

The City Record

Official Publication of the Council of the City of Cleveland



December the Third, Two Thousand and Fourteen

Frank G. Jackson
Mayor

Kevin J. Kelley
President of Council

Patricia J. Britt
City Clerk, Clerk of Council

Ward Name

- 1 Terrell H. Pruitt
- 2 Zachary Reed
- 3 Joe Cimperman
- 4 Kenneth L. Johnson
- 5 Phyllis E. Cleveland
- 6 Mamie J. Mitchell
- 7 TJ Dow
- 8 Michael D. Polensek
- 9 Kevin Conwell
- 10 Jeffrey D. Johnson
- 11 Dona Brady
- 12 Anthony Brancatelli
- 13 Kevin J. Kelley
- 14 Brian J. Cummins
- 15 Matthew Zone
- 16 Martin J. Sweeney
- 17 Martin J. Keane

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www.clevelandcitycouncil.org

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Kevin J. Kelley

Ward	Name	Residence	
1	Terrell H. Pruitt	16920 Throckley Avenue	44128
2	Zack Reed	3734 East 149th Street	44120
3	Joe Cimperman	P.O. Box 91688	44101
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Phyllis E. Cleveland	2369 East 36th Street	44105
6	Mamie J. Mitchell	12701 Shaker Boulevard, #712	44120
7	TJ Dow	7715 Decker Avenue	44103
8	Michael D. Polensek	17855 Brian Avenue	44119
9	Kevin Conwell	10647 Ashbury Avenue	44106
10	Jeffrey D. Johnson	9024 Parkgate Avenue	44108
11	Dona Brady	1272 West Boulevard	44102
12	Anthony Brancatelli	6924 Ottawa Road	44105
13	Kevin J. Kelley	5904 Parkridge Avenue	44144
14	Brian J. Cummins	3104 Mapledale Avenue	44109
15	Matthew Zone	1228 West 69th Street	44102
16	Martin J. Sweeney	3632 West 133rd Street	44111
17	Martin J. Keane	15907 Colletta Lane	44111

City Clerk, Clerk of Council – Patricia J. Britt, 216 City Hall, 664–2840

MAYOR – Frank G. Jackson

Ken Silliman, Secretary to the Mayor, Chief of Staff
 Darnell Brown, Executive Assistant to the Mayor, Chief Operating Officer
 Valarie J. McCall, Executive Assistant to the Mayor, Chief of Government Affairs
 Martin J. Flask, Executive Assistant to the Mayor of Special Projects
 Monyka S. Price, Executive Assistant to the Mayor, Chief of Education
 Maureen Harper, Executive Assistant to the Mayor, Chief of Communications
 Jenita McGowan, Executive Assistant to the Mayor, Chief of Sustainability
 Natoya J. Walker Minor, Executive Assistant to the Mayor, Chief of Public Affairs
 Edward W. Rybka, Executive Assistant to the Mayor, Chief of Regional Development

OFFICE OF CAPITAL PROJECTS – Matthew L. Spronz, Director

DIVISIONS:
 Architecture and Site Development – Robert Vilkas, Chief Architect, Manager
 Engineering and Construction – Richard J. Switalski, Manager
 Real Estate – James DeRosa, Commissioner

OFFICE OF EQUAL OPPORTUNITY – Melissa K. Burrows, Ph.D., Director

DEPT. OF LAW – Barbara A. Langhenry, Director, Gary D. Singletary, Chief Counsel,
 Richard F. Horvath, Chief Corporate Counsel, Thomas J. Kaiser, Chief Trial Counsel,
 Room 106: John Skrtic, Law Librarian, Room 100

DEPT. OF FINANCE – Sharon Dumas, Director, Room 104;

Natasha Brandt, Manager, Internal Audit

DIVISIONS:

Accounts – Lonya Moss Walker, Commissioner, Room 19
 Assessments and Licenses – Dedrick Stephens, Commissioner, Room 122
 City Treasury – James Hartley, Interim Treasurer, Room 115
 Financial Reporting and Control – James Gentile, Controller, Room 18
 Information Technology and Services – Douglas Divish, Commissioner, 205 W. St. Clair Avenue
 Purchases and Supplies – Tiffany White, Commissioner, Room 128
 Printing and Reproduction – Michael Hewitt, Commissioner, 1735 Lakeside Avenue
 Taxation – Nassim Lynch, Tax Administrator, 205 W. St. Clair Avenue

DEPT. OF PUBLIC UTILITIES – Sharon Dumas, Interim Director, 1201 Lakeside Avenue

DIVISIONS:

Cleveland Public Power – Ivan Henderson, Commissioner
 Utilities Fiscal Control – Frank Badalamenti, Chief Financial Officer
 Water – Alex Margevicius, Interim Commissioner
 Water Pollution Control – Rachid Zoghaib, Commissioner

DEPT. OF PORT CONTROL – Ricky D. Smith, Director, Cleveland Hopkins International Airport, 5300 Riverside Drive

DIVISIONS:

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

DEPT. OF PUBLIC WORKS – Michael Cox, Director

OFFICES:

Administration – John Laird, Manager
 Special Events and Marketing – Tangee Johnson, Manager

DIVISIONS:

Motor Vehicle Maintenance – Daniel A. Novak, Commissioner
 Park Maintenance and Properties – Richard L. Silva, Commissioner
 Parking Facilities – Antionette Thompson, Interim Commissioner
 Property Management – Tom Nagle, Commissioner
 Recreation – Samuel Gissentaner, Interim Commissioner
 Streets – Randell T. Scott, Interim Commissioner
 Traffic Engineering – Robert Mavec, Commissioner
 Waste Collection and Disposal – Randell T. Scott, Interim Commissioner

DEPT. OF PUBLIC HEALTH – Toinette Parrilla, Director, 75 Erieview Plaza

DIVISIONS:

Air Quality – George Baker, Commissioner
 Environment – Chantez Williams, Commissioner, 75 Erieview Plaza
 Health – Myron Bennett, Commissioner, 75 Erieview Plaza

DEPT. OF PUBLIC SAFETY – Michael C. McGrath, Director, Room 230

DIVISIONS:

Animal Control Services – John Baird, Chief Dog Warden, 2690 West 7th Street
 Correction – Robert Tasky, Commissioner, Cleveland House of Corrections, 4041 Northfield Rd.
 Emergency Medical Service – Nicole Carlton, Acting Commissioner, 1708 South Pointe Drive
 Fire – Patrick Kelly, Chief, 1645 Superior Avenue
 Police – Calvin D. Williams, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street

