)	13B
Judge Angela R. Stokes	15C
Judge Joan Syneberg	12A
Judge Pauline H. Tarver	12C
Judge Robert J. Triozzi	14A
Judge Joseph J. Zone	13C

Earle B. Turner – Clerk of Courts, Michael E. Flanagan – Court Administrator, Paul J. Mizerak – Bailiff;
 Regina Daniel – Chief Probation Officer, Gregory F. Clifford – Chief Magistrate

The City Record



OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 92

WEDNESDAY, MAY 18, 2005

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CITY COUNCIL

MONDAY, MAY 16, 2005

The City Record

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Address all communications to

VALARIE J. McCALL

City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2002-2005

MONDAY

9:30 A.M. — **Public Parks, Property & Recreation Committee:** Johnson, Chairman; White, Vice Chairman; Cimperman, Dolan, Jones, Rybka, Sweeney.

MONDAY—Alternating

11:00 A.M. — **Public Service Committee:** Sweeney, Chairman; Jones, Vice Chairman; Brady, Cimperman, Johnson, Kelley, Polensek, White, Zone.

11:00 A.M. — **Employment, Affirmative Action & Training Committee:** Lewis, Chairman; Conwell, Vice Chairman; Cintron, Coats, Johnson, Reed, Polensek.

MONDAY

2:00 P.M. — **Finance Committee:** Jackson, Chairman; Sweeney, Vice Chairman; Brady, Britt, Cimperman, Coats, Gordon, Reed, Pierce Scott, Westbrook, White.

TUESDAY

9:30 A.M. — **Community and Economic Development Committee:** Gordon, Chairman; Cimperman, Vice Chairman; Cintron, Coats, Jones, Lewis, Reed, Pierce Scott, Zone.

TUESDAY—Alternating

1:00 P.M. — **Health & Human Services Committee:** Britt, Chairman; Zone, Vice Chairman; Cintron, Conwell, Gordon, Pierce Scott, Polensek.

1:30 P.M. — **Legislation Committee:** White, Chairman; Pierce Scott, Vice Chairman; Dolan, Gordon, Johnson, Rybka, Westbrook.

WEDNESDAY—Alternating

10:00 A.M. — **Aviation & Transportation Committee:** Westbrook, Chairman; Sweeney, Vice Chairman; Britt, Dolan, Gordon, Reed, Rybka.

10:00 A.M. — **Public Safety Committee:** Reed, Chairman; Britt, Vice Chairman; Brady, Coats, Conwell, Jones, Kelley, White, Zone.

WEDNESDAY—Alternating

1:30 P.M. — **Public Utilities Committee:** Coats, Chairman; Brady, Vice Chairman; Cintron, Jones, Kelley, Polensek, Sweeney, Westbrook, Zone.

1:30 P.M. — **City Planning Committee:** Cimperman, Chairman, Rybka, Vice Chairman, Conwell, Kelley, Lewis, Pierce Scott, Westbrook.

The following Committees are subject to the Call of the Chairman:
Rules Committee: Jackson, Chairman; Reed, Sweeney, Westbrook.

Personnel and Operations Committee: Gordon, Chairman; Britt, Cimperman, Coats, Pierce Scott.

Mayor's Appointment Committee: Coats, Chairman; Cintron, Reed, Pierce Scott, Westbrook.

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio
Monday, May 16, 2005

The meeting of the Council was called to order, The President, Frank G. Jackson, in the Chair.

Council Members present: Brady, Britt, Cimperman, Cintron, Coats, Conwell, Gordon, Johnson, Jones, Kelley, Lewis, Pierce Scott, Polensek, Reed, Rybka, Sweeney, Westbrook, White and Zone.

Also present were Mayor Campbell, Chief of Staff Ronayne, and Directors Beasley, Baker, Mok, Riechiuto, Carroll, Watson, N. Ronayne, Rush, Williams, Routen, Huth, Fumich, Johnson, Appolito, Brown, Johnson, and Margreat Jackson, Legislative Liaison.

Pursuant to Ordinance No. 2926-76, prayer was offered by Rabbi Alan Lettovsky of Beth Israel The West Temple. Pledge of Allegiance.

MOTION

On the motion of Council Member Gordon, the reading of the minutes of the last meeting was dispensed with and the journal approved. Seconded by Council Member Rybka.

COMMUNICATIONS

File No. 986-05.

From The Richard E. Jacobs Group, Inc. — Independent Auditor annual report re: Public Square North Community Urban Redevelopment Corporation, Mall A Community Urban Redevelopment Corporation and Memorial Park Garage Community Urban Redevelopment Corporation. Received.

File No. 987-05.

From the Cleveland Theater District Development Corporation — 2004 annual report and year-end financial summary. Received.

File No. 988-05.

From the Ohio Department of Transportation re: Cuyahoga County — City of Cleveland, Project No. 267(05) West 53rd Street, copy of cooperative contract. Received.

FROM DEPARTMENT OF LIQUOR CONTROL

File No. 989-05.

Re: New Application — 7150557 — RPH & Associates, Inc., d.b.a. Vinea, 1220 Huron Road, first floor with side. (Ward 13). Received.

File No. 990-05.

Re: Transfer of Ownership Application — 1775791 — Couple of Paisans LLC, d.b.a. Raging Bull Tavern, first floor and basement, 2071-2075 Broadview Road. (Ward 15). Received.

File No. 991-05.

Re: Transfer of Ownership Application — 7709514 — Santiago Sanchez Entertainment Group LLC, 5004 Storer Avenue. (Ward 14). Received.

File No. 992-05.

Re: Transfer of Ownership and Location Application — 9322955 — W. 25th Arabic Restaurant, Inc., d.b.a. Kanzaman Restaurant, 1917 West 25th Street. (Ward 14). Received.

PLATS

File No. 993-05.

Literary Bluffs, Phase 3 — A Townhouse Residential Development. (Ward 13).

Approved by Public Service and City Planning Committees.

File No. 994-05.

Replat of the Cloisters — Slavic Village Subdivision. (Ward 12).

Approved by Committees on Public Service and City Planning.

CONDOLENCE RESOLUTIONS

The rules were suspended and the following Resolutions were adopted by a rising vote:

- Res. No. 995-05**—Lela V. Leftridge.
Res. No. 996-05—Eugenia J. Curry.
Res. No. 997-05—Patrick A. Wingfield.
Res. No. 998-05—Loretta Parker.

CONGRATULATION RESOLUTIONS

The rules were suspended and the following Resolutions were adopted without objection:

- Res. No. 999-05** — Federation of India Commun Associations.
Res. No. 1000-05 — Sr. Mary Helen Jazckowski.
Res. No. 1001-05 — Sr. Joan of Arc Majkrzak.
Res. No. 1002-05 — Rev. Joseph Mecer, OSF.
Res. No. 1003-05 — Sr. Laura Bregar.

RECOGNITION RESOLUTION

The rules were suspended and the following Resolution was adopted without objection:

- Res. No. 1004-05**—Ottoman Turks.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 940-05.
 By Mayor Campbell.

An emergency ordinance to amend Section 413.031 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 176-A-05, passed May 2, 2005, relating to the use of automated cameras to impose civil penalties upon red light and speeding violators.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore

Be it ordained by the Council of the City of Cleveland:

Section 1. That Section 413.031 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 176-A-05, passed May 2, 2005, is amended to read as follows:

Section 413.031 Use of Automated Cameras to Impose Civil Penalties upon Red Light and Speeding Violators

(a) *Civil enforcement system established.* The City of Cleveland hereby adopts a civil enforcement system for red light and speeding offenders photographed by means of an "automated traffic enforcement camera system" as defined in division (m). This civil enforcement system imposes monetary liability on the owner of a vehicle for failure of an operator to stop at a traffic signal displaying a steady red light indication or for the failure of an operator to comply with a speed limitation.

(b) *Red light offense - liability imposed.* The owner of a vehicle shall be liable for the penalty imposed under this section if the vehicle crosses a marked stop line or the intersection plane at a system location when the traffic signal

for that vehicle's direction is emitting a steady red light.

(c) *Speeding offense - liability imposed.* The owner of a vehicle shall be liable for the penalty imposed under this section if the vehicle is operated at a speed in excess of the limitations set forth in Section 433.03.

(d) *Liability does not constitute a conviction.* The imposition of liability under this section shall not be deemed a conviction for any purpose and shall not be made part of the operating record of any person on whom the liability is imposed.

(e) *Other offenses and penalties not abrogated.* Nothing in this section shall be construed as altering or limiting Sections 433.03 or 413.03 of these Codified Ordinances, the criminal penalties imposed by those sections, or the ability of a police officer to enforce those sections against any offender observed by the officer violating either of those sections. Nothing in this section shall be construed to limit the liability of an operator of a vehicle for any violation of division (b) or (c) of this section.

(f) *Selection of camera sites.*

(1) The selection of the sites where automated cameras are placed and the enforcement of this ordinance shall be made on the basis of sound professional traffic engineering and law enforcement judgments.

(2) **The Director of Public Safety shall select the camera sites in the interests of public safety and welfare based upon the principles established in this section.**

(3) Automated cameras shall not be placed at any site where the speed restrictions or the timing of the traffic signal fail to conform to sound professional traffic engineering principles.

(4) **The review of possible sites shall include a field survey by the Commissioner of Traffic Engineering to insure that its speed restriction and its traffic signs and signals currently conform to sound traffic engineering principles. If the site does not so conform, the Traffic Engineer shall cause it to be corrected before further consideration is given to that site.**

(5) **The Director shall include in the review of each site consideration of each of the following:**

A. The number of citations issued for red light or speed offenses at the proposed site;

B. The number of traffic accidents and collisions that have occurred at the site;

C. The number of such accidents or collisions that resulted in bodily injuries and deaths.

(6) **The Director shall further regard pedestrian safety as of paramount concern and shall, through the selection process, attempt to identify sites where introducing automated cameras are likely to reduce the incidence of pedestrian injuries caused by motorists speeding or crashing red lights.**

(7) **The Director shall not propose a site or cause it to be announced in the City Record without first consulting with the appropriate council members, the Director of Public Service, the Police Traffic Commis-**

sioner, and the Commissioner of Traffic Engineering.

(g) *Publication of the sites selected.*

The Director of Public Safety shall cause notice to be published in the City Record of each site where a red light camera or fixed speed camera will be placed. The camera system may be placed at a given site fourteen days after publication of notice in the City Record, unless this Council passes an ordinance or resolution in opposition to the site in that fourteen-day period, or until the next regularly scheduled meeting of Council, whichever occurs later.

The Director of Public Safety shall cause the general public to be notified by means of a press release issued at least thirty days before any given camera is made fully operational and is used to issue tickets to offenders. Before a given camera issues actual tickets, there shall be a period of at least two weeks, which may run concurrently with the 30-day public-notice period, during which only "warning" notices shall be issued.

At each site of a red light or fixed speed camera, the Director of Public Service shall cause signs to be posted to apprise ordinarily observant motorists that they are approaching an area where an automated camera is monitoring for red light or speed violators. Mobile speed units shall be plainly marked vehicles.

(h) *Notices of liability.* Any ticket for an automated red light or speeding system violation under this section shall:

(1) Be reviewed by a Cleveland police officer;

(2) Be forwarded by first-class mail or personal service to the vehicle's registered owner's address as given on the state's motor vehicle registration, and

(3) Clearly state the manner in which the violation may be appealed.

(i) *Penalties.* Any violation of division (b) or division (c) of this section shall be deemed a noncriminal violation for which a civil penalty shall be assessed and for which no points authorized by Section 4507.021 of the Revised Code ("Point system for license suspension") shall be assigned to the owner or driver of the vehicle.

(j) *Ticket evaluation, public service, and appeals.* The program shall include a fair and sound ticket-evaluation process that includes review by the vendor and a police officer, a strong customer-service commitment, and an appeals process that accords due process to the ticket respondent and that conforms to the requirements of the Ohio Revised Code.

(k) *Appeals.* A notice of appeal shall be filed with the Hearing Officer within twenty-one (21) days from the date listed on the ticket. The failure to give notice of appeal or pay the civil penalty within this time period shall constitute a waiver of the right to contest the ticket and shall be considered an admission.

Appeals shall be heard by the Parking Violations Bureau through an administrative process established by the Clerk of the Cleveland Municipal Court. At hearings, the strict rules of evidence applicable to

courts of law shall not apply. The contents of the ticket shall constitute a prima facie evidence of the facts it contains. Liability may be found by the hearing examiner based upon a preponderance of the evidence. If a finding of liability is appealed, the record of the case shall include the order of the Parking Violations Bureau, the Ticket, other evidence submitted by the respondent or the City of Cleveland, and a transcript or record of the hearing, in a written or electronic form acceptable to the court to which the case is appealed.

Liability shall not be found where the evidence shows that the automated camera captured an event is not an offense, including each of the following events and such others as may be established by rules and regulations issued by the Director of Public Safety under the authority of division (n) of this section:

1) The motorist stops in time to avoid violating a red light indication;

2) The motorist proceeds through a red light indication as part of funeral procession;

3) The motorist is operating a City-owned emergency vehicle with its emergency lights activated and proceeds through a red light indication or exceeds the posted speed limitation;

4) The motorist is directed by a police officer on the scene contrary to the traffic signal indication.

Liability shall also be excused if a vehicle is observed committing an offense where the vehicle was stolen prior to the offense and the owner has filed a police report;

The Director of Public Safety, in coordination with the Parking Violations Bureau, shall establish a process by which a vehicle owner who was not the driver at the time of the alleged offense may, by affidavit, name the person who the owner believes was driving the vehicle at the time. Upon receipt of such an affidavit timely submitted to the Parking Violations Bureau, the Bureau shall suspend further action against the owner of the vehicle and instead direct notices and collection efforts to the person identified in the affidavit. If the person named in the affidavit, when notified, denies being the driver or denies liability, then the Parking Violations Bureau shall resume the notice and collection process against the vehicle owner, the same as if no affidavit had been submitted, and if the violation is found to have been committed by a preponderance of evidence, the owner shall be liable for any penalties imposed for the offense.

A decision in favor of the City of Cleveland may be enforced by means of a civil action or any other means provided by the Revised Code.

(l) **Evidence of ownership.** It is prima facie evidence that the person registered as the owner of the vehicle with the Ohio Bureau of Motor Vehicles, or with any other State vehicle registration office, was operating the vehicle at the time of the offenses set out in divisions (b) and (c) of this section.

(m) **Program oversight.** The Director of Public Safety shall oversee the program authorized by this

Section. **The selection of the locations of red light and fixed speed cameras shall be made by the Director of Public Safety as specified in divisions (f) and (g) in consultation with the appropriate council members, the Director of Public Service, the Police Traffic Commissioner, and the Commissioner of Traffic Engineering.** The Director of Public Service shall oversee the installation and maintenance of all automated cameras. **An encroachment permit shall not be required for the placement of automated red light or fixed speed cameras.**

(n) **Rules and Regulations.** The Director of Public Safety may issue rules and regulations to carry out the provisions of these sections, which shall be effective thirty (30) days after publication in the **City Record**.

(o) **Establishment of Penalty.** The penalty imposed for a violation of division (b) or (c) of this section shall be follows:

413.031(b)	All violations	\$100.00
413.031(c)	Up to 24 mph over the speed limit	\$100.00
	25 mph or more over the speed limit	\$200.00
	Any violation of a school or construction zone speed limit	\$200.00

Late penalties

For both offenses, if the penalty is not paid within 20 days from the date of mailing of the ticket to the offender, an additional \$20.00 shall be imposed, and if not paid with 40 days from that date, another \$40.00 shall be imposed, for a total additional penalty in such a case of \$60.00.

(p) **Definitions.** As used in this section:

(1) "Automated traffic enforcement camera system" means an electronic system consisting of a photographic, video, or electronic camera and a vehicle sensor installed to work alone or in conjunction with an official traffic controller and to automatically produce photographs, video, or digital images of each vehicle violating divisions (b) or (c).

(2) "System location" is the approach to an intersection or a street toward which a photographic, video or electronic camera is directed and is in operation. It is the location where the automated camera system is installed to monitor offenses under this section.

(3) "Vehicle owner" is the person or entity identified by the Ohio Bureau of Motor Vehicles, or registered with any other State vehicle registration office, as the registered owner of a vehicle.

Section 2. That existing Section 413.031 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 176-A-05, passed May 2, 2005, is repealed.

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it

shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Public Safety, Public Service, Finance, Law; Committees on Public Safety, Public Service, Legislation, Finance.

Ord. No. 941-05.
By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the Director of Finance to accept a gift of onsite data gathering and an analysis from Advizek Technologies, for the Department of Finance.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Finance is authorized to accept on behalf of the City of Cleveland, a gift to provide an assessment and analysis of the of the City's current data storage environment to aid with developing the citywide information technology strategic plan storage requirements, valued at \$25,000, from Advizek Technologies.

Section 2. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Finance, Law; Committee on Finance.

Ord. No. 942-05.
By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the Director of Finance to accept a gift of a high capacity wireless link from Winncom Technologies Corporation, for the Department of Finance.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Finance is authorized to accept on behalf of the City of Cleveland, a gift of a high capacity wireless link to connect at least one safety district to the City's existing INET fiber optic network, including maintenance and support while the Division of Information Technology and Services and the Department of Public Safety tests the link's performance, valued at \$30,000, from Winncom Technologies Corporation.

Section 2. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Finance, Law; Committee on Finance.

Ord. No. 943-05.

By Council Members Gordon and Jackson (by departmental request).

An emergency ordinance providing for the issuance and sale of Taxable Urban Renewal Temporary Refunding Bonds in the principal amount not to exceed \$4,375,000 for the purpose of (1) refunding outstanding Taxable Urban Renewal Notes, Series 2003 which were issued to refund outstanding Taxable Urban Revenue Notes, Series 2002 issued for the purpose of acquiring property for Urban Renewal Project Activities and (2) paying certain costs of issuance of said Refunding Bonds; and authorizing related matters.

Whereas, under Article VIII, Section 13 of the Ohio Constitution and Chapter 725 of the Ohio Revised Code (the "Act"), the City has the power to undertake and carry out urban renewal projects pursuant to urban renewal plans approved by the City from time to time, and the City has undertaken and carried out and intends to undertake and carry out urban renewal activities for the elimination of blight and for the prevention of the development and spread of blight and deterioration within its designated urban renewal areas; and

Whereas, the City has undertaken a program for the clearance and reconstruction of blighted areas within its boundaries and, in connection therewith, is engaged in carrying out the following development projects: (a) the Erieview II Neighborhood Development Plan No. Ohio A-8 (the "Erieview II Development Plan") in an area bounded generally on the north by Lakeside Avenue, on the east by East 17th Street, on the south by Superior Avenue, and on the west by East 12th Street (the "Erieview II Plan Area") and (b) the Erieview I Renewal Project No. Ohio R-36 (the "Erieview I Development Plan") in an area bounded generally on the north by Lakeside Avenue, on the east by East 14th Street on the south by Chester Avenue and on the west by East 6th Street (the "Erieview I Plan Area"), which Erieview I Development Plan and Erieview II Development Plan (together the "Development Plans") remain in force and effect; and

Whereas, the Council of the City, by Ordinance Nos. 1634-73 and 2428-60, passed on April 8, 1974, and December 12, 1960, respectively, as amended from time to time, designated the Erieview II Plan Area and the Erieview I Plan Area (collectively, the "Plan Areas") as blighted areas and encouraged the redevelopment of certain parcels within the Plan Area in accordance with the requirements of the Development Plans in order to prevent the recurrence or spread of conditions of blight; and

Whereas, pursuant to Ordinance No. 1108-87, passed June 8, 1987, as amended by Ordinance No. 3012-88, passed February 6, 1989, and Ordinance No. 1374-91, passed June 17, 1991, and Ordinance No. 1713-91, passed August 21, 1991, the Director of Community Development entered into certain agreements (the "Agreements") with Jacobs, Visconti & Jacobs Co. and its assignees (the "Reveloper"), relating to the

redevelopment of certain real property in the Plan Areas; and

Whereas, the Agreements, as amended, provide that in the event of a default under the Agreements, the City is entitled to repurchase Parcels 22-A-2, 9-B, and the additional properties (collectively, the "Properties"), as defined in and pursuant to the terms and conditions set forth in the Agreements; and

Whereas, pursuant to Ordinance No. 168-A-01, passed August 15, 2001, the City: (1) exercised its rights to repurchase the above-referenced Properties as provided in the Agreements and purchased the Properties; and (2) pursuant to Article VIII, Section 13 of the Ohio Constitution and the Act, and particularly Section 725.05(C) of the Revised Code, the City issued Urban Renewal Temporary Bonds captioned \$4,200,000 City of Cleveland, Ohio Taxable Urban Renewal Notes, Series 2001 (the "Prior Bonds"), dated November 1, 2001 and maturing on November 1, 2002, in the principal amount of \$4,200,000 for the purpose of paying costs of carrying out urban renewal project activities in the Plan Areas in accordance with the Development Plans and the Act, including without limitation, direct and indirect costs of acquiring the Properties, preparing the Properties for redevelopment, title, appraisal, planning, engineering and legal costs related thereto, and paying Financing Costs (as defined below) related to issuing the Prior Bonds (the "Project"); and

Whereas, pursuant to Ordinance No. 1709-02 dated September 16, 2002 the City issued its \$4,250,000 Taxable Urban Renewal Refunding Notes, Series 2002 ("Prior Bonds Series 2002") to currently refund all of the Prior Bonds; and

Whereas, pursuant to Ordinance No. 1181-03 dated July 16, 2003 the City issued its \$4,300,000 Taxable Urban Renewal Refunding Notes, Series 2003 ("Prior Bonds Series 2003") to currently refund the Prior Bonds Series 2002; and

Whereas, the City now has determined to issue Temporary Bonds to refund the Prior Bonds Series 2003 and to pay Financing Costs; and

Whereas, it is necessary to issue the Urban Renewal Temporary Refunding Bonds (the "Temporary Bonds") herein authorized and to do so as soon as possible in order to timely retire the Prior Bonds Series 2003 and to take advantage of current market interest rates, thereby preserving the credit of the City and reducing debt service payable by the City, and, as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public property, health, and safety and for the usual and daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

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

"Book entry form" or "Book entry system" means a form or system

under which (a) the ownership of book entry interests in the Temporary Bonds and the principal of and interest on the Temporary Bonds may be transferred only through a book entry, and (b) physical Bond certificates in fully registered form are issued only to a Depository or its nominee as registered owner, with the physical Bond certificates "immobilized" in the custody of the Depository or its agent. The book entry system is maintained by and is the responsibility of the Depository and not the City or the Bond Registrar. The book entry is the record that identifies, and records the transfer of the interests of, the owners of beneficial (book entry) interests in the Temporary Bonds.

"Certificate of Award" means the certificate authorized by Section 3, to be executed by the Director of Finance, setting forth and determining those terms or other matters pertaining to the Temporary Bonds and their amount, issuance, sale and delivery as this Ordinance requires or authorizes to be set forth or determined in it.

"Continuing Disclosure Certificate" means the certificate authorized by Section 12 which, together with the agreements of the City set forth in that Section, shall constitute the continuing disclosure agreement made by the City for the benefit of holders and beneficial owners of the Temporary Bonds in accordance with the Rule.

"Credit Support Instrument" means a letter of credit, an insurance policy, or other credit enhancement or liquidity device provided to enhance the security or liquidity of the Temporary Bonds.

"Debt Retirement Fund" means the Urban Renewal Debt Retirement Fund established pursuant to Section 10.

"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 book entry interests in Temporary Bonds or the principal of and interest on the Temporary Bonds, and to effect transfers of Temporary Bonds, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Financial Advisor" means either or both of Government Capital Management, LLC and Columbia Equity Financial Corp.

"Financing Costs" has the meaning provided in Section 133.01 of the Revised Code.

"Nontax Revenues" means all moneys of the City which are not moneys raised by taxation, to the extent available for the purpose of paying debt charges on the Temporary Bonds, including, but not limited to the following: (a) grants from the United States of America and the State; (b) payments in lieu of taxes now or hereafter authorized by State statute; (c) fines and forfeitures which are deposited in the City's General Fund; (d) fees deposited in the City's General Fund for services provided and from properly imposed licenses and permits; (e) investment earnings on the City's General

Fund; (f) investment earnings on other funds of the City that are credited to the City's General Fund; (g) proceeds from the sale of assets which are deposited in the City's General Fund; (h) gifts and donations; and (i) all rental payments which are deposited in the City's General Fund.

"Original Purchaser" means the original purchasers of the Temporary Bonds: SBK-Brooks Investment Corp., and A.G. Edwards.

"Proceedings" means collectively, this Ordinance, the Certificate of Award, the Continuing Disclosure Certificate and such other proceedings of the City, including the Temporary Bonds, that provide collectively for, among other things, the rights of holders and beneficial owners of the Temporary Bonds.

"Revenues" means, to the extent not otherwise pledged for the repayment of the City's Parking Facilities Refunding Revenue Bonds, Series 1996, and to the extent available to pay debt charges on the Temporary Bonds, any rentals received under leases made by the City with respect to the Project properties, all proceeds from the sale or other disposition of the Project properties and any urban renewal service payments collected from any of the Project properties.

"Rule" means SEC Rule 15c2-12.

"State" means the State of Ohio.

"Temporary Bonds" means the Temporary Bonds authorized by this Ordinance.

Unless otherwise indicated, any reference to a Section is a reference to a Section of this Ordinance.

Section 2. Authorized Principal Amount and Purpose. This Council determines that (i) the Project is consistent with the purposes of Section 13 of Article VIII of the Ohio Constitution; (ii) the Project is in furtherance of the purposes of the Act and will benefit the people of the City and of the State by creating and preserving jobs and employment opportunities and improving the economic welfare of the people of the City and of the State; and (iii) it is necessary for the City to issue the Temporary Bonds pursuant to Section 13 of Article VIII of the Ohio Constitution and Sections 725.05(C) and 725.07 of the Act in the principal amount not to exceed \$4,375,000 to retire the Prior Bonds Series 2003 which were originally issued to retire the Prior Bonds Series 2002 and to pay costs of the Project.

Section 3. Terms of Temporary Bonds. The Temporary Bonds shall be dated the date of issuance or such other date as is designated in the Certificate of Award but not later than October 30, 2005. The Temporary Bonds shall mature on a date to be determined by the Director of Finance in the Certificate of Award in accordance with the Director of Finance's determination of the best interest of and financial advantages to the City, provided that such date shall not be later than five years from the date of issuance of the Temporary Bonds. The Temporary Bonds shall bear interest from their date at the rate or rates per

annum set forth in the Certificate of Award, or if any Temporary Bonds bear interest at a variable rate, at the rate determined pursuant to the method set forth in the Certificate of Award. Interest on the Temporary Bonds shall be payable on the dates determined by the Director of Finance in the Certificate of Award and until the principal amount is paid or payment is provided for. If any Temporary Bonds bear interest at a fixed rate or rates, those rates shall not exceed eight percent (8%) per year (computed on the basis of a 360-day year consisting of twelve 30-day months) and interest shall be payable not more often than every six months and at maturity or at any earlier redemption date. If any Temporary Bonds bear interest at a variable rate or rates, those rates shall not exceed that set forth below, and interest shall be payable not more often than once a month and following purchase and at maturity or at any earlier redemption date.

In the event that the Director of Finance based on the written advice of the Financial Advisor determines that the City's best interests will be served by causing all or a portion of the Temporary Bonds to be obligations bearing interest at variable rates, redeemable by the City without penalty or premium on interest adjustment dates, then the Director of Finance is authorized to so specify in the Certificate of Award. If the Director of Finance so determines, then the Director of Finance shall specify in the Certificate of Award the method and procedure by which the variable rate of interest to be borne by the variable rate Temporary Bonds shall be determined, whether by reference to a market index, by a remarketing agent or otherwise; provided that the variable rate Temporary Bonds shall not bear interest at a rate in excess of sixteen percent (16%) per annum; provided further that the maximum interest rate for variable rate Temporary Bonds during any period those Temporary Bonds are held by a provider of a Credit Support Instrument because they could not be remarketed shall be twenty-five percent (25%). Holders of variable rate Temporary Bonds may be given the right to tender their variable rate Temporary Bonds for purchase by the City at the times, on the terms, and subject to the conditions set forth in the Certificate of Award and any tender agreement; provided that tender rights shall be exercisable only at such times as a Credit Support Instrument is in place that provides for the payment of the purchase price payable to the tendering holder of a variable rate Temporary Bond. If the Director of Finance designates any Temporary Bonds as variable rate Temporary Bonds, and if the holders of the variable rate Temporary Bonds are to be entitled to tender the variable rate Temporary Bonds for purchase, then the Director of Finance shall also designate in the Certificate of Award for those variable rate Temporary Bonds the provider or providers for any Credit Support Instrument, the tender agent or agents and the remarketing agent

or agents, which designations shall be based on the determination of the Director of Finance that the parties so designated possess the requisite resources and experience to provide the services required of them and that the terms on which the designated parties have agreed to provide such services are fair and commercially reasonable. The Director of Finance is authorized to enter into agreements in connection with the delivery of the variable rate Temporary Bonds, and from time to time thereafter so long as the variable rate Temporary Bonds are outstanding with providers of Credit Support Instruments, tender agents (which may be the Registrar), remarketing agents (which may be the Original Purchaser), and others as may be determined by the Director of Finance to be necessary or appropriate to provide for the method of determining the variable interest rates permitting holders the right of tender, providing for liquidity or credit support for the payment of the variable rate Temporary Bonds upon tender for purchase or redemption, and providing for the repayment by the City of any amounts drawn under the Credit Support Instrument.

The Director of Finance, in connection with the original issuance of the Temporary Bonds, and regardless of the Temporary Bonds bearing interest at variable or fixed rates, is authorized to contract for a Credit Support Instrument and to pay the costs of it from proceeds of the Temporary Bonds, if the Director of Finance based on the written advice of the Financial Advisor determines that the Credit Support Instrument will result in a savings in the cost of this financing to the City.

Section 4. Payment of Debt Charges on the Temporary Bonds. The debt charges on the Temporary Bonds shall be payable in lawful money of the United States of America, or in Federal Reserve funds of the United States of America as determined by the Director of Finance in the Certificate of Award, and shall be payable, without deduction for the services of the Registrar as the City's paying agent. If agreed to by the Original Purchaser, the Temporary Bonds shall be subject to redemption without penalty or premium at the option of the City in whole or in part at any time prior to maturity as provided in this Ordinance and the Certificate of Award.

If fewer than all of the Temporary Bonds of a single maturity are to be redeemed, the selection of Temporary Bonds of that maturity to be redeemed, or portions thereof in amounts of the minimum authorized denomination (as set forth in Section 8 hereof) or any integral multiple thereof, shall be made by lot in a manner determined by the Registrar. In the case of a partial redemption of Temporary Bonds by lot when Temporary Bonds of denominations greater than the minimum authorized denomination are then outstanding, each unit of principal thereof in the amount of the minimum authorized denomination

shall be treated as if it were a separate Temporary Bond of the denomination of the minimum authorized denomination. If it is determined that one or more, but not all, of the units of principal amount in the amount of the minimum authorized denomination represented by a Temporary Bonds are to be called for redemption, then, upon notice of redemption of such unit or units, the registered owner of that Temporary Bond shall surrender the Temporary Bond to the Registrar (i) for payment of the redemption price of such unit or units of principal amount called for redemption (including, without limitation, the interest accrued to the date fixed for redemption), and (ii) for issuance, without charge to the registered owner, of a new Temporary Bond or Temporary Bonds of any authorized denomination or denominations in an aggregate principal amount equal to the unmatured and unredeemed portion of, and bearing interest at the same rate and maturing on the same date as, the Temporary Bond surrendered.

The notice of the call for redemption of Temporary Bonds shall identify (i) by designation, letters, numbers, or other distinguishing marks, the Temporary Bonds or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Registrar on behalf of the City by mailing a copy of the redemption notice by first class mail, postage prepaid, at least 30 days prior to the date fixed for redemption, to the registered owner of each Temporary Bond subject to redemption in whole or in part at the registered owner's address shown on the Register (as defined in Section 5) maintained by the Registrar at the close of business on the 15th day preceding that mailing. Failure to receive notice by mail or any defect in that notice regarding any Temporary Bond, however, shall not affect the validity of the proceedings for the redemption of any Temporary Bond.

In the event that notice of redemption shall have been given by the Registrar to the registered owners as provided above, there shall be deposited with the Registrar on or prior to the redemption date, moneys that, in addition to any other moneys available therefor and held by the Registrar, will be sufficient to redeem at the redemption price thereof, plus accrued interest to the redemption date, all of the redeemable Temporary Bonds for which notice of redemption has been given. Notice having been mailed in the manner provided in the preceding paragraph hereof, the Temporary Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, upon presentation and surrender thereof at the place or places specified in that notice, shall be paid at the redemption price, plus accrued interest to the redemption date. If moneys for the redemption of all of the Temporary Bonds and portions thereof to be redeemed,

together with accrued interest thereon to the redemption date, are held by the Registrar on the redemption date, so as to be available therefor on that date and, if notice of redemption has been deposited in the mail as aforesaid, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If those moneys shall not be so available on the redemption date, or that notice shall not have been deposited in the mail as aforesaid, those Temporary Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All moneys held by the Registrar for the redemption of particular Temporary Bonds shall be held in trust for the account of the registered owners thereof and shall be paid to them, respectively, upon presentation and surrender of those Temporary Bonds.

Section 5. Registrar. The Director of Finance shall designate a bank or trust company to act as the authenticating agent, registrar, transfer agent and paying agent for the Temporary Bonds after determining that the payment at that bank or trust company will not endanger the funds or securities of the City and that proper procedures and safeguards are available for that purpose (the "Registrar"). The Director of Finance shall sign and deliver, in the name and on behalf of the City, a registrar agreement or agreements between the City and the Registrar (the "Registrar Agreement") substantially in the form contained in File No. 943-05-A, with such changes as approved by the Director of Law. In the event that a trust agreement secures the Temporary Bonds, as provided in Section 10, the Registrar Agreement may be incorporated in such trust agreement. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Registrar Agreement from the proceeds of the Temporary Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

The Temporary Bonds shall be issued only as fully registered Temporary Bonds. Principal on the Temporary Bonds shall be payable when due upon presentation and surrender of the Temporary Bonds at the designated office of the Registrar designated in the Registrar Agreement. Interest on each Temporary Bond shall be paid on each interest payment date by check or draft mailed to the person in whose name the Temporary Bond was registered, and to that person's address appearing on the Register (defined below in this Section) at the close of business on the 15th day of the calendar month next preceding that interest payment date or such other date established in the Certificate of Award if variable rate Temporary Bonds are issued. The City will cause the Registrar to maintain and

keep all books and records necessary for the registration, exchange, and transfer of Temporary Bonds as provided in this Section (the "Register") so long as any of the Temporary Bonds remain outstanding. Subject to the provisions of this Section, the person in whose name a Temporary Bond is registered on the Register shall be regarded as the absolute owner of that Temporary Bond for all purposes of the Proceedings (except as may otherwise be required with respect to the City's continuing disclosure agreement pursuant to the Rule). Payment of or on account of the debt charges on any Temporary Bond shall be made only to or upon the order of that person; neither the City nor the Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Temporary Bond, including interest, to the extent of the amount or amounts so paid.

Notwithstanding the foregoing, if and so long as the Temporary Bonds are issued in a book entry system, principal of and interest on the Temporary Bonds shall be payable in the manner provided in any agreement entered into by the Director of Finance, in the name and on behalf of the City, in connection with the book entry system.

Section 6. Transfer and Exchange of Certain Temporary Bonds. Temporary Bonds may be exchanged for Temporary Bonds of any authorized denomination upon presentation and surrender at the office designated by the Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. A Temporary Bond may be transferred only on the Register, upon presentation and surrender of the Temporary Bond at the office designated by the Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. Upon exchange or transfer, the Registrar shall complete, authenticate, and deliver a new Temporary Bond or Temporary Bonds, of any authorized denomination or authorized denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Temporary Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Registrar shall undertake the exchange or transfer of Temporary Bonds only after the new Temporary Bonds are signed by the authorized officers of the City. In all cases of Temporary Bonds exchanged or transferred, the City shall sign and the Registrar shall authenticate and deliver Temporary Bonds in accordance with the provisions of the Proceedings. The exchange or transfer shall be without charge to the owner, except that the City and Registrar may make a charge sufficient to reimburse them

for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Temporary Bonds issued and authenticated upon any exchange or transfer shall be valid special obligations of the City, evidencing the same obligation, and entitled to the same security and benefit under the proceedings, as the Temporary Bonds surrendered upon that exchange or transfer. Neither the City nor the Registrar shall be required to make any exchange or transfer of a Temporary Bond during the period beginning at the opening of business 15 days before the day of the mailing of a notice of redemption of Temporary Bonds and ending at the close of business on the day of such mailing or to transfer or exchange any Temporary Bond selected for redemption in whole or in part.

Section 7. Book Entry. Notwithstanding any other provisions of this Ordinance, if it is determined by the Director of Finance to be in the best interest of and financially advantageous to the City, the Temporary Bonds may be issued in book entry form in accordance with the provisions of this Section.

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

If any Depository determines not to continue to act as a Depository for the Temporary Bonds for use in a book entry system, the Director of Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Director of Finance, after making provision for notification of the book entry interest owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Temporary Bonds from the Depository, and authenticate and deliver certificates in registered form to the assigns of the Depository or its nom-

inee, 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 also is hereby authorized and directed to the extent necessary or required to enter into any agreements determined necessary in connection with the book entry system for the Temporary Bonds, after determining that the signing thereof will not endanger the funds or securities of the City and after the approval of the form of any such agreement by the Director of Law.

Section 8. Execution of Temporary Bonds. Temporary 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, and shall bear the seal of the City or a facsimile thereof; provided that no Temporary Bond shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under the Proceedings unless and until the certificate of authentication printed on the Temporary Bond is signed by the Registrar as authenticating agent, and authentication by the Registrar shall be conclusive evidence that the Temporary Bond so authenticated has been duly issued, signed and delivered under and is entitled to the security and benefit of the Proceedings. The certificate of authentication may be signed by any authorized officer or employee of the Registrar or by any other person acting as an agent of the Registrar 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 Temporary Bonds.

Pursuant to Section 83 of the City's Charter, the Director of Law shall prepare the Temporary Bonds and shall endorse thereon her approval of the form and correctness thereof by her manual or facsimile signature. The Temporary Bonds shall be issued in the denominations as requested by the Original Purchaser and approved by the Director of Finance, in conformity with this Ordinance. The entire principal amount may be represented by a single bond certificate and may be issued as fully registered securities and in book entry or other uncertificated form if it is determined by the Director of Finance that issuance of fully registered securities in that form will facilitate the sale and delivery of the Temporary Bonds. The Temporary Bonds may be issued in the authorized denominations of either (a) \$100,000 each or in any denomination that is the sum of (i) \$100,000 and (ii) \$5,000 or any integral multiple thereof, and not exchangeable for other Temporary Bonds in denominations less than \$100,000, or (b) \$5,000 or any integral multiple thereof, as determined by the Director of Finance in the Certificate of Award to be in the best interest of the City. The Temporary Bonds shall not have coupons attached, shall be numbered as determined by the Director of Finance and shall express upon

their faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Ordinance.