DEPT. OF COMMUNITY DEVELOPMENT – Daryl Rush, Director

DIVISIONS:

Administrative Services – Jesus Rodriguez, Commissioner
 Fair Housing and Consumer Affairs Office – John Mahoney, Manager
 Neighborhood Development – Chris Garland, Commissioner
 Neighborhood Services – Louise V. Jackson, Commissioner

DEPT. OF BUILDING AND HOUSING – Ronald J.H. O’Leary, Director, Room 500

DIVISIONS:

Code Enforcement – Thomas E. Vanover, Commissioner
 Construction Permitting – Narid Hussain, Commissioner

DEPT. OF HUMAN RESOURCES – Deborah Southerington, Director, Room 121

DEPT. OF ECONOMIC DEVELOPMENT – Tracey A. Nichols, Director, Room 210

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

COMMUNITY RELATIONS BOARD – Room 11, Blaine Griffin, Director, Mayor Frank G. Jackson, Chairman Ex-Officio; Rev. Dr. Charles P. Lucas, Jr., Vice-Chairman, Council Member Brian Cummins, Eugene R. Miller (Board Lawyer), Roosevelt E. Coats, Jenice Contreras, Kathryn Hall, Yasir Hamdallah, Evangeline Hardaway, John O. Horton, Gary Johnson, Sr., Daniel McNea, Stephanie Morrison-Hrbek, Roland Muhammad, Gia Hoa Ryan, Peter Whitt.

CIVIL SERVICE COMMISSION – Room 119, Robert Bennett, President; Michael L. Nelson, Sr., Vice-President; Lucille Ambroz, Secretary; Members: Pastor Gregory Jordan, Michael Flickinger.

SINKING FUND COMMISSION – Frank G. Jackson, President; Council President Kevin J. Kelley; Betsy Hruby, Asst. Sec’y.; Sharon Dumas, Director.

BOARD OF ZONING APPEALS – Room 516, Carol A. Johnson, Chairman; Members: Mary Haas McGraw, Ozell Dobbins, Joan Shaver Washington, Tim Donovan, Elizabeth Kukla, Secretary.

BOARD OF BUILDING STANDARDS AND BUILDING APPEALS – Room 516, Joseph F. Denk, Chairman; Howard Bradley, Patrick M. Gallagher, Robert Maschke, Halim M. Saab, P.E., Alternate Members – D. Cox, P. Frank, E. P. O’Brien, Richard Pace, J.F. Sullivan.

BOARD OF REVISION OF ASSESSMENTS – Law Director Barbara A. Langhenry, President; Finance Director Sharon Dumas, Secretary; Council President Kevin J. Kelley.

BOARD OF SIDEWALK APPEALS – Capital Projects Director Matthew Spronz, Law Director Barbara A. Langhenry; Council Member Kenneth L. Johnson.

BOARD OF REVIEW – (Municipal Income Tax) – Law Director Barbara A. Langhenry; Utilities Director Paul Bender; Council President Kevin J. Kelley.

CITY PLANNING COMMISSION – Room 501 – Freddy L. Collier, Jr., Director; Anthony J. Coyne, Chairman; David H. Bowen, Lillian Kuri, Lawrence A. Lumpkin, Gloria Jean Pinkney, Norman Krumholz, Council Member Phyllis E. Cleveland.

FAIR HOUSING BOARD – Charles See, Chair; Lisa Camacho, Daniel Conway, Robert L. Render, Genesis O. Brown.

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.

CLEVELAND BOXING AND WRESTLING COMMISSION – Robert Jones, Chairman; Clint Martin, Mark Rivera.

MORAL CLAIMS COMMISSION – Law Director Barbara A. Langhenry; Chairman; Finance Director Sharon Dumas; Council President Kevin J. Kelley; Councilman Kevin Kelley.

POLICE REVIEW BOARD – Thomas Jones, Board Chair Person; Vernon Collier, Vermel Whalen, Nancy Cronin, Elvin Vauss.

CLEVELAND LANDMARKS COMMISSION – Room 519 – Jennifer Coleman, Chair; Laura M. Bala, Freddy L. Collier, Jr., Allan Dreyer, Giancarlo Calicchia, Council Member Terrell H. Pruitt, Robert Strickland, Julie Trotter, Robert Vilkas, Donald Petit, Interim Secretary.

AUDIT COMMITTEE – Yvette M. Itu, Chairman; Debra Janik, Bracy Lewis, Diane Downing, Donna Sciarappa, Council President Kevin J. Kelley; Law Director Barbara A. Langhenry.

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

Judge Courtroom

Presiding and Administrative Judge Ronald B. Adrine – Courtroom 15A
 Judge Pinkey S. Carr – Courtroom 12B
 Judge Marilyn B. Cassidy – Courtroom 13A
 Judge Michelle Denise Earley – Courtroom 12C
 Judge Emanuella Groves – Courtroom 14B
 Judge Anita Laster Mays – Courtroom 14C
 Judge Lauren C. Moore – Courtroom 14A
 Judge Charles L. Patton, Jr. – Courtroom 13D
 Judge Raymond L. Pianka (Housing Court Judge) – Courtroom 13B
 Judge Angela R. Stokes – Courtroom 15C
 Judge Pauline H. Tarver – Courtroom 13C
 Judge Ed Wade – Courtroom 12A
 Judge Joseph J. Zone – Courtroom 14D

Earle B. Turner – Clerk of Courts, Russell R. Brown III – Court Administrator, Gregory A. Sims – Chief Bailiff, Jerome M. Krakowski – Chief Probation Officer, Gregory F. Clifford – Chief Magistrate, Victor Perez – City Prosecutor

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WEDNESDAY, DECEMBER 3, 2014

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CITY COUNCIL

MONDAY, DECEMBER 1, 2014

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City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2014-2017

MONDAY — Alternating

9:30 A.M. — **Health and Human Services Committee:** Cimperman (CHAIR), Mitchell (VICE-CHAIR), Brady, Cleveland, Conwell, Cummins, J. Johnson.

9:30 A.M. — **Municipal Services and Property Committee:** K. Johnson (CHAIR), Sweeney (VICE-CHAIR), Brancatelli, Cummins, Dow, J. Johnson, Reed.

MONDAY

2:00 P.M. — **Finance Committee:** Kelley (CHAIR), Cleveland (VICE-CHAIR), Brady, Brancatelli, Conwell, Keane, Mitchell, Pruitt, Zone.