Section 9. Sale of Temporary Bonds. The Temporary Bonds shall be sold at not less than 97% of par plus accrued interest at private sale by the Director of Finance to the Original Purchaser in accordance with law and the provisions of this Ordinance. If, in the reasonable opinion of the Director of Finance, an underwriter is incapable of fully performing its duties or meeting its obligations in its capacity as Original Purchaser with respect to the Temporary Bonds, the Director of Finance is hereby authorized and directed, in the name of and on behalf of the City, to take whatever action may be necessary to terminate that underwriter's standing as Original Purchaser. The Director of Finance shall sign the Certificate of Award referred to in this Ordinance, evidencing the sale to the Original Purchaser, cause the Temporary Bonds to be prepared, and have the Temporary Bonds signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Temporary Bonds if requested by the Original Purchaser, to the Original Purchaser upon payment of the purchase price. The Director of Finance is authorized to sign and deliver, in the name and on behalf of the City, a bond purchase agreement between the City and the Original Purchaser, or representative thereof (the "Purchase Agreement"), in substantially the form contained in the file referenced above with such changes therein not inconsistent with the terms of this Ordinance and not substantially adverse to the City as approved by the Director of Finance and Director of Law, such approval to be conclusively evidenced by the execution of the Purchase Agreement by such officers. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Purchase Agreement from the proceeds of the Temporary Bonds to the extent available and then from other money lawfully available and appropriated or as may be appropriated for that purpose. The Mayor, the Director of Finance, the Clerk of Council, the Director of Law, and other City officials, as appropriate, are each authorized and directed to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance.

Section 10. Security for the Temporary Bonds. The Temporary Bonds shall be special obligations of the City, and the debt charges on the Temporary Bonds shall be payable solely from the Revenues and the Nontax Revenues. The Payment of debt charges on the Temporary Bonds is secured by a pledge of and lien on (i) the Revenues and (ii) the Nontax Revenues which are on deposit in the Urban Renewal Debt

Retirement Fund created below. The Temporary Bonds are not and shall not be secured by an obligation or pledge of any money raised by taxation. The Temporary Bonds do not and shall not represent or constitute a debt or pledge of the faith and credit or taxing power of the City, and the owners thereof have and shall have no right to have taxes levied by the City for the payment of debt charges thereon. The Temporary Bonds shall contain a statement to that effect and to the effect that the Temporary Bonds are payable solely from the Revenues and the Nontax Revenues and are not secured by an obligation or pledge of any money raised by taxation.

The City covenants and agrees that while the Temporary Bonds are outstanding, it will appropriate and maintain Nontax Revenues at such times and in such amounts as will be sufficient, together with the Revenues and any other funds available or to be available for the purpose (including proceeds of refunding obligations), to pay the debt charges on the Temporary Bonds and will so restrict other obligations payable from Nontax Revenues prior to or on a parity with the Temporary Bonds as will ensure the continuing availability for appropriation of sufficient Nontax Revenues to pay debt charges when due, which Nontax Revenues are hereby selected by the City pursuant to Section 725.05(C) 725.07 of the Revised Code as moneys that are not raised by taxation.

There is hereby created by the City a separate fund or account designated as the "Urban Renewal Debt Retirement Fund" (the "Debt Retirement Fund") into which shall be deposited (i) the Revenues upon receipt, and (ii) other Nontax Revenues, and any other funds available for the purpose, on or prior to the date debt charges on the Temporary Bonds are due, in an amount sufficient to pay those debt charges. Any Revenues remaining after payment or provision for payment, of all debt charges on the Temporary Bonds shall be deposited to the extent not otherwise pledged or encumbered in the Housing Trust Fund (Fund No. 14 SF 027).

Nothing herein shall be construed as requiring the City to use or apply to the payment of debt charges on the Temporary Bonds any funds or revenues from any source other than the Revenues and the Nontax Revenues. Nothing herein, however, shall be deemed to prohibit the City, of its own volition, from using, to the extent that it is authorized by law to do so, any other resources for the fulfillment of any of the terms, conditions or obligations of this Ordinance or of the Temporary Bonds.

The City will, solely from the proceeds of the Temporary Bonds or from the Revenues or the Nontax Revenues, pay or cause to be paid the debt charges on the Temporary Bonds on the dates, at the places and in the manner provided herein and in the Temporary Bonds. For that purpose, in each year while the Temporary Bonds are outstanding, this Council, after providing for the

payment of debt charges payable on the City's general obligation securities in that year from sources available for that purpose, will appropriate Nontax Revenues required to pay, and for the purpose of paying the debt charges due in that year on the Temporary Bonds and any outstanding parity obligations payable from Nontax Revenues. Further, this Council will give effect to such appropriations in all ordinances it passes thereafter in that year appropriating money for expenditure and encumbrance and limit the other appropriations of Nontax Revenues in that year to the amount available after deducting the amount required for the payment of debt charges payable on the City's general obligation securities and to pay those debt charges. The City covenants that, so long as any of the Temporary Bonds are outstanding, it shall not issue any additional obligations payable from the Nontax Revenues on a parity with the Temporary Bonds and any outstanding parity obligations payable from Nontax Revenues, unless, prior to passage of the ordinance authorizing such parity obligations, the Director of Finance shall have certified to this Council that the Nontax Revenues during the preceding calendar year, adjusted to reflect, if necessary, changes in the rates or charges resulting in the Nontax Revenues, aggregate in amount not less than 100% of the highest amount of (a) debt charges on the Temporary Bonds to be paid from Nontax Revenues and (b) required payments on such proposed parity obligations and any outstanding parity obligations due in any succeeding calendar year.

Each obligation of the City required to be undertaken pursuant to this Ordinance and the Temporary Bonds is binding upon the City, and upon each officer or employee of the City as may from time to time have the authority under law to take any action on behalf of the City as may be necessary to perform all or any part of such 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 Revised Code, providing for enforcement by writ of mandamus.

In the event that the interest on the Temporary Bonds is to be provided for from Temporary Bond proceeds, or if in the judgment of the Director of Finance, based on the written advice of the Financial Advisor, a debt service reserve to secure the Temporary Bonds is in the best interest of and financially advantageous to the City, the City shall enter into a trust agreement with the bank or trust company serving as Registrar for the Temporary Bonds and providing for the Debt Retirement Fund or a debt service reserve fund, as applicable, to be held by that bank or trust company, in its capacity as trustee, and such fund or funds are hereby authorized. The Director of Finance shall sign and deliver, in the name and on behalf of the City, the trust agreement in a form consistent with this Ordinance and approved by the

Director of Law. The Mayor and the Director of Finance and other City officials, as appropriate, are authorized to take such actions as are necessary or appropriate to consummate such additional security for the Temporary Bonds. The City hereby covenants and agrees to appropriate annually from the Revenues and the Nontax Revenues into any such funds amounts sufficient to maintain the balances required by the trust agreement and to restore any deficiency therein.

Section 11. Deposit of Proceeds.

The proceeds from the sale of the Temporary Bonds are appropriated and shall be used for the purpose for which the Temporary Bonds are being issued. The proceeds from the sale of the Temporary Bonds (exclusive of amounts to be used to pay Financing Costs which shall be deposited in a separate Costs of Issuance Account) shall be deposited in the Debt Retirement Fund to be used to refund the Prior Bonds Series 2003 and, if applicable, to pay interest on the Temporary Bonds; provided that any portion of the proceeds of the Temporary Bonds to be used to make a required deposit to a debt service reserve fund shall be paid into the debt service reserve fund created pursuant to Section 10. Any premium not used to pay costs of issuance and accrued interest received from the sale of the Temporary Bonds shall be deposited in the Debt Retirement Fund.

Section 12. Disclosure. If, in the judgment of the Director of Finance, after consultation with the Financial Advisor and the Original Purchaser, an official statement or other disclosure document is appropriate relating to the initial offering of the Temporary Bonds, the Director of Finance, on behalf of the City and in that officer's official capacity, is authorized to (i) cooperate with the Original Purchaser in the preparation of, and the making of modifications, completions or changes of or supplements to, such a disclosure document, (ii) determine, and to certify or otherwise represent, when the disclosure document is to be deemed final or is final, (iii) authorize the use and distribution of that disclosure document and any supplements thereto in connection with the initial offering of the Temporary Bonds, (iv) notwithstanding the requirements of, and as an exception to, Codified Ordinance 177.01(a), contract with a printer to print the Official Statement, and (v) sign certificates, statements or other documents in connection with the finality, accuracy, and completeness of that disclosure document.

For the benefit of the holders and beneficial owners from time to time of the Temporary Bonds, the City agrees, as the only obligated person with respect to the Temporary Bonds under the Rule, to provide or cause to be provided such financial information and operating data, audited financial statements and notices, in such manner as may be required for purposes of paragraph (b)(5)(i) of the Rule. In order to describe and specify certain terms

of the City's continuing disclosure agreement for that purpose and thereby to implement that agreement, including provisions for enforcement, amendment, and termination, the Director of Finance is authorized to sign and deliver, in the name and on behalf of the City, and if required under the Rule, a Continuing Disclosure Certificate or Certificates in conformance with the reporting requirements of the Rule. The agreement formed collectively, by this paragraph and that Certificate, shall be the City's continuing disclosure agreement for purposes of the Rule, and its performance shall be subject to the annual appropriation of any funds that may be necessary to perform it.

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 the timely provision of information and notices. Prior to making any filing in accordance with that agreement or providing notice of the occurrence of any other events, the Director of Finance shall consult with, as appropriate, the legal counsel and bond or other qualified independent special counsel to the City. The Director of Finance, acting in the name and on behalf of the City, shall be entitled to rely upon any legal advice provided by any such counsel in determining whether a filing should be made.

Section 13. Ratings, Insurance, and Other Credit Enhancement. If, in the judgment of the Director of Finance after consultation with the Financial Advisor, the filing of an application for a rating on the Temporary Bonds by one or more nationally recognized rating agencies or a Credit Support Instrument is in the best interest of, and financially advantageous to the City, the Director of Finance is authorized to prepare and submit those applications, to provide to each such agency, company or credit provider such information as may be required for the purpose. The cost of obtaining each rating and Credit Support Instrument, except to the extent paid by the Original Purchaser in accordance with the Purchase Agreement, shall be paid from the proceeds of the Temporary Bonds.

Section 14. Interest Rate Swaps, Hedges and Caps. For the purpose of achieving the optimal available debt structure for the Temporary Bonds, the Director of Finance may, based on the written advice of the Financial Advisor, enter into one or more agreements in connection with or subsequent to the issuance of the Temporary Bonds for an interest rate swap, an interest rate cap or other such arrangement to lower the effective interest rate on the obligation to the City or, to hedge the exposure of the City against fluctuations in prevailing interest rates, provided, however, that: (i) the debt structure that is simulated through the combination of the Temporary Bonds with any such agreements shall comply with the restrictions of this Ordinance on the terms of and security for the Temporary Bonds

applied to that structure as though it consisted solely of Temporary Bonds; (ii) the counterparty to any swap agreement and the provider of any interest rate cap shall have a rating of at least "A" by either Moody's Investors Service, Inc. or Standard & Poor's Corporation; (iii) no such agreement shall purport to entitle the counterparty to the agreement to payment by the City from any source other than the sources which secure the Temporary Bonds as described in this Ordinance; and (iv) the cost of obtaining any such interest rate cap or other such arrangement shall have been determined by the Director of Finance, based on the written advice of the Financial Advisor, to be justified by the corresponding benefit to the City and to be commercially reasonable based on then current market conditions. The notional amount on which any such agreement is based shall not be subject to the limitations set forth herein on the maximum principal amount of the Temporary Bonds.

Section 15. Covenants. In the event that the Temporary Bonds are issued and sold as obligations bearing interest that is excluded from gross income for federal income tax purposes, the covenants in this Section 15 shall govern. However, if the Temporary Bonds are issued and sold as obligations bearing interest that is included in gross income for federal income tax purposes, the City shall not be bound by the covenants of this Section with respect to the Temporary Bonds.

Subject to the foregoing, the City covenants that it will use and will restrict the use and investment of, the proceeds of the Temporary Bonds in such manner and to such extent as may be necessary so that (a) the Temporary Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the "Code") or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest on the Temporary Bonds will not be treated as 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 Temporary 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 Temporary 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, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Temporary 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 Temporary 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 provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting the favorable tax treatment or status of the Temporary 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, 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, as determined by that officer, 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 Temporary Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Temporary Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Temporary 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 Temporary Bonds.

Section 16. Captions, Headings, and Section References. 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 17. Interpretation. Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance shall not apply to the Temporary Bonds authorized herein. Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would impair the obligation of contract of the City with respect to any outstanding bonds, Temporary Bonds, certificate of indebtedness, other obligations, trust indentures, trust agreements, or other agreements or contracts made or entered into by the City.

Section 18. Satisfaction of Conditions. 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 Temporary 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 deliver of the Temporary Bonds have been performed and have been met, in regular and due form as required by law, and that no limitation of indebtedness or taxation, either statutory or constitutional, is applicable to the issuance of the Temporary Bonds.

Section 19. 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 committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

Section 20. Emergency. This Ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Community Development, Finance, Law; Committees on Community and Economic Development, Finance.

Ord. No. 944-05.

By Council Members Gordon, Britt, Sweeney, Cimperman and Jackson (by departmental request).

An emergency ordinance determining the method of making the public improvement of closing the Bradley Road Landfill; authorizing the Directors of Public Health and Public Service to enter into one or more public improvement contracts for the making of the improvement; and authorizing the Directors to employ one or more professional consultants to analyze and design the improvement.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of closing the Bradley Road Landfill, for the Departments of Public Health and Public Service, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

Section 2. That the Directors of Public Health and Public Service are authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement, provided, however, that each separate trade

and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 3. That the Directors of Public Health and Public Service are authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to analyze and design the improvement.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Directors of Public Health and Public Service from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Directors of Public Health and Public Service for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Directors of Public Health and Public Service, and certified by the Director of Finance.

Section 4. That the cost of contract or contracts authorized shall be paid from the proceeds of the final closure letter of credit required by Ohio Administrative Code Rules 3745-400-12, 3745-400-13 and 3745-400-14, which proceeds shall be deposited in Special Revenue Fund No. 10-304, Request No. 149753.

Section 5. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Public Health, Public Service, City Planning Commission, Finance, Law; Committees on Health and Human Services, Public Service, City Planning, Finance.

Ord. No. 945-05.

By Council Members Coats, Cimperman and Jackson (by departmental request).

An emergency ordinance determining the method of making the public improvement of replacing a water main and culvert under Courtland Boulevard in the City of Shaker Heights; and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to

make the public improvement of replacing a water main and culvert under Courtland Boulevard in the City of Shaker Heights, for the Division of Water, Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit price basis for the improvement.

Section 2. That the Director of Public Utilities is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit price for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit price basis.

Section 3. That the Director of Public Utilities is authorized to share equally in the cost of the improvement by reimbursing, or accepting reimbursement from, the City of Shaker Heights. The Director of Public Utilities is authorized to enter into any agreements necessary to effectuate the purposes of this Section.

Section 4. That all public improvement contracts entered into under this ordinance shall contain the MBE, FBE, and workforce goals in effect at the time the contracts were bid.

Section 5. That the cost of the improvement authorized shall be paid from Fund No. 52 SF 001, Request No. 159446.

Section 6. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Public Utilities, City Planning Commission, Finance, Law; Committees on Public Utilities, City Planning, Finance.

Ord. No. 946-05.

By Council Members Coats and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to apply for and accept a Water Supply Revolving Loan Account loan to provide funding for the Morgan Filter Rehabilitation Project; determining the method of making the public improvement of constructing the improvements; and authorizing the director to enter into one or more public improvement contracts for the making of the improvement.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Public Utilities is authorized to apply for and accept a Water Supply Revolving Loan Account ("WSRLA") loan in the approximate amount of

\$27,000,000 to provide funding for the Morgan Filter Rehabilitation Project, including but not limited to, renovating and rehabilitating filters and appurtenances, constructing structural improvements, upgrading HVAC, electrical, and plumbing systems, constructing a new filter control room, and installing a filter-to-waste system (the "Improvement").

Section 2. That the Director of Public Utilities is authorized to enter into a loan agreement with the Ohio Environmental Protection Agency and the Ohio Water Development Authority for a WSRLA loan which loan agreement shall substantially be in the same form as the agreement contained in File No. 946-05-A. The Director of Public Utilities is further authorized to file all papers and execute all documents to receive the funds under the WSRLA Agreement; and appropriate the loan funds for the purposes as set forth in the WSRLA Agreement.

Section 3. That on execution of the WSRLA Agreement, the Director of Public Utilities is authorized to repay the loan funds to the WSRLA in accordance with the terms and conditions of the WSRLA Agreement, from the operating revenues of the Division of Water.

Section 4. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement as described in Section 1 of this ordinance, for the Division of Water, Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a gross price for the Improvement.

Section 5. That the Director of Public Utilities is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding for a gross price for the Improvement, provided, however, that each separate trade and each distinct component part of the Improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract for a gross price. On request of the director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the Improvement.

Section 6. That all public improvement contracts entered into under this ordinance shall contain the MBE, FBE, and workforce goals in effect at the time the contracts were bid.

Section 7. That the cost of the Improvement authorized shall be paid from Fund No. 52 SF 229 and from the fund or funds which are credited the loan proceeds received under this ordinance, Request No. 159436.

Section 8. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Public Utilities, Finance, Law; Committees on Public Utilities, Finance.

Ord. No. 947-05.

By Council Members Coats, Cimperman and Jackson (by departmental request).

An emergency ordinance determining the method of making the public improvement of cleaning and cement mortar lining of various distribution water mains; and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of cleaning and cement mortar lining of various distribution water mains in the City of Cleveland, for the Division of Water, Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding upon a unit basis for the improvement.

Section 2. That the Director of Public Utilities is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding upon a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract for a gross price.

Section 3. That all public improvement contracts entered into under this ordinance shall contain the MBE, FBE, and workforce goals in effect at the time the contracts were bid.

Section 4. That the cost of the improvement authorized shall be paid from Fund No. 52 SF 229, Request No. 159433.

Section 5. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Public Utilities, City Planning Commission, Finance, Law; Committees on Public Utilities, City Planning, Finance.

Ord. No. 948-05.

By Council Members Coats and Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to test, remove, and replace utility poles, for the Division of Cleveland Public Power, Department of Public Utilities, for a period not to exceed two years.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years of the necessary items of labor and materials necessary to test, remove, and replace utility poles, on an as-needed basis, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Cleveland Public Power, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the cost of the contract or contracts shall be charged against the proper appropriation account and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 153645)

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Public Utilities, City Planning Commission, Finance, Law; Committees on Public Utilities, City Planning, Finance.

Ord. No. 949-05.

By Council Members Coats, Cimperman and Jackson (by departmental request).

An emergency ordinance determining the method of making the public improvement of demolishing the Morgan Pump Station; and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of demolishing the Morgan Pump Sta-

tion, excavating, performing site preparation, analyzing, testing, and performing environmental remediation, and handling and disposing of hazardous materials, for the Division of Water, Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a gross price for the improvement.

Section 2. That the Director of Public Utilities is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding for a gross price for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract for a gross price. On request of the director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the improvement.

Section 3. That all public improvement contracts entered into under this ordinance shall contain the MBE, FBE, and workforce goals in effect at the time the contracts were bid.

Section 4. That the cost of the improvement authorized shall be paid from Fund No. 52 SF 229, Request No. 159431.

Section 5. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Public Utilities, City Planning Commission, Finance, Law; Committees on Public Utilities, City Planning, Finance.

Ord. No. 950-05.

By Council Members Coats and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to enter into professional services contracts, purchase contracts and requirement contracts to obtain marketing and advertising services, materials, and equipment necessary to promote the Division of Water Pollution Control and educate the public, for a period of two years.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Public Utilities is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide marketing, promotional, and advertising services necessary to promote the Division of Water Pollution Control, for a period of two years.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Public Utilities from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Public Utilities for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Public Utilities, and certified by the Director of Finance.

Section 2. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a two year period of the necessary items of advertisements and marketing, promotional and advertising services, materials, and equipment necessary to promote and advertise the Division of Water Pollution Control, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 3. That the Director of Public Utilities is further authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: advertisements and marketing, promotional, and advertising, materials, equipment and services which are not the subject of Section 1 of this ordinance, necessary to promote and advertise the Division of Water Pollution Control, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Department of Public Utilities.

Section 4. That the costs of the contract or contracts authorized by this ordinance shall be paid from Fund Nos. 54 SF 001 and shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 150138)

Section 5. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Public Utilities may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 6. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Public Utilities, Finance, Law; Committees on Public Utilities, Finance.

Ord. No. 951-05.

By Council Members Coats and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to provide services necessary to design, layout, produce, and distribute 2005 and 2006 educational materials, for the Division of Water, Department of Public Utilities.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Public Utilities is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design, layout, produce, and distribute 2005 and 2006 educational materials, including but not limited to writing, photography and artwork offset lithographic reproduction, for the Division of Water, Department of Public Utilities.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Public Utilities from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Public Utilities for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Public Utilities, and certified by the Director of Finance.

Section 2. That the cost of contract or contracts authorized shall be paid from Fund No. 52 SF 001, Request No. 159448.

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Public Utilities, Finance, Law; Committees on Public Utilities, Finance.

Ord. No. 952-05.

By Council Members Coats, Cimperman and Jackson (by departmental request).

An emergency ordinance authorizing the Mayor to accept state funding from the Ohio Public Works Commission for the Big Creek Watershed Stormwater Management Project; determining the method of making the public improvement of constructing the Project; authorizing the Director of Public Utilities to enter into one or more contracts for the making of the improvement; authorizing the director to employ one or more firms of engineers and other professional consultants to provide professional services to implement the Project; authorizing agreements with ODOT, NEORS and the City of Parma to financially cooperate in the Project; authorizing the director to apply and pay for permits, licenses and other authorizations required for the Project; and authorizing the director to purchase, lease, or otherwise acquire easements and other interests in real property as required for the Project.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Mayor is authorized to accept a grant in the approximate amount of \$3,940,320, from the Ohio Public Works Commission, acting by and through its Director, to finance the capital improvement of the Big Creek Watershed Stormwater Management Project (the "Project").

Section 2. That on acceptance of the grant funds from the Ohio Public Works Commission, the Director of Public Utilities may enter into agreements with the Ohio Department of Transportation, the Northeast Ohio Regional Sewer District, and the City of Parma to financially cooperate in the Project; and further that the Director is authorized to accept the funds under these agreements.

Section 3. That the funds received from the Ohio Department of Transportation, the Northeast Ohio Regional Sewer District, and the City of Parma for the Project are appropriated for this purpose and shall be deposited into the fund or funds designated for that purpose.

Section 4. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing the Project, for the Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

Section 5. That the Director of Public Utilities is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or

any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 6. That all public improvement contracts entered into under this ordinance shall contain the MBE, FBE, and workforce goals in effect at the time the contracts were bid.

Section 7. That the Director of Public Utilities is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design the Project.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Public Utilities from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Public Utilities for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Public Utilities, and certified by the Director of Finance.

Section 8. That the Director of Public Utilities is authorized to apply and pay for permits, licenses, or other authorizations required by any regulating entity or other public authority to perform the work authorized by this ordinance.

Section 9. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Utilities is authorized to purchase, lease or otherwise acquire easements, fee interests, licenses, permits and other rights or interests in real property necessary for the public improvement authorized by this ordinance.

Section 10. That the Director of Public Utilities is authorized to execute on behalf of the City of Cleveland all necessary documents to acquire the rights or interests in real property and to employ title companies, surveyors, escrow agents, appraisers, environmental consultants, field service consultants and other consultants necessary for the acquisition or use of the rights or interest in real property authorized by this ordinance.

Section 11. That the cost of the Project and all other expenditures authorized by this ordinance shall be paid from Fund No. 54 SF 001, 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 383, 20 SF 394, 20 SF 500; from the fund or funds which are credited the proceeds of the sale of 2005 general obligation bonds which are issued for this purpose and include this Project and are appropriated for this purpose; from the fund or funds which are credited the funds received from the Northeast Ohio Regional Sewer District, and the City of Parma, which are appropriated for this purpose; and from the fund or funds which are credited the grant proceeds received from the Ohio Public Works Commission.

Section 12. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Public Utilities, City Planning Commission, Finance, Law; Committees on Public Utilities, City Planning, Finance.

Ord. No. 953-05.

By Council Members Britt and Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of burials or cremation services for indigent dead, for the Division of Health, Department of Public Health, for a period not to exceed two years.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Public Health is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a two-year period of the necessary items of burials or cremation services for indigent dead, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Health, Department of Public Health. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 149750)

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Public Health, Finance, Law; Committees on Health and Human Services, Finance.

Ord. No. 955-05.

By Council Members Britt, White and Jackson (by departmental request).

An emergency ordinance to amend Section 551.38 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2393-02, passed February 3, 2003, relating to disposal of used tires, reporting.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That Section 551.38 of the Codified Ordinances of Cleveland, Ohio, 1976, 2393-02, passed February 3, 2003 as amended by Ordinance No. 2393-02, passed February 3, 2003, is amended to read as follows:

Section 551.38 Disposal of Used Tires; Reporting

(a) *Registration.* No person, firm, or corporation shall accept for disposal more than five (5) automobile, truck, motorcycle, or bicycle tires in any one calendar month in any one year unless and until the person, firm, or corporation has registered with the Commissioner of Assessments and Licenses as a source of waste tires, **Junk** yards as defined in Section 325.40, repair garages as defined in Section 325.30 and businesses which repair or replace tires shall register under this section unless a sworn affidavit is submitted to the Commissioner of Assessments and Licenses from an authorized representative affirming that it does not dispose of more than five (5) automobile, truck, motorcycle, or bicycle tires in any one calendar month in any one year. The Commissioner of Assessments and Licenses shall furnish a registration form for the purposes of the registration, and, upon the payment of a fee of **one hundred dollars (\$100.00)**, shall issue a certificate of registration, which may apply to all locations at which the registrant does business. Registrations shall be renewed annually. The form for registration shall contain the name and address of the registrant, and if a partnership, the names and addresses of all partners, and if a corporation, the name of the corporation and the names and addresses of the officers and the statutory agent and shall contain additional information as deemed necessary by the Commissioner of Assessments and Licenses. Copies of all certificates of registration issued by the Commissioner of Assessments and Licenses shall be provided to the Commissioner of **Environment**.

(b) *Reporting.* All persons, firms, or corporations registered under division (a) of this section shall report tire disposal activity to the Commissioner of **Environment** by submitting a monthly tire disposal report to the Commissioner of **Environment** on a form promulgated by the Commissioner for that purpose. The monthly tire disposal report form shall contain the date and time that tires were hauled off the registrant's premises during the previous month. The form shall also

require disclosure of the identity of each waste hauler transporting tires off the registrant's premises, and the license tag number of each truck used to transport tires off the registrant's premises. The monthly tire disposal report form shall cover a calendar month and be submitted to the Commissioner of **Environment** no later than ten (10) days after the last date of the calendar month in question.

(c) No person, firm, or corporation who disposes of tires shall fail to register as a source of waste tires as provided in division (a) of this section, or fail to submit monthly tire disposal report forms to the Commissioner of **Environment** as provided in division (b) of this section, or fail to provide complete information required by the forms.

(d) No person, firm, or corporation shall engage another for the purpose of hauling waste tires unless the waste hauler is licensed under Section 551.19 et seq. of this chapter.

(e) Whoever violates any provision of this section is guilty of a misdemeanor of the **first** degree.

Section 2. That existing Section 551.38 of the Codified Ordinances of Cleveland, Ohio, 1976, 2393-02, passed February 3, 2003 as amended by Ordinance No. 2393-02, passed February 3, 2003, is repealed.

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Public Health, Finance, Law; Committees on Health and Human Services, Legislation, Finance.

Ord. No. 956-05.

By Council Members White, Britt and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Health to lease certain space located at the Miles Broadway Health Center to The Ohio State University Extension to provide food and nutrition education programs and development programs, for a period of five years.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Health is authorized to lease approximately 8,300 square feet on the first floor of the Miles Broadway Health Center to The Ohio State University Extension ("OSU Extension") for the public purpose of providing food and nutrition education programs and development programs for the term of the lease. The services, include but are not limited to, providing food and nutrition education programs, including family

nutrition, family and consumer sciences, 4-H/youth development, horticulture, and community development services.

Section 2. That the term of the lease authorized by this ordinance shall be for a period of five years commencing August 31, 2005.

Section 3. That the property described above shall be leased for other valuable considerations, which is considered to be fair market value.

Section 4. That the lease may authorize OSU Extension to make improvements to the leased premises subject to the approval of appropriate City agencies and officials, and to authorize the Lessee to contribute a share of the operating costs at the facility, including but not limited to security, seasonal groundskeeping services, utilities, and indoor building cleaning services.

Section 5. That the lease shall be prepared by the Director of Law.

Section 6. That the Director of Public Health, the Director of Law, and other appropriate City officials are authorized to execute any other documents and certificates, and take any other actions which may be necessary or appropriate to effect the lease authorized by this ordinance.

Section 7. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Public Health, Finance, Law; Committees on Health and Human Services, Finance.

Ord. No. 957-05.

By Council Members Britt and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Health to enter into an agreement or memorandum of understanding with the Cleveland Municipal Court for clinical services; and to accept payments for clinical services provided to the Court.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Public Health is authorized to enter into an agreement or memorandum of understanding, as appropriate, with the Cleveland Municipal Court, in order for the City of Cleveland to receive and accept reimbursement payments for clinical services provided to individuals referred by the Court.

Section 2. That the reimbursement payments collected under this ordinance shall be deposited into a fund to be designated by the Director of Finance.

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all

the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Public Health, Finance, Law; Committees on Health and Human Services, Finance.

Ord. No. 958-05.

By Council Members Britt and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Health to enter into one or more contracts with the Ohio Department of Health in order for the City of Cleveland to receive compensation for conducting inspections of summer food program sites.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Public Health is authorized to enter into one or more contracts with the Ohio Department of Health in order for the City of Cleveland to receive compensation for conducting inspections of summer food program sites.

Section 2. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Public Health, Finance, Law; Committees on Health and Human Services, Finance.

Ord. No. 959-05.

By Council Members Britt and Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of animal trapping services, for the Division of Health, Department of Public Health.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Public Health is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year of the necessary items of animal trapping services, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Health, Department of Public Health. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the

items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 149752)

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Public Health, Finance, Law; Committees on Health and Human Services, Finance.

Ord. No. 960-05.

By Council Members Reed and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Department of Public Safety, for the 2006 EMS/Fire Training and Equipment Grant, and authorizing the Director of Public Safety to enter into one or more requirement contracts for the purchase of equipment and training necessary to implement the grant.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$206,366.70, from the Ohio Department of Public Safety, to conduct the 2006 EMS/Fire Training and Equipment Grant, for the purposes in the application; that the Director of Public Safety is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the application for the grant.

Section 2. That the application for the grant, File No. 960-05-A made a part as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, is approved in all respects.

Section 3. That the Director of Public Safety shall have the authority to extend the term of the grant if the extension does not involve an increase in the dollar amount of the grant specified above.

Section 4. That the Director of Public Safety is authorized to make one

or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of the grant term for the necessary items of equipment and training necessary to implement the grant, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public Safety. Bids shall be taken in a manner which permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the grant term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire grant term.

That the cost of the contract or contracts shall be charged against the proper appropriation account and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance.

Section 5. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Public Safety Finance, Law; Committees on Public Safety and Finance.

Ord. No. 961-05.

By Council Members Reed and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the County of Cuyahoga for the 2005 State Homeland Security Program; authorizing one or more requirement contracts for the purchase of training, equipment, and services necessary to implement the grant; authorizing the Director to employ one or more professional consultants necessary to implement the grant; and authorizing one or more agreements with the County of Cuyahoga to implement the program.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$936,600, from the County of Cuyahoga to conduct the 2005 State Homeland Security Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the award letter and spending plan for the grant contained in the file described below.

Section 2. That the award letter and spending plan for the grant, File No. 961-05-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, is approved in all respects.

Section 3. That the Director of Public Safety is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the necessary items of training, equipment, and services needed to implement the program as described in the file. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control shall determine. Alternate bids for a period less than the grant term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Public Safety may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 4. That the Director of Public Safety is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to implement the grant as described in the file.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Public Safety from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Public Safety for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Public Safety, and certified by the Director of Finance.

Section 5. That the costs of the contract or contracts authorized by this ordinance shall be charged against the fund or funds which are credited the grant proceeds accepted under this ordinance and shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director.

Section 6. That The Director of Public Safety is authorized to enter into one or more agreements with the County of Cuyahoga to the grant as described in the file.

Section 7. That the Director of Public Safety shall have the authority to extend the term of the grant if the extension does not involve an increase in the dollar amount of the grant specified above.

Section 8. That the cost of the contract or contracts shall be paid from the fund or funds which are credited the grant proceeds accepted under this ordinance.

Section 9. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Public Safety, Finance, Law; Committees on Public Safety, Finance.

Ord. No. 962-05.

By Council Members Reed and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the County of Cuyahoga for the 2005 Urban Area Security Initiative Program; authorizing one or more requirement contracts for the purchase of training, equipment, and services necessary to implement the grant; authorizing the Director to employ one or more professional consultants necessary to implement the grant; and authorizing one or more agreements with the County of Cuyahoga to implement the program.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$3,692,549, from the County of Cuyahoga to conduct the 2005 Urban Area Security Initiative ("UASI") Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the award letter and spending plan for the grant contained in the file described below.

Section 2. That the award letter and spending plan for the grant, File No. 962-05-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, is approved in all respects.

Section 3. That the Director of Public Safety is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the necessary items of training, equipment, and services needed to implement the program as described in the file. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control shall

determine. Alternate bids for a period less than the grant term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Public Safety may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 4. That the Director of Public Safety is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to implement the grant as described in the file.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Public Safety from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Public Safety for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Public Safety, and certified by the Director of Finance.

Section 5. That the estimated sum of \$110,776 is appropriated to the Department of Public Safety for administrative costs necessary to implement the Program.

Section 6. That the costs of the contract or contracts authorized by this ordinance shall be charged against the fund or funds which are credited the grant proceeds accepted under this ordinance and shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director.

Section 7. That The Director of Public Safety is authorized to enter into one or more agreements with the County of Cuyahoga to the grant as described in the file.

Section 8. That the Director of Public Safety shall have the authority to extend the term of the grant if the extension does not involve an increase in the dollar amount of the grant specified above.

Section 9. That the cost of the contract or contracts shall be paid from the fund or funds which are credited the grant proceeds accepted under this ordinance.

Section 10. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it

shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Public Safety, Finance, Law; Committees on Public Safety, Finance.

Ord. No. 963-05.
By Council Members Reed and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Department of Public Safety, for the 2006 EMS Training and Equipment Grant, and authorizing the Director of Public Safety to enter into one or more requirement contracts for the purchase of equipment and training necessary to implement the grant.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$20,000, from the Ohio Department of Public Safety, to conduct the 2006 EMS Training and Equipment Grant, for the purposes in the application and according thereto; that the Director of Public Safety is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the application for the grant.

Section 2. That the application for the grant, File No. 963-05-A, made a part as if fully rewritten herein, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, is approved in all respects.

Section 3. That the Director of Public Safety shall have the authority to extend the term of the grant if said extension does not involve an increase in the dollar amount of the grant specified above.

Section 4. That the Director of Public Safety is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of the grant term for the necessary items of equipment and training necessary to implement the grant, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public Safety. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the grant term may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire grant term.

That the cost of the contract or contracts shall be charged against the fund or funds which are credited the grant proceeds accepted under this ordinance, from the cash match, and from proper appropriation account and the Director of Finance shall certify the amount of

the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance.

Section 5. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Public Safety, Finance, Law; Committee on Public Safety, Finance.

Ord. No. 964-05.
By Council Members White, Johnson and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to accept a gift of a play structure and its installation at the Earle B. Turner Recreation Center from Park Structure and Snider & Associates; and to allow and accept the installation of the play structure.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Parks, Recreation and Properties is authorized to accept a gift from Park Structure and Snider & Associates of a play structure for, installation at, the Earle B. Turner Recreation Center, valued at \$10,000, plus the value of the installation.

Section 2. That the Director of Parks, Recreation and Properties is authorized to enter into one or more agreements with Park Structure and Snider & Associates to allow the installation of the play structure at the Earle B. Turner Recreation Center and to accept the improvements.

Section 3. That the agreement or agreements shall be prepared by the Director of Law.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Parks, Recreation and Properties, Finance, Law; Committees on Public Parks, Property and Recreation, Finance.

Ord. No. 965-05.
By Council Members Britt, Johnson, Cimperman and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to lease a portion of certain property known as Ambler Park to Case Western Reserve University, for a term of ninety-nine years, for the purpose of creating and maintaining landscaped greenspace and making site improvements as an entryway to the university.

Whereas, the City of Cleveland owns certain property known as Ambler Park and certain portions are not needed for public use; and

Whereas, Case Western Reserve University has proposed to lease a portion of the property from the City; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Parks, Recreation and Properties is authorized to lease to Case Western Reserve University ("Lessee"), certain property which is not needed for public use for the term of the lease:

LEGAL DESCRIPTION
 OF
 P.P.N. 121-13-022

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original 100 Acre Lot No. 411 and all of Sublot Nos. 19 through 26 and part of Sublot Nos. 27 through 35 of the Martha B. Ambler Subdivision recorded in Volume 14, Page 38 of Cuyahoga County Map Records, and that portion of East 114th Street vacated by Ordinance 1305-56 on June 28, 1956 and further bounded and described as follows:

Beginning at a 1" iron monument found at the centerline of Ambleside Road (60 feet wide) and at the intersection of the centerline of Murray Hill Road (60 feet wide) and the original centerline of Cedar Avenue (83 feet wide)(formerly Cedar Glen Boulevard);

Thence North 00°-38'-15" West along the centerline of Murray Hill Road, 85.91 feet to a point;

Thence North 82°-14'-55" West, 30.32 feet to a P.K. Nail set in asphalt at the intersection of the northerly line of Cedar Avenue and the westerly line of Murray Hill Road and the principal place of beginning of the premises herein described;

Thence North 82°-14'-55" West along the northerly line of Cedar Avenue, 482.51 feet to a drill hole set in concrete at the easterly line of land conveyed to The Cleveland Rapid Transit Authority by deed recorded in Volume 7804, Page 94 of Cuyahoga County Records;

Thence North 28°-50'-39" East along the easterly line of land so conveyed, 123.38 feet to a drill hole set in concrete steps;

Thence North 89°-18'-25" East and along the southerly line of Glenwood Avenue (40 feet wide), 416.63 feet to a P.K. Nail set in asphalt at the westerly line of aforesaid Murray Hill Road;

Thence South 00°-38'-15" East along the westerly line of Murray Hill Road, 178.20 feet to the principal place of beginning and containing 1.4897 acres of land as surveyed and described by Edward B. Dudley, P.S. No. 6747 of The Riverstone Company in October 2002, be the same more or less but subject to all legal highways.

Note: The portion of East 114th Street, as vacated by Ordinance 1305-56, within the parcel described herein, is subject to the easement for maintenance of water mains and sewers as described in Section 2 of said Ordinance 1305-56.

Basis of Bearings: The centerline of Cedar Avenue is North 82°-14'-55" West as shown on the Cedar Glen Boulevard Plat recorded in July 1930, in Map M-2429 of Cuyahoga County Engineers Office.

Section 2. That the term of the lease authorized by this ordinance shall not exceed ninety-nine years.

Section 3. That the property described above shall be leased for other valuable considerations, which is considered to be fair market value.

Section 4. That the lease may authorize the Lessee to make improvements to the leased premises subject to the approval of appropriate City agencies and officials.

Section 5. That the lease shall be prepared by the Director of Law and shall contain any terms and conditions as are required to protect the interests of the City.

Section 6. That the Director of Parks, Recreation and Properties, the Director of Law, and other appropriate City officials are authorized to execute any other documents and certificates, and take any other actions which may be necessary or appropriate to effect the lease authorized by this ordinance.

Section 7. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Parks, Recreation and Properties, City Planning Commission, Finance, Law; Committees on Public Parks, Property and Recreation, City Planning, Finance.

Ord. No. 966-05.

By Council Members Cimperman, Johnson, Westbrook and Jackson (by departmental request).

An emergency ordinance authorizing the Directors of Parks, Recreation and Properties and Port Control to lease certain properties located on Dock 32 and the East 9th Street pier to the Cleveland-Cuyahoga County Port Authority, for a term of one year, with five options to renew for additional one-year periods, for the purpose of creating approximately 600 parking spaces and for operations.