TUESDAY

9:30 A.M. — **Development, Planning and Sustainability Committee:** Brancatelli (CHAIR), Cleveland (VICE-CHAIR), Cimperman, Cummins, Dow, Pruitt, Zone.

TUESDAY — Alternating

1:30 P.M. — **Utilities Committee:** Pruitt (CHAIR), Brady (VICE-CHAIR), Brancatelli, Cummins, Keane, Mitchell, Polensek.

1:30 P.M. — **Workforce and Community Benefits Committee:** Cleveland (CHAIR), Zone (VICE-CHAIR), J. Johnson, Polensek, Pruitt, Reed, Sweeney.

WEDNESDAY — Alternating

10:00 A.M. — **Safety Committee:** Zone (CHAIR), Conwell (VICE-CHAIR), Cimperman, Dow, K. Johnson, Keane, Polensek.

10:00 A.M. — **Transportation Committee:** Keane (CHAIR), Dow (VICE-CHAIR), Conwell, J. Johnson, K. Johnson, Reed, Sweeney.

The following Committees meet at the Call of the Chair:

Mayor's Appointments Committee: Sweeney (CHAIR), Brady, Cleveland, Dow, Kelley.

Operations Committee: Pruitt (CHAIR), Kelley, Keane, Mitchell, Zone.

Rules Committee: Kelley (CHAIR), Cleveland, Cummins, Keane, Pruitt.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 1588-14.

By Council Members Mitchell, K. Johnson, Brancatelli and Kelley (by departmental request).

An emergency ordinance to vacate a portion of East 97th Street.

Whereas, under Resolution No. 1414-13, adopted November 25, 2013, this Council declared its intention to vacate a portion of East 97th Street; and

Whereas, notice of the adoption of the above vacation was served on the abutting property owners affected by the resolution which stated a time and place when objections would be heard before the Board of Revision of Assessments; and

Whereas, on October 23, 2014, the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating a portion of the above and that it will not be detrimental to the general interest and that it should be made; 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 declares that the following described real property is vacated:

Beginning at a drill hole in a stone in a monument box found at an angle point on the centerline of Chester Avenue N.E. (86 feet wide);

Thence South 86° 54' 48" East, along the centerline of said Chester Avenue N.E., a distance of 55.88 feet to a point, said point being witnessed by a drill hole in a stone in a monument box found north 0.02 feet and east 0.06 feet;

Thence South 00° 53' 30" East, a distance of 43.10 feet to a 5/8" iron pin set w/cap on the southerly line of Chester Avenue N.E., and the easterly right of way of East 97th Street (56.00 feet wide) and the TRUE POINT OF BEGINNING of the herein described tract of land;

01. Thence South 00° 53' 29" East, along said easterly right of way of East 97th Street a distance of 660.99 feet to a 5/8" iron pin set w/cap on the northerly line of Euclid Avenue (Variable Width);

02. Thence South 88° 38' 25" West, along the northerly line of said Euclid Avenue a distance of 56.00 feet to its intersection with the westerly right of way of said East 97th Street and a 5/8" iron pin set w/cap;

03. Thence North 00° 53' 29" West, along said westerly right of way of

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, December 1, 2014

The meeting of the Council was called to order at 7:05 p.m. with the President of Council, Kevin J. Kelley, in the Chair.

Council Members present: Dona Brady, Anthony Brancatelli, Joe Cimperman, Phyllis E. Cleveland, Kevin Conwell, Brian J. Cummins, TJ Dow, Jeffrey D. Johnson, Kevin J. Kelley, Kenneth L. Johnson, Martin J. Keane, Mamie J. Mitchell, Michael D. Polensek, Terrell H. Pruitt, Martin J. Sweeney.

Also present were: Mayor Frank G. Jackson, Chief of Staff Ken Siliman, Chief Operating Officer Darnell Brown, Chief of Government Affairs Valarie J. McCall, Chief of Regional Development Edward W. Rybka, Chief of Education Monyka S. Price, Chief of Sustainability Jenita McGowan, Chief of Public Affairs Natoya Walker-Minor, and Directors Langhenry, Spronz, Parrilla, McGrath, Cox, Rush, O'Leary, Southerington, Nichols, Griffin, Fumich and Burrows.

Pursuant to Ordinance No. 2926-76, the opening prayer was offered by Pastor Earl Bumgarner, City of God Baptist Fellowship, Cleveland, Ohio (Ward 10). Pledge of Allegiance.

MOTION

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

CONDOLENCE RESOLUTIONS

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

Res. No. 1605-14—David Collier.

Res. No. 1606-14—Tony Smith.

said East 97th Street a distance of 665.34 feet to a 5/8" iron pin set w/cap on the southerly line of said Chester Avenue N.E.;

04. Thence South 86° 54' 48" East, along the southerly line of said Chester Avenue N.E., a distance of 56.14 feet to the True Point of Beginning and containing, more or less 0.853 acres and subject to all legal easements, restrictions, reservations, conditions and rights-of-way of previous record.

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

Section 2. That there is reserved to the City of Cleveland, an easement of full width as described above for AT&T, Dominion East Ohio Gas Company, The Illuminating Company and the Division of Water.

That no structures shall be erected on the premises described in this easement except those constructed under the approval of, and in compliance with, plans approved by AT&T, Dominion East Ohio Gas Company, The Illuminating Company, the Division of Water, Department of Urban Forestry and the City of Cleveland.

Section 3. That provided City of Cleveland Department of Urban Forestry receives reimbursement for nine (9) Tilia Cordata trees in the amount of \$441 and all required approvals have been obtained, the Manager of Engineering and Construction is directed to record the vacation plat in the office of the Recorder of Cuyahoga County.

Section 4. That the Clerk of Council is directed to transmit a copy of this ordinance to the Fiscal Officer of Cuyahoga County.

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 Capital Projects, City Planning Commission, Finance, Law; Committees on Municipal Services and Properties, Development Planning and Sustainability, Finance.

Ord. No. 1589-14.

By Council Members Cleveland, K. Johnson, Brancatelli and Kelley (by departmental request).

An emergency ordinance to vacate a portion of East 38th Place.