Whereas, the City of Cleveland owns certain properties known as Dock 32 and the East 9th Street pier which portions are suitable for lease and operation by another party for a public use; and

Whereas, the Cleveland-Cuyahoga County Port Authority has proposed to lease the properties from the City; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Directors of Parks, Recreation and Properties and Port Control are authorized to lease to Cleveland-Cuyahoga County Port Authority ("Lessee") through one or more leases, approximately 213,100 square feet of property located on Dock 32 and approximately 57,600 square feet of property located on the East 9th Street Pier to be used to create approximately 600 parking spaces.

Section 2. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Directors of Parks, Recreation and Properties and Port Control are authorized to lease to Lessee, through one or more leases, approximately 10,000 square feet of property located in the warehouse on Dock 32 for the storage of maintenance equipment and to house Lessee's security and maintenance personnel.

Section 3. The properties to be leased under Sections 1 and 2 of this ordinance for the term of the lease or leases and are more fully shown on the maps contained in File No. 966-05-A.

Section 4. That the term of the lease or leases authorized by this ordinance shall not exceed one year, with five options to renew for additional one-year periods.

Section 5. That the properties described above shall be leased for One Dollar per year and other valuable considerations, which are considered to be fair market value.

Section 6. That the lease or leases may authorize the Lessees to make improvements to the leased premises subject to the approval of appropriate City agencies and officials.

Section 7. That the lease or leases shall be prepared by the Director of Law.

Section 8. That the Directors of Parks, Recreation and Properties, Port Control, and Law, and other appropriate City officials are authorized to execute any other documents and certificates, and take any other actions which may be necessary or appropriate to effect the lease authorized by this ordinance.

Section 9. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Parks, Recreation and Properties, Port Control, City Planning Commission, Finance, Law; Committees on Public Parks, Property and Recreation, Aviation and Transportation, City Planning, Finance.

Ord. No. 967-05.

By Council Members Cimperman, Gordon and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into contract with Tastebuds, LLC, dba Tastebuds, to provide economic development assis-

tance in the form of a loan and a grant to partially finance the interior leasehold improvement, architectural and engineering fees and other costs associated with interior renovation of an existing restaurant located at 1400 East 30th Street.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Economic Development is authorized to enter into contract with Tastebuds, LLC, dba Tastebuds to provide economic development assistance in the form of a loan and a grant to partially finance the interior leasehold improvement, architectural and engineering fees and other costs associated with interior renovation of an existing restaurant located at 1400 East 30th Street.

Section 2. That the terms of the loan and the grant shall be according to the terms set forth in the Summary contained in File No. 967-05-A as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority.

Section 3. That the cost of the loan shall not exceed Forty-Two Thousand Dollars (\$42,000), and the cost of the grant shall not exceed Eight Thousand Dollars (\$8,000). The loan and grant shall be paid from Fund Nos. 17 SF 008 and 17 SF 652, which funds are appropriated for this purpose, Request No. 103649.

Section 4. That the Director of Economic Development is authorized to accept the collateral as set forth in the file referenced above in order to secure repayment of the loan. Any loan agreement, security instrument, or other document shall be prepared and approved by the Director of Law.

Section 5. That the Director of Economic Development is authorized to accept monies in repayment of the loan and to deposit the monies in Fund Nos. 17 SF 006.

Section 6. That the Director of Economic Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal regulations and the fees are appropriated to cover costs incurred in the preparation of the loan application, closing and servicing of the loans. The fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

Section 8. That the contracts and other appropriate documents needed to complete the transaction authorized by this legislation shall be prepared by the Director of Law.

Section 9. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Economic Development, Finance, Law; Committees on Community and Economic Development, Finance.

Ord. No. 968-05.

By Council Members Gordon, Lewis and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to accept a grant from the Ohio Department of Job and Family Services for the 2005 Workforce Investment Act Program; to enter into contracts with various entities necessary to administer the Program; and to enter into a grant agreement with Cuyahoga County to administer its workforce program; authorizing the Mayor to enter into an intergovernmental agreement with Cuyahoga County to establish and administer a consolidated Workforce Investment Program; and authorizing the establishment of a regional Council of Governments to act as administrative entity and fiscal agent for the consolidated program.

Whereas, the Workforce Investment Act of 1998, Public Law 105-220 ("WIA"), the purpose of which is to ". . . provide workforce investment activities, through statewide and local workforce investment systems, that increase the employment, retention, and earnings of participants, and increase occupational skill attainment by participants, and, as a result, improve the quality of the workforce, reduce welfare dependency, and enhance the productivity and competitiveness of the nation"; and

Whereas, under WIA, the Governor of the State of Ohio has designated Ohio Workforce Areas for the WIA throughout Ohio and the governor has designated the geographic boundaries of Cuyahoga County ("County"), including the City of Cleveland ("City"), as Ohio Workforce Area No. 3 ("OWA No. 3"); and

Whereas, in order to achieve greater cooperation, better address the needs of the citizens of the City and the County, maximize the use of available funds, and comply with the request of the Ohio Governor's Workforce Policy Board of the State of Ohio and generally administer funds and programs under the WIA, the City and the County intend to combine their boards, service areas, and programs and maintain and operate a single consolidated program in accordance with a Letter of Intent entered into by the Mayor and the Cuyahoga County Board of Commissioners on December 7, 2004 ("LOI"); and

Whereas, in accordance with the agreement required by the WIA and approved by the Governor, for the WIA Program Year ("PY") 2005 for the period of July 1, 2005 through June 30, 2006, between the Chairman of the Workforce Investment Board of Cleveland ("WIBC") and the City, the City has been designated as the WIA grant recipient, administrative entity, for OWA No. 3; and

Whereas, with the agreement of the Cuyahoga County Board of County Commissioners, the City will enter into a grant agreement with the County and the Chairman of the Workforce Investment Board of the County as the WIA grant recipient, administrative entity, to fund the County staff and County programs in OWA No. 3; and

Whereas, the City and the County want to establish a Regional Council of Governments ("RCOG") as provided in Ohio Revised Code Chapter 167 to act as the fiscal agent and administrative entity for OWA No. 3; and

Whereas, the Mayor and the County Board of Commissioners must enter into an intergovernmental agreement to facilitate the creation of a consolidated workforce investment area for OWA No. 3;

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Economic Development is authorized to accept a grant in the approximate amount of \$18,400,000.00, or portions thereof, from the Ohio Department of Job and Family Services, or its designee as fiscal agent, for the 2005 Workforce Investment Act grant for the delivery of allowable program services to eligible individuals and, if recognized by the State of Ohio, for the City to act as fiscal agent for OWA No. 3. The Director of Economic Development is authorized to file all papers and execute all documents necessary to receive the funds under the grant.

Section 2. That the Director of Economic Development is authorized to enter into one or more contracts with various agencies, entities or organizations to implement the following components of the grant, payable from the funds or fund that are credited the proceeds of the grant accepted in this ordinance.

● 10 YOUTH PROGRAM ELEMENTS

- Tutoring, Study Skills and Instruction
- Alternative Secondary School Services
- Summer Employment Experiences
- Paid Work Experience
- Occupational Skills Training
- Leadership Development
- Supportive Services
- Mentoring
- Follow-up Services
- Comprehensive Guidance and Counseling

● JOB READINESS TRAINING

● JOB DEVELOPMENT/JOB PLACEMENT

● JOB FAIRS, YOUTH COUNCIL MEETINGS AND EVENTS, PROVIDER MEETINGS, PROGRAM RECOGNITION EVENTS

Adult Employment and Training

● OCCUPATIONAL SKILLS TRAINING

● ON-THE-JOB TRAINING

● CUSTOMIZED TRAINING

● PAID WORK EXPERIENCE

● SPECIALIZED POPULATION SERVICES

● SUPPORTIVE SERVICES

● JOB READINESS TRAINING

● FOLLOW-UP

● JOB DEVELOPMENT

● JOB FAIRS, WIB MEETINGS, PROVIDER MEETINGS, PROGRAM RECOGNITION EVENTS

Dislocated Worker Employment and Training

- OCCUPATIONAL SKILLS TRAINING
- ON-THE-JOB TRAINING
- CUSTOMIZED TRAINING
- PAID WORK EXPERIENCE
- SUPPORTIVE SERVICES
- JOB READINESS TRAINING
- FOLLOW-UP
- JOB DEVELOPMENT
- JOB FAIRS, WIB MEETINGS, PROVIDER MEETINGS, PROGRAM RECOGNITION EVENTS
- RAPID RESPONSE MEETINGS AND EVENTS

The contracts authorized by this section shall contain a provision that the Director of Economic Development may assign the contract to the RCOG or to another fiscal agent designated to receive all or any portion of the 2005 Workforce Investment Act grant funds for the delivery of allowable program services to eligible individuals in OWA No. 3.

Section 3. That the following amounts are appropriated as follows to provide for administration of the WIA programs:

A.	<u>Youth Activities</u>		
	Personnel and Related Expenses	\$ 900,000.00	
	Other Expenses	<u>\$5,800,000.00</u>	
	Total		\$6,700,000.00
B.	<u>Adult Employment and Training</u>		
	Personnel and Related Expenses	\$ 750,000.00	
	Other Expenses	<u>\$5,550,000.00</u>	
	Total		\$6,300,000.00
C.	<u>Dislocated Worker Employment and Training</u>		
	Personnel and Related Expenses	\$ 750,000.00	
	Other Expenses	<u>\$4,650,000.00</u>	
	Total		\$5,400,000.00

Section 4. That the Director of Economic Development is authorized to enter into a grant agreement with the County and the Chairman of the Workforce Investment Board of the County to fund the County staff and County programs in OWA No. 3, payable from the funds or fund that are credited the proceeds of the grant accepted in this ordinance and in an amount to maintain the proportion of services historically provided to residents of OWA No. 3 by the City and the County (determined by the average of funding and services data over the previous four years, as set forth in the attachment to the LOI). The grant agreement shall contain a provision that the Director of Economic Development may assign the agreement to the RCOG or to another fiscal agent designated to receive all or any portion of the 2005 Workforce Investment Act grant funds for the delivery of allowable program services to eligible individuals in OWA No. 3.

Section 5. That, under Chapter 167 of the Revised Code, the Mayor is authorized to enter into an agreement with the County for the establishment of a RCOG consisting of the City and the County to act as the administrative entity and fiscal agent under the WIA for OWA No. 3 in accordance with the LOI and the mandate of the Governor's Workforce Policy Board.

Section 6. That the Mayor is authorized to enter into an intergovernmental agreement with the County Board of Commissioners to combine the City and County workforce investment boards, service areas, and programs and maintain and operate a single consolidated program in accordance with the LOI. The agreement shall contain provision for the temporary loaning of City employees to RCOG and the transfer, lease, or loaning of property currently used by the City's workforce investment program and needed for the workforce investment program administered by the RCOG. Subject always to the requirements of the WIA, including its requirements to provide universal access to services, and recognizing the provision of services will depend on customer flow and demand for services, the RCOG and the consolidated workforce investment board shall strive to maintain the proportion of services historically provided to the residents of the City (determined by the average of funding and services data over the previous four years, as set forth in the attachment to the LOI).

Section 7. That the Mayor and the Director of Economic Development are authorized to enter to such other agreements as may be necessary to establish the RCOG, including agreements with a fiscal agent designated by the State, and provide for a single consolidated workforce investment program in accordance with the LOI and the provisions of this ordinance.

Section 8. That the contracts and agreements authorized by this ordinance shall be prepared by the Director of Law and shall contain such additional terms and conditions as are necessary to protect the interests of the City of Cleveland.

Section 9. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Economic Development, Finance, Law; Committees on Community and Economic Development, Employment, Affirmative Action and Training Finance.

Ord. No. 970-05.
By Council Members Lewis and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Personnel to participate in the Ohio Safety Incentive Program in order to entitle the City to a workers' compensation premium rebate.

Whereas, the Ohio Bureau of Workers' Compensation has notified the City of Cleveland of its eligibility to participate in the Ohio Safety Council Incentive Program ("Program"); and

Whereas, under the Program, the City will enroll in the local Greater Cleveland Safety Council and receive a 4% one-time workers' compensation premium rebate; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Personnel, on behalf of the City of Cleveland, is authorized to take all necessary steps to join and participate in the Ohio Safety Incentive Program, including enrolling the City in the local Greater Cleveland Safety Council, filing all reports, and paying the required filing fee, currently estimated at \$6,000, payable from Fund No. 01-040203-623000, Request No. 107563.

Section 2. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Personnel and Human Resources, Finance, Law; Committees on Employment, Affirmative Action and Training, Finance.

Ord. No. 971-05.
By Council Members Cimperman, Lewis, Sweeney and Jackson (by departmental request).

An emergency ordinance approving the report of the Board of Revision of Assessments on objections concerning estimated assessments with respect to improving Euclid Avenue between Public Square and East 70th Street by making specified improvements along the right-of-way; and determining to proceed with the improvements; and adopting the equalized assessments.

Whereas, the Board of Revision of Assessments convened pursuant to Resolution No. _____, adopted _____, to hear and determine all objections concerning the estimated assessments for improvement of Euclid Avenue between Public Square and East 70th Street by reconstructing or abandoning sidewalk vaults encroaching upon the public right-of-way or otherwise improving vaults appurtenant to the right-of-way in accordance with Resolution No. 2372-04, adopted February 28, 2005, has filed its reports with this Council as to its determination of such objections; and

Whereas, this Council deems said report proper in all respects; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the report of the Board of Revision of Assessments convened pursuant to Resolution No. _____, adopted _____, and contained in File No. _____, is approved.

Section 2. That the assessments as equalized by the Board and recommended by it in its report are approved, and the assessments are directed to be filed in the Office of the Clerk of this Council.

Section 3. That it is determined to proceed to improve Euclid Avenue between Public Square and East 70th Street by reconstructing or abandoning sidewalk vaults encroaching upon the public right-of-way or otherwise improving vaults appurtenant to the right-of-way in accordance with Resolution No. 2372-04, adopted February 28, 2005, (the "Resolution of Necessity").

Section 4. That the Improvements shall be performed under the provisions of the Resolution of Necessity, and with the plans, specifications, and profiles approved and filed in the office of the Clerk of Council and in accordance with the estimates as equalized.

Section 5. That the estimated assessments for the Improvements, as equalized by the Board of Revision of Assessments, filed in the office of the Clerk of City Council are adopted.

Section 6. That it is further determined that the portion of the cost of the Improvements to be assessed against benefited property shall be assessed in the amount, manner and number of installments as provided for in the Resolution of Necessity.

Section 7. That no claims for damages resulting from the Improvements have been filed.

Section 8. That the cost of the Improvements shall be paid, prior to the collection of assessments, from Fund Nos. 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 382, 20 SF 394 and 20 SF 500. This Council determines that the City expects to levy assessments in 2006 for the Improvements, and that the City further expects and intends to use proceeds of the assessments to reimburse Fund No. 10 SF 400 the moneys expended under this Ordinance.

Section 9. That the Clerk of this Council is directed to deliver a certified copy of this ordinance to the County Auditor within fifteen (15) days after the passage of this ordinance as required by Section 319.61 of the Revised Code.

Section 10. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Public Service, City Planning Commission, Finance, Law; Committees on Public Service, City Planning, Finance.

Ord. No. 981-05.

By Council Member Cimperman.
An emergency ordinance to amend Section 401.34 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1684-76 passed June 29, 1976, relating to the definition of parking place.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That Section 401.34 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1684-76 passed June 29, 1976, is hereby amended to read as follows:

Section 401.34 Parking Place

"Parking place" means any garage or other building or part thereof, or any premises or parcel of land in or upon which a business of storing more than ten motor vehicles in any twenty-four hour period is conducted for eight months or more in any calendar year, where the owner or person storing such vehicles is charged a fee, including all lots located in the City storing motor vehicles, including towed vehicles, for the Division of Police or for any private entity, but excluding the rental of private garages and the all-night storing of vehicles upon the premises of and in connection with the operation of regularly established gasoline stations.

Section 2. That existing Section 401.34 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1684-76 passed June 29, 1976, is hereby repealed.

Section 3. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Public Safety, Legislation, City Planning Commission, Finance, Law; Committees on Public Safety, Legislation, Finance.

FIRST READING EMERGENCY RESOLUTIONS REFERRED

Res. No. 954-05.

By Council Members Cimperman, Cintron, Sweeney and Jackson (by departmental request).

An emergency resolution declaring the intent to vacate a portion of Carroll Avenue and a portion of Keene Court.

Whereas, this Council is satisfied that there is good cause to vacate a portion of Carroll Avenue and a portion of Keene Court, as described; and

Whereas, this resolution constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That this Council declares its intent to vacate a portion of the following described real property:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being all that portion of Carroll Avenue N.W. (50 feet wide) extending Easterly from the East line of West 30th Street to that portion of Carroll Avenue N.W. vacated in Volume 224, Page 54 of Cuyahoga County Map Records by Ordinance No. 2580-78 dated October 16, 1978 and all that portion of Keene Court S.W. (16 feet wide) extending Easterly from the East line of West 29th Street to the West line of West 28th Street.

Description approved by Greg Esber, Section Chief, Plats, Surveys and House Numbering Section.

Section 2. That this resolution is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Public Service, City Planning Commission, Finance, Law; Committees on Public Service, City Planning, Finance.

Res. No. 969-05.

By Council Members Gordon, Cimperman and Jackson (by departmental request).

An emergency resolution supporting the Board of County Commissioners' Clean Ohio Revitalization grant application to the Ohio Department of Development.

Whereas, this resolution constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That this Council supports the Board of County Commissioners' Clean Ohio Revitalization grant application to the Ohio Department of Development which will assist in the remediation of the land located in downtown Cleveland at the mouth of the Cuyahoga River on Lake Erie for a mixed-use residential/retail neighborhood.

Section 2. That the Clerk of Council is directed to send copies of this resolution to the Ohio Department of Development and to the Board of County Commissioners of Cuyahoga County.

Section 3. That this resolution is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Economic Development, City Planning Commission, Finance, Law; Committees on Community and Economic Development, City Planning, Finance.

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

Ord. No. 972-05.

By Council Members Conwell, Gordon, Cimperman and Jackson (by departmental request).

An emergency ordinance to amend Sections 2, 3 and 5 of Ordinance No. 476-05, passed April 4, 2005, relating to a contract with Lakeview Square I, Ltd., to provide development assistance to finance the acquisition of real property at 11905 Superior Avenue.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That Sections 2, 3 and 5 of Ordinance No. 476-05, passed April 4, 2005, are amended to read as follows:

Section 2. That the terms of the loan shall be according to the terms set forth in the Summary contained in File No. **476-05-B**, Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority.

Section 3. That the cost of the contract shall not exceed One Million Four Hundred Thousand Dollars (\$1,400,000), and shall be paid from Fund No. **17 SF 008**, which funds are appropriated for this purpose, Request No. 103645.

Section 5. That the Director of Economic Development is authorized to accept monies in repayment of the loan and to deposit the monies in Fund No. **17 SF 006**.

Section 2. That existing Sections 2, 3 and 5 of Ordinance No. 476-05, passed April 4, 2005, are repealed.

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 974-05.

By Council Member Coats.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Northeast Neighborhood Development Corporation for the Community Partnership Program through the use of Ward 10 Neighborhood Equity Funds.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Community Development is authorized to enter into an agreement with Northeast Neighborhood Development Corporation for the Commu-

nity Partnership Program for the public purpose of promoting stability and sustainability of Cleveland neighborhoods through the use of Ward 10 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$43,500 and shall be paid from Fund No. 10 SF 166.

Section 3. That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

Section 4. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 975-05.

By Council Member Coats.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Northeast Neighborhood Development Corporation for the Home Expo Program through the use of Ward 10 Neighborhood Equity Funds.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Community Development is authorized to enter into an agreement with the Northeast Neighborhood Development Corporation for the Home Expo Program for the public purpose of educating City of Cleveland residents on various home assistance programs that are available from local banking institutions and city programs through the use of Ward 10 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$5,000 and shall be paid from Fund No. 10 SF 166.

Section 3. That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

Section 4. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 976-05.**By Council Member Cimperman.**

An emergency ordinance authorizing the Director of Economic Development to enter into an agreement with Downtown Cleveland Partnership for the "Downtown Digs," A Guide to Living in Downtown Cleveland Project through the use of Ward 13 Neighborhood Equity Funds.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Economic Development is authorized to enter into an agreement with Downtown Cleveland Partnership for the "Downtown Digs," A Guide to Living in Downtown Cleveland Project for the public purpose of increasing residential growth opportunities for City residents in downtown Cleveland through the use of Ward 13 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$8,000 and shall be paid from Fund No. 10 SF 166.

Section 3. That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

Section 4. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 978-05.**By Council Members Zone, Cimperman, Gordon, Brady, and Sweeney.**

An emergency ordinance amending the Title and Sections 1 and 2 of Ordinance No. 662-05 passed April 11, 2005 as it pertains to the Westside Leadership Collaborative of Cleveland Program through the use of Ward 13, 15, 17, 19 and 20 Neighborhood Equity Funds.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Title and Sections 1 and 2 of Ordinance No. 662-05 passed April 11, 2005 are hereby amended to read as follows:

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Tremont West Development Corporation for the Westside Leadership Collaborative of Cleveland Program through the use of Wards 13, 15, 17, 19 and 20 Neighborhood Equity Funds.

Section 1. That the Director of Community Development is authorized to enter into an agreement with Tremont West Development Corporation for the Westside Leadership Collaborative of Cleveland Program for the public purpose of providing leadership training to Cleveland residents in community building initiatives through the use of Wards 13, 15, 17, 19 and 20 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$3,000 and shall be paid from Fund No. 10 SF 166.

Section 2. That the Title and Sections 1 and 2 of Ordinance No. 662-05 passed April 11, 2005 are hereby repealed.

Section 3. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 979-05.**By Council Member Lewis.**

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into an agreement with the East 97th Street Bulldogs for a Football Youth Program through the use of Ward 7 Neighborhood Equity Funds.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Parks, Recreation and Properties is authorized to enter into an agreement with the East 97th Street Bulldogs for a Football Youth Program for the public purpose of providing organized recreational sports activities for Cleveland youth through Ward 7 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$2,200 and shall be paid from Fund No. 10 SF 166.

Section 3. That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

Section 4. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 980-05.**By Council Member Cimperman.**

An emergency ordinance to amend Section 135.42 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1052-A-80 passed January 12, 1981, relating to towing, storage and disposition agreements.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That Section 135.42 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1052-A-80 passed January 12, 1981, is hereby amended to read as follows:

Section 135.42 Towing, Storage and Disposition Agreements

The Director of Public Safety shall not enter into agreements with any of the following: tow truck owners for the towing of motor vehicles; motor vehicle salvage dealers (as defined in RC 4738.01) or scrap metal processors (as defined in RC 4737.05) for the towing of abandoned junk motor vehicles; motor vehicle storage services for the Division of Police; and motor vehicle salvage dealers or scrap metal processing facilities for the disposition of abandoned motor vehicles and of abandoned junk motor vehicles, without prior authorizing ordinance of Council.

Section 2. That existing Section 135.42 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1052-A-80 passed January 12, 1981 is hereby repealed.

Section 3. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 982-05.**By Council Member Pierce Scott.**

An emergency ordinance authorizing certain persons to engage in peddling in Ward 8. (Shaun Drake.)

Whereas, pursuant to Section 675.08 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council expressed by ordinance is a prerequisite to peddling upon public rights of way outside of the Central Business District; and

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 8; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That this Council consents, as required by, Section 675.08 of the Codified Ordinances to allow each persons named below to engage in peddling in the public rights of way of Ward 8: Shaun Drake.

Section 2. That all of the requirements of Chapter 675 of the Codified Ordinances shall apply to the persons named in Section 1 of this ordinance.

Section 3. That the privilege granted may be revoked at any time by this Council.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 985-05.

By Council Member Lewis.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Mt. Zion/McCreary Center to stretch a banner at East 71st Street for the period from June 1, 2005 to June 20, 2005, inclusive, publicizing the church carnival.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to Mt. Zion/McCreary Center to install, maintain and remove a banner at East 71st Street, for the period from June 1, 2005 to June 20, 2005, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

Section 2. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final passage.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 973-05.

By Council Members Cimperman, Lewis, Sweeney, and Jackson (by departmental request).

An emergency resolution fixing the time and place for hearing objections to estimated assessments with respect to improving Euclid Avenue between Public Square and East 70th Street, by making specified improvements upon the public right-of-way.

Whereas, under Resolution No. 2372-04, adopted February 28, 2005, this Council declared the necessity of improving Euclid Avenue between Public Square and East 70th Street by reconstructing or abandoning sidewalk vaults encroaching upon the public right-of-way, or otherwise improving vaults appurtenant to the right-of-way; and

Whereas, under the above resolution the estimated assessments for the improvement have been prepared and placed on file in the office of the Clerk of this Council; and

Whereas, notice of the passage of the resolution and of the filing of the estimated assessments have been duly served on all property owners to be assessed in the manner provided by law; and

Whereas, written objection to the estimated assessments have been filed by one or more property owners; and

Whereas, Section 148 of the Charter provides for a Board of Revision of Assessments to hear objections relating to assessments; and

Whereas, this resolution constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That the Board of Revision of Assessments shall meet at 11:00 a.m. on Thursday, June 2, 2005, at the Cleveland Convention Center, 500 Lakeside Avenue, Room 211, to hear and determine all written objections filed under the law to the estimated assessments heretofore filed with the Clerk of Council under Resolution No. 2372-04, adopted February 28, 2005, by this Council.

Section 2. That upon completion of the hearing and any adjournments, the Board of Revision of Assessments shall report its recommendations, including any changes which should be made in the estimated assessments, to this Council.

Section 3. That the Clerk of Council is authorized and directed to notify, by certified mail, each person who has filed timely written objection to the estimated assessments of the time and place of the hearing of the Board of Revision of Assessments.

Section 4. That this resolution is declared to be an emergency measure and, provided it receives the

affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final adoption.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 977-05.

By Council Member Cintron.

An emergency resolution objecting to the transfer of ownership of a D1, D2, D3, and D3A Liquor Permit to 5004 Storer Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit from El Paraiso, Inc., 5004 Storer Avenue, Cleveland, Ohio 44102, Permanent Number 2465601 to Santiago Sanchez Entertainment Group LLC, 5004 Storer Avenue, Cleveland, Ohio 44102, Permanent Number 7709514; and

Whereas, the granting of this application for a liquor permit to this high crime area, which is already saturated with other liquor outlets, is contrary to the best interests of the entire community; and

Whereas, the applicant does not qualify to be a permit holder and/or has demonstrated that he has operated his liquor business in disregard of the laws, regulations or local ordinances of this state or any other state; and

Whereas, the place for which the permit is sought has not conformed to the building, safety or health requirements of the governing body of this County or City; and

Whereas, the place for which the permit is sought is so arranged or constructed that law enforcement officers or agents of the Department of Liquor Control are prevented reasonable access to the establishment; and

Whereas, the place for which the permit is sought is so located with respect to the neighborhood that it substantially interferes with public decency, sobriety, peace or good order; and

Whereas, this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the Director of Liquor Control within 30 days of notification; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit from El Paraiso, Inc., 5004 Storer Avenue, Cleveland, Ohio 44102, Permanent Number 2465601 to Santiago Sanchez Entertainment Group LLC, 5004 Storer Avenue, Cleveland, Ohio 44102, Permanent Number 7709514; and requests the Director of Liquor Con-

trol to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

Section 3. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final adoption.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 983-05.

By Council Members Jackson, Cimperman, Westbrook, Brady, Britt, Zone, Polensek, Sweeney, Coats, Pierce Scott, Reed, Gordon, Lewis and Cintron.

An emergency resolution urging the United States Department of Defense and the Defense Finance & Accounting Services office (DFAS) to retain important federal defense jobs in Cleveland and supporting and encouraging the Cleveland Defense Industry Alliance and the Greater Cleveland Partnership in its advocacy efforts to preserve the region's economic vitality by encouraging the retention of these jobs; and further committing Council's support and assistance to the Cleveland Defense Industry Alliance in its efforts to reverse the Defense Department's recommendation to close Cleveland's DFAS office.

Whereas, Cleveland City Council has as one of its primary responsibilities improving the health and welfare of the citizens of the City of Cleveland, which is best accomplished through job creation and retention of current jobs in the City of Cleveland; and

Whereas, the Defense Finance & Accounting Services (DFAS) employs more than 15,000 people at 25 processing centers worldwide distributing \$101 billion in FY 2003 and serving 2,745,000 military and civilian personnel, retirees and annuitants; and

Whereas, the DFAS has operated in Cleveland in different forms since 1942 and is currently the fourth largest federal employer in Greater Cleveland, with a \$65 million annual payroll; and

Whereas, the Cleveland DFAS office has been the world center for Navy payroll services and personnel data management since its inception; and

Whereas, the number of DFAS jobs currently located in downtown Cleveland is 1,200 with another 300 contractor jobs; and

Whereas, the Cleveland DFAS office provides jobs that are vital to the health of the regional workforce and enriches the ranks of professionals in our City; and

Whereas, the loss of these jobs could cost Greater Cleveland an estimated \$128 million, further eroding our regional and state tax base and endangering money for vital services, such as police and fire protection throughout Northeast Ohio; and

Whereas, Cleveland is one of the nation's preeminent financial service centers, home to the headquarters of several large commercial banks and the regional Federal Reserve, and perfectly situated for the work done at the Cleveland DFAS and should be able to provide this important service well into the future; and

Whereas, the United States Department of Defense has recommended to the Base Closure and Realignment Commission that 1,028 jobs currently performed by the Cleveland Defense Finance and Accounting Service in the Anthony Celebrezze Building be relocated to other cities; and

Whereas the Cleveland Defense Industry Alliance has announced its intentions to work with community partners, including Cleveland City Council, to fight this recommendation and reverse this decision before the Base Realignment and Closure Commission forwards its recommendations to President Bush in September 2005; and

Whereas, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health or safety, now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That this Council hereby urges the United States Department of Defense and the Defense Finance & Accounting Services office (DFAS) to retain important federal defense jobs in Cleveland and supports and encourages the Cleveland Defense Industry Alliance and the Greater Cleveland Partnership in its advocacy efforts to preserve the region's economic vitality by encouraging the retention of these jobs.

Section 2. That this Council further commits its support and assistance to the Cleveland Defense Industry Alliance in its efforts to reverse the Defense Department's recommendation to close Cleveland's DFAS office.

Section 3. That the Clerk is hereby directed to transmit copies of this resolution to President George W. Bush, Congressional Representatives Tubbs-Jones, Kucinich, LaTourette, Senators DeWine and Voinovich, the appropriate representatives from the U.S. Department of Defense and the Base Realignment and Closure Commission, and the members of the Cleveland Defense Industry Alliance.

Section 4. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final adoption.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

Res. No. 984-05.

By Council Members Conwell and Coats.

An emergency resolution urging the Ohio Senate to preserve parent coverage Medicaid at one hundred percent (100%) of federal poverty level and to fully preserve the Disability Medical Assistance program.

Whereas, Medicaid and Disability Medical Assistance are publicly funded, publicly accountable health care programs providing comprehensive services to low income individuals who meet specific categorical requirements; and

Whereas, Medicaid is a state and federal partnership program and the State of Ohio receives matching federal dollars for every State of Ohio dollar expended on Medicaid programs; and

Whereas, Disability Medical Assistance is funded by the State of Ohio; and

Whereas, cuts to Medicaid and the proposed elimination of the Disability Medical Assistance program, as proposed by Governor Taft and passed by the Ohio House, will eliminate health care coverage for working parents, eliminate physician care and medications for indigent Ohioans; and limit access to needed dental services; and

Whereas, these proposals make access to medical care more difficult for the poor; and

Whereas, low income wage earners are unable to afford health insurance and the proposed cuts to Medicaid and the elimination of the Disability Medical Assistance program will result in delayed health care; and

Whereas, delayed health care results in increased hospital emergency room visits and increased medical complications; and

Whereas, the proposed cuts in Medicaid and the elimination of Disability Medical Assistance will significantly impact the lives of people living and working in Cleveland; and

Whereas, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health or safety, now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That this Council urges the Ohio Senate to preserve parent coverage Medicaid at one hundred percent (100%) of the federal poverty level and to fully preserve the Disability Medical Assistance program.

Section 2. That the Clerk of Council is hereby requested to transmit a copy of this resolution to Ohio Governor Bob Taft and those members of the Ohio Senate representing residents of the City of Cleveland.

Section 3. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Motion to suspend rules. Charter and statutory provisions and place on final adoption.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Adopted. Yeas 20. Nays 0.

**SECOND READING EMERGENCY
ORDINANCES PASSED**

Ord. No. 67-04.

By Council Members Jones, Gordon, Sweeney, Coats, Cimperman and Jackson (by departmental request).

An emergency ordinance determining the method of making the public improvement of grading and paving, constructing streets, sidewalks, driveway aprons, curbing, curb ramps, median strips, intersections, utility boxes, casting adjustments, appurtenances, streetscaping, landscaping, installing water and sewer mains and connections, installing electrical service and connections, streetlighting, and other related infrastructure improvements in conjunction with the East 176th Street new housing development project; and authorizing the Directors of Community Development, Public Service or Public Utilities to enter into one or more public improvement contracts for the making of the improvement.

Approved by Directors of Community Development, Public Service, Public Utilities, City Planning Commission, Finance, Law; Passage recommended by Committees on Community and Economic Development, Public Service, Public Utilities, City Planning, Finance; when amended as follows:

1. In Section 3, line 2, after "Nos." insert "**14 SF 030, 52 SF 001, 52 SF 002, 52 SF 003,**".

Amendment agreed to.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

In compliance with Section 33 of the Charter, a copy of the legislation was furnished to each member of Council before final passage.

Ord. No. 290-05.

By Council Member Cintron.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Barber Avenue and West 20th Street to Israel Colon or designee.

Approved by Directors of Community Development, City Planning Commission, Finance, Law; Passage recommended by Committees on Community and Economic Development, Finance.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 716-05.

By Council Members Gordon and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into agreements with Storefront Renovation Program applicants, and to enter into agreements to reimburse eligible administrative costs to community development corporations for implementation of the Storefront Renovation Program.

Approved by Directors of Community Development, Finance, Law; Passage recommended by Committees on Community and Economic Development, Finance.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 721-05.

By Council Member Jackson (by departmental request).

An emergency ordinance to provide for the issuance and sale of Bonds in the maximum principal amount of \$7,180,000 for the purpose of providing funds for Residential and Neighborhood Development; and the issuance of notes in anticipation of those Bonds.

Approved by Directors of Finance, Law; Passage recommended by Committee on Finance.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 722-05.

By Council Member Jackson (by departmental request).

An emergency ordinance to provide for the issuance of unvoted general obligation Bonds in the maximum principal amount of \$7,540,000 for the purpose of providing funds to improve Public Service Facilities and the issuance of notes in anticipation of those Bonds.

Approved by Directors of Finance, Law; Passage recommended by Committee on Finance.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 808-05.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the Director of Finance to pay as Moral Claims the sums opposite the names of the claimants.

Approved by Directors of Finance, Law; Passage recommended by Committee on Finance.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 809-05.

By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more contracts of labor and materials necessary to install a mail system, for the Division of Printing and Reproduction, Department of Finance.

Approved by Directors of Finance, Law; Passage recommended by Committee on Finance.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 844-05.

By Council Members Johnson, Westbrook and Jackson (by departmental request).

An emergency ordinance authorizing the Directors of Parks, Recreation and Properties and Port Control to enter into an amendment to the Mather Museum lease with the Harbor Heritage Society to relocate the Steamship William G. Museum from East 9th Street to Dock 32.

Approved by Directors of Parks, Recreation and Properties, Port Control, Finance, Law; Relieved of Committees on Public Parks, Property, and Recreation, Aviation and Transportation; Passage recommended by Committee on Finance.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 856-05.

By Council Members Gordon and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into or amend contracts with various agencies to provide housing, commercial, industrial and real estate development activities.

Approved by Directors of Community Development, Finance, Law; Passage recommended by Committees on Community and Economic Development, Finance.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 859-05.

By Council Members Cimperman, Gordon, and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into contract with Wimbledon Investments, LLC to provide economic development assistance to partially finance exterior leasehold improvements, including construction, renovation, and site improvements, and to assist with architectural and engineering fees for the property located at 2179 West 11th Street, and all other associated costs necessary for the improvements.

Approved by Directors of Economic Development, City Planning Commission, Finance, Law; Relieved of Committee on City Planning; Passage recommended by Committees on Community and Economic Development, Finance.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

Ord. No. 861-05.

By Council Members Polensek, Gordon, Cimperman, and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into contract with Cleveland-Cuyahoga County Port Authority, on behalf of Osborne Capital, Inc., to provide development assistance to partially finance the construction of a new Tops Market grocery store at 18501 Neff Road, and all other associated costs necessary to redevelop the property; and authorizing one or more agreements to implement the project.

Approved by Directors of Economic Development, City Planning Commission, Finance, Law; Passage recommended by Committees on Community and Economic Development, City Planning, Finance; when amended as follows:

1. In the title, line 5, after "Inc." insert "**or Neff Road Tops, LLC**".

2. In Section 1, line 2, after "Authority" insert "**, on behalf of Osborne Capital, Inc., or Neff Road Tops, LLC**".

3. In Section 3, line 2, after "Two Million" insert "**Five Hundred Thousand**".

Amendments agreed to.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

In compliance with Section 33 of the Charter, a copy of the legislation was furnished to each member of Council before final passage.

Ord. No. 903-05.

By Council Members Britt and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the U.S. Department of Health and Human Services for the Moms First Program; and authorizing contracts with various entities to implement the program.

Approved by Directors of Public Health, Finance, Law; Relieved of Committee on Health and Human Services; Passage recommended by Committee on Finance.

The rules were suspended. Yeas 20. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

LAI D ON TABLE

Ord. No. 2116-2000.

By Council Members Patmon, Melena and Cimperman (by departmental request).

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 10003-07 St. Clair Avenue to Ricky Aikens.

Ord. No. 307-01.

By Council Member White.
An emergency ordinance authorizing the Director of Community Development to enter into a grant agreement with Miles Family YMCA for hosting the 5th Annual Gospel Music Festival in order to carry out the public purpose of sponsoring a festival through the use of Ward 2 Neighborhood Equity Funds.

Ord. No. 803-01.

By Council Member Britt.
An emergency ordinance authorizing the Director of Community Development to enter into a grant agreement with ORCA House for the replacement of a boiler in order to carry out the public purpose of assisting the provision of social services through the use of Ward 6 Neighborhood Equity Funds.

Ord. No. 2408-01.

By Council Members Britt, Coats, Jackson, Johnson, Reed and Mayor White (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with the Karamu House to provide financial assistance in the form of a grant in consideration for the Karamu House establishing and developing an African American Cultural Garden.

Ord. No. 1529-02.

By Council Members Lewis, Gordon, Cimperman and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into contract with Famicos Foundation, or its designee, to provide development loan assistance in the form of a Community Development Block Grant float loan for Historic Newton Avenue Apartments.

Ord. No. 1536-02.

By Council Member Brady.
An emergency ordinance to amend Section 675.05 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 623-95, passed June 12, 1995, relating to permit, peddling on private property.

Ord. No. 2065-02.

By Council Member Johnson.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 3121 East 93rd Street to Jamal Hanini and Salti Salti.

Ord. No. 689-03.

By Council Members Gordon and Jackson (by departmental request).
An emergency ordinance to extend the lease agreement between the City of Cleveland and Kamm's Corners Development Corporation for the operation of a public parking lot in the Kamm's Corners area.

Ord. No. 2438-03.

By Council Members Johnson, Gordon, Cimperman and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Economic Development to enter into an amendment to Contract No. 59699 with Second Growth Institute, and authorizing the Director of Parks, Recreation and Properties to acquire certain real property in consideration of the amendment.

Ord. No. 714-05.

By Council Members Gordon and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Community Development to enter into one or more contracts with Cleveland Housing Network, or its designee, for the acquisition, rehabilitation or construction of low-income housing units.