Whereas, under Resolution No. 393-14, adopted June 4, 2014, this Council declared its intention to vacate a portion of East 38th Place; and

Whereas, notice of the adoption of the above vacation was served on the abutting property owners affected by the resolution which stated a time and place when objections would be heard before the Board of Revision of Assessments; and

Whereas, on November 20, 2014, the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating a portion of the above and that it will not be detrimental to the general interest and that it should be made; 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 declares that the following described real property is vacated:

Being all that portion of East 38th Place (16.00 Feet Wide) extending from the south line of Trumbull Street S.E. (60.00 Feet wide) southerly to its intersection with the Limit Access right of way of Interstate 77.

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

Section 2. That there is reserved to the City of Cleveland an easement of full width as described above for The Illuminating Company.

That no structures shall be erected on the premises described in this easement except those constructed under the approval of, and in compliance with, plans approved by The Illuminating Company and the City of Cleveland;

Section 3. That provided all required approvals have been obtained, the Manager of Engineering and Construction is directed to record the vacation plat in the office of the Recorder of Cuyahoga County.

Section 4. That the Clerk of Council is directed to transmit a copy of this ordinance to the Fiscal Officer of Cuyahoga County.

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 Capital Projects, City Planning Commission, Finance, Law; Committees on Municipal Services and Properties, Development Planning and Sustainability, Finance.

Ord. No. 1590-14.

By Council Members Brancatelli and Kelley (by departmental request).

An emergency ordinance authorizing the Director of City Planning to apply for and accept grants from the Federal Highway Administration through their FY 2014 TIGER program and from the Northeast Ohio Areawide Coordinating Agency for the East 105th / East 93rd Transportation Corridor Project; and authorizing the Director to employ one or more professional consultants and authorizing contracts with various agencies, entities, or individuals 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 City Planning is authorized to apply for and accept grants in an amount up to \$400,000 from the Federal Highway Administration through their FY 2014 TIGER program and from the Northeast Ohio Areawide Coordinating Agency in an amount up to \$75,000 to conduct the East 105th / East 93rd Transportation Corridor Project; 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 document entitled "Maximizing Opportunity through Transportation Enhancements: Cleveland's East 105th / East 93rd Transportation Corridor" and placed in the file described below.

Section 2. That the document described above for the grant, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in File No. 1590-14-A, is made a part of this ordinance as if fully rewritten, including the obligation of the City of Cleveland to provide cash matching funds in the sum up to \$101,500 as the match for the TIGER grant and up to \$18,500 as the match for the NOACA grant, for a total aggregate cash match amount up to \$120,000 from funds appropriated for these purposes in budget year 2015, is approved in all respects, and shall not be changed without additional legislative authority.

Section 3. That the Director of City Planning 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 City Planning from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of City Planning 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 City Planning, and certified by the Director of Finance.

Section 4. That, unless expressly prohibited by the grant agreement, under Section 108(B) of the Charter, purchases made under the grant agreement may be made through cooperative arrangements with other governmental agencies. The Director of City Planning may sign all documents and do all things that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 5. That the Director of City Planning is authorized to enter into one or more contracts with or make payments various agencies, entities, or individuals, including but not limited to the Greater Cleveland Regional Transit Authority, the Northeast Ohio Areawide Coordinating Agency, the Northeast Ohio regional Sewer District, to implement the grant as described in the file.

Section 6. That the costs of the contract or contracts authorized by this ordinance shall be paid from the fund or funds to which are credited the grant proceeds accepted under this ordinance and the cash matches.

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 City Planning Commission, Finance, Law; Committees on Development Planning and Sustainability, Finance.

**Ord. No. 1591-14,
By Council Member Kelley (by
departmental request)**

An emergency ordinance authorizing the issuance and sale of one or more series of General Obligation Refunding Bonds to refund currently outstanding general obligation bonds of the City to obtain debt service savings and authorizing and approving related matters.

Whereas, the City has from time to time issued general obligation bonds in various series that are currently outstanding in the aggregate principal amount of \$268,445,000; and

Whereas, this Council has determined to authorize the City to issue one or more series of Refunding Bonds (as defined in Section 1) for the purpose of obtaining debt service savings with respect to all currently outstanding general obligation bonds of the City; and

Whereas, the Director of Finance, as fiscal officer of this City, has previously certified to this Council that the estimated life or usefulness of each of the Projects (as defined below) was, at the time the original Bonds for each Project were issued, at least five years, and that the maximum maturity of that portion of the Refunding Bonds to be allocated to each of the Projects financed by the original Bonds to be refunded is December 31 of the years determined by the Director of Finance for each Project based on each Project's estimated life or usefulness; and

Whereas, this Council passed Ordinance No. 1749-80 on October 8, 1980, and thereafter amended that ordinance by Ordinance No. 1112-83, passed May 6, 1983 and Ordinance No. 944-96, passed 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 the issuance of Bonds in accordance with the provisions thereof (the "Series Bond Ordinances"); and

Whereas, the authorization for issuance of Refunding Bonds is necessary to enable the City to take advantage of favorable market conditions on a timely basis to obtain debt service savings, 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. One or more series of general obligation refunding bonds of the City ("Refunding Bonds") are authorized to be issued for the purpose of refunding one or more series of the City's outstanding general obligation bonds, or designated maturities thereof, issued to provide funds to pay costs of various projects of the City (the "Projects") and

identified in the Certificate of Award authorized in Section 4 ("Refunded Bonds"), including the payment of any expenses relating to the refunding of the Refunded Bonds and the issuance of the Refunding Bonds, including any financing costs within the meaning of Revised Code Section 133.01(K), provided that the aggregate net present value debt service savings resulting from the refunding of the Refunded Bonds is not less than 3%.

The aggregate principal amount of each respective series of Refunding Bonds to be issued under this Ordinance shall be in an amount determined by the Director of Finance and set forth in the Certificate of Award as the amount required to be issued, taking into account any original issue discount and/or original issue premium on the sale of the Refunding Bonds, in order to refund the Refunded Bonds and pay any expenses relating to the refunding of the Refunded Bonds and the issuance of the Refunding Bonds. 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 and the aggregate net present value debt service savings to the City resulting from each series of Refunding Bonds is not less than 3%. 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. A separate Certificate of Award may be delivered for each series.

Section 2. Authority and Terms. The Refunding Bonds shall be issued pursuant to the provisions of Article XVIII of the Constitution of Ohio, Revised Code Chapter 133 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 Refunding Bonds of each series shall be issued in one lot as fully registered bonds in denominations of \$5,000 or any integral multiple thereof but in no case as to a particular maturity date exceeding the principal amount maturing on that date. The Refunding Bonds shall bear the designation and be numbered as determined by the Director of Finance.

The Refunding Bonds shall be dated the date and shall bear interest at the rate or rates per year specified in the Certificate of Award, provided the weighted average of such rates per series of Refunding Bonds (taking into account the principal amount and maturity of each Refunding Bond to which a rate applies) shall not exceed 6% per year. Interest on the Refunding Bonds shall be payable when due, or until the principal amount is paid, semiannually as specified in the Certificate of Award as the dates on which interest on the Refunding Bonds shall be payable (the "Interest Payment Dates"), beginning on the date specified in the Certificate of Award as the first Interest Payment Date.

The Refunding Bonds shall mature in the years and principal amounts as shall be permitted by law and determined by the Director of Finance and specified in the Certificate of Award, based on (i) the written advice of a Financial Advisor to be in the best

interests of the City given market conditions at the time the Refunding Bonds are sold and (ii) the objectives of the plan of refunding to obtain aggregate net present value debt service savings of not less than 3%.

The Director of Finance also shall determine and certify, on or prior to the date of delivery of the Refunding Bonds to the Original Purchaser, that portion of the aggregate principal amount of the Refunding Bonds that is allocable to each Project, and the principal amount of Refunding Bonds allocated to each Project that shall be payable at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements (as defined below) on the applicable principal payment dates; provided, that (i) the aggregate principal amount of the Refunding Bonds allocable to a Project shall be determined by the Director of Finance on a pro rata basis by reference to the respective amount of funds that is required for the refunding of the Refunded Bonds that are allocable to that Project, taking into account any funds other than the proceeds of the Refunding Bonds that are available and appropriated for that purpose, and (ii) no portion of the aggregate principal amount of Refunding Bonds allocated to a Project shall be payable later than the maximum maturity for that portion of the Refunding Bonds as certified by the Director of Finance.

The Refunding Bonds stated to mature in any year may be issued as term bonds (the "Term Refunding 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 Refunding Bonds shall be issued as Term Refunding Bonds, any dates (the "Mandatory Redemption Dates") on which the principal amount of the Term Refunding 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 Refunding Bonds shall be subject to redemption prior to stated maturity as follows:

(a) Mandatory Sinking Fund Redemption. If any of the Refunding Bonds are issued as Term Refunding Bonds, the Term Refunding Bonds shall be subject to mandatory sinking fund redemption and be redeemed pursuant to Mandatory Sinking Fund Redemption Requirements, at a redemption price of 100% of the principal amount redeemed, plus interest accrued to the redemption date, on the Mandatory Redemption Dates.

The aggregate of the moneys to be deposited with the Escrow Agent, currently The Huntington National Bank, for payment of principal of and interest on any Term Refunding Bonds shall include amounts sufficient to redeem on the Mandatory Redemption Dates the principal amount of Term Refunding 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

Refunding 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 Refunding 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 Refunding 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 Refunding Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Escrow Agent at 100% of the principal amount thereof against the then-current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation). Any excess of that amount over the then-current Mandatory Sinking Fund Redemption Requirement shall be credited against subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations) in the order directed by the Director of Finance.

(b) Optional Redemption. The Refunding 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 whole multiples of \$5,000, on the optional redemption dates and at the redemption prices specified in the Certificate of Award, plus, in each case, accrued interest to the redemption date. Based on the written advice of a financial advisor, the Director of Finance may determine in the Certificate of Award that it is in the best interests of the City for some or all of the Refunding 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 Refunding Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Refunding Bonds to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements of paragraph (a). The Refunding Bonds shall be redeemed pursuant to this paragraph only upon written notice from the Director of Finance to the Registrar. That notice shall specify the redemption date and the principal amount of each maturity of Refunding 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 Refunding Bonds for which notice of redemption has been given.

(c) Partial Redemption. If fewer than all of the outstanding Refunding 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 Refunding Bonds of a single maturity are to be redeemed, the selection of Refunding 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 Refunding Bonds by lot when Refunding 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 Refunding 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 Refunding Bond are to be called for redemption, then upon notice of redemption of a \$5,000 unit or units, the registered owner of that Refunding Bond shall surrender the Refunding 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 Refunding Bond or Refunding 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 Refunding Bond surrendered.

(d) Notice of Redemption. The notice of the call for redemption of Refunding Bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the Refunding 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 (or such period specified in the Certificate of Award), to the registered owner of each Refunding Bond subject to redemption in whole or in part at the registered owner's address shown on the Register maintained by the Registrar at the close of business on the fifteenth day preceding that mailing. Failure to receive notice by mail or any defect in that notice regarding any Refunding Bond, however, shall not affect the validity of the proceedings for the redemption of any Refunding Bond. Any notice of redemption of any Refunding Bonds may specify that the redemption is contingent on the deposit of moneys with the Escrow Agent or Registrar, as paying agent, on or prior to the redemption date in

an amount sufficient to pay the redemption price of the Refunding Bonds that are to be redeemed.

(e) Payment of Redeemed Refunding Bonds. Notice having been mailed in the manner provided in the preceding paragraph, and moneys having been deposited by the City with the Escrow Agent or Registrar, as paying agent, in an amount sufficient to pay the redemption price, the Refunding 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 Refunding 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 Refunding 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 Refunding 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 Refunding 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 Refunding Bonds.

The debt charges on the Refunding 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 Refunding Bonds at the principal corporate trust office of the Registrar. Interest on a Refunding Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Refunding Bond was registered, and to that person's address appearing, on the Register (as defined in Section 3) at the close of business on the date provided in the Registrar Agreement authorized in Section 3 (the "Record Date"). Notwithstanding any contrary provision in the General Bond Ordinance, so long as the Refunding Bonds are held by a Depository in a book entry system (as described in Section 3), debt charges on the Refunding 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 Refunding Bonds issued under the General Bond Ordinance), will apply to the Refunding 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 Refunding Bonds; Exchange and Transfer of the Refunding Bonds; Paying Agents. The Refunding 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 Refunding Bond shall be authenticated by the manual signature of an authorized officer of the Trustee (as defined therein). The Refunding Bonds shall be signed by the City's Mayor and by the City's Director of Finance, and, consistent with Revised Code Section 133.27 and notwithstanding Section 177.02 of the Codified Ordinances of the City, either or both of those signatures may be a facsimile. The Refunding 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 shall prepare the Refunding Bonds and shall endorse thereon her approval of the form thereof by 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 Refunding Bonds (the "Registrar"); provided that the Escrow Agent shall also act as paying agent for the Refunding Bonds so long as the Refunding Bonds are held in a book entry system. The Director of Finance is authorized to sign and deliver, in the name and on behalf of the City, an agreement among the City, the Registrar and the Escrow Agent (the "Registrar Agreement") approved as to form by the Director of Law, containing terms that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Registrar Agreement by the Director of Finance. Payment for the services rendered and for reimbursement of expenses incurred pursuant to the Registrar Agreement shall be made from the proceeds of the Refunding Bonds, to the extent available, and then from other money lawfully available and appropriated for that purpose.