Without objection, Ordinance Nos. 2116-2000, 307-01, 803-01, 2408-01, 1529-02, 1536-02, 2065-02, 689-03, 2438-03 and 714-05 were relieved of further consideration of all committees and laid on the table pursuant to the Rules of Council.

The rules were suspended. Yeas 20. Nays 0.

Ordinance Nos. 2116-2000, 307-01, 803-01, 2408-01, 1529-02, 1536-02, 2065-02, 689-03, 2438-03 and 714-05 Tabled.

MOTION

By Council Member Gordon, seconded by Council Member Rybka and unanimously carried that the absence of Council Member Michael A. Dolan, be and is hereby authorized.

MOTION

The Council Meeting adjourned at 8:46 p.m. to meet on Monday, May 23, 2005 at 7:00 p.m. in the Council Chambers.



City Clerk, Clerk of Council

THE CALENDAR

The following measures will be on its final passage at the next council meeting:

NONE

BOARD OF CONTROL

May 11, 2005

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, May 11, 2005, at 10:30 a.m. with Mayor Campbell presiding.

Present: Mayor Campbell, Directors Beasley, Baker, Ciaccia, Acting Director E. Williams, Directors Ricchiuto, Carroll, Acting Directors Pettus, Thompson, Directors Rush, Routen, Huth, Fumich, Taylor and J. Williams.

Absent: None.

Others: Jim Hardy, Commissioner, Purchases and Supplies.

Collette Appolito, Director, Office of Equal Opportunity.

On motions, the following resolutions were adopted, except as may be otherwise noted:

Resolution No. 230-05.

By Director Baker.

Be it resolved, by the Board of Control of the City of Cleveland that, under authority of Ordinance No. 239-04, passed by the Council of the City of Cleveland on April 26, 2004, the firm of Maximus, Inc. is selected, upon the nomination of the Director of Finance, as the firm of consultants available to be employed by contract to update the indirect cost allocation plan, according to guidelines provided in the Federal Office of Management and Budget (OMB) Cost Principles, Circular A-87, including allocation methodologies and final Indirect Cost Rates for allowable cost of services the City provides under grants, contracts, Enterprise Funds, and other agreements with non-profit organizations.

Be it further resolved, that the Director of Finance is authorized to enter into a written contract with Maximus, Inc., based upon its January 11, 2005 proposal, provided that the compensation to Maximus, Inc. for the services authorized shall not exceed \$71,700.00, that the Director of Law shall prepare the contract authorized and shall include such other provisions as she considers necessary to protect and benefit the public interest.

Yeas: Mayor Campbell, Directors Beasley, Baker, Ciaccia, Acting Director E. Williams, Directors Ricchiuto, Carroll, Acting Directors Pettus, Thompson, Directors Rush, Routen, Huth, Fumich, Taylor and J. Williams.

Nays: None.

Absent: None.

Resolution No. 231-05.

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Terrace Construction Company, Inc. for the public improvement of cleaning and cement mortar lining of distribution mains-area 2005-A (including a \$289,617.90 contingency allowance), (all items),

for the Division of Water, Department of Public Utilities, received on March 30, 2005, under the authority of Ordinance No. 2293-04, passed January 31, 2005, upon a unit basis for the improvement in the aggregate amount of Three Million One Hundred Eighty-Five Thousand Seven Hundred Ninety-Six Dollars and Ninety Cents (\$3,185,796.90), is affirmed and approved as the lowest responsible bid; and the Director of Public Utilities is authorized to enter into a contract for the improvement with said bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Terrace Construction Company, Inc. for the above-mentioned public improvement is approved:

<u>SUBCONTRACTOR</u>	<u>PERCENTAGE</u> <u>WORK</u>
Rockport Construction & Materials, Inc.	5.02% \$160,000.00

Yeas: Mayor Campbell, Directors Beasley, Baker, Ciaccia, Acting Director E. Williams, Directors Ricchiuto, Carroll, Acting Directors Pettus, Thompson, Directors Rush, Routen, Huth, Fumich, Taylor and J. Williams.

Nays: None.
Absent: None.

Resolution No. 232-05.

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Utilicon Corp. for an estimated quantity of labor and materials to repair water mains-area west (all items) for the Division of Water, Department of Public Utilities, for a period of one year, received on the 7th day of April, 2005, under the authority of Ordinance No. 2292-04, passed January 31, 2005, which on the basis of the estimated quantity would amount to Two Million One Hundred Forty-Five Thousand Four Hundred Fourteen and 00/100 Dollars (\$2,145,414.00), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 159389

which shall be certified against such contract in the sum of Five Hundred Thousand and 00/100 Dollars (\$500,000.00).

Said requirement contract shall further provide that the Contractor will furnish the remainder of the requirement for such commodities, whether more or less than the estimated quantity, as may be ordered under subsequent requisitions separately certified against the contract.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Utilicon Corp for the contract authorized is hereby approved:

<u>SUBCONTRACTOR</u>	<u>PERCENTAGE</u> <u>WORK</u>
Dan Ray Construction Co. (MBE)	5.95% \$127,600.00
McTech Corp/DBA Tech Ready Mix (MBE)	2.98% \$ 63,900.00
Elite Contracting & Construction Company (FBE)	4.96% \$106,500.00

Yeas: Mayor Campbell, Directors Beasley, Baker, Ciaccia, Acting Director E. Williams, Directors Ricchiuto, Carroll, Acting Directors Pettus, Thompson, Directors Rush, Routen, Huth, Fumich, Taylor and J. Williams.

Nays: None.
Absent: None.

Resolution No. 233-05.

By Director Ciaccia.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Utilicon Corp. for the public improvement of cleaning and cement mortar lining of distribution mains-area 2005-B (including a \$280,407.00 contingency allowance), (all items), for the Division of Water, Department of Public Utilities, received on March 30, 2005, under the authority of Ordinance No. 2293-04, passed January 31, 2005, upon a unit basis for the improvement in the aggregate amount of Three Million Eighty-Four Thousand Four Hundred Seventy-Seven Dollars (\$3,084,477.00), is affirmed and approved as the lowest responsible bid; and the Director of Public Utilities is authorized to enter into a contract for the improvement with said bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Utilicon Corp. for the above-mentioned public improvement is approved:

<u>SUBCONTRACTOR</u>	<u>PERCENTAGE</u> <u>WORK</u>
Dan Ray Construction Co. (MBE)	6.00% \$185,200.00
McTech Corp./DBA Tech Ready Mix (MBE)	2.00% \$61,750.00
The Collinwood Shale Brick & Supply Company	1.00% \$30,900.00
Elite Contracting & Construction Company (FBE)	4.00% \$123,500.00

Yeas: Mayor Campbell, Directors Beasley, Baker, Ciaccia, Acting Director E. Williams, Directors Ricchiuto, Carroll, Acting Directors Pettus, Thompson, Directors Rush, Routen, Huth, Fumich, Taylor and J. Williams.

Nays: None.
Absent: None.

Resolution No. 234-05.

By Director Ricchiuto.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Hertz Equipment Rental Corporation for an estimated quantity of asphalt rollers and trailers, for the various divisions of City government, for the period of one (1) year beginning with the date of execution of a contract, received on February 23, 2005, under the authority of Ordinance No. 1481-04, passed by the Council of the City of Cleveland on October 11, 2004, which on the basis of the estimated quantity would amount to Fifteen Thousand Two Hundred Seventy and 00/100 Dollars (\$15,270.00) (Net-30), is affirmed and approved as the lowest and best bid, and the Director of Public Service is requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 154131

which shall be certified against such contract in the sum of Fifteen Thousand Two Hundred Seventy and 00/100 Dollars (\$15,270.00).

The requirement contract shall further provide that the Contractor shall furnish the remainder of the City's requirements for the goods and/or services, whether more or less than the estimated quantity, as may be ordered under subsequent requisitions separately certified against the contract.

Yeas: Mayor Campbell, Directors Beasley, Baker, Ciaccia, Acting Director E. Williams, Directors Ricchiuto, Carroll, Acting Directors Pettus, Thompson, Directors Rush, Routen, Huth, Fumich, Taylor and J. Williams.

Nays: None.
Absent: None.

Resolution No. 235-05.

By Director Ricchiuto.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of O. E. Meyer Co. for an estimated quantity of plasma cutters, for the various divisions of City government, for the period of one (1) year beginning with the date of execution of a contract, received on February 23, 2005, under the authority of Ordinance No. 1481-04, passed by the Council of the City of Cleveland on October 11, 2004, which on the basis of the estimated quantity would amount to Sixteen Thousand Two Hundred Fifty and 00/100 Dollars (\$16,250.00) (Net-30), is affirmed and approved as the lowest and best bid, and the Director of Public Service is requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 154125

which shall be certified against the contract in the sum of Sixteen Thousand Two Hundred Fifty and 00/100 Dollars (\$16,250.00).

The requirement contract shall further provide that the Contractor shall furnish the remainder of the City's requirements for the goods and/or services, whether more or less than the estimated quantity, as may be ordered under subsequent requisitions separately certified against the contract.

Yeas: Mayor Campbell, Directors Beasley, Baker, Ciaccia, Acting Director E. Williams, Directors Ricchiuto, Carroll, Acting Directors Pettus, Thompson, Directors Rush, Routen, Huth, Fumich, Taylor and J. Williams.

Nays: None.
Absent: None.

Resolution No. 236-05.

By Director Carroll.

Resolved, by the Board of Control of the City of Cleveland that the bid of KONE Inc. for an estimated quantity of labor and materials to maintain and repair elevators (all items), for the Division of Health, Department of Public Health, for the period of twenty-four (24) months, beginning with the date of execution of a contract, received on the 14th day of April, 2005 pursuant to the authority of Ordinance No. 1668-04, passed November 22, 2004, which on the basis of the estimated quantity would amount to Thirty Three Thousand, Six Hundred and 00/100 Dollars (\$33,600.00), is hereby affirmed and approved as the lowest and best bid, and the Director of Public Health is hereby requested to enter into requirement contract for such commodities, which shall provide for the immediate purchase as the initial amount of such contract of the following:

Requisition No. 133167

Labor and materials to maintain and repair elevators.

which shall be certified against such contract in the sum of Sixteen Thousand, Eight Hundred and 00/100 Dollars (\$16,800.00).

The requirement contract shall further provide that the Contractor will furnish the remainder of the requirement for such commodities, whether more or less than said estimated quantity, as may be ordered under subsequent requisitions separately certified against said contract.

Yeas: Mayor Campbell, Directors Beasley, Baker, Ciaccia, Acting Director E. Williams, Directors Ricchiuto, Carroll, Acting Directors Pettus, Thompson, Directors Rush, Routen, Huth, Fumich, Taylor and J. Williams.

Nays: None.
Absent: None.

Resolution No. 237-05.

By Director Watson.

Resolved by the Board of Control of the City of Cleveland, that all bids received on March 23, 2005, for cab/chassis with air/light unit body, for the Division of Fire, under the authority of Ordinance No. 1086-04, passed by the Council of the City of Cleveland on August 11, 2004, are rejected.

Yeas: Mayor Campbell, Directors Beasley, Baker, Ciaccia, Acting Director E. Williams, Directors Ricchiuto, Carroll, Acting Directors Pettus, Thompson, Directors Rush, Routen, Huth, Fumich, Taylor and J. Williams.

Nays: None.
Absent: None.

Resolution No. 238-05.

By Director Ronayne.

Whereas, by Resolution No. 356-96, adopted May 29, 1996, as amended by Resolution No. 35-99, adopted January 26, 1999, Resolution No. 117-03, adopted on February 26, 2003, and Resolution No. 47-04, adopted February 11, 2004, under the authority of Section 133.14(a) of the Codified

Ordinances of Cleveland, Ohio, 1976, this Board of Control established rental rates for the Cleveland Public Auditorium and Convention Center, its various rooms and halls and portions thereof; and

Whereas, the City of Cleveland, in conjunction with Project Love, will be presenting "The Power of One... an evening with Coach Carter" on May 19, 2005; and

Whereas, Project Love is a national character education organization that empowers teens to promote kindness through positive role modeling, service projects and principled leadership; and

Whereas, Ken Carter, who was the subject of the recent movie "Coach Carter", speaks about accountability, integrity, team work and leadership; and

Whereas, "The Power of One... an evening with Coach Carter" is open to the public free of charge; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that not withstanding the terms of Resolution No. 356-96, adopted May 29, 1996, as amended by Resolution No. 35-99, adopted January 26, 1999, Resolution No. 117-03, adopted on February 26, 2003, and Resolution No. 47-04, adopted February 11, 2004, the use of the space at the Cleveland Convention Center for "The Power of One... an evening with Coach Carter", to be held May 19, 2005, shall be provided at no charge.

Be it further resolved that any labor, materials and equipment supplied to "The Power of One... an evening with Coach Carter" by the Cleveland Convention Center shall be charged at the prevailing rate, and that all other provisions of the Resolution No. 117-03 not expressly amended, shall remain unchanged and in full force and effect.

Yeas: Mayor Campbell, Directors Beasley, Baker, Ciaccia, Acting Director E. Williams, Directors Ricchiuto, Carroll, Acting Directors Pettus, Thompson, Directors Rush, Routen, Huth, Fumich, Taylor and J. Williams.

Nays: None.
Absent: None.

Resolution No. 239-05.

By Director Ronayne.

Whereas, by Resolution No. 356-96, adopted May 29, 1996, as amended by Resolution No. 35-99, adopted January 26, 1999, Resolution No. 117-03, adopted on February 26, 2003, and Resolution No. 47-04, adopted February 11, 2004, under the authority of Section 133.14(a) of the Codified Ordinances of Cleveland, Ohio, 1976, this Board of Control established rental rates for the Cleveland Public Auditorium and Convention Center, its various rooms and halls and portions thereof; and

Whereas, every ten years the Federal Government has a White House Conference on aging in Washington DC to formulate the country's agenda on aging for the next decade; and

Whereas, communities throughout the country hold Pre-White House Conference on Aging to gain the input of local seniors on the needs and issues facing our elder population; and

Whereas, the City of Cleveland Department of Aging is hosting the Pre-White House Conference on Aging to be held on June 6, 2005; and

Whereas, the Pre-White House Conference on Aging is open to the public free of charge; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that not withstanding the terms of Resolution No. 356-96, adopted May 29, 1996, as amended by Resolution No. 35-99, adopted January 26, 1999, Resolution No. 117-03, adopted on February 26, 2003, and Resolution No. 47-04, adopted February 11, 2004, the use of the space at the Cleveland Convention Center for the Pre-White House Conference on Aging to be held on June 6, 2005, shall be provided at no charge.

Be it further resolved that any labor, materials and equipment supplied to the Pre-White House Conference on Aging by the Cleveland Convention Center shall be charged to the Department of Aging at the prevailing rate, and that all other provisions of the Resolution No. 117-03 not expressly amended, shall remain unchanged and in full force and effect.

Yeas: Mayor Campbell, Directors Beasley, Baker, Ciaccia, Acting Director E. Williams, Directors Ricchiuto, Carroll, Acting Directors Pettus, Thompson, Directors Rush, Routen, Huth, Fumich, Taylor and J. Williams.

Nays: None.
Absent: None.

Resolution No. 240-05.

By Director Ronayne.

Be it resolved by the Board of Control of the City of Cleveland, that all bids received on September 23, 2004 for HVAC/R materials and equipment for the Division of Property Management, Department of Parks, Recreation and Properties, pursuant to authority of Ordinance No. 1116-02, passed by the Council of the City of Cleveland on June 17, 2002 be and the same are hereby rejected.

Yeas: Mayor Campbell, Directors Beasley, Baker, Ciaccia, Acting Director E. Williams, Directors Ricchiuto, Carroll, Acting Directors Pettus, Thompson, Directors Rush, Routen, Huth, Fumich, Taylor and J. Williams.

Nays: None.
Absent: None.

Resolution No. 241-05.

By Director Ronayne.

Resolved, by the Board of Control of the City of Cleveland that the bid of The Whitmer Company for an estimated quantity of Pool Chemicals (all items) for the Division of Recreation, Department of Parks, Recreation and Properties, for the period one (1) year beginning with the date of execution of a contract, received on the 21st day of April 2005, pursuant to the authority of Ordinance No. 471-05, passed March 28, 2005, which on the basis of the estimated quantity would amount to Ninety-Two Thousand Thirty-Nine and 40/100 Dollars (\$92,039.40), is affirmed and approved as the lowest and best bid, and the Director of Parks, Recreation and Properties is requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase, as the initial amount of the contract of the following:

Requisition No. 136997

which shall be certified against such contract in the sum of Fifty-Nine Thousand Four Hundred Eighty-Nine and 40/100 Dollars (\$59,489.40).

The requirement contract shall further provide that the Contractor will furnish the remainder of the requirements for such commodities whether more or less than the estimated quantity, as may be ordered under subsequent requisitions separately certified against the contract.

Yeas: Mayor Campbell, Directors Beasley, Baker, Ciaccia, Acting Director E. Williams, Directors Ricchiuto, Carroll, Acting Directors Pettus, Thompson, Directors Rush, Routen, Huth, Fumich, Taylor and J. Williams.

Nays: None.

Absent: None.

Resolution No. 242-05.

By Director Ronayne.

Resolved, by the Board of Control of the City of Cleveland that the bid of Tom Paige Catering Co. for an estimated quantity of meals for the 2005 Summer Food Program (all items) for the Division of Recreation, Department of Parks, Recreation and Properties, for the period three (3) months, beginning with the date of execution of a contract, received on 21st day of April 2005, under the authority of Ordinance No. 2245-04, passed December 13, 2004, which on the basis of the estimated quantity would amount to One Hundred Twenty-Six Thousand Five Hundred Fifty-Two and 80/100 Dollars (\$126,552.80), is affirmed and approved as the lowest and best bid, and the Director of Parks, Recreation and Properties is hereby requested to enter into a requirement contract for such commodities, which shall provide for the immediate purchase, as the initial amount of the contract, of the following:

Requisition No. 136996 which shall be certified against such contract in the sum of One Hundred Twenty-Six Thousand Five Hundred Fifty-Two and 80/100 Dollars (\$126,552.80).

The requirement contract shall further provide that the Contractor will furnish the remainder of the requirements for such commodities, whether more or less than the estimated quantity, as may be ordered under subsequent requisitions separately certified against the contract.

Yeas: Mayor Campbell, Directors Beasley, Baker, Ciaccia, Acting Director E. Williams, Directors Ricchiuto, Carroll, Acting Directors Pettus, Thompson, Directors Rush, Routen, Huth, Fumich, Taylor and J. Williams.

Nays: None.

Absent: None.

Resolution No. 243-05.

By Director Ronayne.

Resolved, by the Board of Control of the City of Cleveland that the bid of Hillcrest Food Service for an estimated quantity of food, food products, beverages, condiments and paper products at Camp Forbes (Bid I: 1 - 20) (Bid II: 21 - 177), for the Division of Recreation, Department of Parks, Recreation and Properties, for the period one (1) year beginning with the date of execution of a contract, received on the 21st day of April 2005, pursuant to the authority of Ordinance No. 2245-04, passed December 13, 2004, which on the basis of the estimated quantity would amount to Eighty Five Thousand Six Hundred Eighty and 42/100 Dollars (\$85,680.42), is affirmed and approved as the lowest and best bid, and the Director of Parks, Recreation and Properties is requested to

enter into requirement contract for such commodities, which shall provide for the immediate purchase, as the initial amount of the contract, of the following:

Requisition No. 136995 which shall be certified against such contract in the sum of Twenty Five Thousand and 00/100 Dollars (\$25,000.00).

The requirement contract shall further provide that the Contractor will furnish the remainder of the requirements for such commodities, whether more or less than the estimated quantity, as may be ordered under subsequent requisitions separately certified against the contract.

Yeas: Mayor Campbell, Directors Beasley, Baker, Ciaccia, Acting Director E. Williams, Directors Ricchiuto, Carroll, Acting Directors Pettus, Thompson, Directors Rush, Routen, Huth, Fumich, Taylor and J. Williams.

Nays: None.

Absent: None.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

Application blanks and information, regarding minimum entrance qualifications, scope of examination, and suggested reference materials may be obtained at the office of the Civil Service Commission, Room 119, City Hall, East 6th Street, and Lakeside Avenue.

Application blanks must be properly filled out on the official form prescribed by the Civil Service Commission and filed at the office of the commission not later than the final closing date slated in the examination announcement.

EXAMINATION RESULTS: Each applicant whether passing or failing will be notified of the results of the examination as soon as the commission has graded the papers. Thereafter, eligible lists will be established which will consist of the names of those candidates who have been successful in all parts of the examination.

PHYSICAL EXAMINATION: All candidates for original entrance positions who are successful in other parts of the examinations must submit to a physical examination.

REYNALDO GALINDO,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

TUESDAY, MAY 31, 2005

9:30 A.M.

Calendar No. 05-81: 1415 East 45th Street - Unit #24 (Ward 13)

Cleveland Housing Network and Rysar Properties, co-owners c/o Matthew Solomon, agent, appeal to construct one of twenty-four attached single family dwelling units and a garage in a Multi-Family District, situated on acreage located north of Superior Avenue between East 45th and East 47th Streets, south of St. Clair Avenue; contrary

to the minimum requirements for Area and Yard Regulations of Section 337.031(g), proposed is a 5' instead of a 7' interior side yard; a 14' front yard, as opposed to 20' and an 18.77' rear yard depth, contrary to 20' and individual access to parking premises must be provided according to Section 349.04 of the Codified Ordinances.

Calendar No. 05-82: 1415 East 45th Street - Unit #12

Cleveland Housing Network and Rysar Properties, co-owners c/o Matthew Solomon, agent, appeal to construct one of twenty-four attached single family dwelling units and a garage in a Multi-Family District, situated on acreage located north of Superior Avenue between East 45th and East 47th Street, south of St. Clair Avenue; contrary to the minimum requirements for Area and Yard Regulations, proposed is an approximate 14' instead of a 20' front yard and an 18.82' rear yard as opposed to the 20' required by Section 337.031(g) of the Codified Ordinances.

Calendar No. 05-83: 1415 East 45th Street - Unit #13

Cleveland Housing Network and Rysar Properties, co-owners c/o Matthew Solomon, agent, appeal to construct one of twenty-four attached single family dwelling units and a garage in a Multi-Family District, situated on acreage located north of Superior Avenue between East 45th and East 47th Street, south of St. Clair Avenue; contrary to the minimum requirements for Area and Yard Regulations, proposed is a 6' instead of a 7' side street yard; with an approximate 14' as opposed to a 20' front yard and an 18.79' rear yard depth contrary to the 20' required by Section 337.031(g) of the Codified Ordinances.

Calendar No. 05-84: 1415 East 45th Street - Unit #14

Cleveland Housing Network and Rysar Properties, co-owners c/o Matthew Solomon, agent, appeal to construct one of twenty-four attached single family dwelling units and a garage in a Multi-Family District, situated on acreage located north of Superior Avenue between East 45th and East 47th Streets, south of St. Clair Avenue; contrary to the minimum requirements for Area and Yard Regulations of Section 337.031(g), proposed is an approximate 14' instead of a 20' front yard with an 18.79' rear yard depth as opposed to 20' and individual access to parking premises must be provided according to Section 349.04 of the Codified Ordinances.

Calendar No. 05-85: 1415 East 45th Street - Unit #15

Cleveland Housing Network and Rysar Properties, co-owners c/o Matthew Solomon, agent, appeal to construct one of twenty-four attached single family dwelling units and a garage in a Multi-Family District, situated on acreage located north of Superior Avenue between East 45th and East 47th Street, south of St. Clair Avenue; contrary to the minimum requirements for Area and Yard Regulations of Section 337.031(g), proposed is a 5' instead of a 7' interior side yard; an approximate 14' front yard as opposed to 20' with an 18.79' rear yard depth contrary to 20' and individual access to parking premises must be provided according to Section 349.04 of the Codified Ordinances.

Calendar No. 05-86: 1415 East 45th Street - Unit #16

Cleveland Housing Network and Rysar Properties, owner c/o Matthew Solomon, agent, appeal to construct one of twenty-four attached single family dwelling units and a garage in a Multi-Family District, situated on acreage located north of Superior Avenue between East 45th and East 47th Street, south of St. Clair Avenue; contrary to the minimum requirements for Area and Yard Regulations, proposed is a 6' instead of a 7' side street yard depth; an approximate 14' front yard as opposed to 20' with an 18.84' rear yard contrary to 20' required under Section 337.031(g) of the Codified Ordinances.

Calendar No. 05-87: 1415 East 45th Street - Unit #17

Cleveland Housing Network and Rysar Properties, co-owners c/o Matthew Solomon, agent, appeal to construct one of twenty-four attached single family dwelling units and a garage in a Multi-Family District, situated on acreage located north of Superior Avenue between East 45th and East 47th Street, south of St. Clair Avenue; contrary to the minimum requirements for Area and Yard Regulations, proposed is a 5' instead of a 7' interior side yard and 10' as opposed to a 20' front yard, as required under Section 337.031(g) of the Codified Ordinances.

Calendar No. 05-88: 1415 East 45th Street - Unit #18

Cleveland Housing Network and Rysar Properties, co-owners c/o Matthew Solomon, agent, appeal to construct one of twenty-four attached single family dwelling units and a garage in a Multi-Family District, situated on acreage located north of Superior Avenue between East 45th and East 47th Street, south of St. Clair Avenue; contrary to the minimum requirements for Area and Yard Regulations, proposed is a 5' instead of a 7' interior side yard; with a 10' front yard as opposed to the 20' required by Section 337.031(g) of the Codified Ordinances.

Calendar No. 05-89: 1415 East 45th Street - Unit #19

Cleveland Housing Network and Rysar Properties, co-owners c/o Matthew Solomon, agent, appeal to construct one of twenty-four attached single family dwelling units and a garage in a Multi-Family District, situated on acreage located north of Superior Avenue between East 45th and East 47th Street, south of St. Clair Avenue; contrary to the minimum requirements for Area and Yard Regulations, proposed is a 5' instead of a 7' interior side yard; with a 10' as opposed to a 20' front yard and an approximate rear yard of 12.27' contrary to the 20' requirement in Section 337.031(g) of the Codified Ordinances.

Calendar No. 05-90: 1415 East 45th Street - Unit #20

Cleveland Housing Network and Rysar Properties, co-owners c/o Matthew Solomon, agent, appeal to construct one of twenty-four attached single family dwelling units and a garage in a Multi-Family District, situated on acreage located north of Superior Avenue between East 45th and East 47th Streets, south of St. Clair Avenue; contrary

to the minimum requirements for Area and Yard Regulations, proposed is a 10' instead of a 20' front yard depth, as required according to Section 337.031(g) of the Codified Ordinances.

Calendar No. 05-91: 1415 East 45th Street - Unit #21

Cleveland Housing Network and Rysar Properties, co-owners c/o Matthew Solomon, agent, appeal to construct one of twenty-four attached single family dwelling units and a garage in a Multi-Family District, situated on acreage located north of Superior Avenue between East 45th and East 47th Street, south of St. Clair Avenue; contrary to the minimum requirements for Area and Yard Regulations, proposed is a 5' instead of a 7' interior side yard; with a front yard of 10' as opposed to the required 20' according to Section 337.031(g) of the Codified Ordinances.

Calendar No. 05-92: 1415 East 45th Street - Unit #22

Cleveland Housing Network and Rysar Properties, co-owners c/o Matthew Solomon, agent, appeal to construct one of twenty-four attached single family dwelling units and a garage in a Multi-Family District, situated on acreage located north of Superior Avenue between East 45th and East 47th Street, south of St. Clair Avenue; contrary to the minimum requirements for Area and Yard Regulations, proposed is an approximate 14' instead of a 20' front yard; with an 18.78' rear yard as opposed to the required 20' according to Section 337.031(g) of the Codified Ordinances.

Calendar No. 05-93: 1415 East 45th Street - Unit #23

Cleveland Housing Network and Rysar Properties, co-owners c/o Matthew Solomon, agent, appeal to construct one of twenty-four attached single family dwelling units and a garage in a Multi-Family District, situated on acreage located north of Superior Avenue between East 45th and East 47th Streets, south of St. Clair Avenue; contrary to the minimum requirements for Area and Yard Regulations of Section 337.031(g), proposed is an approximate 14' instead of a 20' front yard with an 18.77' rear yard depth instead of 20' and individual access to parking premises must be provided according to Section 349.04 of the Codified Ordinances.

Calendar No. 05-94: 1415 East 45th Street - Unit #1

Cleveland Housing Network and Rysar Properties, co-owner c/o Matthew Solomon, agent, appeal to construct one of twenty-four attached single family dwelling units and a garage in a Multi-Family District, situated on acreage located north of Superior Avenue between East 45th and East 47th Street, south of St. Clair Avenue; contrary to the minimum requirements for Area and Yard Regulations of Section 337.031(g), proposed is a 5' instead of a 7' interior side yard; an approximate 14' front yard as opposed to 20' with an 18.84' rear yard depth contrary to 20' and individual access to parking premises must be provided according to Section 349.04 of the Codified Ordinances.

Calendar No. 05-95: 1415 East 45th Street - Unit #2

Cleveland Housing Network and Rysar Properties, co-owners c/o Matthew Solomon, agent, appeal to con-

struct one of twenty-four single family dwelling units and a garage in a Multi-Family District, situated on acreage located north of Superior Avenue between East 45th and East 47th Streets, south of St. Clair Avenue; contrary to the minimum requirements for Area and Yard Regulations of Section 337.031(g), proposed is an approximate 14' instead of a 20' front yard with an 18.84' rear yard depth as opposed to 20' and individual access to parking premises must be provided according to Section 349.04 of the Codified Ordinances.

Calendar No. 05-96: 1415 East 45th Street - Unit #3

Cleveland Housing Network and Rysar Properties, co-owners c/o Matthew Solomon, agent, appeal to construct one of twenty-four attached single family dwelling units and a garage in a Multi-Family District, situated on acreage located north of Superior Avenue between East 45th and East 47th Street, south of St. Clair Avenue; contrary to the minimum requirements for Area and Yard Regulations, proposed is a 6' instead of a 7' side yard; with an approximate 14' as opposed to a 20' front yard depth and an 18.84' rear yard contrary to 20' required by Section 337.031(g) of the Codified Ordinances.

Calendar No. 05-97: 1415 East 45th Street - Unit #4

Cleveland Housing Network and Rysar Properties, co-owners c/o Matthew Solomon, agent, appeal to construct one of twenty-four attached single family dwelling units and a garage in a Multi-Family District, situated on acreage located north of Superior Avenue between East 45th and East 47th Street, south of St. Clair Avenue; contrary to the minimum requirements for Area and Yard Regulations, proposed is a 5' instead of the 7' side yard depth and a 10' as opposed to a 20' front yard required according to Section 337.031(g) of the Codified Ordinances.

Calendar No. 05-98: 1415 East 45th Street - Unit #5

Cleveland Housing Network and Rysar Properties, co-owners c/o Matthew Solomon, agent, appeal to construct one of twenty-four attached single family dwelling units and a garage in a Multi-Family District, situated on acreage located north of Superior Avenue between East 45th and East 47th Streets, south of St. Clair Avenue; contrary to the minimum requirements for Area and Yard Regulations, a 10' front yard depth is proposed and 20' is required according to Section 337.031(j) of the Codified Ordinances.

Calendar No. 05-99: 1415 East 45th Street - Unit #6

Cleveland Housing Network and Rysar Properties, co-owners c/o Matthew Solomon, agent, appeal to construct one of twenty-four attached single family dwelling units and a garage in a Multi-Family District, situated on acreage located north of Superior Avenue between East 45th and East 47th Street, south of St. Clair Avenue; contrary to the minimum requirements for Area and Yard Regulations, proposed is a 5' instead of a 7' interior side yard with a 10' as opposed to a 20' front yard depth as required under Section 337.031(g) of the Codified Ordinances.

Calendar No. 05-100: 1415 East 45th Street - Unit #7

Cleveland Housing Network and Rysar Properties, co-owners c/o Matthew Solomon, agent, appeal to construct one of twenty-four attached single family dwelling units and a garage in a Multi-Family District, situated on acreage located north of Superior Avenue between East 45th and East 47th Street, south of St. Clair Avenue; contrary to the minimum requirements for Area and Yard Regulations, proposed is a 5' instead of a 7' interior side yard; with a 10' as opposed to a 20' front yard depth, as stated in Section 337.031(g) of the Codified Ordinances.

Calendar No. 05-101: 1415 East 45th Street - Unit #8

Cleveland Housing Network and Rysar Properties, co-owners c/o Matthew Solomon, agent, appeal to construct one of twenty-four attached single family dwelling units and a garage in a Multi-Family District, situated on acreage located north of Superior Avenue between East 45th and East 47th Street, south of St. Clair Avenue; contrary to the minimum requirements for Area and Yard Regulations, proposed is a 10' instead of a 20' front yard depth with a 15.62' rear yard depth as opposed to the required 20' as stated in Section 337.031(g) of the Codified Ordinances.

Calendar No. 05-102: 1415 East 45th Street - Unit #9

Cleveland Housing Network and Rysar Properties, co-owners c/o Matthew Solomon, agent, appeal to construct one of twenty-four attached single family dwelling units and a garage in a Multi-Family District, situated on acreage located north of Superior Avenue between East 45th and East 47th Street, south of St. Clair Avenue; contrary to the minimum requirements for Area and Yard Regulations, proposed is a 5' instead of a 7' interior side yard; with an approximate 17' front yard as opposed to 20' and a rear yard depth of 15.62' contrary to 20' as required in Section 337.031(g) of the Codified Ordinances.

Calendar No. 05-103: 1415 East 45th Street - Unit #10

Cleveland Housing Network and Rysar Properties, co-owners c/o Matthew Solomon, agent, appeal to construct one of twenty-four attached single family dwelling units and a garage in a Multi-Family District, situated on acreage located north of Superior Avenue between East 45th and East 47th Street, south of St. Clair Avenue; contrary to the minimum requirements for Area and Yard Regulations of Section 337.031(g), proposed is a 5' instead of a 7' interior side yard; an approximate 14' front yard as opposed to 20' with an 18.83' rear yard depth contrary to 20' and individual access to parking premises must be provided according to Section 349.04 of the Codified Ordinances.

Calendar No. 05-104: 1415 East 45th Street - Unit #11

Cleveland Housing Network and Rysar Properties, co-owners c/o Matthew Solomon, agent, appeal to construct one of twenty-four attached single family dwelling units and a garage in a Multi-Family District, situated on acreage located

north of Superior Avenue between East 45th and East 47th Streets, south of St. Clair Avenue; contrary to the minimum requirements for Area and Yard Regulations of Section 337.031(g), proposed is an approximate 14' instead of a 20' front yard with an 18.82' rear yard depth instead of 20' and individual access to parking premises must be provided according to Section 349.04 of the Codified Ordinances.

Calendar No. 05-107: 7925 Spafford Road (Ward 12)

Gwendolyn Goins, owner, appeals to erect a 21' x 20' one-story frame, reverse gable garage to the rear of an existing two-story, frame dwelling, situated on a 35' x 85' lot in a B1 Two-Family District on the east side of Spafford Road at 7925 Spafford Road; as proposed the accessory garage is a distance of 5' from a main building on the adjoining lot and a minimum of 10' is required in Section 353.05 of the Codified Ordinances.

Calendar No. 05-109: 11815 Moulton Avenue (Ward 9)

Cleveland Municipal School District, owner, and Lester Cumberlander, agent, appeal to erect a two-story addition to the north of the existing Mary McLeod Bethune Kindergarten through Eighth Grade Elementary School building, situated on an irregular shaped 21' x 205' lot in a B1 Two-Family District on the north side of Moulton Avenue at 11815 Moulton Avenue; subject to the limitations of Section 337.03, the addition is adjacent to a Two-Family District and by reference, as regulated in a One-Family District, a school is required to be 30' from any adjoining premises in a residence district not used for a similar purpose and Section 359.01 requires Board of Zoning Appeals approval for the expansion of a nonconforming use.

Calendar No. 05-110: 2115 Tate Avenue (Ward 16)

Paul Batt, owner, appeals to erect a 15' x 20' wolmanized wooden carport at the east side of an existing two-story frame dwelling, situated on a 40' x 112' lot in a B1 Two-Family District on the south side of Tate Avenue at 2115 Tate Avenue; contrary to Section 357.09(2)(B), the total interior side yards equal 3.2' and 10' is required; and a 3' distance is provided instead of 10' from a main building on an adjoining lot, contrary to Section 357.09(2)(A) of the Codified Ordinances.

Calendar No. 05-111: 10305 Pierpont Avenue (Ward 8)

Cresthaven Development Incorporated, owner, appeals to erect a 25' x 26' two-story frame, single family dwelling on a 40' x 110' lot in an A1 One-Family District on the north side of Pierpont Avenue at 10305 Pierpont Avenue; contrary to Regulations for Yards and Courts, a 36' distance is provided and 40' is required to conform with alignment to the existing building line, according to Section 357.06(a) of the Codified Ordinances.

Calendar No. 05-120: 1151 Main Avenue (Ward 13)

Flats Development Incorporated and Dona Votaw, agent, appeal to erect and maintain an 82' x 248' tent for charity events from June 2005 to September 12, 2005, proposed

to be situated on acreage in a General Retail Business District on the south side of Main Avenue at 1151 Main Avenue; subject to the limitations of Section 347.10(a), the requested duration exceeds the allowable thirty days duration for a temporary use permit.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS**MONDAY, MAY 16, 2005**

At the meeting of the Board of Zoning Appeals on Monday, May 16, 2005, the following appeals were heard by the Board:

The following appeals were **Approved:**

Calendar No. 05-17: 1545 Dexter Place

Urban Properties LLC appealed to erect 14 townhouse units in 2 buildings with 9 attached units along Dexter Place and 5 attached units along West 28th Street in a Two-Family District.

Calendar No. 05-77: 3400 St. Clair Avenue

The Hong Kong Trading Center appealed to expand an existing restaurant with the addition of a tavern and nightclub in a General Industry District.

Calendar No. 05-106: 2086 West 19th Street

Martin McBride Niagra Homes appealed to erect a two-story addition to an existing single family dwelling in a Two-Family District.

Calendar No. 05-108: 8912 Morris Avenue

Cleveland Municipal School District appealed to construct a two-story Kindergarten through Eighth Grade educational facility in a Two-Family District.

The following appeals were **Dismissed:**

Calendar No. 05-78: 4300 Whitman Avenue

Larry Brichacek appealed to erect a single family dwelling with an attached garage in a Two-Family District.

Calendar No. 05-79: 1082 East 105th Street

Maher Ali appealed to expand a nonconforming use by adding construction of a gas station to a grocery store in Local Retail Business and Two-Family Districts.

Calendar No. 05-105: 4098 Lee Road

Gary Thomas appealed to repair 50% fire damage and change from auto storage to auto repair the use of a fire damaged building in a General Retail Business District.

The following appeals were **Postponed:**

Calendar No. 03-35: 6402 Lansing Avenue postponed to June 6, 2005.**Calendar No. 05-41:** 3596 East 131st Street postponed to June 6, 2005.

In Executive Session on May 16, 2005, the following appeals heard by the Board on May 9, 2005 were adopted and approved.

The following appeal was **Approved**:

Calendar No. 05-76: 6712-18 Bayliss Avenue
Victor Bondar appealed to install a 4' high chain link fence across the front and along the front yard setback of a 91' x 87' lot in a Multi-Family District.

The following appeal was **Denied**:

Calendar No. 05-54: 10004-6 Adams Avenue
Elaine and Terrence McKellar appealed to change from a two family residence to an adult care home in a Two-Family District.

The following appeal was **Dismissed**:

Calendar No. 05-75: Appeal of Sarossy Tibor
Sarossy Tibor appealed under Section 76-6 of the Charter of the City of Cleveland from the revocation of a City of Cleveland Hack License.