So long as any of the Refunding 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 Refunding Bonds as provided in this Section (the "Registrar"). Subject to the provisions of Section 4, the person in whose name a Refunding Bond is registered on the Register shall be regarded as the absolute owner of that Refunding Bond for all purposes of this Ordinance. Payment of or on account of the debt charges on any Refunding 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 Refunding Bond,

including interest, to the extent of the amount or amounts so paid.

Any Refunding Bond may be exchanged for Refunding 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 Refunding Bond may be transferred only on the Register upon presentation and surrender of the Refunding 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 Refunding Bond or Refunding Bonds of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmaturing principal amount of the Refunding 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 Refunding Bonds only after the new Refunding Bonds are signed by the authorized officers of the City. In all cases of Refunding Bonds exchanged or transferred, the City shall sign and the Registrar shall authenticate and deliver Refunding 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 Refunding 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 Refunding 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 Refunding 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 Refunding Bonds and the principal of and interest on the Refunding Bonds may be transferred only through a book entry, and (ii) physical Refunding Bond certificates in fully registered form are issued by the City only to a Depository or its nominee as registered owner, with the Refunding 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 Refunding 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 Refunding 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 Refunding Bonds may be issued in the form of a single, fully registered Refunding 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 Refunding 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 Refunding 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 Refunding 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 Refunding Bonds from the Depository, and the Trustee and Registrar shall authenticate and deliver Refunding 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 Refunding 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 Refunding Bonds. The Refunding 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 one or more firms that have proposed to underwrite the Refunding Bonds and

have been selected by the Director of Finance based on an evaluation of the qualifications of those firms (collectively, the "Original Purchaser").

The Refunding Bonds shall be awarded to the Original Purchaser in the Certificate of Award which shall specify the final terms of the Refunding Bonds in accordance with law, the provisions of this Ordinance, the written advice of a financial advisor retained under authority of Section 13 and the Original Purchaser's offer to purchase the Refunding Bonds, including: the principal amount of the Refunding Bonds, the purchase price (which shall be not less than 97% of the principal amount of the Refunding Bonds plus any 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 Refunding 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 appropriate under the Charter, the Mayor, Director of Finance, Director of Law, Clerk of Council and other appropriate officers of the City are, and each of them is, authorized 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 Refunding Bonds and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, procedure, and conditions for the delivery of the Refunding 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 Refunding 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 Refunding Bonds. The Director of Finance is further authorized to sign and deliver on behalf of the City a bond purchase agreement between the City and the Original Purchaser (the "Bond Purchase Agreement"), approved as to form by the Director of Law, setting forth the terms and conditions on which the City agrees to sell the Refunding Bonds and the Original Purchaser agrees to buy the Refunding Bonds, which shall be consistent with this Ordinance, not substantially adverse to the City, and 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 by the Director of Finance. It is determined that the terms of the Refunding 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 connec-

tion with the original issuance of the Refunding Bonds, the Director of Finance 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. The Director of Finance is authorized to sign on behalf of the City that Official Statement and any supplements. The Director of Finance is authorized to sign and deliver, on behalf of the City, such certificates in connection with the accuracy of the Official Statement and any supplements as may, in the Director's judgment, be necessary or appropriate. The Director of Finance 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 Refunding Bonds, the City agrees, in accordance with, and as the only obligated person with respect to the Refunding 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 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 Refunding 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 to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices.

Section 5. Provision for Levying and Collecting Tax. For the purpose of providing the necessary funds to pay the interest on the Refunding Bonds promptly when and as the same falls due, and also to provide for the discharge of the Refunding 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 Refunding 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 Refunding 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 Refunding 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 Refunding 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 Refunding Bonds.

Section 6. Application of Proceeds; Notice of Redemption of Refunding Bonds. Pursuant to Revised Code Section 133.34, the General Bond Ordinance and this Ordinance, the proceeds of the Refunding Bonds to be applied to the refunding of the Refunded Bonds shall be deposited in a separate bank account within the Unvoted Refunding Bond and Note Redemption Account of the Sinking Fund held by The Huntington National Bank, Cleveland, Ohio, as Escrow Agent, in accordance with Section 179.08 of the Codified Ordinances of the City and the Escrow Agreement described below, and shall be applied to the payment of debt service charges on the Refunding Bonds from and after the date of issuance of the Refunding Bonds to and including their respective maturity or prior redemption dates. The amount to be deposited in the Escrow Fund shall be determined by the Director of Finance in the Certificate of Award and shall be the amount necessary, together with money in the Unvoted Tax Supported Obligations Account of the Sinking Fund available for the purpose, to provide for the refunding of the Refunded Bonds. Any transfer to the Escrow Fund of any money currently on deposit in the Unvoted Tax Supported Obligations Account and determined by the Director of Finance to be available for payment of the Refunding Bonds, is authorized by this Ordinance.

Money deposited in the Escrow Fund shall be (a) held in cash or (b) invested in direct obligations of the United States of America that mature or are subject to redemption by and at the option of the holder, in amounts sufficient, together with any uninvested cash in the Escrow Fund but without further investment or reinvestment, for the payment of the principal of, and any redemption premium

and interest on, the Refunded Bonds as provided in the Escrow Agreement. Pursuant to the respective Ordinances authorizing the Refunded Bonds, Section 133.34 of the Revised Code and this Ordinance, money deposited in the Escrow Fund, and the investment income thereon, are pledged to the payment of the Refunded Bonds.

Pursuant to Revised Code Chapter 133 and this Ordinance, and notwithstanding Chapter 179 of the Codified Ordinances, any accrued interest received from the sale of the Refunding Bonds and any original issue premium in excess of the amount deposited with the Escrow Agent under the Escrow Agreement to accomplish the refunding of the Refunded Bonds shall be deposited in the Unvoted Tax Supported Obligations Account of the Sinking Fund to be applied to the payment of interest on the Refunding Bonds. The proceeds of the Refunding Bonds to be applied to pay costs of any Credit Support Instruments obtained pursuant to Section 12 shall be paid to the provider or providers of those Credit Support Instruments. The proceeds of the Refunding Bonds to be used to pay costs of issuing the Refunding Bonds and refunding the Refunded Bonds shall be deposited with the Registrar in a separate account under the Registrar Agreement pending their application to the payment of such costs.