The following appeal heard by the Board on May 2, 2005 was adopted and approved on May 16, 2005:

Calendar No. 05-69: 2061 West 10th Street
Bosan's Restaurant appealed to expand an existing restaurant with an outdoor patio addition in a Multi-Family District; with conditions.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

NO MEETING

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

Notice of Public Hearing By the Council Committee On City Planning

**Mercedes Cotner
Committee Room 217
City Hall, Cleveland, Ohio
On Monday, June 6, 2005
9:00 A.M.**

Notice is hereby given to all interested property owners that the Council Committee on City Planning will hold a public hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on Monday, June 6, 2005, at 9:00 a.m., to consider the following ordinance now pending in the Council:

Ord. No. 784-05.
By Council Member Rybka.

An ordinance changing the zoning of properties located on the west side of East 55th Street between Blanche Ave. and Mound Ave. and on the East side of East 49th Street from a General Industry District and a '3' Height District to an RA2

Townhouse District and a '1' Height District (Map Change No. 2150, Sheet No. 6).

All interested persons are urged to be present or to be represented at the above time and place.

JOSEPH C. CIMPERMAN,
Chairman
Committee on City Planning

May 18, 2005 and May 25, 2005

CITY OF CLEVELAND BIDS

For All Departments

Sealed bids will be received at the office of the Commissioner of Purchases and Supplies, Room 128, City Hall, in accordance with the appended schedule, and will be opened and read in Room 128, City Hall, immediately thereafter.

Each bid must be made in accordance with the specifications and must be submitted on the blanks supplied for the purpose, all of which may be obtained at the office of the said Commissioner of Purchases and Supplies, but no bid will be considered unless delivered to the office of the said commissioner previous to 12:00 noon (Eastern Standard Time) on the date specified in the schedule.

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

Where invitations for bids are advertised, the following notice shall be included in the advertisement: "Pursuant to the MBE/FBE Code, each prime bidder, each minority business enterprise ("MBE") and each female business enterprise ("FBE") must be certified before doing business with the City. Therefore, any prime contractor wishing to receive credit for using an MBE or FBE should ensure that applications for certification as to MBE or FBE status compliance with the Code, affirmative action in employment and, if applicable, joint venture status, are submitted to the Office of Equal Opportunity ("OEO") prior to the date of bid opening or submission of proposals or as specified by the Director. Failure to comply with the business enterprise code or with representations made on these forms may result in cancellation of the contract or other civil or criminal penalties."

WEDNESDAY, MAY 25, 2005

Bump Taylor Football Field Site Improvements, for the Division of Research, Planning & Development, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 278-05, passed by the Council of the City of Cleveland, March 21, 2005.

THERE WILL BE A REFUNDABLE FEE FOR PLANS/SPECIFICATIONS IN THE AMOUNT OF FIFTY DOLLARS (\$50.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, MAY 19, 2005 AT 10:00 A.M., BURKE LAKEFRONT

AIRPORT, 2ND FLOOR CONFERENCE ROOM, 1501 NORTH MARGINAL ROAD, CLEVELAND, OHIO 44114.

May 11, 2005 and May 18, 2005

THURSDAY, MAY 26, 2005

Lee Road Rehabilitation/Mill & Fill Project, for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance No. 828-05, pending.

THERE WILL BE A REFUNDABLE FEE FOR PLANS/SPECIFICATIONS IN THE AMOUNT OF FIFTY DOLLARS (\$50.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, MAY 19, 2005 AT 10:00 A.M., ROOM #518, 601 LAKE-SIDE AVENUE, CLEVELAND, OHIO 44114.

May 11, 2005 and May 18, 2005

WEDNESDAY, JUNE 1, 2005

Kerruish Park Site Improvements, for the Division of Research, Planning & Development, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 2151-03, passed by the Council of the City of Cleveland, December 15, 2003.

THERE WILL BE A REFUNDABLE FEE FOR PLANS/SPECIFICATIONS IN THE AMOUNT OF FIFTY DOLLARS (\$50.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, MAY 26, 2005 AT 10:00 A.M., BURKE LAKEFRONT AIRPORT, 2ND FLOOR CONFERENCE ROOM, 1501 NORTH MARGINAL ROAD, CLEVELAND, OHIO 44114.

May 18, 2005 and May 25, 2005

THURSDAY, JUNE 2, 2005

Labor and Materials Necessary to Maintain or Repair Overhead Doors, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 552-05, passed by the Council of the City of Cleveland, April 11, 2005.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, MAY 26, 2005 AT 10:30 A.M., CITY HALL, CONFERENCE ROOM 104, 601 LAKESIDE AVE., CLEVELAND, OHIO 44114.

May 18, 2005 and May 25, 2005

FRIDAY, JUNE 3, 2005

Electronic Protection, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 634-05, passed by the Council of the City of Cleveland, May 2, 2005.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, MAY 26, 2005 AT 10:00 A.M., CITY HALL, CONFERENCE ROOM 104, 601 LAKESIDE AVE., CLEVELAND, OHIO 44114.

May 18, 2005 and May 25, 2005

WEDNESDAY, JUNE 8, 2005

Construction Taxiways, Ramps, and Runway Improvements-(Runway 10-28 Safety Improvements Phase 1-Part A), for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance No. 2376-02, passed by the Council of the City of Cleveland, March 10, 2003.

THERE WILL BE A **NON-REFUNDABLE FEE FOR PLANS/SPECIFICATIONS IN THE AMOUNT OF TWO HUNDRED DOLLARS (\$200.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER.**

THERE WILL BE A **MANDATORY PRE-BID MEETING THURSDAY, MAY 26, 2005 AT 10:00 A.M., CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S CENTRAL ENGINEERING BUILDING, 19501 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.**

THE CITY WILL NOT CONSIDER THE BID OF ANYONE WHO DOES NOT ATTEND A MANDATORY PRE-BID CONFERENCE.

May 18, 2005 and May 25, 2005

THURSDAY, JUNE 16, 2005

Cudell Clock Tower Renovations (Phase 2), for the Division of Architecture, Department of Public Service, as authorized by Ordinance No. 2151-03, passed by the Council of the City of Cleveland, December 15, 2003.

THERE WILL BE A **REFUNDABLE FEE FOR PLANS/SPECIFICATIONS IN THE AMOUNT OF FIFTY DOLLARS (\$50.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER.**

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING FRIDAY, JUNE 3, 2005 AT 10:30 A.M., CONFERENCE ROOM 517, 601 LAKESIDE AVE., CLEVELAND, OHIO 44114.**

Repair and/or Replace Plumbing, Water, Sewer and Gas Lines for Buildings and Property Owned by CPP, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 2289-04, passed by the Council of the City of Cleveland, January 24, 2004.

THERE WILL BE A **MANDATORY PRE-BID MEETING, FRIDAY, JUNE 3, 2005 AT 11:00 A.M., 1300 LAKESIDE AVE., CLEVELAND, OHIO 44114.**

THE CITY WILL NOT CONSIDER THE BID OF ANYONE WHO DOES NOT ATTEND A MANDATORY PRE-BID CONFERENCE.

May 18, 2005 and May 25, 2005

FRIDAY, JUNE 17, 2005

Meters and Metering Equipment, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1630-92, passed by the Council of the City of Cleveland, September 21, 1992.

THERE WILL BE A **MANDATORY PRE-BID MEETING THURSDAY, JUNE 9, 2005 AT 2:00 P.M., 1300 LAKESIDE AVE., CLEVELAND, OHIO 44114.**

THE CITY WILL NOT CONSIDER THE BID OF ANYONE WHO DOES NOT ATTEND A MANDATORY PRE-BID CONFERENCE.

May 18, 2005 and May 25, 2005

THURSDAY, JUNE 23, 2005

Streetlighting Materials, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1630-92, passed by the Council of the City of Cleveland, January 21, 1992.

THERE WILL BE A **MANDATORY PRE-BID MEETING WEDNESDAY, JUNE 8, 2005 AT 11:00 A.M., 1300 LAKESIDE AVE., CLEVELAND, OHIO 44114.**

THE CITY WILL NOT CONSIDER THE BID OF ANYONE WHO DOES NOT ATTEND A MANDATORY PRE-BID CONFERENCE.

May 18, 2005 and May 25, 2005

**ADOPTED RESOLUTIONS
AND ORDINANCES**

Res. No. 913-05.

By Council Member Cimperman.

An emergency resolution withdrawing objection to the transfer of ownership of a D1, D2, D3, D3A and D6 Liquor Permit at 3232 Lakeside Avenue and repealing Resolution No. 2131-04, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a D1, D2, D3, D3A and D6 Liquor Permit to Flextron, LLC, DBA Gotcha Inn, 3232 Lakeside Avenue, Cleveland, Ohio 44114, Permanent No. 2779680, by Resolution No. 2131-04 adopted by the Council on November 8, 2004; and

Whereas, this Council wishes to withdraw its objection to the above transfer and consents to said transfer; and

Whereas, this resolution constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That objection to a D1, D2, D3, D3A and D6 Liquor Permit to Flextron, LLC, DBA Gotcha Inn, 3232 Lakeside Avenue, Cleveland, Ohio 44114, Permanent Number 2779680 be and the same is hereby withdrawn and Resolution No. 2131-04, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

Section 2. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted May 9, 2005.

Effective May 12, 2005.

Res. No. 914-05.

By Council Member Dolan.

An emergency resolution objecting to the transfer of ownership of a C1, C2 and D6 Liquor Permit to 14053 Lorain Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C1, C2 and D6 Liquor Permit from 14053 Lorain Avenue, Inc., DBA Rite Shop Food Mart, 14053 Lorain Avenue, Cleveland, Ohio 44111, Permanent Number 6549242 to R & M Cairo, LLC, DBA Rite Shop, 14053 Lorain Avenue, Cleveland, Ohio 44111, Permanent Number 7149478; and

Whereas, the granting of this application for a liquor permit to this high crime area, which is already saturated with other liquor outlets, is contrary to the best interests of the entire community; and

Whereas, the applicant does not qualify to be a permit holder and/or has demonstrated that he has operated his liquor business in disregard of the laws, regulations or local ordinances of this state or any other state; and

Whereas, the place for which the permit is sought has not conformed to the building, safety or health requirements of the governing body of this County or City; and

Whereas, the place for which the permit is sought is so arranged or constructed that law enforcement officers or agents of the Department of Liquor Control are prevented reasonable access to the establishment; and

Whereas, the place for which the permit is sought is so located with respect to the neighborhood that it substantially interferes with public decency, sobriety, peace or good order; and

Whereas, this objection is based on other legal grounds as set forth in Revised Code Section 4303.292; and

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code, Council's objection to said permit must be received by the Director of Liquor Control within 30 days of notification; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1, C2 and D6 Liquor Permit from 14053 Lorain Avenue, Inc., DBA Rite Shop Food Mart, 14053 Lorain Avenue, Cleveland, Ohio 44111, Permanent Number 6549242 to R & M Cairo, LLC, DBA Rite Shop, 14053 Lorain Avenue, Cleveland, Ohio 44111, Permanent Number 7149478 and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

Section 2. That the Clerk of Council be and she is hereby directed to transmit two certified copies of this resolution, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

Section 3. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force

immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted May 9, 2005.
Effective May 12, 2005.

Res. No. 915-05.
By Council Member Reed.
An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit at 14510 Kinsman Avenue, and repealing Resolution No. 1348-04, objecting to said renewal.

Whereas, this Council objected to a C2 and C2X Liquor Permit to 14510 Kinsman Avenue by Resolution No. 1348-04 adopted by the Council on July 14, 2004; and

Whereas, this Council wishes to withdraw its objection to the above renewal and consents to said renewal; and

Whereas, this resolution constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That objection to a C2 and C2X Liquor Permit to 14510, Inc., DBA Kinsman Sunoco, 14510 Kinsman Avenue, Cleveland, Ohio 44120, Permanent Number 6549670 be and the same is hereby withdrawn and Resolution No. 1348-04, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

Section 2. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted May 9, 2005.
Effective May 12, 2005.

Res. No. 921-05.
By Council Members Jackson and Westbrook.

An emergency resolution urging the Federal Bureau of Investigation and the Federal Bureau of Alcohol, Tobacco and Firearms to investigate the accessibility of guns by young people in the City of Cleveland and to enforce existing gun laws to the fullest extent.

Whereas, this Council is concerned about the increase in gun violence and gun related homicides among young people in the City of Cleveland, and;

Whereas, firearms are easily accessible to children in the United States, for example, 47% of high school students said they could obtain a gun if they wanted to, while 22% of middle school students said they could get a firearm; and

Whereas, 6% of high school students said they had carried a gun in the last 30 days; and

Whereas, in 72% of unintentional deaths and injuries, suicide and suicide attempts with a firearm of 0-19 year olds, the firearm was stored in the residence of the victim, a relative or a friend; and

Whereas, 40% of American households with children have guns and 34% of children in the U.S live in homes with at least one firearm; and

Whereas, there have been incidents recently in this City involving children using firearms against other children; and

Whereas, in the past year, this City has mourned the deaths of children and young adults who have been killed by a child or young adult using a firearm; and

Whereas, this Council is very concerned about the easy access to firearms in the City of Cleveland; and

Whereas, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health or safety, now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That this Council hereby urges the Federal Bureau of Investigation and the Federal Bureau of Alcohol, Tobacco and Firearms to investigate the accessibility of guns by young people in the City of Cleveland and to enforce existing gun laws to the fullest extent.

Section 2. That the Clerk is hereby directed to transmit copies of this resolution to Robert S. Mueller, III, Director, Federal Bureau of Investigation and Carl Truscott, Director, Bureau of Alcohol, Tobacco and Firearms.

Section 3. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Adopted May 9, 2005.
Effective May 13, 2005.

Res. No. 924-05.
By Council Members Coats, Jackson, Gordon, Britt, Westbrook, Sweeney and Zone.

An emergency resolution urging the State legislature to pass Expungement Reform Legislation and supporting the National Restoration Movement, U.S.A., Inc., in its efforts to obtain such reform in Ohio.

Whereas, Ohio's current expungement laws do not allow individuals who have paid their debt to society to become productive members of the community, because such laws prohibit or prevent the individuals from obtaining meaningful employment, sometimes for 10 or more years; and

Whereas, the City of Cleveland has a very high unemployment rate and many of those that are unemployed have been previously convicted of crimes, thus preventing them from finding good paying jobs; and

Whereas, in Ohio, a person convicted of a misdemeanor or felony crime can be prohibited from getting employment, decent housing, and even student loans; and

Whereas, the state of Ohio's current law allows only a first offense to be expunged, with a few exceptions; and

Whereas, currently in Ohio, if a person is convicted of a misdemeanor, he may apply to have his record expunged after one year of the final discharge of the case; and

Whereas, if a person is convicted of a felony, the record may be expunged after three years after the final discharge of the case; and

Whereas, reform of Ohio's expungement laws should include allowing all cases to be expugnable after 10 years of clean conduct and positive community living, with the exception of murder and sexual offenses; and

Whereas, reforming Ohio's expungement laws would allow individuals who have fulfilled their punishments under the law to again be a productive part of the local community and broader society; and

Be it resolved by the Council of the City of Cleveland:

Whereas, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health or safety, now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That this Council hereby urges the State legislature to pass Expungement Reform Legislation, and supports the National Restoration Movement, U.S.A., Inc., in its efforts to obtain such reform in Ohio.

Section 2. That the Clerk is hereby directed to transmit copies of this resolution to all members of the State legislature, to Governor Bob Taft, and to Reverend Mark C. Olds, President of the National Restoration Movement, U.S.A., Inc.

Section 3. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Adopted May 9, 2005.
Effective May 12, 2005.

Res. No. 925-05.
By Council Member Gordon.
An emergency resolution encouraging the United States Senate to support bi-partisan S. 9 and oppose Workforce Investment Act Plus.

Whereas, the local Workforce Investment Act program is an integral part of local economic development; and

Whereas, in 2004, the local Workforce Investment Act assisted over 5,000 individuals and businesses; and

Whereas, in 1998, important relationships were established between the federal government, state governments, local governments, and the public and private sectors in establishing the Workforce Investment Act program; and

Whereas, the United States Senate is currently considering legislation to reauthorize the Workforce Investment Act; and

Whereas, passage of S. 9, introduced on January 24, 2005, will result in positive changes in the United States workforce investment system and build upon progress already made by the Workforce Investment Act program; and

Whereas, the Local Workforce Coalition, comprised of the National Association of Counties, the National Association of Workforce Boards, the National Workforce Association, and the U.S. Conference of Mayors, urges passage of bi-partisan S.9; and

Whereas, the Department of Labor is proposing a Workforce Investment Act Plus Consolidated Grant Program ("WIA Plus"); and

Whereas, under this proposal, states would have complete authority to design their workforce investment act program and could choose to eliminate local workforce investment boards; and

Whereas, such authority is contrary to the governance relationships negotiated and agreed upon when establishing the Workforce Investment Act in 1998; and

Whereas, this Council is concerned about the detrimental impact of WIA Plus on local workforce systems in the greater Cleveland, Ohio region; and

Whereas, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health, or safety, now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That this Council encourages the United States Senate to support bi-partisan S. 9 and oppose Workforce Investment Act Plus.

Section 2. That the Clerk of Council is directed to transmit a copy of this resolution to United States Senator George Voinovich, United States Senator Michael DeWine, United States Senator Michael Enzi, United States Senator Bill Frist, and United States Senator Edward Kennedy.

Section 3. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted May 9, 2005.

Effective May 12, 2005.

Res. No. 926-05.
By Council Members Westbrook, Zone, Kelley, Brady and Sweeney.

An emergency resolution opposing the proposed cuts in funding to Bridgeway's Playhouse program, an Alcohol and Drug Addiction Prevention Program for Children and Youth and urging the Alcohol and Drug Addiction Services Board of Cuyahoga County to reinstate such funds for this worthwhile program.

Whereas, Bridgeway is a mental health agency that provides counseling, treatment, crisis intervention and assisted living services for those struggling with severe mental illnesses, or drug and alcohol addiction; and

Whereas, the Playhouse is a program of Bridgeway that serves over 400 children and youth per year through alcohol and drug awareness classes taught in Cleveland schools; and

Whereas, the Playhouse program reaches an additional 400 youth in its after school program, which includes drama, dance, sports and field trips; and

Whereas, 468 children have participated in the Playhouse after school activities in the last 9 months alone; and

Whereas, the Playhouse program has kept youth off the streets and away from drugs, alcohol and street violence for the last 15 years; and

Whereas, programs run by the Playhouse cost less than \$250 per youth per year; and

Whereas, the Alcohol and Drug Addiction Services Board of Cuyahoga County has suddenly decided to cut funding for Bridgeway's Playhouse program; and

Whereas, the proposed cuts in funding will shut down the Playhouse program, putting an end to the Playhouse as a safe haven for Cleveland youth and effectively putting more than 400 children and youth back on the streets, significantly increasing the chances that they will become involved in drug and/or alcohol abuse, gang related activity and other risky or illegal behavior; and

Whereas, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health, or safety, now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That this Council hereby opposes the proposed cuts in funding to Bridgeway's Playhouse program, an Alcohol and Drug Addiction Prevention Program for Children and Youth and urges the Alcohol and Drug Addiction Services Board of Cuyahoga County to reinstate such funds for this worthwhile program.

Section 2. That the Clerk is hereby directed to transmit copies of this resolution to all members of the Alcohol and Drug Addiction Services Board of Cuyahoga County, to David J. Lundeen, President and CEO of Bridgeway and to Cuyahoga County Commissioners Lawson Jones, Dimora and Hagan.

Section 3. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Adopted May 9, 2005.

Effective May 12, 2005.

Res. No. 927-05.
By Council Members Zone, Britt, Brady, Westbrook, Sweeney, Jackson, Gordon, Cimperman, Lewis, White and Coats.

An emergency resolution opposing tax and expenditure limitation proposals, whether by constitutional amendment or other means and supporting the principle of representative democracy as the best route to sound state and local public policy.

Whereas, various elected officials, organizations and individuals are endorsing proposals to amend the Ohio Constitution to institute constitutionally mandated Tax Expenditure Limitations (TEL) at the state and local levels of government ; and

Whereas, one such proposal is commonly known as "Taxpayers Bill of Rights (TABOR)"; or Tax Expenditure Limitation (TEL) and

Whereas, those states that have instituted proposals similar to the Tax Expenditure Limitations' Law, such as Colorado, now face severe problems in meeting the basic needs by reducing expenditures for K-12 education support, reduction of spending for higher education, reduction of expenditures for immunizations and pre-natal care, for its

citizenry and are seeking to override constitutionally mandated spending restrictions; and

Whereas, such TEL proposals would severely limit fiscal management options of elected state and local leaders in times of crisis and other unpredictable circumstances, putting state and local governments on "auto pilot" and circumventing thoughtful and deliberative consideration of policy decisions; and

Whereas, such TEL proposals could override state constitutional provisions requiring certain expenditures to support education and the use of gas taxes; and

Whereas, such TEL proposals in Ohio would reduce funding for education, health care, police, fire protection, social services and economic development; by limiting annual aggregate state expenditures increases from the previous years expenditures by the sum of the rate of inflation and the rate of population change, or 3.5 percent; and

Whereas, such TEL proposals would prevent local officials from changing priorities and subvert the ability of legislators to set tax policy they were elected to make by allowing for mandated expenditure responses as required by the TEL proposal; and

Whereas, such TEL proposals will require the state expenditures to be increasingly allocated as matching funds for federal programs as a result of mandated expenditure limitations for state supported programs; and

Whereas, TABOR and other tax and expenditure limitation (TEL) legislation bring great harm to local communities through continued reductions in state funding, erode decision-making at the local level and the ability to provide the basic services residents and businesses expect and deserve; and

Whereas, such proposals would force the state and local governments to spend valuable time and money asking for permission from the same people who elected them before any action can be taken on important issues, and would also force taxpayers to pay twice for governance - once for elections of their state and local officials and again for elections to make the decisions those officials should have already made; and

Whereas, this Council believes that state and local elected officials are elected to do a job, which is to represent the interests of their constituents, to deal with difficult decisions, and to thoughtfully debate and determine the best course of action for the state or the community in which they serve; and

Whereas, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health or safety, now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That this Council hereby opposes tax and expenditure limitation proposals, whether by constitutional amendment or other means and supports the principle of representative democracy as the best route to sound public policy.

Section 2. That the Clerk of Council is hereby directed to transmit copies of this resolution to Robert Taft, Governor, Ken Blackwell, Secretary of State, Jon Husted, Speaker, Ohio House of Representatives, Bill Harris, President, Ohio Senate, C.J. Prentiss Minority Leader, Ohio

Senate, Chris Redfern, Minority Leader, Ohio Senate, to all members of the state legislature representing Cuyahoga County, and Susan Cave, Executive Director, Ohio Municipal League.

Section 3. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Adopted May 9, 2005.

Effective May 12, 2005.

Res. No. 929-05.

By Council Member Conwell.

An emergency resolution urging the federal government to intervene to protect to automobile industry in the United States

Whereas, this Council believes that the economy in Ohio, as in the United States, is near collapse, with thousands of jobs lost daily in all areas of industry, including the automobile, machine and steel industries; and

Whereas, certain stop-gap measures should be adopted and implemented by Congress to forestall the presently threatened, irreparable damage to our nation's physical economy, which is typified by the presently accelerating crisis in the U.S. automobile industry; and

Whereas, the U.S. automobile industry is \$475 billion dollars in debt, and its bond rating has been recently lowered to junk bond status, making filing for bankruptcy by the leading automobile manufacturers a very real possibility; and

Whereas, it is conceivable that the automobile industry's leading manufacturers could close most, if not all its factories in the United States, including in Ohio; and

Whereas, the closing down of even some of the automobile factories, including the shut down of machine tool production, would mean both the end of the United States as a leading physical economic power and cause chain reaction damage to the world economy; and

Whereas, the U.S. Congress has the capability to intervene on behalf of the automobile industry to ensure that the continued employment of that industry's labor force remains functioning in each and every present locality of employment; and

Whereas, this Council believes that the U.S. Congress can and must intervene, on behalf of national and related interests, to ensure that the productive potential of the automobile industry, with its featured high technology and machine tool capability, be held together in place and intact; and

Whereas, the impact of such Congressional intervention on the City of Cleveland will be thousands of new jobs repairing infrastructure, maintenance of automobile production jobs, restoration of the tax base and ultimately, an increase in the standard of living in the City; and

Whereas, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health or safety, now, therefore,

Be it resolved by the Council of the City of Cleveland:

Section 1. That this Council hereby urges the federal government to intervene to protect to automobile industry in the United States.

Section 2. That the Clerk is hereby directed to transmit copies of this resolution to all members of the U.S. Congress and to President George W. Bush.

Section 3. That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Adopted May 9, 2005.

Effective May 12, 2005.

Ord. No. 356-05.

By Council Members Coats and Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials to perform miscellaneous building maintenance services, for the various divisions of the Department of Public Utilities, for a period of two years.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a two-year period of the necessary items of labor and materials to perform miscellaneous building maintenance services, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of the Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 153291)

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed May 9, 2005.

Effective May 12, 2005.

Ord. No. 357-05.

By Council Members Coats and Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor, materials, and equipment necessary to trim trees for clearance around electrical wires and streetlights, for the Division of Public Power, Department of Public Utilities.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one-year period of the necessary items of labor, materials, and equipment necessary to trim trees for clearance around electrical wires and streetlights, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Cleveland Public Power, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 153290)

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed May 9, 2005.

Effective May 12, 2005.

Ord. No. 358-05.

By Council Members Coats and Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of paper products necessary for billing, for the Division of Cleveland Public Power, Department of Public Utilities.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter

and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one year period of the necessary items of paper products necessary for billing, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Cleveland Public Power, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 153292)

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed May 9, 2005.
Effective May 12, 2005.

Ord. No. 411-05.

By Council Members Coats and Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to test and refurbish existing unit process equipment and chemical feeding equipment, including appurtenances, for the Division of Water, Department of Public Utilities.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one or two year period of the necessary items of labor and materials necessary to test and refurbish existing unit process equipment and chemical feeding equipment, including appurtenances, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Water, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period

less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Utilities is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Utilities by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 149021)

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed May 9, 2005.
Effective May 12, 2005.

Ord. No. 462-05.

By Council Members Westbrook, Cimperman and Jackson (by departmental request).

An emergency ordinance determining the method of making the public improvement of constructing runway configurations at Cleveland Hopkins International Airport; and authorizing the Director of Port Control to enter into one or more public improvement contracts for the making of the improvement.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing runway configurations at Cleveland Hopkins International Airport, including but not limited to uncoupling Runway 6R-24L from Runway 10-28 and extending Runway 6R-24L from 9,000 to 11,250 feet, constructing associated taxiways, relocating and installing navigational aids, converting Runway 6C-24C to a taxiway, and constructing and installing necessary appurtenances, for the Department of Port Control, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

Section 2. That, provided the City receives federal grants, federal PFC authorization, or sells airport revenue bonds that includes this project, the Director of Port Control is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement, provided, how-

ever, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 3. That the Director of Port Control is authorized to enter into one or more agreements with federal or regulatory entities necessary and to pay or reimburse directly related costs incurred by such entities for the purpose of making the improvement.

Section 4. That the cost of the improvement authorized shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, and from any funds or subfunds to which are credited any federal grants or federal PFC authorization for the above project and the proceeds from the sale of any airport revenue bonds issued for a purpose which includes the above project, Request No. 129214.

Section 5. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed May 9, 2005.
Effective May 11, 2005.

Ord. No. 465-05.

By Council Members Westbrook, Cimperman and Jackson (by departmental request).

An emergency ordinance determining the method of making the public improvement of constructing the Centralized Deicing Facility Common Use Pad, Deicing Pad 4, and all associated appurtenances; and authorizing the Director of Port Control to enter into one or more public improvement contracts for the making of the improvement; and authorizing the Director of Port Control to employ one or more professional consultants to manage spent deicing fluid and enter into management agreements with third party operators selected by the airlines.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing the Centralized Deicing Facility Common Use Pad, Deicing Pad 4, and all associated appurtenances, for the Department of Port Control, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

Section 2. That, provided the City receives federal grants, federal PFC authorization, or sells airport revenue bonds that includes this project, the Director of Port Control is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement, provided, how-

ever, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 3. That, provided the City receives federal grants, federal PFC authorization, or sells airport revenue bonds that includes this project, the Director of Port Control is authorized to employ by contract or contracts one or more environmental consultants or one or more firms of environmental consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to sample, analyze, collect, recycle and dispose of spent deicing fluid for a period not to exceed three (3) years.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Port Control from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Port Control for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Port Control, and certified by the Director of Finance.

Section 4. That, provided the City receives federal grants, federal PFC authorization, or sells airport revenue bonds that include this project, the Director of Port Control is authorized to enter into a management agreement or similar type agreement with those third party operators as selected from time to time by the airlines to provide deicing type services at the airport.

Section 5. That the cost of the improvement and professional services authorized shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, and from any funds or subfunds to which are credited any federal grants or federal PFC authorization for the above project and the proceeds from the sale of any airport revenue bonds issued for a purpose which includes the above project, Request No. 129210.

Section 6. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed May 9, 2005.
Effective May 11, 2005.

Ord. No. 581-05.
By Council Members Reed and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Department of Public Safety for the Project Safe Neighborhood, Ballistics Identification System.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$18,468, from the Ohio Department of Public Safety to conduct the Project Safe Neighborhood, Ballistics Identification System; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the application for the grant contained in the file described below.

Section 2. That the application for the grant, File No. 581-05-A, made a part of this ordinance as if fully rewritten, is approved in all respects.

Section 3. That the Director of Public Safety shall have the authority to extend the term of the grant if the extension does not involve an increase in the dollar amount of the grant specified above.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed May 9, 2005.
Effective May 12, 2005.

Ord. No. 591-05.
By Council Member Conwell.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Moulton Avenue to Cleveland Municipal School District.

Whereas, the City of Cleveland has elected to adopt and implement the procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed of by the City of Cleveland through its Department of Community Development under the terms of Chapter 5722 of the Ohio Revised Code and Section 183.021 of Codified Ordinances of the City of Cleveland, 1976; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 120-10-109, 120-10-110, 120-10-111 and 120-10-112, as more fully described below, to Cleveland Municipal School District.

Section 2. That the real property to be sold pursuant to this ordinance is more fully described as follows:

P. P. No. 120-10-109 and 120-10-110
Situating in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublots Nos. 44 and 45 in H.C. Ford's Allotment of part of Original One Hundred Acre Lots Nos. 387 and 388, as shown by the recorded plat in Vol-

ume 14 of Maps, Page 47 of Cuyahoga County Records, and together forming a parcel of land 80 feet front on the Southerly side of Moulton Avenue, N.E., and extending back of equal width 125 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 120-10-111

Situating in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 43 in H.O. Ford's Allotment of part of Original One Hundred Acre Lot Nos. 387 and 388, as shown by the recorded plat in Volume 14 of Maps, Page 47 of Cuyahoga County Records, and being 40 feet front on the Southerly side of Moulton Avenue, N.E., and extending back of equal width 125 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

P. P. No. 120-10-112

Situating in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 42 in H.C. Ford's Allotment of part of Original One Hundred Acre Lots Nos. 387 and 388 as shown by the recorded plat in Volume 14 of Maps, Page 47 of Cuyahoga County Records, being 40 feet front on the Southerly side of Moulton Avenue, N.E., and extending back of equal width 125 feet deep, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 3. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

Section 4. That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

Section 5. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

Section 6. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed May 9, 2005.
Effective May 12, 2005.

**Ord. No. 631-05.
By Council Member Jackson (by
departmental request).**

An emergency ordinance authorizing the Director of Finance to accept a gift from Akoura Biometrics of a fingerprint protection system to protect sensitive information and programs on laptops, desktops, and servers for a limited number of users, including technical support and training.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Finance is authorized to accept a gift of a fingerprint protection system to protect sensitive information and programs on laptops, desktops, and servers for a limited number of users, including technical support and training, from Akoura Biometrics, valued at \$50,000, based on their March 5, 2005 letter placed in File No. 631-05-A.

Section 2. That the Director of Finance is authorized to enter into an agreement for a term not to exceed two years with Akoura Biometrics to effectuate the gift and the agreement shall include, but not be limited to, terms that provide warranties to the City and indemnification of the City for infringement and other potential claims. Any agreement entered into under the authority of this ordinance shall be placed in the legislative file.

Section 3. That the gift shall take effect on the effective date of the agreement described in Section 2.

Section 4. That within one year after the passage of this ordinance, the Director of Finance shall report to this Council on the merits of the Akoura Biometrics system being provided to the City under the authority of this ordinance.

Section 5. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed May 9, 2005.
Effective May 12, 2005.

**Ord. No. 642-05.
By Council Member Jackson (by
departmental request).**

An emergency ordinance authorizing the Director of Finance to employ one or more professional consultants to assess the City's budget requirements, recommend a comprehensive budget program, design the accepted recommendations, acquire the program, installation and implementation, and for training, support, and maintenance for a period of two years.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Finance is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of sup-

plementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to assess the City's budget requirements and recommend a comprehensive budget program.

Section 2. That the Director of Finance is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design the accepted recommendations, acquire the program, installation and implementation, and for training, support, and maintenance of the program for a period of two years.

Section 3. The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Finance from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Finance for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Finance, and certified by the Director of Finance.

Section 4. That the cost of contract or contracts authorized shall be paid from Fund No. 11 SF 006, Request No. 146222.

Section 5. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed May 9, 2005.
Effective May 12, 2005.

**Ord. No. 643-05.
By Council Members Coats and
Jackson (by departmental request).**

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to repair and maintain combination sewer and catch basin cleaners, including appurtenances, for the Division of Water Pollution Control, Department of Public Utilities, for a two-year period.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a two-year period of the necessary items of labor and materials necessary to repair and maintain combination sewer and catch basin cleaners, including appurtenances, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Divi-

sion of Water Pollution Control, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 150043)

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed May 9, 2005.
Effective May 12, 2005.

**Ord. No. 644-05.
By Council Members Coats and
Jackson (by departmental request).**

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to repair and maintain vac-all trucks, for the Division of Water Pollution Control, Department of Public Utilities, for a two-year period.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a two-year period of the necessary items of labor and materials necessary to repair and maintain vac-all trucks, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Water Pollution Control, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later pur-

chases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 150054)

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed May 9, 2005.
Effective May 12, 2005.

Ord. No. 653-05.
By Council Members Gordon and Jackson (by departmental request).
An emergency ordinance appropriating Community Development Block Grant funds for expenses for the Demolition and Board-up Programs; and authorizing the Director of Building and Housing to enter into one or more contracts with various agencies to implement these programs.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That Community Development Block Grant funds in the amount of One Million Eight Hundred Thirty Thousand Dollars (\$1,830,000) from Fund No. 14 SF 031, Request No. 125790, are appropriated for costs of the Department of Building and Housing associated with conducting the Demolition and Board-up Programs incurred in Fund 13 following the appropriate federal regulations in conjunction with the Community Development Block Grant Program.

Section 2. That the Director of Building and Housing is authorized to enter into one or more contracts with various non-profit and for-profit agencies, and entities providing services necessary to implement the Demolition and Board-up Programs. That any contract entered into under this ordinance, shall not include the demolition of Madonna Hall located at East 72nd and Chester.

Section 3. That prior to expending funds under this ordinance, the Director of Building and Housing and the Director of Community Development shall enter into a memorandum of understanding for this program.

Section 4. That the Director of Building and Housing is authorized to accept monies in repayment under the program and to utilize the repayments and other program income in a revolving fund for making additional expenditures under this program, and the funds are appropriated for that purpose.

Section 5. That the City is authorized to accept promissory notes, naming the City of Cleveland as payee, and mortgages, naming the City of Cleveland as mortgagee, and any other security instrument executed to evidence and secure repayment of fees under the City's Demolition and Board-up Programs.

Section 6. That the Director of Building and Housing is authorized to enter into forbearance agreements with any recipient of a valid-

ly existing loan, administered by the City under the City's Demolition and Board-up Programs.

Section 7. That the Director of Building and Housing is authorized to collect from persons or entities from whom the City is collecting demolition costs an amount equal to any amount spent for services related to collection of demolition cost, such as title searches, credit bureau reports, and document filing fees. Any funds collected shall be deposited into Fund No. 14.

Section 8. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed May 9, 2005.
Effective May 12, 2005.

Ord. No. 709-05.
By Council Members Gordon and Jackson (by departmental request).
An emergency ordinance appropriating Community Development Block Grant funds for expenses for the Fair Housing Program; and authorizing the Director of Community Relations to enter into one or more contracts with various agencies to implement this program.

Whereas, the City of Cleveland has received a Community Development Block Grant, Year 30, from the United States Government; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That Community Development Block Grant funds in the amount of One Hundred Thousand Dollars (\$100,000) from Fund No. 14 SF 031, Request No. 125797, are appropriated for costs of the Department of Community Relations incurred in Fund 13 following the appropriate federal regulations associated with conducting the Fair Housing Program in conjunction with the Community Development Block Grant Program.

Section 2. That the Director of Community Relations is authorized to enter into one or more contracts with various non-profit and for-profit agencies providing services necessary to implement the Fair Housing Program.

Section 3. That prior to expending funds under this ordinance, the Director of Community Relations and the Director of Community Development shall enter into a memorandum of understanding for this program.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed May 9, 2005.
Effective May 12, 2005.

Ord. No. 711-05.
By Council Members Gordon and Jackson (by departmental request).
An emergency ordinance appropriating Community Development Block Grant funds for anti-predatory lending and foreclosure prevention assistance; and authorizing the Director of Consumer Affairs to enter into one or more contracts with various entities to provide assistance to City residents.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That Community Development Block Grant funds in the amount of Three Hundred Thousand Dollars (\$300,000) are appropriated for anti-predatory lending and foreclosure prevention assistance programs.

Section 2. That the Director of Consumer Affairs is authorized to enter into one or more contracts with various organizations to provide counseling, training, marketing, program evaluation and other services required for anti-predatory lending and foreclosure prevention assistance.

Section 3. That the aggregate cost of the contracts shall not exceed \$300,000 and shall be paid from Fund No. 14 SF 236, Request No. 125796.

Section 4. That prior to expending funds under this ordinance, the Directors of Consumer Affairs and Community Development shall enter into a memorandum of understanding for this program.

Section 5. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed May 9, 2005.
Effective May 12, 2005.

Ord. No. 713-05.
By Council Members Zone, Gordon and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into contract with Gordon Square Homes, L.P., or its designee, to provide financial assistance in the form of a Community Development Block Grant Float Loan to partially finance the acquisition and development of the Gordon Square Homes apartment project.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Community Development is authorized to enter into a Community Development Block Grant Float Loan Agreement with Gordon Square Homes, L.P., or its designee, to provide financial assistance to partially finance the acquisition and development of the Gordon Square Homes apartment project.

Section 2. That the terms of the loan shall be determined by the Director of Community Development in accordance with Federal regulations, State and local laws, and the director is authorized to amend the terms, from time to time, as the director deems necessary to remain consistent with the laws and regulations.

Section 3. That the aggregate cost of the agreement shall not exceed Four Million Dollars (\$4,000,000) and shall be paid from Fund No. 14 SF 810, Request No. 149506.

Section 4. That the Director of Community Development shall obtain an irrevocable, unconditional letter of credit to secure repayment of the loan.

Section 5. That the Director of Community Development is authorized to accept collateral as the director deems adequate in order to secure repayment of the loan. Any and all security instrument agreements or other agreements shall be prepared and approved by the Director of Law.

Section 6. That the Director of Community Development is authorized to accept monies in repayment of the loan and to deposit the monies in Fund No. 14.

Section 7. That the Director of Community Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable under federal regulations and expend the fees to cover costs incurred in the preparation of the loan application, closing, and servicing of the loan.

Section 8. That the Director of Law is authorized to prepare the contract and any other documents as may be appropriate to complete the transactions.

Section 9. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed May 9, 2005.
Effective May 12, 2005.

Ord. No. 715-05.