The Director of Finance is authorized to sign and deliver, in the name and on behalf of the Issuer, an agreement (the "Escrow Agreement") between the City and the Escrow Agent, providing for the investment and holding in escrow of the proceeds of the Refunding Bonds to be applied to the refunding of the Refunded Bonds and for the application of the moneys derived from such investments, in accordance with the General Bond Ordinance and this Ordinance and as otherwise directed by law. Notice of the advance refunding of any of the Refunded Bonds and any direction for the redemption of Refunded Bonds prior to stated maturity shall be given in accordance with the terms of the Refunded Bonds and as further provided in the Escrow Agreement. The Refunded Bonds shall be retired at stated maturity or redeemed prior to maturity as provided in the Certificate of Award and in accordance with the ordinance authorizing the respective Refunded Bonds and the Escrow Agreement. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Escrow Agreement from money lawfully available and appropriated or to be appropriated for that purpose. The Director of Finance shall obtain the services of an independent accounting firm of national reputation to provide a verification report as to the adequacy of the escrow fund to pay the Refunded Bonds on the dates set forth in the Escrow Agreement. The Director of Finance and other appropriate City officials shall execute all documents and take all other actions necessary or appropriate on the part of the City to effect the refunding of the Refunded Bonds in accordance with the General Bond Ordinance and this Ordinance and as otherwise directed by law, and to cause the Refunded Bonds to be deemed paid and discharged.

If U.S. Treasury Securities State and Local Government Series are to be purchased for the Escrow Fund, the Escrow Agent is authorized to file, on behalf of the City, subscriptions for the purchase and issuance of those Securities. If those Securities are not timely available for purchase, or if in the judgment of the Director of Finance, an open-market purchase of direct obligations of the United States of America for the Escrow Fund is in the best interest of and financially advantageous to the City, the Director of Finance may purchase and deliver those obligations, engage the services of a bidding agent or similar entity for the purpose of facilitating the bidding, purchase and delivery of such obligations for, and any related structuring of, the Escrow Fund, execute such instruments as are deemed necessary to engage such services for such purpose, and provide further for the payment of the cost of obtaining such services from the proceeds of the Refunding Bonds to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose.

Section 7. General Obligation. The Refunding 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 Refunding Bonds, the City hereby determines, declares, warrants and covenants that the Refunding 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 Refunding 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 Refunding Bonds, or there shall otherwise be paid to the holders of the outstanding Refunding 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 Refunding Bonds. Outstanding Refunding 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, sufficiently 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 Refunding 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 Refunding 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 Refunding 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 Refunding 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. Miscellaneous.

(a) Any provisions of the Codified Ordinances of the City that are inconsistent with the provisions of this Ordinance and the General Bond Ordinance shall not apply to the Refunding Bonds authorized herein.

(b) All covenants, terms and provisions of the General Bond Ordinance are fully applicable to the Refunding Bonds 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 Refunding Bonds 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 10. 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 11. Federal Tax Considerations. The City covenants that it 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 or arbitrage bonds under Sections 141 or 148 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 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 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 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 Refunding Bonds is also made with respect to all issues any portion of the debt service on which 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 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 Refunding Bonds.

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Refunding 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 Refunding 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 Refunding Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing rebate amounts 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 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 of the interest on and the tax status of the Refunding Bonds.

Section 12. Credit Facilities and Ratings. If, in the judgment of the Director of Finance, based on the written advice of a Financial Advisor, the filing of an application for a rating on one or more Series of Refunding Bonds by one or more nationally recognized rating agencies is in the best interests of the City, the Director of Finance is authorized to prepare and submit those applications and to provide to each such agency such information as may be required for the purpose. The Director of Finance is authorized to contract for one or more Credit Support Instruments for any Series of Refunding Bonds or designated portions thereof if the Director determines, based on the written advice of a Financial Advisor, that the Credit Support Instruments will result in debt service savings to the City. As used in this section, "Credit Support Instrument" means an insurance policy, surety, letter of credit, or other instrument used to enhance or provide for the security of Refunding Bonds. The cost of obtaining each rating and the cost of obtaining each Credit Support Instrument, except to the extent paid by the Original Purchasers in accordance with the Bond Purchase Agreement, shall be paid from the proceeds of Refunding Bonds or funds appropriated for that purpose.

Section 13. Financial Advisor. The Director of Finance may obtain the services of one or more financial advisors, from time to time, to assist the Director of Finance in making any of the determinations required by this Ordinance to be determined by the Director of Finance. The Director of Finance may rely on the written advice of any financial advisor so retained. Any financial advisor employed under the authority of this Ordinance shall be disinterested in the transaction and be independent of the underwriters and any other party interested in the transaction.

Section 14. Open Meeting Determination. It is found and determined that all formal actions of this Council and of any of its committees concerning and relating to the passage of this Ordinance were taken, and that all deliberations of this Council and any of its committees that resulted in these 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 15. 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 Refunding Bonds in order to make them 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 Refunding Bonds. It is further found and determined, and is 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 16. Delivery to County. The Director of Finance is directed to forward a certified copy of this Ordinance and of the Certificate of Award for the Refunding Bonds to the Cuyahoga County Fiscal Officer and to secure a receipt therefor.

Section 17. Severability. Each section and each part of each section of this Ordinance is declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is 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 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 18. 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 19. Sunset of Authorization. The authority granted by this Ordinance for the issuance and sale of Refunding Bonds shall expire three years from the effective date of this Ordinance. If a preliminary official statement with respect to the issuance of a series of Refunding Bonds is distributed under the authority of this Ordinance at any time within the three-year period following its effective date, then the authority granted by this Ordinance shall not expire as to that series of Refunding Bonds. The Director of Finance shall notify the Chairman of the Finance Committee and the Clerk of this Council of the initiation of the issuance of any Refunding Bonds under the authority of this Ordinance.

Section 20. 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 for the refunding of the Refunded Bonds, which will enable the City to obtain debt service savings, 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.

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

Ord. No. 1592-14.

By Council Member Kelley (by departmental request).