By Council Members Gordon and Jackson (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into contracts with one or more non-profit agencies to operate a community garden program.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Community Development is authorized to enter into contracts with one or more non-profit agencies to operate a community gardening program.

Section 2. That the cost of the contract or contracts shall not exceed \$110,000.00, and shall be paid from Fund No. 14 SF 031 Request No. 125795.

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed May 9, 2005.
Effective May 12, 2005.

**Ord. No. 720-05.
By Council Member Jackson (by departmental request).**

An emergency ordinance providing for the issuance and sale of Bonds in the maximum principal amount of \$6,380,000 for the purpose of providing funds to improve Municipal Parks and Recreation facilities; and the issuance of notes in anticipation of those Bonds.

Whereas, this Council desires to issue bonds in an aggregate principal amount not to exceed Six Million Three Hundred Eighty Thousand Dollars (\$6,380,000) (the "Bonds") to finance the costs of certain permanent improvements described in Section 1; and

Whereas, the Director of Finance, as fiscal officer of the City, has certified to this Council that the estimated life or usefulness of the improvements to be financed with the proceeds of the Bonds is at least five (5) years and the maximum maturity of the Bonds is twenty (20) years; and

Whereas, this Council passed Ordinance No. 1749-80 on October 8, 1980, and thereafter amended that ordinance by Ordinance No. 1112-83, passed on May 6, 1983, and Ordinance No. 944-96, passed on June 10, 1996 (Ordinance No. 1749-80, as so amended and as the same may further be amended from time to time in accordance with its provisions, is referred to as the "General Bond Ordinance"), providing the general terms and provisions for the issuance of unvoted general obligations of the City, with the specific terms of each series of bonds to be contained in ordinances authorizing their issuance (the "Series Bond Ordinances"); and

Whereas, the issuance of the Bonds is necessary to provide funds to pay the costs of certain permanent improvements described in Section 1 that are urgently needed for the benefit of the City, and as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health and safety, and for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. Purpose. It is deemed necessary to issue the Bonds in an aggregate principal amount not to exceed Six Million Three Hundred Eighty Thousand Dollars (\$6,380,000) for the purpose of providing funds to improve municipal parks and recreation facilities by constructing, reconstructing, rehabilitating, installing, renovating, enlarging and otherwise improving parks and recreation centers and areas, pools, skating rinks, greenhouses, bicycle

paths, playgrounds, playfields, tracks, fields and related buildings, structures, walkways, pavement and facilities, and providing necessary water systems, drainage, lighting, signage, fixtures, furnishings, equipment, safety modifications and site improvements, together with all preliminary associated research, planning and development and all necessary and incidental appurtenances in all cases, including the acquisition of any required real estate and interests in real estate and the demolition of any existing buildings, structures, walkways and facilities, and to pay any capitalized interest and all expenses incurred in connection with the issuance of the securities, including all financing costs within the meaning of Section 133.01(K) of the Revised Code and such other costs of the foregoing permanent improvements that may be financed with the proceeds of securities as permitted by Section 133.15(B) of the Ohio Revised Code and as otherwise permitted by law; and to authorize the issuance of notes in anticipation of the Bonds.

Section 2. Authority and Terms.

The Bonds shall be issued pursuant to the provisions of Article XVIII of the Constitution of Ohio, Sections 133.01 to 133.70, inclusive, and other applicable provisions of the Revised Code, the Charter of the City, the General Bond Ordinance and this Ordinance in the principal amount and for the purpose stated in Section 1. The Bonds shall be designated "Parks and Recreation Facilities Improvement Bonds, Series 2005." The Bonds shall be issued in one lot as fully registered Bonds in denominations of \$5,000 or any integral multiple thereof. The Bonds shall be numbered as determined by the Director of Finance.

The Bonds shall be dated as of June 1, 2005, or such other date, but in no event later than December 31, 2005, specified in the certificate of award providing for the final terms of the Bonds and the sale of the Bonds signed by the Director of Finance in accordance with this Ordinance (the "Certificate of Award"). The Bonds shall bear interest at the rate or rates per year specified in the Certificate of Award; provided that if all the Bonds bear interest at the same rate per year, then such rate shall not exceed seven percent (7%) per year, and if the Bonds bear interest at more than one rate per year, then the weighted average of such rates (taking into account the principal amount and maturity of each Bond to which a rate applies) shall not exceed seven percent (7%) per year. Interest on the Bonds shall be payable, until the principal amount is paid, semi-annually on June 1 and December 1 of each year or on the days specified in the Certificate of Award as the dates on which interest on the Bonds shall be payable (the "Interest Payment Dates"), beginning December 1, 2005 or on such other Interest Payment Date specified in the Certificate of Award as the first Interest Payment Date.

The Bonds shall mature on December 1 in no more than twenty (20) substantially equal annual installments, beginning December 1, 2006, or according to the schedule set forth in the Certificate of Award, provided that (i) each principal pay-

ment shall occur on an Interest Payment Date, (ii) the first principal payment on the Bonds shall be no earlier than June 1, 2006 and no later than December 1, 2006, (iii) the final maturity date of the Bonds shall be no later than twenty (20) years from that date which is twelve months prior to the first date on which provision for payment of principal is made, and (iv) the principal amount thereof shall be payable in annual installments such that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year.

The Bonds stated to mature in any year may be issued as term bonds (the "Term Bonds"), payable pursuant to Mandatory Sinking Fund Redemption Requirements as defined and further described below. The Director of Finance shall determine in the Certificate of Award whether any of the Bonds shall be issued as Term Bonds, any dates (the "Mandatory Redemption Dates") on which the principal amount of the Term Bonds shall be payable pursuant to mandatory sinking fund installments rather than at stated maturity and the amount of principal to be paid on each Mandatory Redemption Date (the "Mandatory Sinking Fund Redemption Requirements").

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

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

The aggregate of the moneys to be deposited with the Escrow Agent, currently The Huntington National Bank, for payment of principal of and interest on any Term Bonds shall include amounts sufficient to redeem on the Mandatory Redemption Dates the principal amount of Term Bonds payable on those dates pursuant to the Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as provided below).

The City shall have the option to deliver to the Registrar (as defined in Section 3) for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City for any Term Bonds. That option shall be exercised by the City on or before the forty-fifth (45th) day preceding the applicable Mandatory Redemption Date, by furnishing the Escrow Agent a certificate, signed by the Registrar, setting forth the extent of the credit to be applied with respect to the then current Mandatory Sinking Fund Redemption Requirement. If the certificate is not timely furnished to the Escrow Agent, the Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be

reduced. A credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Registrar, to the extent not applied theretofore as a credit against any mandatory redemption obligation.

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

(b) Optional Redemption. The Bonds may be subject to redemption prior to maturity by and at the option of the City, in whole or in part on any date, in integral multiples of \$5,000, at the optional redemption dates and at the redemption prices (expressed as a percentage of the principal amount redeemed) specified in the Certificate of Award, plus, in each case, accrued interest to the redemption date, provided the first optional redemption date shall not be later than December 1, 2015 and the highest redemption price shall not be greater than 102%. The Director of Finance may determine in the Certificate of Award that it is in the best interests of the City for the Bonds not to be callable prior to their stated maturity.

If optional redemption at a price exceeding 100% of the principal amount to be redeemed is to take place as of any applicable Mandatory Redemption Date, the Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Bonds to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements of paragraph (a). The Bonds shall be redeemed pursuant to this paragraph only upon written notice from the Director of Finance to the Registrar, given upon the direction of the Council of the City by passage of an ordinance. That notice shall specify the redemption date and the principal amount of each maturity of Bonds to be redeemed, and shall be given at least forty-five (45) days prior to the redemption date or such shorter period as shall be acceptable to the Registrar. There shall be deposited with the Registrar on or prior to the redemption date funds sufficient to redeem at the redemption price all of the redeemable Bonds for which notice of redemption has been given.

Partial Redemption. If fewer than all of the outstanding Bonds are called for redemption at one time, they shall be called in the order of maturities directed by the Director of Finance. If fewer than all Bonds of a single maturity are to be

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

(d) Notice of Redemption. The notice of the call for redemption of Bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Registrar on behalf of the City by mailing a copy of the redemption notice by first class mail, postage prepaid, at least thirty (30) days prior to the date fixed for redemption, to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register maintained by the Registrar at the close of business on the fifteenth day preceding that mailing and to any municipal bond insurance company that has issued a policy insuring some or all of the Bonds. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond.

(e) Payment of Redeemed Bonds. Notice having been mailed in the manner provided in the preceding paragraph, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, upon presentation and surrender at the place or places specified in that notice, shall be paid. If money for the redemption of all of the Bonds and portions thereof to be redeemed, including interest accrued to the redemption date, is held by the Registrar on the redemption date, and, if notice of redemption has been deposited in the mail, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If that money shall not be so available on the redemption date, or that notice shall not have been deposited in the mail, those

Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All money held by the Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners and shall be paid to them, respectively, upon presentation and surrender of those Bonds.

The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Registrar or Escrow Agent as paying agent. Principal shall be payable when due upon presentation and surrender of the Bonds at the principal corporate trust office of the Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register (as defined in Section 3) at the close of business on the date provided in the Agreement authorized in Section 3 (the "Record Date"). Notwithstanding any contrary provision in the General Bond Ordinance, so long as the Bonds are held by a Depository in a book entry system (as described in Section 3), debt charges on the Bonds will be payable in lawful money of the United States by wire transfer to the Depository made by the Escrow Agent on each Interest Payment Date.

This Series Bond Ordinance is enacted pursuant to the General Bond Ordinance. The General Bond Ordinance, except for the third paragraph of Section 13(a) (pertaining generally to an adjustment of the interest rate in an event of default) and the third paragraph of Section 4 (pertaining generally to the periods during which the City is not required to make any transfers or exchanges of bonds issued under the General Bond Ordinance), will not apply to the Bonds. Except for those provisions, the General Bond Ordinance is included as a part of this Ordinance as fully as if restated in this Ordinance. Words and terms not otherwise defined in this Ordinance shall have the same meaning as set forth in the General Bond Ordinance.

Section 3. Execution, Authentication, Approval and Recording of the Bonds; Exchange and Transfer of the Bonds; Paying Agents.

The Bonds shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance. Pursuant to Section 4 of the General Bond Ordinance, each Bond shall be authenticated by the manual signature of an authorized officer of the Trustee (as defined therein). The Bonds shall be signed by the City's Mayor or Acting Mayor and by the City's Director of Finance or Acting Director of Finance; provided, however, that in accordance with Section 9.96 of the Code and the foregoing requirement that each Bond bear the manual signature of an authorized officer of the Trustee, either or both of the signatures of the City's Mayor or Acting Mayor or of its Director of Finance or Acting Director of Finance may be a facsimile. The Bonds shall bear the seal of the City, which seal may be a facsimile seal. Pursuant to Section 83 of the

City's Charter, the Director of Law or Acting Director of Law shall prepare the Bonds and shall endorse thereon his or her approval of the form and correctness thereof by his or her manual or facsimile signature.

U.S. Bank National Association is appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent for the Bonds (the "Registrar"); provided that the Escrow Agent shall also act as paying agent for the Bonds so long as the Bonds are held in a book entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, the Registrar Agreement among the City, the Registrar and the Escrow Agent (the "Agreement") in substantially the form as is now on file with the Clerk of Council in File No. 720-05-A. The 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 Director of Finance and the Director of Law on behalf of the City, all of which shall be conclusively evidenced by the signing of the Agreement or amendments to the Agreement. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Agreement from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Bonds remain outstanding, the City will cause the Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 5, the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of this ordinance. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

Any Bond may be exchanged for Bonds of any authorized denomination upon presentation and surrender at the principal corporate trust office of the Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the principal corporate trust office of the Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. Upon exchange or transfer the Registrar shall complete, authenticate and deliver a new Bond or Bonds of any authorized denomination or denominations requested by the owner equal in the aggregate to the unma-

tured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Registrar shall authenticate and deliver Bonds in accordance with the provisions of this ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Bonds surrendered upon that exchange or transfer.

Notwithstanding any other provisions of this Ordinance, if it is determined by the Director of Finance to be advantageous to the City, the Bonds may be issued in book entry form in accordance with the provisions of this Section. As used in this Section and this Ordinance:

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

"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 Bonds or the principal and interest, and to effect transfers of Bonds, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

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

The Bonds may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized: (i) the Bonds may be issued in the form of a single, fully registered Bond representing each maturity and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (ii) the beneficial owners in book entry form shall have no right to receive Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the

system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

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

The Director of Finance is also hereby authorized and directed to the extent necessary or required to enter into any agreements determined necessary in connection with the book entry system for the Bonds, after determining that the signing thereof will not endanger the funds or securities of the City and after the approval of the form of any such agreement by the Director of Law.

Section 4. Sale of Bonds. The Bonds shall first be offered for purchase to the Trustees of the Sinking Fund and, if not purchased by them, shall be offered to the Treasury Investment Account for purchase and, if not purchased for that Account, shall be sold to SBK-Brooks Investment Corp., Apex Pryor Securities, Loop Capital Markets, LLC, M.R. Beal & Company, Seibert Brandford Shank & Co., LLC (collectively, the "Original Purchaser").

The Bonds shall be awarded to the Original Purchaser in the Certificate of Award which shall specify the final terms of the Bonds in accordance with law, the provisions of this Ordinance, the written advice of either Government Capital Management, LLC or Columbia Equity Financial Corporation or both (the "Financial Advisor"), and the Original Purchaser's offer to purchase the Bonds, including: the principal amount of the Bonds, final purchase price (which shall be not less than 97% of the principal amount plus accrued interest to their date of delivery), interest rate or rates, the amounts and years in which principal installments are payable (at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements), the Interest Payment Dates and the date of the Bonds (if different from those set forth in Section 2) and any other matters required in this Ordinance to be set forth in that Certificate. As permitted under the Charter, the Mayor, Director of Finance, Director of Law and other appropriate officers of the City are, and each of them is, authorized and directed to

take such actions as are necessary, appropriate and in the best interest of the City to establish the terms and requirements for delivery of the Bonds and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, and procedure, and conditions for the delivery of the Bonds to the Original Purchaser, to give all appropriate notices and certificates, to cause a true transcript of proceedings with reference to the issuance of the Bonds to be delivered to the Original Purchaser, to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance and to take all steps necessary to effect the due execution, authentication and delivery of the Bonds. The Director of Finance is authorized and directed to sign and deliver on behalf of the City a bond purchase agreement (the "Bond Purchase Agreement"), approved as to form and correctness by the Director of Law, between the City and the Original Purchaser setting forth the terms and conditions on which the City agrees to sell the Bonds and the Original Purchaser agrees to buy the Bonds on terms consistent with this Ordinance. The Bond Purchase Agreement is approved substantially in the form now on the file with the Clerk of Council in the File referenced in Section 3, 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 Director of Finance and the Director of Law on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement or amendments to the Bond Purchase Agreement. It is determined that the terms of the Bonds, as provided in this Ordinance and as may be provided in or pursuant to the Certificate of Award, are in the best interest of the City and in compliance with all legal requirements.

If, in the judgment of the Director of Finance, a disclosure document in the form of an Official Statement is appropriate or necessary in connection with the original issuance of the Bonds, he is authorized to prepare or cause to be prepared on behalf of the City an Official Statement and any necessary supplements and to authorize the use and distribution of that Official Statement and any supplements. He is authorized to sign on behalf of the City and in his official capacity, that Official Statement and any supplements approved by such officer. He is authorized to sign and deliver, on behalf of the City and in his official capacity, such certificates in connection with the accuracy of the Official Statement and any supplements as may, in his judgment, be necessary or appropriate. He is also authorized to determine and certify on behalf of the City that such disclosure document is "deemed final" by the City within the meaning of Securities and Exchange Commission Rule 15c2-12 (the "SEC Rule"). The Director of Finance is authorized to contract for services for the production and distribution of preliminary and final official statements, including by printed and electronic means.

For the benefit of the holders and beneficial owners from time to time of the Bonds, the City agrees, in accordance with, and as the only obligated person with respect to the Bonds under, the SEC Rule, to provide or cause to be provided such financial information and operating data and notices, in such manner, as may be required for purposes of the SEC Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Director of Finance is authorized and directed to prepare, or cause to be prepared, and to sign and deliver, in the name and on behalf of the City, a continuing disclosure agreement or certificate, which shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and beneficial owners of the Bonds in accordance with the SEC Rule. The performance of that Agreement shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform it.

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 the timely provision of information and notices. Prior to making any filing in accordance with that agreement or providing notice of the occurrence of any other events, the Director of Finance shall consult with, as appropriate, the Financial Advisor and legal counsel.

Pursuant to Section 133.30(B), Ohio Revised Code, the Director of Finance may combine the Bonds with other bonds into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bonds, Series 2005A" or such other designation as may be set forth in the Certificate of Award. Such bonds shall contain a summary statement of purposes encompassing the purpose for which the Bonds are issued and shall state that they are issued pursuant to this Ordinance.

Section 5. Provision for Levying and Collecting Tax. For the purpose of providing the necessary funds to pay the interest on the Bonds promptly when and as the same falls due, and also to provide for the discharge of the Bonds at maturity, there shall be and is levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding, in an amount sufficient to provide for the payment of that interest, when and as the same shall fall due, and also to discharge the principal of the Bonds at maturity, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Constitution of Ohio.

The tax shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, extended and collected. The tax shall be placed before and in preference to all other items and for the full amount thereof. The funds

derived from those tax levies shall be placed in the Unvoted Tax Supported Obligations Account of the Sinking Fund as required by the General Bond Ordinance, and those funds, together with the interest collected on the m shall be irrevocably pledged for the payment of principal of and interest on the Bonds when and as the same fall due; provided, however, that, subject to the provisions of Section 8 of the General Bond Ordinance, in each year to the extent that revenues are available from other sources for the payment of the Bonds and are appropriated for such purpose, the amount of such tax shall be reduced by the amount of such revenues so available and appropriated.

This Council hereby covenants, on behalf of the City and its officials, pursuant to the authorization under Sections 133.25(B)(1) and 5705.51 of the Revised Code, and in accordance with the provisions of and to the extent required or permitted by the General Bond Ordinance, that the City will appropriate annually from the proceeds of the City's municipal income taxes an amount as is necessary to meet the annual debt charges for the Bonds.

Section 6. Application of Proceeds.

The proceeds from the sale of the Bonds, except for accrued interest thereon and any premium, shall be expended and applied for the objects and purposes for which the Bonds are issued. Accrued interest and any premium received from the sale of the Bonds shall be deposited in the Unvoted Tax Supported Obligations Account of the Sinking Fund to be applied to the payment of the principal of and interest on the Bonds.

Section 7. General Obligation.

The Bonds are secured by a pledge and lien on a parity with the pledges and liens authorized by the General Bond Ordinance and, in addition to the taxes and revenues specifically pledged pursuant to this Ordinance and the General Bond Ordinance and the other covenants, terms and agreements provided hereunder and in the General Bond Ordinance to secure payment of the principal of and interest on the Bonds, the City hereby determines, declares, warrants and covenants that the Bonds are general obligations of the City and that the full faith and credit of the City are hereby pledged for the payment of the principal of and interest on the Bonds in accordance with the laws and Constitution of the State of Ohio, this Ordinance and the General Bond Ordinance.

Section 8. Defeasance.

(a) Release of Ordinance. If the City shall pay or cause to be paid and discharged all the outstanding Bonds, or there shall otherwise be paid to the holders of the outstanding Bonds all debt charges due or to become due thereon, and provision shall also be made for paying all other sums payable hereunder, then and in that event this Ordinance (except for Section 8(b) hereof) shall cease to be of further effect, and the covenants, agreements and other obligations of the City under this Ordinance shall be discharged and satisfied, and thereupon the Trustee shall at the request of the City execute and deliver to the City such instruments in writing as shall discharge the

lien hereof and enter on the record such discharge of the lien and such other instruments as may be reasonably required by the City.

(b) Payment and Discharge of Bonds. Outstanding Bonds shall be deemed to have been paid and discharged within the meaning of this Ordinance, including without limitation, Section 8(a) hereof, if:

(i) the Escrow Agent or Paying Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, sufficient moneys; or the Escrow Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, direct obligations of the United States certified by an independent public accounting firm of national reputation to be of such maturities and interest payment dates and to bear such interest, without further investment or reinvestment of either the principal amount thereof or the interest earnings therefrom (likewise to be held in trust and committed, except as hereinafter provided), as will be sufficient, together with moneys referred to in (i) above, for the payment, at their maturities or redemption dates, of all debt charges on the Bonds to their date of maturity or redemption, as the case may be, or if default in such payment shall have occurred on such date then to the date of the tender of such payment; provided, that if any Bonds are to be redeemed prior to the maturity thereof, notice of such redemption shall have been duly given or irrevocable provision satisfactory to the Trustee shall have been duly made for the giving of such notice. Any moneys held by the Escrow Agent in accordance with the provisions of this Section shall be invested by the Escrow Agent in direct obligations of the United States of America maturing, or redeemable at the option of the holder, at times and in amounts sufficient to meet payment of debt charges on the Bonds, as directed by the Director of Finance. Any income or interest earned by, or increment to, the investments held under this Section shall, to the extent determined from time to time by the Escrow Agent to be in excess of the amount required to be held by it for the purposes of this Section, be transferred at the time of such determination as provided in Section 17(a) of the General Bond Ordinance for unclaimed funds held by a Paying Agent. In the event of nonpresentation of any Bond as described in Section 17(a) of the General Bond Ordinance, the moneys held pursuant to this Section shall be held and paid as provided in said Section 17(a) for unclaimed funds held by a Paying Agent.

Section 9. Bond Anticipation Notes.

For the purpose of raising money in anticipation of the issuance of the Bonds for the purposes set forth in Section 1 hereof, notes of the City may be issued in an aggregate principal amount not to exceed Six Million Three Hundred Eighty Thousand Dollars (\$6,380,000) (the "Notes") upon the direction of the Director of Finance to be set forth in a certificate providing for the final terms of the Notes and the sale of the Notes and signed by the Director of Finance (the "Note Certificate of Award").

Section 10. Term of the Notes. The Notes: shall bear interest at such rate, not exceeding six percent (6%) per year, as may be fixed by the Director of Finance of the City in the Note Certificate of Award; shall be dated their date of issuance; shall mature on the date set forth in the Note Certificate of Award, which shall be no later than five (5) years from such date of issuance; shall be subject to redemption by the City at any time prior to maturity without penalty, provided that, if the Director of Finance, based on the advice of the financial advisor of the City, determines that it is in the best interest of the City in order to enhance the marketability of the Notes, the Director of Finance may cause the Notes to not be redeemable for a period which ends no later than the date which is two (2) years following the date of issuance of the Notes; shall be designated "Parks and Recreation Facilities Improvement Bond Anticipation Notes, Series 2004"; shall be issued in such numbers and denominations as may be requested by the Note Purchaser (hereinafter defined); and shall be issued in fully registered form (which may be in a book entry only system) in denominations of \$5,000 or integral multiples thereof. Interest shall be payable semi-annually on the dates set forth in the Note Certificate of Award; provided that if the Notes mature on or before the end of the twelfth (12th) month following their date of issuance, interest on the Notes shall be payable at maturity.

U.S. Bank National Association is appointed to act as the authenticating agent, registrar, transfer agent and paying agent for the Notes (the "Note Registrar"); provided that the Escrow Agent also shall act as paying agent for the Notes so long as the Notes are held in a book entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, an agreement among the City, the Note Registrar and the Escrow Agent (the "Note Registrar Agreement") providing for services relating to the registration, transfer, exchange and payment of Notes. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Note Registrar Agreement from the proceeds of the Notes to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Notes remain outstanding, the City will cause the Note Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Notes as provided in this Section (the "Note Register"). Subject to the provisions of Section 5, the person in whose name a Note is registered on the Note Register shall be regarded as the absolute owner of that Note for all purposes of this ordinance. Payment of or on account of the debt charges on any Note shall be made only to or upon the order of that person; neither the City nor the Note Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Note, including interest, to the extent of the amount or amounts so paid.

Any Note may be exchanged for Notes of any authorized denomination upon presentation and surrender at the principal corporate trust office of the Note Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Note Registrar. A Note may be transferred only on the Note Register upon presentation and surrender of the Note at the principal corporate trust office of the Note Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Note Registrar. Upon exchange or transfer the Note Registrar shall complete, authenticate and deliver a new Note or Notes of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Note surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Note Registrar shall undertake the exchange or transfer of Notes only after the new Notes are signed by the authorized officers of the City. In all cases of Notes exchanged or transferred, the City shall sign and the Note Registrar shall authenticate and deliver Notes in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Note Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Note Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Notes issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Notes surrendered upon that exchange or transfer.

Pursuant to Section 133.30(B), Ohio Revised Code, the Director of Finance may combine the Notes with other bond anticipation notes of the City into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bond Anticipation Notes, Series 2005A". The Notes shall contain a summary statement of purposes encompassing the purpose for which the Notes are issued and shall state that they are issued pursuant to this Ordinance.

Section 11. Execution and Payment of the Notes. The Notes shall be executed by the Director of Finance and the Mayor, provided that one of such signatures may be a facsimile. Such Notes shall express upon their face the purpose for which they are issued and that they are issued pursuant to this ordinance, and may be payable in Federal Reserve funds of the United States of America if requested by the Note Purchaser.

Section 12. Sale of the Notes. The Notes shall be sold at private sale to the Note Purchaser by the Director of Finance in the principal

amount set forth in a certificate of award to be executed by the Director of Finance (the "Note Certificate of Award") at not less than par and accrued interest and at a rate not exceeding that set forth in Section 10 hereof. The Notes shall be sold to SBK-Brooks Investment Corp., Apex Pryor Securities, Loop Capital Markets, LLC, M.R. Beal & Company, Seibert Brandford Shank & Co., LLC (collectively, the "Note Purchaser"). The proceeds of such sale shall be paid into the proper fund and used for the purpose for which the Notes are being issued under the provisions of this Ordinance.

Section 13. Security for the Notes. The Notes shall be the full general obligations of the City, and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the Bonds and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used for the retirement of the Notes at maturity, together with the interest thereon, and are hereby pledged for such purpose.

Section 14. Provision for Levying and Collecting Tax. During the year or years while the Notes are outstanding there shall be levied on all the taxable property in the City, in addition to all other taxes but within tax limitations, a direct tax annually not less than that which would have been levied if bonds had been issued therefor without the prior issue of the Notes. That tax shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each year are certified, extended and collected. That tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the tax levies required by this Ordinance shall be placed in the Unvoted Tax Supported Obligations Account, and those funds, together with the interest collected on them, shall be irrevocably pledged for the payment of the principal and interest of the Notes or the Bonds in anticipation of which they are issued, when and as the same falls due; provided, however, that in each year to the extent that revenues are available from other sources for the payment of the Notes and Bonds and are appropriated for such purpose, the amount of such direct tax upon all of the taxable property in the City may be reduced by the amount of such revenues so available and appropriated.

Section 15. Preparation of Disclosure Document for the Notes. The Director of Finance is hereby authorized to prepare, execute and deliver to the Note Purchaser, to the extent required by law, a preliminary and final Official Statement or any other appropriate disclosure document of the City in accordance with the sale and delivery of the Notes, and to deem such disclosure document "final" for purposes of SEC Rule 15c2-12.

Section 16. Miscellaneous.
(a) Any provisions of the Codified Ordinances of the City which are

inconsistent with the provisions of this Ordinance and the General Bond Ordinance shall not apply to the Bonds or the Notes authorized herein.

(b) All covenants, terms and provisions of the General Bond Ordinance are fully applicable to the Bonds and the Notes authorized herein, and nothing in this Ordinance shall be deemed to alter or restrict such full application of the General Bond Ordinance, except for the exclusion from application to the Bonds and the Notes authorized herein of the provisions of the third paragraph of Section 13(a) and the third paragraph of Section 4 of the General Bond Ordinance pursuant to Section 2 of this Ordinance.

Section 17. Captions. The captions or headings in this Ordinance are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Ordinance.

Section 18. Federal Tax Covenants. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes and the Bonds in such manner and to such extent as may be necessary so that (a) the Notes and the Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest thereon will not be treated as 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 Notes and the Bonds to be and to 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 Notes and the Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property acquired with those proceeds, (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.

Each covenant made in this section with respect to the Notes and the Bonds is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Notes or the 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 Notes and the 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 Notes and the Bonds.

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes and the 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 Notes and the Bonds as the City is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes and the 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, 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, as determined by that officer, 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 Notes and the Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes and the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes and the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes and the Bonds.

Section 19. Bond Insurance and Ratings. If the Director of Finance determines it to be in the best interests of the City, based on the written advice of the Financial Advisor, the Director of Finance may obtain a commitment for municipal bond insurance issued by a nationally recognized municipal bond insurance company insuring the payment when due of the principal of and interest on all or any portion of the Bonds, request a rating on the Bonds from one or more nationally recognized rating organizations, and do any and all things and take any and all actions required to secure a policy of municipal bond insurance and/or a rating or ratings on the Bonds including, but not limited to, the entering into of agreements on behalf of the City necessary to secure a policy of municipal bond insurance. Those agreements may be in separate documents or included in a Bond Purchase Agreement, a registrar agreement or a Certificate of Award, or any combination, and contain terms not materially inconsistent with this Ordinance. The expenditure of the amounts necessary to secure that insurance or obtain those ratings is authorized and approved, and the Director of Finance is authorized to provide for the payment of any such amounts from the proceeds of the Bonds to

the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

Section 20. Open Meeting Determination. It is found and determined that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken, and that all deliberations of this Council and of any of its committees that resulted in those formal actions were held, in meetings open to the public in compliance with all legal requirements, including, without limitation, Section 121.22 of the Revised Code.

Section 21. Findings and Recitals of Validity. It is hereby determined, represented and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Bonds and the Notes in order to make then legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of the Bonds or the Notes. It is further found and determined, and is hereby represented and recited, that the provisions of Sections 28, 29, 32, 33 (including the provisions of Section 33 with respect to readings on three separate days or dispensing with such readings by a two-thirds vote of all members of the Council), 36, 37, 48 and all other applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this Ordinance was passed in conformity therewith.

Section 22. Delivery to County Auditor. The Director of Finance is hereby authorized and directed to forward a certified copy of this Ordinance and of the Certificate of Award for the Bonds and any Note Certificate of Award to the County Auditor of Cuyahoga County and to secure a receipt therefor.

Section 23. Severability. Each section and each part of each section of this Ordinance is hereby declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any such section or part of a section or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstance, other than those as to which it is held invalid, shall not be affected thereby, and it is hereby declared to be the legislative intent that the other provisions of this Ordinance would have been passed independently of such section, or parts of a section, so held to be invalid.

Section 24. Legislative Intent. All terms, conditions, pledges, covenants or agreements on the part of the City provided for in this Ordinance are made by the voluntary act of the City under its lawful authority, including its authority under its

Charter and Article XVIII of the Constitution of Ohio.

Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding bonds, notes, certificates of indebtedness, other obligations, trust indentures, trust agreements, or other agreements or contracts made or entered into by the City and for which consideration was duly received by the City prior to the passage of this Ordinance or the General Bond Ordinance.

Section 25. Emergency Measure. This Ordinance is declared to be an emergency measure for the immediate preservation of the public peace, property, health and safety of the City by providing funds to pay the costs of certain permanent improvements which are urgently needed for the benefit of the City and for the usual daily operation of a municipal department, and, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest date allowed by law. Passed May 9, 2005. Effective May 11, 2005.

Ord. No. 723-05.

By Council Member Jackson (by departmental request).

An emergency ordinance to provide for the issuance of unvoted general obligation Bonds in the maximum principal amount of \$16,900,000 for the purpose of providing funds to improve the Municipal Street System and the issuance of notes in anticipation of those Bonds.

Whereas, this Council desires to issue bonds in an aggregate principal amount not to exceed Sixteen Million Nine Hundred Thousand Dollars (\$16,900,000) (the "Bonds") to finance the costs of certain permanent improvements described in Section 1; and

Whereas, the Director of Finance, as fiscal officer of the City, has certified to this Council that the estimated life or usefulness of the improvements to be financed with the proceeds of the Bonds is at least five (5) years and the maximum maturity of the Bonds is twenty (20) years; and

Whereas, this Council passed Ordinance No. 1749-80 on October 8, 1980, and thereafter amended that ordinance by Ordinance No. 1112-83, passed on May 6, 1983, and Ordinance No. 944-96, passed on June 10, 1996 (Ordinance No. 1749-80, as so amended and as the same may further be amended from time to time in accordance with its provisions, is referred to as the "General Bond Ordinance"), providing the general terms and provisions for the issuance of unvoted general obligations of the City, with the specific terms of each series of bonds to be contained in ordinances authorizing their issuance (the "Series Bond Ordinances"); and

Whereas, the issuance of the Bonds is necessary to provide funds to pay the costs of certain permanent improvements described in Sec-

tion 1 that are urgently needed for the benefit of the City, and as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health and safety, and for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. Purpose. It is deemed necessary to issue the Bonds in an aggregate principal amount not to exceed Sixteen Million Nine Hundred Thousand Dollars (\$16,900,000) for the purpose of providing funds to improve the municipal street system and related facilities, including streets, expressways, roadways, driveways, sidewalks and pedestrian walkways, by acquiring, constructing, reconstructing, opening, extending, widening, grading, draining, paving, resurfacing, lighting and curbing, installing gutters, sidewalks and related pedestrian improvements, constructing and improving culverts, resetting and constructing catch basins and other storm drainage facilities, constructing, reconstructing, replacing, renovating and rehabilitating bridges, acquiring any real estate and interests in real estate, including easements, necessary for such purpose, and installing signs, signals, markings and other devices for traffic control purposes, together with the payment of all associated preliminary costs and costs of site clearance and all appurtenances necessary and incidental thereto, and to pay any capitalized interest and all expenses incurred in connection with the issuance of the securities, including any financing costs within the meaning of Revised Code Section 133.01(K), and such other costs of those permanent improvements as may be financed with the proceeds of securities as permitted by Revised Code Section 133.15(B) and as otherwise permitted by law; and to authorize the issuance of notes in anticipation of the Bonds.

Section 2. Authority and Terms. The Bonds shall be issued pursuant to the provisions of Article XVIII of the Constitution of Ohio, Sections 133.01 to 133.70, inclusive, and other applicable provisions of the Revised Code, the Charter of the City, the General Bond Ordinance and this Ordinance in the principal amount and for the purpose stated in Section 1. The Bonds shall be designated "Bridges and Roadways Improvement Bonds, Series 2005." The Bonds shall be issued in one lot as fully registered Bonds in denominations of \$5,000 or any integral multiple thereof. The Bonds shall be numbered as determined by the Director of Finance.

The Bonds shall be dated as of June 1, 2005, or such other date, but in no event later than December 31, 2005, specified in the certificate of award providing for the final terms of the Bonds and the sale of the Bonds signed by the Director of Finance in accordance with this Ordinance (the "Certificate of Award"). The Bonds shall bear interest at the rate or rates per year specified in the Certificate of Award; provided that if all the Bonds bear interest at the same rate per year, then such rate shall not

exceed seven percent (7%) per year, and if the Bonds bear interest at more than one rate per year, then the weighted average of such rates (taking into account the principal amount and maturity of each Bond to which a rate applies) shall not exceed seven percent (7%) per year. Interest on the Bonds shall be payable, until the principal amount is paid, semi-annually on June 1 and December 1 of each year or on the days specified in the Certificate of Award as the dates on which interest on the Bonds shall be payable (the "Interest Payment Dates"), beginning December 1, 2005 or on such other Interest Payment Date specified in the Certificate of Award as the first Interest Payment Date.

The Bonds shall mature on December 1 in no more than twenty (20) substantially equal annual installments, beginning December 1, 2006, or according to the schedule set forth in the Certificate of Award, provided that (i) each principal payment shall occur on an Interest Payment Date, (ii) the first principal payment on the Bonds shall be no earlier than June 1, 2006, and no later than December 1, 2006, (iii) the final maturity date of the Bonds shall be no later than twenty (20) years from that date which is twelve months prior to the first date on which provision for payment of principal is made, and (iv) the principal amount thereof shall be payable in annual installments such that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year.

The Bonds stated to mature in any year may be issued as term bonds (the "Term Bonds"), payable pursuant to Mandatory Sinking Fund Redemption Requirements as defined and further described below. The Director of Finance shall determine in the Certificate of Award whether any of the Bonds shall be issued as Term Bonds, any dates (the "Mandatory Redemption Dates") on which the principal amount of the Term Bonds shall be payable pursuant to mandatory sinking fund installments rather than at stated maturity and the amount of principal to be paid on each Mandatory Redemption Date (the "Mandatory Sinking Fund Redemption Requirements").

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

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

The aggregate of the moneys to be deposited with the Escrow Agent, currently The Huntington National Bank, for payment of principal of and interest on any Term Bonds shall include amounts sufficient to redeem on the Mandatory Redemption Dates the principal amount of Term Bonds payable on those dates pursuant to the Mandatory Sinking Fund Redemption Requirements

(less the amount of any credit as provided below).

The City shall have the option to deliver to the Registrar (as defined in Section 3) for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City for any Term Bonds. That option shall be exercised by the City on or before the forty-fifth (45th) day preceding the applicable Mandatory Redemption Date, by furnishing the Escrow Agent a certificate, signed by the Registrar, setting forth the extent of the credit to be applied with respect to the then current Mandatory Sinking Fund Redemption Requirement. If the certificate is not timely furnished to the Escrow Agent, the Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Registrar, to the extent not applied theretofore as a credit against any mandatory redemption obligation.

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

(b) **Optional Redemption.** The Bonds may be subject to redemption prior to maturity by and at the option of the City, in whole or in part on any date, in integral multiples of \$5,000, at the optional redemption dates and at the redemption prices (expressed as a percentage of the principal amount redeemed) specified in the Certificate of Award, plus, in each case, accrued interest to the redemption date, provided the first optional redemption date shall not be later than December 1, 2015 and the highest redemption price shall not be greater than 102%. The Director of Finance may determine in the Certificate of Award that it is in the best interests of the City for the Bonds not to be callable prior to their stated maturity.

If optional redemption at a price exceeding 100% of the principal amount to be redeemed is to take place as of any applicable Mandatory Redemption Date, the Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Bonds to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Require-

ments of paragraph (a). The Bonds shall be redeemed pursuant to this paragraph only upon written notice from the Director of Finance to the Registrar, given upon the direction of the Council of the City by passage of an ordinance. That notice shall specify the redemption date and the principal amount of each maturity of Bonds to be redeemed, and shall be given at least forty-five (45) days prior to the redemption date or such shorter period as shall be acceptable to the Registrar. There shall be deposited with the Registrar on or prior to the redemption date funds sufficient to redeem at the redemption price all of the redeemable Bonds for which notice of redemption has been given.

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

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

however, shall not affect the validity of the proceedings for the redemption of any Bond.

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

The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Registrar or Escrow Agent as paying agent. Principal shall be payable when due upon presentation and surrender of the Bonds at the principal corporate trust office of the Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register (as defined in Section 3) at the close of business on the date provided in the Agreement authorized in Section 3 (the "Record Date"). Notwithstanding any contrary provision in the General Bond Ordinance, so long as the Bonds are held by a Depository in a book entry system (as described in Section 3), debt charges on the Bonds will be payable in lawful money of the United States by wire transfer to the Depository made by the Escrow Agent on each Interest Payment Date.

This Series Bond Ordinance is enacted pursuant to the General Bond Ordinance. The General Bond Ordinance, except for the third paragraph of Section 13(a) (pertaining generally to an adjustment of the interest rate in an event of default) and the third paragraph of Section 4 (pertaining generally to the periods during which the City is not required to make any transfers or exchanges of bonds issued under the General Bond Ordinance), will not apply to the Bonds. Except for those provisions, the General Bond Ordinance is included as a part of this Ordinance as fully as if restated in this Ordinance. Words and terms not otherwise defined in this Ordinance shall have the same meaning as set forth in the General Bond Ordinance.

Section 3. Execution, Authentication, Approval and Recording of the Bonds; Exchange and Transfer of the Bonds; Paying Agents. The Bonds shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance. Pursuant to Section 4 of the General Bond Ordinance, each Bond shall be authenticated by the manual signature of an authorized officer of the Trustee (as defined therein). The Bonds shall be signed by the City's Mayor or Acting Mayor and by the City's Director of Finance or Acting Director of Finance; provided, however, that in accordance with Section 9.96 of the Code and the foregoing requirement that each Bond bear the manual signature of an authorized officer of the Trustee, either or both of the signatures of the City's Mayor or Acting Mayor or of its Director of Finance or Acting Director of Finance may be a facsimile. The Bonds shall bear the seal of the City, which seal may be a facsimile seal. Pursuant to Section 83 of the City's Charter, the Director of Law or Acting Director of Law shall prepare the Bonds and shall endorse thereon his or her approval of the form and correctness thereof by his or her manual or facsimile signature.

U.S. Bank National Association is appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent for the Bonds (the "Registrar"); provided that the Escrow Agent shall also act as paying agent for the Bonds so long as the Bonds are held in a book entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, the Registrar Agreement among the City, the Registrar and the Escrow Agent (the "Agreement") in substantially the form as is now on file with the Clerk of Council in File No. 723-05-A. The 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 Director of Finance and the Director of Law on behalf of the City, all of which shall be conclusively evidenced by the signing of the Agreement or amendments to the Agreement. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Agreement from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Bonds remain outstanding, the City will cause the Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Bonds as provided in this Section (the "Bond Register"). Subject to the provisions of Section 5, the person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of this ordinance. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Registrar shall be affected by any notice to the contrary, but the registration may be

changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

Any Bond may be exchanged for Bonds of any authorized denomination upon presentation and surrender at the principal corporate trust office of the Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the principal corporate trust office of the Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. Upon exchange or transfer the Registrar shall complete, authenticate and deliver a new Bond or Bonds of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmaturing principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Registrar shall authenticate and deliver Bonds in accordance with the provisions of this ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Bonds surrendered upon that exchange or transfer.

Notwithstanding any other provisions of this Ordinance, if it is determined by the Director of Finance to be advantageous to the City, the Bonds may be issued in book entry form in accordance with the provisions of this Section. As used in this Section and this Ordinance:

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

"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 Bonds or the principal and interest, and to effect transfers of Bonds, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

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

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

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

The Director of Finance is also hereby authorized and directed to the extent necessary or required to enter into any agreements determined necessary in connection with the book entry system for the Bonds, after determining that the signing thereof will not endanger the funds or securities of the City and after the approval of the form of any such agreement by the Director of Law.

Section 4. Sale of Bonds. The Bonds shall first be offered for purchase to the Trustees of the Sinking Fund and, if not purchased by them, shall be offered to the Treasury Investment Account for purchase and, if not purchased for that Account, shall be sold to SBK-Brooks Investment Corp., Apex Pryor Securities, Loop Capital Markets, LLC, M.R. Beal & Company,

Seibert Brandford Shank & Co., LLC (collectively, the "Original Purchaser").

The Bonds shall be awarded to the Original Purchaser in the Certificate of Award which shall specify the final terms of the Bonds in accordance with law, the provisions of this Ordinance, the written advice of either Government Capital Management, LLC or Columbia Equity Financial Corporation or both (the "Financial Advisor"), and the Original Purchaser's offer to purchase the Bonds, including: the principal amount of the Bonds, final purchase price (which shall be not less than 97% of the principal amount plus accrued interest to their date of delivery), interest rate or rates, the amounts and years in which principal installments are payable (at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements), the Interest Payment Dates and the date of the Bonds (if different from those set forth in Section 2) and any other matters required in this Ordinance to be set forth in that Certificate. As permitted under the Charter, the Mayor, Director of Finance, Director of Law and other appropriate officers of the City are, and each of them is, authorized and directed to take such actions as are necessary, appropriate and in the best interest of the City to establish the terms and requirements for delivery of the Bonds and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, and procedure, and conditions for the delivery of the Bonds to the Original Purchaser, to give all appropriate notices and certificates, to cause a true transcript of proceedings with reference to the issuance of the Bonds to be delivered to the Original Purchaser, to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance and to take all steps necessary to effect the due execution, authentication and delivery of the Bonds. The Director of Finance is authorized and directed to sign and deliver on behalf of the City a bond purchase agreement (the "Bond Purchase Agreement"), approved as to form and correctness by the Director of Law, between the City and the Original Purchaser setting forth the terms and conditions on which the City agrees to sell the Bonds and the Original Purchaser agrees to buy the Bonds on terms consistent with this Ordinance. The Bond Purchase Agreement is approved substantially in the form now on the file with the Clerk of Council in the File referenced in Section 3, 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 Director of Finance and the Director of Law on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement or amendments to the Bond Purchase Agreement. It is determined that the terms of the Bonds, as provided in this Ordinance and as may be provided in or pursuant to the Certificate of Award, are in the

best interest of the City and in compliance with all legal requirements.

If, in the judgment of the Director of Finance, a disclosure document in the form of an Official Statement is appropriate or necessary in connection with the original issuance of the Bonds, he is authorized to prepare or cause to be prepared on behalf of the City an Official Statement and any necessary supplements and to authorize the use and distribution of that Official Statement and any supplements. He is authorized to sign on behalf of the City and in his official capacity, that Official Statement and any supplements approved by such officer. He is authorized to sign and deliver, on behalf of the City and in his official capacity, such certificates in connection with the accuracy of the Official Statement and any supplements as may, in his judgment, be necessary or appropriate. He is also authorized to determine and certify on behalf of the City that such disclosure document is "deemed final" by the City within the meaning of Securities and Exchange Commission Rule 15c2-12 (the "SEC Rule"). The Director of Finance is authorized to contract for services for the production and distribution of preliminary and final official statements, including by printed and electronic means.

For the benefit of the holders and beneficial owners from time to time of the Bonds, the City agrees, in accordance with, and as the only obligated person with respect to the Bonds under, the SEC Rule, to provide or cause to be provided such financial information and operating data and notices, in such manner, as may be required for purposes of the SEC Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, and the Director of Finance is authorized and directed to prepare, or cause to be prepared, and to sign and deliver, in the name and on behalf of the City, a continuing disclosure agreement or certificate, which shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and beneficial owners of the Bonds in accordance with the SEC Rule. The performance of that Agreement shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform it.

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 the timely provision of information and notices. Prior to making any filing in accordance with that agreement or providing notice of the occurrence of any other events, the Director of Finance shall consult with, as appropriate, the Financial Advisor and legal counsel.

Pursuant to Section 133.30(B), Ohio Revised Code, the Director of Finance may combine the Bonds with other bonds into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bonds, Series 2005A" or such other designation as may be

set forth in the Certificate of Award. Such bonds shall contain a summary statement of purposes encompassing the purpose for which the Bonds are issued and shall state that they are issued pursuant to this Ordinance.

Section 5. Provision for Levying and Collecting Tax. For the purpose of providing the necessary funds to pay the interest on the Bonds promptly when and as the same falls due, and also to provide for the discharge of the Bonds at maturity, there shall be and is levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding, in an amount sufficient to provide for the payment of that interest, when and as the same shall fall due, and also to discharge the principal of the Bonds at maturity, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Constitution of Ohio.

The tax shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, extended and collected. The tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from those tax levies shall be placed in the Unvoted Tax Supported Obligations Account of the Sinking Fund as required by the General Bond Ordinance, and those funds, together with the interest collected on them shall be irrevocably pledged for the payment of principal of and interest on the Bonds when and as the same fall due; provided, however, that, subject to the provisions of Section 8 of the General Bond Ordinance, in each year to the extent that revenues are available from other sources for the payment of the Bonds and are appropriated for such purpose, the amount of such tax shall be reduced by the amount of such revenues so available and appropriated.

This Council hereby covenants, on behalf of the City and its officials, pursuant to the authorization under Sections 133.25(B)(1) and 5705.51 of the Revised Code, and in accordance with the provisions of and to the extent required or permitted by the General Bond Ordinance, that the City will appropriate annually from the proceeds of the City's municipal income taxes an amount as is necessary to meet the annual debt charges for the Bonds.

Section 6. Application of Proceeds. The proceeds from the sale of the Bonds, except for accrued interest thereon and any premium, shall be expended and applied for the objects and purposes for which the Bonds are issued. Accrued interest and any premium received from the sale of the Bonds shall be deposited in the Unvoted Tax Supported Obligations Account of the Sinking Fund to be applied to the payment of the principal of and interest on the Bonds.

Section 7. General Obligation. The Bonds are secured by a pledge and lien on a parity with the pledges and liens authorized by the General

Bond Ordinance and, in addition to the taxes and revenues specifically pledged pursuant to this Ordinance and the General Bond Ordinance and the other covenants, terms and agreements provided hereunder and in the General Bond Ordinance to secure payment of the principal of and interest on the Bonds, the City hereby determines, declares, warrants and covenants that the Bonds are general obligations of the City and that the full faith and credit of the City are hereby pledged for the payment of the principal of and interest on the Bonds in accordance with the laws and Constitution of the State of Ohio, this Ordinance and the General Bond Ordinance.

Section 8. Defeasance.

(a) Release of Ordinance. If the City shall pay or cause to be paid and discharged all the outstanding Bonds, or there shall otherwise be paid to the holders of the outstanding Bonds all debt charges due or to become due thereon, and provision shall also be made for paying all other sums payable hereunder, then and in that event this Ordinance (except for Section 8(b) hereof) shall cease to be of further effect, and the covenants, agreements and other obligations of the City under this Ordinance shall be discharged and satisfied, and thereupon the Trustee shall at the request of the City execute and deliver to the City such instruments in writing as shall discharge the lien hereof and enter on the record such discharge of the lien and such other instruments as may be reasonably required by the City.

(b) Payment and Discharge of Bonds. Outstanding Bonds shall be deemed to have been paid and discharged within the meaning of this Ordinance, including without limitation, Section 8(a) hereof, if:

(i) the Escrow Agent or Paying Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, sufficient moneys; or

(ii) the Escrow Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, direct obligations of the United States certified by an independent public accounting firm of national reputation to be of such maturities and interest payment dates and to bear such interest, without further investment or reinvestment of either the principal amount thereof or the interest earnings therefrom (likewise to be held in trust and committed, except as hereinafter provided), as will be sufficient, together with moneys referred to in (i) above, for the payment, at their maturities or redemption dates, of all debt charges on the Bonds to their date of maturity or redemption, as the case may be, or if default in such payment shall have occurred on such date then to the date of the tender of such payment; provided, that if any Bonds are to be redeemed prior to the maturity thereof, notice of such redemption shall have been duly given or irrevocable provision satisfactory to the Trustee shall have been duly made for the giving of such notice. Any moneys held by the Escrow Agent in accordance with the provisions of this Section shall be invested by the Escrow Agent in direct obligations of the United

States of America maturing, or redeemable at the option of the holder, at times and in amounts sufficient to meet payment of debt charges on the Bonds, as directed by the Director of Finance. Any income or interest earned by, or increment to, the investments held under this Section shall, to the extent determined from time to time by the Escrow Agent to be in excess of the amount required to be held by it for the purposes of this Section, be transferred at the time of such determination as provided in Section 17(a) of the General Bond Ordinance for unclaimed funds held by a Paying Agent. In the event of nonpresentation of any Bond as described in Section 17(a) of the General Bond Ordinance, the moneys held pursuant to this Section shall be held and paid as provided in said Section 17(a) for unclaimed funds held by a Paying Agent.

Section 9. Bond Anticipation Notes.

For the purpose of raising money in anticipation of the issuance of the Bonds for the purposes set forth in Section 1 hereof, notes of the City may be issued in an aggregate principal amount not to exceed \$16,900,000 (the "Notes") upon the direction of the Director of Finance to be set forth in a certificate providing for the final terms of the Notes and the sale of the Notes and signed by the Director of Finance (the "Note Certificate of Award").

Section 10. Term of the Notes. The Notes: shall bear interest at such rate, not exceeding six percent (6%) per year, as may be fixed by the Director of Finance of the City in the Note Certificate of Award; shall be dated their date of issuance; shall mature on the date set forth in the Note Certificate of Award, which shall be no later than five (5) years from such date of issuance; shall be subject to redemption by the City at any time prior to maturity without penalty, provided that, if the Director of Finance, based on the advice of the financial advisor of the City, determines that it is in the best interest of the City in order to enhance the marketability of the Notes, the Director of Finance may cause the Notes to not be redeemable for a period which ends no later than the date which is two (2) years following the date of issuance of the Notes; shall be designated "Bridges and Roadways Improvement Bond Anticipation Notes, Series 2005"; shall be issued in such numbers and denominations as may be requested by the Note Purchaser (hereinafter defined); and shall be issued in fully registered form (which may be in a book entry only system) in denominations of \$5,000 or integral multiples thereof. Interest shall be payable semi-annually on the dates set forth in the Note Certificate of Award; provided that if the Notes mature on or before the end of the twelfth (12th) month following their date of issuance, interest on the Notes shall be payable at maturity.

U.S. Bank National Association is appointed to act as the authenticating agent, registrar, transfer agent and paying agent for the Notes (the "Note Registrar"); provided that the Escrow Agent also shall act as paying agent for the Notes so long as the Notes are held in a book entry

system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, an agreement among the City, the Note Registrar and the Escrow Agent (the "Note Registrar Agreement") providing for services relating to the registration, transfer, exchange and payment of Notes. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Note Registrar Agreement from the proceeds of the Notes to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Notes remain outstanding, the City will cause the Note Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Notes as provided in this Section (the "Note Register"). Subject to the provisions of Section 5, the person in whose name a Note is registered on the Note Register shall be regarded as the absolute owner of that Note for all purposes of this ordinance. Payment of or on account of the debt charges on any Note shall be made only to or upon the order of that person; neither the City nor the Note Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Note, including interest, to the extent of the amount or amounts so paid.

Any Note may be exchanged for Notes of any authorized denomination upon presentation and surrender at the principal corporate trust office of the Note Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Note Registrar. A Note may be transferred only on the Note Register upon presentation and surrender of the Note at the principal corporate trust office of the Note Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Note Registrar. Upon exchange or transfer the Note Registrar shall complete, authenticate and deliver a new Note or Notes of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Note surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Note Registrar shall undertake the exchange or transfer of Notes only after the new Notes are signed by the authorized officers of the City. In all cases of Notes exchanged or transferred, the City shall sign and the Note Registrar shall authenticate and deliver Notes in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Note Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City

or the Note Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Notes issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Notes surrendered upon that exchange or transfer.

Pursuant to Section 133.30(B), Ohio Revised Code, the Director of Finance may combine the Notes with other bond anticipation notes of the City into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bond Anticipation Notes, Series 2005". The Notes shall contain a summary statement of purposes encompassing the purpose for which the Notes are issued and shall state that they are issued pursuant to this Ordinance.

Section 11. Execution and Payment of the Notes.

The Notes shall be executed by the Director of Finance and the Mayor, provided that one of such signatures may be a facsimile. Such Notes shall express upon their face the purpose for which they are issued and that they are issued pursuant to this ordinance, and may be payable in Federal Reserve funds of the United States of America if requested by the Note Purchaser.

Section 12. Sale of the Notes.

The Notes shall be sold at private sale to the Note Purchaser by the Director of Finance in the principal amount set forth in a certificate of award to be executed by the Director of Finance (the "Note Certificate of Award") at not less than par and accrued interest and at a rate not exceeding that set forth in Section 10 hereof. The Notes shall be sold to SBK-Brooks Investment Corp., Apex Pryor Securities, Loop Capital Markets, LLC, M.R. Beal & Company, Seibert Brandford Shank & Co, LLC (collectively, the "Note Purchaser"). The proceeds of such sale shall be paid into the proper fund and used for the purpose for which the Notes are being issued under the provisions of this Ordinance.

Section 13. Security for the Notes.

The Notes shall be the full general obligations of the City, and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the Bonds and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used for the retirement of the Notes at maturity, together with the interest thereon, and are hereby pledged for such purpose.

Section 14. Provision for Levying and Collecting Tax.

During the year or years while the Notes are outstanding there shall be levied on all the taxable property in the City, in addition to all other taxes but within tax limitations, a direct tax annually not less than that which would have been levied if bonds had been issued therefor without the prior issue of the Notes. That tax shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at

the same time that taxes for general purposes for each year are certified, extended and collected. That tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the tax levies required by this Ordinance shall be placed in the Unvoted Tax Supported Obligations Account, and those funds, together with the interest collected on them, shall be irrevocably pledged for the payment of the principal and interest of the Notes or the Bonds in anticipation of which they are issued, when and as the same falls due; provided, however, that in each year to the extent that revenues are available from other sources for the payment of the Notes and Bonds and are appropriated for such purpose, the amount of such direct tax upon all of the taxable property in the City may be reduced by the amount of such revenues so available and appropriated.

Section 15. Preparation of Disclosure Document for the Notes. The Director of Finance is hereby authorized to prepare, execute and deliver to the Note Purchaser, to the extent required by law, a preliminary and final Official Statement or any other appropriate disclosure document of the City in accordance with the sale and delivery of the Notes, and to deem such disclosure document "final" for purposes of SEC Rule 15c2-12.

Section 16. Miscellaneous.

(a) Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance and the General Bond Ordinance shall not apply to the Bonds or the Notes authorized herein.

(b) All covenants, terms and provisions of the General Bond Ordinance are fully applicable to the Bonds and the Notes authorized herein, and nothing in this Ordinance shall be deemed to alter or restrict such full application of the General Bond Ordinance, except for the exclusion from application to the Bonds and the Notes authorized herein of the provisions of the third paragraph of Section 13(a) and the third paragraph of Section 4 of the General Bond Ordinance pursuant to Section 2 of this Ordinance.

Section 17. Captions. The captions or headings in this Ordinance are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Ordinance.

Section 18. Federal Tax Covenants. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes and the Bonds in such manner and to such extent as may be necessary so that (a) the Notes and the Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest thereon will not be treated as 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 Notes and the Bonds to be and to 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 Notes and the Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property acquired with those proceeds, (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.

Each covenant made in this section with respect to the Notes and the Bonds is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Notes or the 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 Notes and the 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 Notes and the Bonds.

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes and the 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 Notes and the Bonds as the City is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes and the 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, 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, as determined by that officer, 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 Notes and the Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes and the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes and the Bonds, the facts, circumstances and estimates on which they are based,

and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes and the Bonds.

Section 19. Bond Insurance and Ratings. If the Director of Finance determines it to be in the best interests of the City, based on the written advice of the Financial Advisor, the Director of Finance may obtain a commitment for municipal bond insurance issued by a nationally recognized municipal bond insurance company insuring the payment when due of the principal of and interest on all or any portion of the Bonds, request a rating on the Bonds from one or more nationally recognized rating organizations, and do any and all things and take any and all actions required to secure a policy of municipal bond insurance and/or a rating or ratings on the Bonds including, but not limited to, the entering into of agreements on behalf of the City necessary to secure a policy of municipal bond insurance. Those agreements may be in separate documents or included in a Bond Purchase Agreement, a registrar agreement or a Certificate of Award, or any combination, and contain terms not materially inconsistent with this Ordinance. The expenditure of the amounts necessary to secure that insurance or obtain those ratings is authorized and approved, and the Director of Finance is authorized to provide for the payment of any such amounts from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

Section 20. Open Meeting Determination. It is found and determined that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken, and that all deliberations of this Council and of any of its committees that resulted in those formal actions were held, in meetings open to the public in compliance with all legal requirements, including, without limitation, Section 121.22 of the Revised Code.

Section 21. Findings and Recitals of Validity. It is hereby determined, represented and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Bonds and the Notes in order to make then legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of the Bonds or the Notes. It is further found and determined, and is hereby represented and recited, that the provisions of Sections 28, 29, 32, 33 (including the provisions of Section 33 with respect to readings on three separate days or dispensing with such readings by a two-thirds vote of all members of the Council), 36, 37, 48 and all other applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this Ordinance was passed in conformity therewith.

Section 22. Delivery to County Auditor. The Director of Finance is hereby authorized and directed to forward a certified copy of this Ordinance and of the Certificate of Award for the Bonds and any Note Certificate of Award to the County Auditor of Cuyahoga County and to secure a receipt therefor.

Section 23. Severability. Each section and each part of each section of this Ordinance is hereby declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any such section or part of a section or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstance, other than those as to which it is held invalid, shall not be affected thereby, and it is hereby declared to be the legislative intent that the other provisions of this Ordinance would have been passed independently of such section, or parts of a section, so held to be invalid.

Section 24. Legislative Intent. All terms, conditions, pledges, covenants or agreements on the part of the City provided for in this Ordinance are made by the voluntary act of the City under its lawful authority, including its authority under its Charter and Article XVIII of the Constitution of Ohio.

Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding bonds, notes, certificates of indebtedness, other obligations, trust indentures, trust agreements, or other agreements or contracts made or entered into by the City and for which consideration was duly received by the City prior to the passage of this Ordinance or the General Bond Ordinance.

Section 25. Emergency Measure. This Ordinance is declared to be an emergency measure for the immediate preservation of the public peace, property, health and safety of the City by providing funds to pay the costs of certain permanent improvements which are urgently needed for the benefit of the City and for the usual daily operation of a municipal department, and, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest date allowed by law.

Passed May 9, 2005.
Effective May 11, 2005.

Ord. No. 724-05.
By Council Member Cimperman.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Jefferson Avenue to Thomas P. Leneghan.

Whereas, the City of Cleveland has elected to adopt and implement

the procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed of by the City of Cleveland through its Department of Community Development under the terms of Chapter 5722 of the Ohio Revised Code and Section 183.021 of Codified Ordinances of the City of Cleveland, 1976; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 004-19-180, as more fully described below, to Thomas P. Leneghan.

Section 2. That the real property to be sold pursuant to this ordinance is more fully described as follows:

P. P. No. 004-19-180

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Sublot Nos. 637, 638, 639 and 640 in S.S. Stone's survey of the College Tract of part of Original Brooklyn Township Lot No. 87 as shown by the recorded plat of said survey in Volume 2 of Maps, Page 31 of Cuyahoga County Records, said parts of Sublot Nos. 637, 638, 639 and 640 together forming a parcel of land bounded and described as follows:

Beginning in the Northwesterly line of Jefferson Avenue, S.W. at the most Easterly corner of said Sublot No. 640, thence Northwesterly along the Northeasterly lines of said Sublots, 120 feet to a point 12 feet Southerly from the Northeasterly or most Northerly corner of said Sublot No. 637; thence Southwesterly along a line parallel with the Northwesterly line of said Sublot No. 637, 30 feet; thence Southeasterly along a line parallel with the Northeasterly line of said Sublots, 120 feet to the Northwesterly line of Jefferson Avenue, South West; thence North-easterly along the Northwesterly line of Jefferson Avenue, S.W. 30 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Section 3. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

Section 4. That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

Section 5. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

Section 6. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed May 9, 2005.
Effective May 12, 2005.

Ord. No. 754-05.
By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the issuance and sale of Water Revenue Bonds of the city in a principal amount not to exceed \$100,000,000 for the purpose of refunding outstanding Water Revenue Bonds, authorizing a supplemental indenture to supplement the amended and restated trust indenture securing outstanding Water Revenue Bonds of the city, authorizing related matters, and declaring an emergency.

Whereas, the City of Cleveland, Ohio, a municipal corporation and political subdivision in and of the State of Ohio, is authorized under Article XVIII of the Constitution of the State and the Charter of the City, among other things: (a) to own and operate the public utility referred to as the Waterworks System; (b) to make, from time to time, improvements to the Waterworks System; (c) to borrow money for the purpose of paying costs of those improvements and refunding outstanding bonds issued for that purpose; and (d) to issue additional bonds secured by a pledge of and lien on the Net Revenues of the Waterworks System on a parity with Bonds outstanding under the Indenture, as defined and described below; and

Whereas, this Council has determined that it is necessary to issue, sell and deliver additional Bonds under the Indenture in order to refund certain Outstanding Bonds to reduce the total debt service payable on the Outstanding Bonds; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of public property, health and safety, and for the further reason that this ordinance is required to be immediately effective to permit the issuance and sale of the Refunding Bonds to obtain debt service savings for the benefit of the Waterworks System and thereby provide for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. Definitions. In addition to the words and terms defined in the Indenture, a copy of which is on file in with the Clerk of Council in File No. 754-05-A. The following words and terms shall have the following meanings, unless the context or use otherwise indicates:

"Bond Purchase Agreement" means one or more purchase agreements between the City and the Original Purchasers with respect to the Refunding Bonds authorized by Section 2 of this Ordinance.

"Certificate of Award" means one or more certificates providing for the determination of the final terms of the Refunding Bonds of each Series, consistent with the requirements of this Ordinance including, without limitation, Section 2 of this Ordinance.

"Continuing Disclosure Agreement" means one or more agreements authorized by Section 13 of this Ordinance and to be in accordance with Rule 15c2-12 of the Securities and Exchange Commission.

"Credit Support Instrument" means an insurance policy, surety, letter of credit, standby bond purchase agreement or other credit enhancement, support or liquidity device used to enhance or provide for the security or liquidity of Refunding Bonds of any Series.

"Escrow Agreement" means one or more agreements between the City and the Trustee, in its capacity as Escrow Agent, authorized by Section 6 of this Ordinance.

"Escrow Fund" means the fund, including the account or accounts therein, required to be maintained with the Trustee, in its capacity as Escrow Agent pursuant to the Escrow Agreement.

"Financial Advisor" means, with respect to the Refunding Bonds, Government Capital Management, L.L.C. or Columbia Equity Financial Corp., acting jointly or singly, or any other financial advisory firm or firms retained by the City.

"Indenture" means the Amended and Restated Indenture, effective October 5, 2001, between the City and U.S. Bank National Association, as successor trustee, delivered under authority of Ordinance No. 2011-95 passed by the Council of the City on April 1, 1996 and the consent of the owners of 66-2/3% of the applicable Bonds under the Indenture of Mortgage dated as of November 1, 1977.

"Original Purchasers" means, with respect to the Refunding Bonds, A.G. Edwards & Sons, Inc., Bear, Stearns & Co., Inc., UBS Financial Services Inc. and McDonald Investments, Inc.

"Outstanding Bonds" means water revenue bonds of the City issued and outstanding under the Indenture.

"Refunded Bonds" means those Outstanding Bonds designated in the Certificate of Award as the Bonds to be refunded with proceeds of the Refunding Bonds.

"Refunding Bonds" means the Bonds authorized to be issued under this Ordinance and the Indenture in one or more Series, sold under one or more Bond Purchase Agreements and secured under one or more Supplemental Indentures supplementing the Indenture to provide the terms of each Series.

"Supplemental Indenture" means one or more Supplemental Indentures between the City and the

Trustee securing the Refunding Bonds and authorized under Section 6 of this Ordinance. In the event that the Refunding Bonds are issued in more than one Series under more than one Supplemental Indenture, references in this Ordinance to the Supplemental Indenture mean the Supplemental Indenture applicable to that Series.

Section 2. Authorization of the Refunding Bonds. This Council finds and determines it is necessary and proper and in the best interest of the City to issue the Refunding Bonds for the purpose of refunding the Refunded Bonds. The Refunding Bonds may be issued in one or more Series. The principal amount of each Series of Refunding Bonds is to be the amount set forth in the Certificate of Award authorized in Section 2. The aggregate principal amount of Refunding Bonds of all Series issued for the purpose of refunding the Refunded Bonds shall not exceed \$100,000,000 and shall be the amount determined by the Director of Finance, based on the written advice of a Financial Advisor, to be necessary to refund the Refunded Bonds and to obtain aggregate net present value debt service savings with respect to the Refunded Bonds of not less than three percent (3%). The proceeds from the sale of each Series of Refunding Bonds shall be allocated, deposited and applied as provided in Section 4 of this Ordinance.

The Refunding Bonds may be issued in one or more separate Series, each bearing a distinctive designation, provided that the Refunding Bonds of each Series satisfy the requirements of this Ordinance. Separate Series of Refunding Bonds may be issued at the same or different times. The Refunding Bonds of each Series shall be designated as provided in the applicable Certificate of Award and a separate Supplemental Indenture may be delivered for each Series.

In the event that the Director of Finance, based on the written advice of a Financial Advisor, determines that the City's best interests will be served by causing a Series of Refunding Bonds to be obligations bearing interest at variable interest rates, then the Director of Finance is authorized to so specify in the Certificate of Award for that Series. If the Director of Finance so determines, then the method and procedure by which the variable rate of interest to be borne by the Refunding Bonds of that Series shall be determined as provided in the applicable Supplemental Indenture, whether by auction, by reference to a market index, by a remarketing agent or otherwise; provided that no Series of Refunding Bonds shall bear interest at a rate in excess of sixteen percent (16%) per year. Notwithstanding that limitation, a Series of Refunding Bonds held by a provider of a Credit Support Instrument may bear interest at a rate not in excess of twenty-five percent (25%) per year as provided in the agreement with the provider of the Credit Support Instrument. The Director of Finance may determine that the terms of a variable rate Series of Refunding Bonds may or may not permit the Holders to tender their variable rate Refunding

Bonds for purchase by the City. If the Director of Finance designates any Series of Refunding Bonds as variable rate Refunding Bonds, and if the Holders of that Series of Refunding Bonds are to be entitled to tender those Refunding Bonds for purchase, then the Director of Finance shall also designate in the Certificate of Award for those variable rate Refunding Bonds, the tender agent or agents and the remarketing agent or agents, which designations shall be based on the determination of the Director of Finance, based on the written advice of a Financial Advisor, that the parties so designated possess the requisite resources and experience to provide the services required of them and that the terms on which the designated parties have agreed to provide such services are fair and commercially reasonable. The Director of Finance is authorized to enter into agreements in connection with the delivery of the Refunding Bonds, and from time to time thereafter so long as the Refunding Bonds are outstanding, with providers of Credit Support Instruments, tender agents (which may be the Trustee), remarketing agents (which may be any of the Original Purchasers) and others as may be determined by the Director of Finance to be necessary or appropriate to provide for the method of determining the variable interest rates, permitting holders the right of tender and providing for payment of the purchase price of, or debt service on, the variable rate Refunding Bonds. In the event the variable rate Refunding Bonds are issued as auction rate obligations, the Director of Finance is authorized to enter into agreements from time to time, so long as the Refunding Bonds are outstanding, with auction agents and others, or to cause the Trustee to enter into those agreements, based on the written advice of a Financial Advisor that the parties so designated possess the requisite resources and experience to provide the services required of them and that the terms on which the designated parties have agreed to provide such services are fair and commercially reasonable.

Regardless of whether a Series of Refunding Bonds bears interest at variable or fixed rates, the Director of Finance is authorized to contract for Credit Support Instruments, and to pay the costs of them from proceeds of the Refunding Bonds, if he determines, based on the written advice of a Financial Advisor, that the Credit Support Instrument or Instruments will result in a savings in the cost of the financing to the City.

The Refunded Bonds shall be designated by the Director of Finance in the Certificate of Award and shall consist of those Outstanding Bonds the refunding of which will enable the City, in the judgment of the Director of Finance, based on the written advice of a Financial Advisor, to obtain aggregate net present value debt service savings of not less than three percent (3%). The Refunded Bonds shall be called for redemption or retired on the date or dates specified in the Certificate of Award. The redemption dates so specified shall be the dates required under the Code for compliance with Section 149(d) of the Code and other

applicable federal tax laws.

Section 3. Sale of Refunding Bonds. The Refunding Bonds shall be sold to the Original Purchasers pursuant to one or more Bond Purchase Agreements substantially in the form of the Bond Purchase Agreement now on file with the Clerk in the File referenced in Section 1 with such changes not inconsistent with the Indenture or this Ordinance and not substantially adverse to the City as may be approved by the Director of Finance and the Director of Law. The approval of any changes by those officers and the determination by those officers that the change is not substantially adverse to the City shall be conclusively evidenced by the signing and delivery of the Bond Purchase Agreement by those officers. The Director of Finance shall sign and deliver the Certificate of Award and Bond Purchase Agreement for the Refunding Bonds of each Series, one or more of which shall specify and set forth the following details with respect to the Refunding Bonds:

(a) the aggregate principal amount; provided that amount shall not exceed \$100,000,000 assuming that the Refunding Bonds are to be initially offered to the public at a price at least equal to their aggregate principal amount; however, if any of the Refunding Bonds are to be initially offered to the public at an original issue discount, the maximum aggregate principal amount of Refunding Bonds shall be increased over that amount by an amount equal to the aggregate original issue discount net of the aggregate original issue premium;

(b) the date or dates of the Refunding Bonds;

(c) the purchase price to be paid to the City by the Original Purchasers, which amount shall be not less than: (i) 97% of the amount determined by subtracting from the aggregate principal amount of the Refunding Bonds any aggregate original issue discount net of any aggregate original issue premium with respect to the Refunding Bonds, plus (ii) any accrued interest on the Refunding Bonds from their date to the date of their delivery to the Original Purchasers;

(d) whether any Refunding Bonds are subject to optional redemption prior to maturity and, if so, the earliest optional redemption date for those Refunding Bonds subject to prior redemption, which shall be not later than ten years from the first interest payment date of the applicable Series, and the applicable redemption price, which shall be not greater than 102% of the principal amount redeemed;

(e) the dates on which principal of the Refunding Bonds is to be paid, which shall be not later than 30 years from the date of delivery, with an identification of whether the payment is due by stated maturity or by mandatory sinking fund redemption of Refunding Bonds of a particular maturity;

(f) the interest rates to be borne by Refunding Bonds bearing interest at a fixed rate, which shall not exceed amounts that result in an average yield in excess of six percent (6%), and the method by which the interest rate is to be determined for Refunding Bonds bearing interest at variable rates, consistent with

Section 2. The Refunding Bonds of the same Series and same maturity may bear interest at different interest rates;

(g) the particular Outstanding Bonds or portions thereof to be Refunded Bonds;

(h) any deposit required to be made to the Debt Service Reserve Fund; and

(i) the title and Series designation for the Bonds.

It is determined that the terms of the Refunding Bonds as so determined within the limitations set forth in this Ordinance and as so specified and set forth in the Certificate of Award will be in the best interest of the City and consistent with all legal requirements.

Section 4. Application of Proceeds of Refunding Bonds. The proceeds of the sale of the Refunding Bonds shall be deposited as follows:

(a) to the Trustee, for deposit to the credit of the Interest Account in the Debt Service Fund, the amount, if any, received by the City upon delivery of the Refunding Bonds as accrued interest on any Refunding Bonds from their dated date to the date of the delivery of and payment for those Refunding Bonds;

(b) to the Trustee, for deposit to the credit of the Debt Service Reserve Fund, any amount identified in the Certificate of Award as required to be deposited in the Debt Service Reserve Fund;

(c) to the Trustee, for deposit to the credit of any Escrow Fund established pursuant to any Escrow Agreement, any proceeds to be applied in accordance with the Escrow Agreement to refund the Refunded Bonds; and

(d) to the Trustee for deposit in the Costs of Issuance Fund for the Refunding Bonds (to be established under the applicable Supplemental Indenture) the balance of the proceeds to be applied to pay costs of issuing the Refunding Bonds.

Provision shall be made in the Supplemental Indenture for the application of any amounts held in the funds and accounts established under the Indenture and no longer required for the security of the Bonds as a result of the Refunded Bonds no longer being Outstanding, or any amounts that otherwise are in excess of the required balances. Provision may be made in the Supplemental Indenture for the creation of separate accounts within the funds established under the Indenture or Supplemental Indenture.

Section 5. Terms and Provisions Applicable to the Refunding Bonds.

(a) **Form; Exchange and Transfer.** All Refunding Bonds shall be issued in fully registered form. The Refunding Bonds initially shall be delivered only in book-entry form, shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository, and shall not be transferable or exchangeable (except for transfer to another Depository or its nominee) without further action by the City pursuant to the provisions of the Supplemental Indenture.

(b) **Dates; Denominations.** The Refunding Bonds shall be dated as of the date or dates provided in the Certificate of Award. The Refunding Bonds of each Series shall be

issued in the denominations permitted in the Supplemental Indenture.

(c) **Interest and Place of Payment.** The Refunding Bonds shall bear interest at their respective interest rates specified in the Certificate of Award (or, in the case of variable rate Refunding Bonds, determined pursuant to the Supplemental Indenture). The Refunding Bonds of each Series shall bear interest from the most recent date to which interest has been paid or duly provided for or, if no interest has been paid or duly provided for, from their date. The principal and any redemption premium and the interest payable on each Refunding Bond shall be payable at the times, to the persons and in the manner set forth in, or referenced by, the Supplemental Indenture, including, without limitation, provisions thereof permitting special arrangements for payments to the Depository.

(d) **Maturities.** The Refunding Bonds shall mature on the principal retirement dates provided in the Certificate of Award.

(e) **Optional and Mandatory Redemption.** The Refunding Bonds may be subject to redemption prior to maturity at the option of the City, if and to the extent so provided in the Certificate of Award. Any Refunding Bonds so determined to be subject to optional redemption and maturing by their stated terms after the earliest optional redemption date shall be subject to redemption at the option of the City on or after the earliest optional redemption date in whole or in part on any date at the redemption prices provided in the Certificate of Award and in accordance with the applicable Supplemental Indenture and the Indenture. The Refunding Bonds designated in the Certificate of Award as term bonds subject to mandatory sinking fund redemption shall be redeemed prior to maturity on each mandatory redemption date designated in the Certificate of Award in the aggregate amount of the sinking fund installment to be paid on such mandatory redemption date, all as provided in the Certificate of Award and in accordance with the Supplemental Indenture.

(f) **Execution.** The Refunding Bonds shall be signed by the persons and in the manner set forth in the Indenture.

(g) **Numbering.** The Refunding Bonds shall be numbered as determined by the Director of Finance.

Section 6. Authorization of Supplemental Indenture; Escrow Agreement.

In order to secure the payment of the principal of and any premium and interest on the Refunding Bonds, the Director of Finance and Director of Public Utilities are authorized and directed, in the name and on behalf of the City, to sign and deliver to the Trustee, in trust for the Original Purchasers and subsequent holders of the Refunding Bonds, one or more Supplemental Indentures, approved as to form and correctness by the Director of Law, not inconsistent with this Ordinance, the Certificate of Award and the Indenture and not substantially adverse to the City as may be approved by the officers signing the same on behalf of the City. The determination by those officers that a Supplemental Indenture is not substantially adverse to

the City shall be conclusively evidenced by the signing and delivery of that Supplemental Indenture by those officers.

The Director of Finance and the Director of Public Utilities are authorized and directed, in the name and on behalf of the City, to sign and deliver one or more Escrow Agreements between the City and the Trustee as Escrow Agent, approved as to form and correctness by the Director of Law, providing for the establishment of an Escrow Fund as a trust fund in the custody of the Trustee and the investment, dedication and application of the moneys deposited in the accounts therein to the payment of the Refunded Bonds and further providing for the payment of the fees and expenses of the Trustee for the performance of its duties as Escrow Agent. Each Escrow Agreement shall provide for the redemption of the applicable Refunded Bonds subject to redemption in accordance with the Certificate of Award and shall provide irrevocable instruction to the Trustee to effect such redemption in accordance with the Indenture. The Director of Finance is authorized, in the name and on behalf of the City, to sign and deliver agreements, approved as to form and correctness by the Director of Law, with one or more institutions, including agreements to enable the City to more efficiently structure an Escrow Fund, and thereby maximize debt service savings and minimize negative arbitrage. The Director of Finance is authorized and directed to take such other actions as may be necessary or appropriate to accomplish the refunding of the Refunded Bonds, including without limitation, the retention of a firm of independent certified public accountants to verify that the securities to be in an Escrow Fund are of such maturities or redemption dates, and interest payment dates, and bear such interest, as will be sufficient, together with any available moneys in an Escrow Fund, for the payment of debt service on the Refunded Bonds.

Section 7. Rebate Fund. There is hereby established and ordered to be maintained one or more separate accounts (except when invested as provided in the Indenture) within the Rebate Fund held in the custody of the Trustee under the Indenture. The Rebate Fund is not pledged to the payment of debt service and is free and clear of any pledge or lien given under the Indenture as security for the Refunding Bonds or the Outstanding Bonds. Calculations of excess earnings that may be due and payable to the federal government pursuant to those accounts of the Rebate Fund shall be made as provided in the applicable Supplemental Indenture.

Section 8. Other Provisions for Payment of Outstanding Bonds. The City may, from time to time, deposit funds in trust with the Trustee for the payment of principal and interest requirements on any Outstanding Bonds if, in the judgment of the Director of Finance and the Director of Public Utilities, based on the written advice of a Financial Advisor, doing so will improve the debt service coverage ratio of the Water-

works System (being the ratio of Net Revenues to Annual Debt Service Requirements, as defined in the Indenture). The Director of Finance is authorized to deposit into an escrow fund, from time to time, moneys transferred from Fund No. 52-300 of the Water Division, in amounts that, in the aggregate, do not exceed \$50,000,000, with the actual amount of any deposit to be determined by the Director of Finance in consultation with the Director of Public Utilities. In order to cause any amounts so deposited to be dedicated and applied solely to the payment of the principal of and interest and any redemption premium on the designated Outstanding Bonds, as and when due at maturity or upon prior redemption, the Director of Finance and the Director of Public Utilities are authorized and directed, in the name and on behalf of the City, to sign and deliver one or more escrow agreements approved as to form and correctness by the Director of Law, providing for the establishment of an escrow fund as a trust fund in the custody of the Trustee and the investment, dedication and application of the moneys deposited therein and further providing for the payment to the Trustee of fees and expenses for its performance of its duties under the agreement. The officers signing the agreement on behalf of the City shall determine that the agreement satisfies the requirements of this Section, and that determination shall be conclusively evidenced by the signing of the agreement by those officers. The Director of Finance is authorized, in the name and on behalf of the City, to sign and deliver agreements, approved as to form and correctness by the Director of Law, with one or more institutions, including agreements which will enable the City to more efficiently structure any escrow funds established pursuant to this Section, and thereby maximize debt service savings and minimize negative arbitrage. The Director of Finance is authorized and directed to take such other actions as may be necessary or appropriate to accomplish any defeasance of the designated Outstanding Bonds to be paid from any escrow fund, including without limitation, the retention of a firm of independent certified public accountants to verify that the securities to be deposited in escrow are of such maturities or redemption dates, and interest payment dates, and bear such interest, as will be sufficient, together with any available moneys, for the payment of debt service on the designated Outstanding Bonds.

Section 9. Interest Hedge Agreements. This Council finds that by engaging in interest hedge transactions, from time to time, the City can, in effect, convert interest on all or a portion of the Refunding Bonds from a fixed rate to a floating rate, or from a floating rate to a fixed rate, or exchange one floating rate for another floating rate, with respect to all or any portion of the Refunding Bonds or otherwise hedge its interest rate risk and thereby may reduce its cost of borrowing by optimizing the relative amounts of fixed and floating rate obligations or minimizing the risk of variations in its debt service costs or maximizing savings. To per-

mit the City to have the flexibility to undertake interest rate swap, swaption, rate cap, rate collar and other hedging transactions, from time to time, and to establish the procedures for approving those transactions, this Council authorizes the execution and delivery of one or more hedge agreements (each, a "Hedge Agreement") and any related agreements necessary for the consummation of the transactions contemplated by each Hedge Agreement.

The Director of Finance may authorize one or more interest rate hedge transactions in accordance with the applicable Hedge Agreement; provided that (a) the maximum aggregate notional amount of interest rate hedge transactions outstanding at any one time, net of offsetting interest rate hedge transactions, shall not exceed such amount as will result in a lowering of the ratings assigned to the Bonds by the rating agencies, as is evidenced by written correspondence from the rating agencies or policies published in writing by the rating agencies, and (b) the term of each interest rate swap transaction shall not exceed 30 years. The approval of each interest rate hedge transaction by the Director of Finance shall be conclusively evidenced by the signing and delivery of the applicable Hedge Agreement by the Director of Finance. Each Hedge Agreement shall be approved as to form and correctness by the Director of Law. The Director of Finance may obtain the services of a swap advisor or other financial advisor determined by the Director of Finance to be knowledgeable about hedging transactions to advise the City concerning any Hedge Agreement undertaken pursuant to this Section.

The City's payment obligations under each Hedge Agreement shall be payable from the Net Revenues of the Waterworks System and may be secured by a pledge of the Net Revenues on a parity with the pledge given under the Indenture to secure Bonds, subject to the requirements of Article XI of the Indenture with respect to Parity Obligations. The obligation of the City to make payments under a Hedge Agreement does not and shall not represent or constitute a general obligation, debt, bonded indebtedness or a pledge of the faith and credit of the City. Nothing shall give any party to a Hedge Agreement the right to have excises, ad valorem or other taxes levied by the City or the State for the payment of any amounts due under a Hedge Agreement.

Section 10. Covenants of the City. The City, by issuance of the Refunding Bonds, covenants and agrees with the Holders of the Refunding Bonds, that:

(a) The City will use the proceeds of the Refunding Bonds to refinance any Refunded Bonds, to fund any required deposit to the Debt Service Reserve Fund, and to pay costs relating to the issuance of the Refunding Bonds.

(b) The Clerk, or other appropriate officer of the City, will furnish to the Original Purchasers and to the Trustee a true transcript of proceedings, certified by the Clerk or other officer, of all proceedings had with reference to the issuance of the Refunding Bonds, together with

information from the City's records as is necessary to determine the regularity and validity of the issuance of the Refunding Bonds.

(c) The City will, at any and all times, cause to be done all such further acts and things and cause to be signed and delivered all further instruments as may be necessary to carry out the purpose of the Refunding Bonds and this Ordinance or as may be required by Section 13, Article XVIII of the Constitution of Ohio or the Charter of the City or the Indenture or the applicable Supplemental Indenture and will comply with all requirements of law applicable to the Waterworks System and the operation thereof.

(d) The City will observe and perform all its agreements and obligations provided for in the Refunding Bonds, this Ordinance, the Indenture and each Supplemental Indenture. All of the obligations under this Ordinance and the Indenture and each Supplemental Indenture are hereby established as duties specifically enjoined by law and resulting from an office, trust or station upon the City within the meaning of Section 2731.01, Ohio Revised Code.

(e) The City will use, and will restrict the use and investment of, the proceeds of the Refunding Bonds in such manner and to such extent as may be necessary so that (a) the Refunding Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Code or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest thereon will not be treated as an item of tax preference under Section 57 of the Code.

(f) The City covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Refunding Bonds to be and to 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 Refunding Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property acquired with those proceeds, (iii) make timely rebate payments to the federal government, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of 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.

Each covenant made in this section with respect to the Refunding Bonds is also made with respect to all issues for which any portion of the debt service is paid from proceeds of the Refunding 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 Refunding Bonds from gross income for federal income tax purposes, and the Director of Finance, or any other officer having responsibility with respect to the Refunding Bonds, is authorized to take such actions with respect to those issues as they are

authorized in this section to take with respect to the Refunding Bonds.

The Mayor, the Director of Finance or any other officer of the City having responsibility for the issuance of the Refunding Bonds is authorized (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the City with respect to the Refunding Bonds as the City is permitted or required to make or give under the federal income tax laws, including, without limitation, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting the favorable tax treatment or status of the Refunding Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amount or payments, as determined by that 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 Refunding Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Refunding Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Refunding Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment or status of the Refunding Bonds and interest thereon.

Section 11. Authorization of Bond Rating and Credit Enhancement. If, in the judgment of the Director of Finance, the filing of applications for one or more ratings on the Refunding Bonds by one or more nationally recognized rating agencies or for Credit Support Instruments are necessary or desirable for marketing purposes, the Director of Finance is authorized to prepare and submit any or all of those applications, to provide information as may be required in support of those applications and to provide for the payment of the costs of ratings and Credit Support Instruments from proceeds of the Refunding Bonds or funds of the Water Division, which are appropriated for the purpose.

Section 12. Authorization of Official Statement. The Mayor, the Director of Finance, the Director of Public Utilities and the Commissioner of the Division of Water are each authorized and directed to cooperate in the preparation of and (with respect only to the Official Statements) to sign, on behalf of the City and in their official capacities, one or more Preliminary Official Statements and final Official Statements, as described in the applicable Bond Purchase Agreement for the applicable Series of Refunding Bonds, to serve as disclosure documents in connection with the public

offering and sale of the Refunding Bonds. Those officers are authorized to use and distribute, or to authorize the use and distribution of, the Preliminary Official Statements and the final Official Statements and any supplements to them in connection with the original issuance of the Refunding Bonds. The Mayor, the Director of Finance, the Director of Public Utilities and the Commissioner of the Division of Water are further authorized to sign and deliver, on behalf of the City and in their official capacities, acting alone or together, certificates with respect to the accuracy of each Preliminary Official Statement and final Official Statement and any supplements to them as may be required under the applicable Bond Purchase Agreement or as may, in their judgment, be necessary or appropriate. The Director of Finance is authorized and directed to contract for services for the production and distribution of the Preliminary Official Statements and final Official Statements, including by printed and electronic means.

Section 13. Continuing Disclosure Agreement. If and to the extent required by Rule 15c2-12 promulgated by the Securities and Exchange Commission ("SEC"), the City shall enter into one or more Continuing Disclosure Agreements, approved as to form and correctness by the Director of Law, between the City and the Trustee. In each Continuing Disclosure Agreement, the City shall agree to provide, or cause to be provided, to each nationally recognized municipal securities information repository designated by the SEC from time to time in accordance with that Rule, and to any state information depository, the annual financial information and operating data and notices of specified events required by that Rule. The Director of Finance is authorized and directed to sign and deliver each Continuing Disclosure Agreement and any related agreements, certificates and other instruments, and to deliver such information, as may be necessary or appropriate to comply with the requirements of the Rule. The City understands and agrees that those commitments are intended to be for the benefit of the holders from time to time of the Refunding Bonds, including holders of book-entry interests in those Bonds.

Section 14. Authorization of Other Documents. To provide for the issuance and sale of the Refunding Bonds and the consummation of the transactions contemplated by this Ordinance, the Indenture, each Bond Purchase Agreement, each Supplemental Indenture, each Escrow Agreement, any agreement delivered pursuant to Section 8 and each Hedge Agreement, the Mayor, the Director of Finance and the Director of Public Utilities and such other officers of the City, in each case as may be appropriate in accordance with the Charter and other applicable laws, are authorized and directed to sign, acknowledge and deliver, in the name and on behalf of the City, such documents, certifications and instruments as may be necessary or appropriate to issue the Refunding Bonds and to consummate those transactions.

Section 15. Open Meeting Determination. 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 of any of its committees that resulted in such formal action, were in meetings open to the public, in compliance with the law.

Section 16. Findings and Recitals of Validity. The City determines, represents and recites that all acts, conditions and things necessary to be done precedent to and in the issuance of the Refunding Bonds in order to make the Refunding Bonds legal, valid and binding obligations of the City have or will have happened or have or will have been done and performed in regular and due form as required by law and the City's Charter; and that no limitation of indebtedness or taxation, either statutory or constitutional, is applicable to the Refunding Bonds or their issuance. It is further found and determined, and is represented and recited, that the provisions of the City's Charter and the rules of this Council have been fully complied with and that this Ordinance was adopted in conformity therewith.

Section 17. Severability. In case any section or provision of this Ordinance, or in case any covenant, stipulation, obligation, agreement, act or action made, assumed or taken under this Ordinance, is for any reason held to be illegal or invalid, or is at any time inoperable by reason of any law, that illegality or inoperability shall not affect any other section or provision of this Ordinance, or any other covenant, stipulation, obligation, agreement, act or action made, assumed or taken under this Ordinance. This Ordinance shall be construed and enforced as if such illegal or invalid or inoperable portion were not contained in it. Any such illegality or invalidity or inoperability shall not affect any legal and valid and operable application from time to time, and each such section, provision, covenant, stipulation, obligation, agreement, act or action shall be deemed to be effective, operative, made or taken in the manner and to the full extent from time to time permitted by law.

Section 18. Effective Date. This Ordinance is declared to be an emergency measure for the reasons set forth in the preambles. Those preambles are made a part hereof. Provided that this Ordinance receives the affirmative vote of two-thirds of all members elected to this Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest date allowed by law.

Passed May 9, 2005.
Effective May 11, 2005.

Ord. No. 755-05.
By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and

materials necessary to maintain Group V high volume copiers, including usage, operational supplies and equipment, for the various divisions of City government, for a one year period.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year of the necessary items of labor and materials necessary to maintain Group V high volume copiers, including usage, operational supplies and equipment, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the various divisions of City government. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 157035)

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed May 9, 2005.
Effective May 12, 2005.

Ord. No. 762-05.
By Council Member Jackson (by departmental request).

An emergency ordinance authorizing the purchase, lease or lease to purchase by requirement contract of various types of heavy duty vehicles and apparatus for various Divisions in the Departments of Public Service, Parks, Recreation and Properties, and Public Safety.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Public Service is hereby authorized to make a written requirement contract in accordance with the Charter

and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of various types of heavy duty vehicles and apparatus described in File No. 762-05-A with the Clerk of Council in the estimated sum of \$8,400,000, to be purchased, leased or leased to purchase by the Commissioner of Purchases and Supplies upon a unit basis for various Divisions in the Departments of Public Service, Parks, Recreation and Properties, and Public Safety. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for a requirements contract for the entire year. That pursuant to Section 108(b) of the Charter, the purchases, leases or leases to purchase authorized by this ordinance may be made through cooperative agreements using State procedures. The Director of Public Service may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase or procurement thereunder, which purchase or procurement, together with all subsequent purchases or procurements, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance.

Section 3. That the Director of Finance may enter into a lease-purchase arrangement for the heavy duty vehicles and apparatus with a bank, leasing company or any other organization that is not the manufacturer or vendor of the vehicles or apparatus that submitted a bid for the sale, lease or lease to purchase described in Section 1 of this ordinance, provided that: (I) the Director of Finance determines that it is in the best interest of the City to enter into that lease-purchase arrangement, (II) the maximum term of any lease-purchase arrangement does not exceed ten (10) years, (III) the aggregate principal obligation of the City under the lease-purchase arrangement does not exceed \$8,900,000, (IV) if the lease-purchase arrangement provides that the lease payments are to have a principal component and an interest component, the maximum interest rate for the interest component does not exceed seven percent (7%) per annum, (V) the obligations of the City under that lease-purchase arrangement for fiscal years beginning after December 31, 2005 are subject to annual appropriations being made by the City sufficient to pay the lease payments and to meet the other obligations of the City under that lease-purchase arrangement in each of these fiscal years,

and (VI) the obligations of the City thereunder for the current fiscal year do not exceed \$750,000, which amount is hereby appropriated for that purpose. The Director of Finance is authorized to sign and deliver, for and on behalf of the City and in the Director's official capacity, such written agreements, certificates and instruments as may be necessary or appropriate in order to provide for that lease-purchase arrangement under the terms and conditions authorized herein and containing such additional terms and conditions as are acceptable to the Director of Finance and the Director of Law. Those agreements may include a lease-purchase agreement, an escrow agreement for the deposit by the lessor of the purchase price of the vehicles and apparatus, acceptance certificates evidencing the City's acceptance of the vehicles from the vendors, and certificates as to insurance, tax compliance and related matters necessary to carry out the transaction. The lease-purchase arrangement may provide that the lease payments are to have a principal component and an interest component and that the interest component is to be excluded from gross income for federal income tax purposes. In that event, the Director of Finance and other City officials, as appropriate, are authorized to covenant on behalf of the City that (I) the City will use and will restrict the use of the vehicles and apparatus leased by the City under the lease-purchase agreement and will use, and will restrict the investment of, any proceeds of the lease-purchase agreement in such manner and to such extent as may be necessary so that the lease-purchase agreement will not constitute a private activity bond, an arbitrage bond or a hedge bond under the Internal Revenue Code of 1986, as amended (the "Code"), or be treated other than as an obligation to which Section 103(a) of the Code applies, and (II) the City will take or cause to be taken such actions that may be required of it for the interest component of the lease payments to be and to remain excluded from gross income for federal income tax purposes and the City will not take or authorize to be taken any actions that would adversely affect that exclusion. In the event that the City enters into such a lease-purchase arrangement, the Director of Public Service may assign to the lessor under the lease-purchase arrangement, or the lessor's designee, the rights of the City under the contracts for purchase of the vehicles and apparatus authorized in Section 1 of this ordinance. The Director of Law, Clerk of Council and other appropriate officials of the City are authorized to sign and deliver any documents, certificates and other instruments as the Director of Law determines are necessary and appropriate to carry out the transactions authorized by this ordinance.

Section 4. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance where adopted in open meetings of this Council, and any of its committees that resulted in such formal action were in compliance with the law.

Section 5. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed May 9, 2005.
Effective May 11, 2005.

Ord. No. 767-05.
By Council Members Gordon and Jackson (by departmental request).
An emergency ordinance appropriating Community Development Block Grant funds and Federal HOME funds for the operation of the Low Interest Loan and Grant Programs; and to enter into one or more contracts with various agencies to implement these programs.

Whereas, the City of Cleveland has received a Community Development Block Grant, Year 31 and 2005 Federal HOME grant funds, from the United States Government; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Community Development Block Grant funds from Fund No. 14 SF 031 in the amount of \$2,060,000, and Federal HOME Program funds from Fund 13 SF 236 in the amount of \$1,010,518, Request 149503, in the total amount of \$3,070,518 are appropriated for the operation of the Low Interest Loan and Grant Programs, including all related services. The Low Interest Loan and Grant Programs include Repair-A-Home (RAH), Corrective Action Grant, Afford-A-Home (AAH), Senior Home Owners Assistance Program (SHAP), Paint Refund Program, Housewarming, Furnace Repair, Home Maintenance Assistance Program (HMAP), and American Dream Downpayment Assistance Program.

Section 2. That the Director of Community Development is authorized to enter into one or more contracts with various non-profit agencies, rehabilitation service providers, tenants, homeowners, and entities providing services necessary to process loans and grants to implement the Low Interest Loan and Grant Programs in the City of Cleveland.

Section 3. That the Director of Community Development is authorized to accept monies in repayment under the programs and to utilize the repayments, and other program income in a revolving fund for additional expenditures under these programs and administrative expenses, which repayments and program income are appropriated for those purposes.

Section 4. That the City is authorized to accept promissory notes, naming the City of Cleveland as payee, and mortgages, naming the City of Cleveland as mortgagee, and any other security instrument executed to evidence and secure repayment of loans made under this program.

Section 5. That the Director of Community Development is authorized to enter into forbearance agreements with any recipient of a validly existing loan administered by the City, and to charge and accept fees to cover costs incurred in the preparation of loan documents, closing, and servicing costs. Such fees shall be deposited into Fund No. 14 and are hereby appropriated for the purposes of the Low Interest Loan and Grant Program.

Section 6. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed May 9, 2005.
Effective May 12, 2005.

Ord. No. 769-05.
By Council Members Gordon and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Community Development to enter into one or more contracts with Cleveland Action to Support Housing, Inc. (CASH) for administrative costs to implement housing rehabilitation, new housing construction and commercial redevelopment loan programs.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Community Development is authorized to enter into one or more contracts with Cleveland Action to Support Housing, Inc. (CASH) for administrative costs to implement housing rehabilitation, new housing construction and commercial redevelopment loan programs in the City of Cleveland.

Section 2. That the aggregate cost of the contracts shall not exceed \$500,000.00, and shall be paid from Fund Nos. 14 SF 030 and 14 SF 031, Request No. 125798.

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed May 9, 2005.
Effective May 12, 2005.

Ord. No. 770-05.
By Council Members Gordon and Jackson (by departmental request).
An emergency ordinance authorizing the Director of Community Development to enter into or amend contracts with various social service agencies, community development or local development corporations and private for profit entities; to enter into or amend memorandums of understanding with various City of Cleveland departments to implement

the City's community development programs; and to expend funds for the operation of programs administered by the Department of Community Development.

Whereas, the City of Cleveland has received a Community Development Block Grant, Year 31 from the United States Government; and

Whereas, the Council of the City of Cleveland has approved the Year 31 Community Development Block Grant Plan as set forth in File No. 71-05-A, pursuant to Ordinance No. 71-05, passed March 28, 2005; and

Whereas, in prior Block Grant years, the Council has approved Block Grant Plans; and

Whereas, the Block Grant Plans as approved commit funds to Neighborhood Development Activities ("NDA"), which are CDBG eligible activities proposed by the various Council members; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Community Development, after receiving the approval stated in Section 4 below, is authorized to enter into or amend contracts with various social service agencies, community development or local development corporations, private for-profit entities, State of Ohio, Cuyahoga County, Cuyahoga Metropolitan Housing Authority, Cleveland Municipal School District, Regional Transit Authority, Northeast Ohio Regional Sewer District, Cleveland Metroparks, and such other governmental entities as defined under the Ohio Revised Code to implement activities and programs that are eligible under the Community Development Block Grant ("CDBG") Program and are consistent with the City's Community Development objectives and policies.

Section 2. That the Director of Community Development, after receiving the approval stated in Section 4 below, is authorized to enter into or amend memorandums of understanding with various City departments to implement activities and programs that are eligible under the CDBG Program and are consistent with the City's Community Development objectives and policies.

Section 3. That the Director of Community Development, after receiving the approval stated in Section 4 below, is authorized to expend NDA funds for any CDBG eligible Programs administered by the Department of Community Development including entering into contract with rehabilitation service providers, tenants, homeowners, and entities providing services necessary to process loans and grants to implement the Low Interest Loan and Grant Programs, Paint Refund Program and other programs administered by the Department of Community Development.

Section 4. That prior to entering into or amending those contracts or memorandums of understanding, or expending any funds, the Director of Community Development shall receive written approval from the Council member whose ward line item is to fund the activity or program, provided that the amount for

such activity or program does not exceed the amount allocated for the Council member's ward pursuant to the relevant Community Development Block Grant plan.

Section 5. That the cost of the contracts, memorandums of understanding and expenditures for the programs administered by the Department of Community Development shall not exceed \$8,400,000.00 and shall be paid from Fund Nos. 14 SF 028, 14 SF 029, 14 SF 030 and 14 SF 031.

Section 6. That the Director of the Department of Community Development is authorized to enter into or amend contracts with the entities administering the NDA program that generated program income in an amount not to exceed that generated program income and to expend funds for the programs administered by the Department of Community Development that generated program income in an amount not to exceed that generated program income all to be paid from the revolving fund in Fund 14.

Section 7. That the City is authorized to accept promissory notes naming the City of Cleveland as payee, and mortgages, naming the City of Cleveland as mortgagee, and any other security instrument executed to evidence and secure repayment of loans made under this program.

Section 8. That the Director of Community Development is authorized to enter in forbearance agreements with any recipient of a validly existing loan administered by the City, and to charge and accept fees and to expend such fees to cover costs incurred in the preparation of loan documents, closing, and servicing costs. Such fees shall be deposited to and expended from Fund No. 14.

Section 9. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed May 9, 2005.

Effective May 12, 2005.

**Ord. No. 783-05.
By Council Member Jackson (by departmental request).**

An emergency ordinance to amend Section 1 of Ordinance No. 485-03, passed March 31, 2003; and authorizing the Director of Finance to enter into an amendment to Contract No. 61226 with Oracle Corporation, to extend the term for not to exceed two years, or alternatively, to enter into a new contract or contracts for the software licenses and products for a period not to exceed two years.

Whereas, Ordinance No. 485-03, passed March 31, 2003, authorized the Director of Finance to enter into Contract No. 61226 for the acquisition of Oracle software licenses and not more than twenty additional Oracle Corporation products both as the Director of Finance determines necessary from time to time during a two-year period and for the purchase of maintenance and support

services for the software licenses and any additional Oracle products acquired; and

Whereas, to realize costs savings and to align with future web-based applications, including the Kronos Time and Attendance System, and Accella Permitting and Code Enforcement applications which will require Oracle licenses to operate the City desires to extend the term of the contract for an additional two years; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That Section 1 of Ordinance No. 485-03, passed March 31, 2003, is amended to read as follows:

Section 1. That it is determined that the within commodities and services are non-competitive and cannot be secured from any source other than Oracle Corporation. Therefore, the Director of Finance is authorized to enter into one or more agreements or contract extensions with said company, under the terms of Oracle's March 18, 2003 proposal, for the acquisition of Oracle software licenses and of not more than twenty (20) additional Oracle Corporation products, both as the Director of Finance determines necessary from time to time during a period not exceeding four (4) years, in total at a cost of not to exceed \$150,000 per year, or alternatively, to enter into a new contract or contracts for a two-year period for the software licenses and products, also at a cost of not to exceed \$150,000 per year, and for the purchase of maintenance and support services for the software licenses and any additional Oracle products acquired, for a period of one (1) year from the licenses and products acquisition date, with not to exceed four (4) options, exercisable in writing by the Director of Finance, to renew for consecutive one (1) year terms.

Section 2. That existing Section 1 of Ordinance No. 485-03, passed March 31, 2003, is repealed.

Section 3. That for the acquisition of the software licenses and additional products, the Director of Finance is authorized to enter into an amendment to Contract No. 61226 with Oracle Corporation to implement the amendment authorized in Section 1 by extending the term of the existing contract for an additional two-year period, or alternatively, to enter into a new contract or contracts for a two-year period commencing in May 2005, also as authorized in Section 1 of this ordinance.

Section 4. That the contract amendment or the new two-year contract shall be prepared by the Director of Law.

Section 5. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed May 9, 2005.

Effective May 12, 2005.

Ord. No. 829-05.**By Council Members Sweeney and Jackson (by departmental request).**

An emergency ordinance authorizing the purchase by one or more requirement contracts of various on-road vehicles and off-road equipment, cabs, bodies, and accessories, equipment and other aftermarket items necessary to equip the vehicles authorized for their intended purposes, including labor and materials necessary for vehicle and boat rehabilitation for the various divisions of City government.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore,

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Public Service is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of various on-road vehicles and off-road equipment, cabs, bodies, and accessories, equipment and other aftermarket items necessary to equip the vehicles authorized for their intended purposes, including labor and materials necessary for vehicle and boat rehabilitation, in the estimated sum of \$11,349,048.00, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government, as described below:

General Fund

<u>Item</u> <u>Number</u>	<u>Item Description</u>	<u>User</u>	<u>Quantity</u>	<u>Est. Cost</u>	<u>Extended Est.</u> <u>Cost</u>
3	Cargo Van, Full-Size	Aging	1	23,000	23,000
43	Passenger Car, Compact-Size	Environment	2	15,500	31,000
47	Pick-Up	Health	1	23,000	23,000
13	Boom Lift w/Trailer	Eng. & Const.	1	90,000	90,000
14	Welder	Eng. & Const.	1	15,000	15,000
20	Pick-Up	MVM	2	25,000	50,000
16	Passenger Car, Compact-Size	MVM (City-Wide)	14	12,000	168,000
17	Passenger Car, Mid-Size	MVM (City-Wide)	12	16,000	192,000
18	Passenger Car, Full-Size	MVM (City-Wide)	3	23,000	69,000
19	SUV, 4X4	MVM (City-Wide)	5	27,000	135,000
22	Pick-Up	Streets	3	30,000	90,000
31	Salt Spreader Insert	Streets	3	9,000	27,000
34	Arrow Board	Streets	4	6,000	24,000
4	Pick-Up	Waste Collection	4	25,000	100,000
9	Sweeper/Scrubber	Waste Collection	1	35,000	35,000
11	Skid-Steer Loader w/Attachments	Waste Collection	1	60,000	60,000
82	Pick-Up Crew Cab	Park Maintenance	6	28,000	168,000
83	Cab/Chassis w/Dump-Spreader-Plow, 4X4	Park Maintenance	4	60,000	240,000
85	Cab/Chassis w/12-15cy Packer Body	Park Maintenance	3	85,000	255,000
89	Tractor Attachments	Park Maintenance	10	4,750	47,500
80	Brush Chipper	Park Maintenance	3	35,000	105,000
91	Stump Cutter	Park Maintenance	2	30,000	60,000
92	Riding Mower	Park Maintenance	3	9,000	27,000
93	Truckster	Park Maintenance	3	17,000	51,000
94	Mobile Stage	Park Maintenance	1	55,000	55,000
95	Trailer	Park Maintenance	6	5,500	33,000
99	Mower	Park Maintenance	6	6,000	36,000
78	Pick-Up	Property Mgt.	1	24,000	24,000
79	Cargo Van, Full-Size	Property Mgt.	3	27,000	81,000
73	Pick-Up	Recreation	1	23,000	23,000
74	15-Passenger Van	Recreation	5	24,000	120,000
75	Cargo Van, Full-Size	Recreation	1	32,000	32,000
77	Snow Blower/Thrower	Recreation	1	7,500	7,500
70	SUV, 4X4	EMS	3	27,000	81,000
40	Pick-Up	House of Corrections	1	25,000	25,000
42	Prisoner Van	House of Corrections	3	30,000	90,000
48	Passenger Car, Full-Size, w/Police Pkg.	Police	80	27,000	2,160,000
49	Passenger Car, Mid-Size, w/Police Pkg.	Police	20	16,000	320,000
50	SUV, 4X4	Police	2	27,000	54,000
53	Prisoner Van	Police	2	40,000	80,000
54	Cab/Chassis w/Tow Body	Police	1	75,000	75,000
TOTALS			229		5,382,000

Enterprise Fund

<u>Item</u> <u>Number</u>	<u>Item Description</u>	<u>User</u>	<u>Quantity</u>	<u>Est. Cost</u>	<u>Extended Est.</u> <u>Cost</u>
	Passenger Car, Station Wagon	Water	2	13,500.00	27,000.00
	SUV, 4X4	Water	3	22,000.00	66,000.00
	Pick-Up, 1/4 ton	Water	3	16,500.00	49,500.00
	Pick-Up, 1/2 ton	Water	9	16,700.00	150,300.00
	Pick-Up, 3/4 ton	Water	4	17,500.00	70,000.00
	Pick-Up, 4X4 w/valve turner	Water	1	40,000.00	40,000.00
	Cargo Van, Mini-Van	Water	2	25,500.00	51,000.00
	Cargo Van, Full Size	Water	16	22,000.00	352,000.00
	Cab/Chassis w/USV, Medium	Water	1	45,000.00	45,000.00
	Cab/Chassis w/Dump	Water	1	51,000.00	51,000.00
	Cab/Chassis w/Dump	Water	7	90,000.00	630,000.00
	Air Compressor	Water	11	19,000.00	209,000.00
	Arrow Board	Water	4	4,500.00	18,000.00
	Sidewalk Plow	Water	1	20,000.00	20,000.00
	Trailer	Water	4	11,000.00	44,000.00
	SUV, 4X4	Water Pollution Control	3	26,000.00	78,000.00
	Cab/Chassis w/Flat Bed	Water Pollution Control	1	70,000.00	70,000.00
	Sewer Cleaning Machine	Water Pollution Control	1	90,000.00	90,000.00
	Backhoe w/Impactor	Water Pollution Control	2	110,000.00	220,000.00
	Trailer	Water Pollution Control	2	14,000.00	28,000.00
	Crew Cab 4X4 Pick-Up Trucks	Water Pollution Control	2	27,000.00	54,000.00
	Sweeper/Scrubber	Water Pollution Control	1	37,500.00	37,500.00
	Passenger Car, Mid-Size	Cleveland Public Power	2	21,000.00	42,000.00
	SUV, 4X4	Cleveland Public Power	6	28,000.00	168,000.00
	Pick-Up	Cleveland Public Power	1	25,000.00	25,000.00
	Cargo Van, Mini-Van	Cleveland Public Power	4	26,000.00	104,000.00
	Cargo Van, Full Size	Cleveland Public Power	6	35,400.00	212,400.00
	Step Van	Cleveland Public Power	1	48,000.00	48,000.00
	Cab/Chassis w/USV, Medium	Cleveland Public Power	4	38,000.00	152,000.00
	Cab/Chassis w/Bucket	Cleveland Public Power	3	118,250.00	354,750.00
	Cab/Chassis w/Digger-Derrick	Cleveland Public Power	2	182,000.00	364,000.00
	Pole Trailer/Dinkey	Cleveland Public Power	3	8,100.00	24,300.00
	Snow Removal Vehicles	Airport	6	345,383.00	2,072,298.00
	TOTALS		119		\$5,967,048.00
	GRAND TOTAL:			\$11,349,048.00	

Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than a year may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire year.

Section 2. That the cost of the contract or contracts shall be paid from Fund Nos. 11 SF 006, 52 SF 001, 54 SF 001, 58 SF 001, and 60 SF 001.

Section 3. That the costs of the contract or contracts shall be charged against the proper appropriation account and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 154160)

Section 4. That pursuant to Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Public Service may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases and may enter into contract or contracts with the vendors selected through that cooperative process.

Section 5. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed May 9, 2005.

Effective May 11, 2005.

**Ord. No. 911-05.
By Council Member Johnson.
An emergency ordinance authorizing certain persons to engage in peddling in Ward 4. (James O. Murako.)**

Whereas, pursuant to Section 675.08 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council expressed by ordinance is a prerequisite to peddling upon public rights of way outside of the Central Business District; and

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 4; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore

Be it ordained by the Council of the City of Cleveland:

Section 1. That this Council consents, as required by, Section 675.08 of the Codified Ordinances to allow each persons named below to engage in peddling in the public rights of way of Ward 4: James O. Murako.

Section 2. That all of the requirements of Chapter 675 of the Codified Ordinances shall apply to the persons named in Section 1 of this ordinance.

Section 3. That the privilege granted may be revoked at any time by this Council.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed May 9, 2005.
Effective May 12, 2005.

**Ord. No. 912-05.
By Council Member Reed.
An emergency ordinance authorizing certain persons to engage in peddling in Ward 3. (Migel Campbell)**

Whereas, pursuant to Section 675.08 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council expressed by ordinance is a prerequisite to peddling upon public rights of way outside of the Central Business District; and

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow each of said persons to peddle in Ward 3; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore

Be it ordained by the Council of the City of Cleveland:

Section 1. That this Council consents, as required by, Section 675.08 of the Codified Ordinances to allow each persons named below to

engage in peddling in the public rights of way of Ward 3: Migel Campbell.

Section 2. That all of the requirements of Chapter 675 of the Codified Ordinances shall apply to the persons named in Section 1 of this ordinance.

Section 3. That the privilege granted may be revoked at any time by this Council.

Section 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed May 9, 2005.
Effective May 12, 2005.

**Ord. No. 918-05.
By Council Members Conwell,
Pierce Scott and Britt.**

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to University Circle, Inc. to stretch banners on Stokes Boulevard for the period from May 18, 2005 to June 18, 2005, inclusive, publicizing Parade the Circle Celebration.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore

Be it ordained by the Council of the City of Cleveland:

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to University Circle Inc. to install, maintain and remove banners on Stokes Boulevard, for the period from May 18, 2005 to June 18, 2005, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

Section 2. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed May 9, 2005.
Effective May 12, 2005.

**Ord. No. 919-05.
By Council Member Reed.**

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Mt. Haven Missionary Baptist Church to stretch a banner on Martin Luther King, Jr. Drive, for the period from May 9, 2005 to June 5, 2005, inclusive, publicizing the 3rd Annual Taste of Mt. Haven in Mt. Pleasant.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore

Be it ordained by the Council of the City of Cleveland:

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to Mt. Haven Missionary Baptist Church to install, maintain and remove a banner on Martin Luther King, Jr. Drive, for the period from May 9, 2005 to June 5, 2005, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

Section 2. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed May 9, 2005.
Effective May 12, 2005.

**Ord. No. 920-05.
By Council Member Conwell.**

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Hessler Neighborhood Association to encroach into the right-of-way of Ford Drive at Hessler Road with one banner to be attached to Cleveland Public Power utility poles (by separate permission) for the period from May 14, 2005 to May 24, 2005 inclusive, publicizing the Hessler Street Fair.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore

Be it ordained by the Council of the City of Cleveland:

Section 1. That, notwithstanding the provisions of Section 623.13 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to Hessler Neighborhood Association to encroach into the right-of-way of Ford Drive at Hessler Road with one banner to be attached to Cleveland Public Power utility poles (by separate permission) for the period from May 14, 2005 to May 24, 2005 inclusive, publicizing the Hessler Street Fair.

Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and shall be maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banners and said banners shall be removed promptly upon the expiration of said permit.

Section 2. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed May 9, 2005.
Effective May 12, 2005.

Ord. No. 922-05.
By Council Members Cimperman, Cintron, Gordon, Brady and Sweeney.

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Tremont West Development Corporation for Leadership Collaborative through the use of Ward 13, 14, 15, 19, 20 Neighborhood Equity Funds.

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore

Be it ordained by the Council of the City of Cleveland:

Section 1. That the Director of Community Development is authorized to enter into an agreement with Tremont West Development Corporation for \$2,500 for a West-side Leadership Collaborative.

Section 2. That the cost of said contract shall be in an amount not to exceed \$2,500 and shall be paid from Fund No. 10 SF 166.

Section 3. That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

Section 4. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed May 9, 2005.
Effective May 12, 2005.

Ord. No. 923-05.

By Council Member Gordon.

An emergency ordinance limiting the use of Estabrook Park to recreational activities that are consistent with the intended purpose of Estabrook Park; prohibiting the driving and parking of vehicles on the baseball field or football field; prohibiting the construction of temporary entertainment structures necessary for shows and rides; and prohibiting the Director of Parks, Recreation and Properties from issuing any permits contrary to this ordinance and revoking any existing permits contrary to this ordinance.

Whereas, the City of Cleveland is currently investing hundreds of thousands of dollars to improve Estabrook Park; and

Whereas, such improvements include improvements to the baseball fields and football field; and

Whereas, the City has an interest in ensuring that the improvements to Estabrook Park are maintained in order that residents may utilize Estabrook Park for recreational activities; and

Whereas, in the past, uses of Estabrook Park that are contrary to intended recreational activities have resulted in damage to the baseball fields and football field; and

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore

Be it ordained by the Council of the City of Cleveland:

Section 1. That the use of Estabrook Park is hereby limited to recreational activities that are consistent with the intended purpose of Estabrook Park. No person, firm, or entity shall drive upon or park a vehicle on the baseball field or football field of Estabrook Park, with the exception of City employees or

the City's contractors performing maintenance and/or improvement services, and no person, firm, or entity shall construct temporary entertainment structures necessary for shows and rides on the grounds of Estabrook Park.

The Director of Parks, Recreation and Properties shall not issue any permit for the use of Estabrook Park that is contrary to this ordinance. Any existing permits contrary to this ordinance are hereby permanently revoked.

Section 2. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed May 9, 2005.
Effective May 12, 2005.

COUNCIL COMMITTEE MEETINGS

Monday, May 16, 2005
9:30 a.m.

Public Parks, Property & Recreation Committee: CANCELLED.

11:00 a.m.

Employment, Affirmative Action and Training Committee: Present: Lewis, Chair; Coats, Reed, Polensek. *Authorized Absence:* Conwell, Vice Chair; Cintron, Johnson.

2:00 p.m.

Finance Committee: Present: Jackson, Chair; Sweeney, Vice Chair; Brady, Britt, Coats, Cimperman, Reed, Westbrook, White, Gordon, Pierce Scott.

Tuesday, May 17, 2005
10:30 a.m.

Community and Economic Development Committee: Present: Gordon, Chair; Cimperman, Vice Chair; Cintron, Coats, Lewis, Zone, Reed, Pierce Scott. *Authorized Absence:* Jones. *Pro-tem:* White.

Wednesday, May 18, 2005
10:00 a.m.

Public Safety Committee: Present: Present: Reed, Chair; Britt, Vice Chair; Brady, Kelley, Conwell, Zone. *Authorized Absence:* Coats, Jones, White

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O—Ordinance; R—Resolution; F—File
 Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;
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