An emergency ordinance authorizing the issuance and sale of one or more series of Subordinate Lien Income Tax Refunding Bonds to refund currently outstanding general obligation and subordinate lien income tax bonds of the City to obtain debt service savings or restructure the City's outstanding debt and authorizing and approving related matters.

Whereas, the City has from time to time issued general obligation bonds in various series that are currently outstanding in the aggregate principal amount of \$268,445,000 and issued subordinate lien income tax bonds in various series and subseries that are currently outstanding in the aggregate principal amount of \$188,335,000; and

Whereas, this Council has determined to authorize the City to issue one or more series of Refunding Bonds (as defined in Section 1) for the purpose of obtaining debt service savings or restructuring the City's outstanding debt with respect to all currently outstanding general obligation and subordinate lien income tax bonds of the City; and

Whereas, the Refunding Bonds shall be payable from and secured by income tax revenues of the City remaining after deposits required under the General Bond Ordinance (as defined in Section 2) are made to the escrow agent for the City's general obligation bonds; and

Whereas, the Director of Finance, as fiscal officer of this City, has previously certified to this Council that the estimated life or usefulness of each of the Projects (as defined below) was, at the time the original Bonds for each Project were issued, at least five years, and that the maximum maturity of that portion of the Refunding Bonds to be allocated to each of the Projects financed by the original Bonds to be refunded is December 31 of the years determined by the Director of Finance for each Project based on each Project's estimated life or usefulness; and

Whereas, the authorization for issuance of Refunding Bonds is necessary to enable the City to take advantage of favorable market conditions on a timely basis to obtain debt service savings or to restructure its outstanding debt service obligations and thereby to protect and preserve the credit 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. One or more series of subordinate lien income tax bonds of the City ("Refunding Bonds") are authorized to be issued for the purpose of refunding one or more series of the City's outstanding general obligation bonds and subordinate lien income tax bonds, or designated maturities thereof, issued to provide funds to pay costs of various projects of the City (the "Projects") and identified in the Certificate of Award authorized in Section 4 ("Refunded Bonds"), including the payment of any expenses relating to the refunding of the Refunded Bonds and the issuance of the Refunding Bonds, including any financing costs within the meaning of Revised Code Section 133.01(K), provided that either the aggregate net present value debt service savings resulting from the refunding of the Refunded Bonds is not less than 3% or the Refunding Bonds are issued to restructure outstanding debt of the City, as determined by the Director of Finance and specified in the Certificate of Award, based on the written advice of a Financial Advisor to be in the best interest of the City.

The aggregate principal amount of each respective series of Refunding Bonds to be issued under this Ordinance shall be in an amount determined by the Director of Finance and set forth in the Certificate of Award as the amount required to be issued, taking into account any original issue discount and/or original issue premium on the sale of the Refunding Bonds, in order to refund the Refunded Bonds and pay any expenses relating to the refunding of the Refunded Bonds and the issuance of the Refunding Bonds. 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 and either the aggregate net present value debt service savings to the City resulting from each series of Refunding Bonds is not less than three 3% or the Refunding Bonds are issued to restructure outstanding debt of the City, as determined to be necessary by the Director of Finance and specified in the Certificate of Award, based on the written advice of a Financial Advisor to be in the best interests of the City. 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. A separate Certificate of Award may be delivered for each series.

Section 2. Authority, Security and Source of Payment. The Refunding Bonds shall be issued pursuant to the Ohio Constitution, Chapter 133 of the Ohio Revised Code, the Charter of the City, and this Ordinance for the purpose stated in Section 1. The Refunding Bonds shall be payable from and secured by the income tax revenues of the City on a basis subordinate to the security given to the General Obligation Bonds of the City ("General Obligation Bonds") under Ordinance No. 1749-80 passed by the Council on October 8, 1980, as amended by Ordinance No. 1112-83 passed by the Council on May 6, 1983, and Ordinance No. 944-96, passed by the Council 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"). The debt service on the Refunding Bonds shall be payable from income tax collections remaining after depositing with the escrow agent under the General Bond Ordinance the amount required for the payment of debt service on the City's General Obligation Bonds issued and outstanding, from time to time, under the General Bond Ordinance. The Refunding Bonds shall be issued and secured under the terms of the Trust Indenture, dated as of April 1, 2008, between the City and U.S. Bank National Association, as trustee (the "Trustee"), as amended by Section 6.1 of the Second Supplemental Trust Indenture, dated as of June 1, 2010, between the City and the Trustee (together, the "Indenture"). The Indenture currently secures five series of Subordinate Lien Income Tax Bonds issued on May 1, 2008 (collectively, the "Series 2008 Bonds"), four series of Subordinate Lien Income Tax Bonds issued on June 23, 2010 (collectively, the "Series 2010 Bonds"), one series of Subordinate Lien Income Tax Bonds issued on November 29, 2012 (the "Series 2012 Bonds"), three series of Subordinate Lien Income Tax Bonds issued on May 30, 2013 (collectively, the "Series 2013 Bonds"), three series of Subordinate Lien Income Tax Bonds issued on February 11, 2014 (collectively, the "Series 2014A Bonds"), and three series of Subordinate Lien Income Tax Bonds issued on June 11, 2014 (collectively, the "Series 2014B Bonds") and permits the issuance of additional bonds, from time to time, subject to certain restrictions. The Series 2008 Bonds, the Series 2010 Bonds, the Series 2012 Bonds, the Series 2013 Bonds, the Series 2014A Bonds, the Series 2014B Bonds, the Refunding Bonds and any additional bonds issued under the Indenture are collectively referred to in this Ordinance as the "Bonds."

Section 3. Terms. The Refunding Bonds may be issued in one or more series or subseries. The Refunding Bonds of each series shall be issued in one lot as fully registered bonds in denominations of \$5,000 or any integral multiple thereof. The Refunding Bonds may be delivered only in book-entry form, and if so delivered, shall be registered in the name of the Depository (as defined in the Indenture) 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 Indenture and the Supplemental Indenture (as identified in Section 8). The Refunding Bonds shall bear the designation and be numbered as determined by the Director of Finance and specified in the Certificate of Award. The Refunding Bonds shall be signed by the officials of the City and in the manner set forth in the Indenture.

The Refunding Bonds shall be dated the date and shall bear interest at the rate or rates per year specified in the Certificate of Award, provided the weighted average of such rates per series of Refunding Bonds (taking into account the principal amount and maturity of each Refunding Bond to which a rate applies) shall not exceed 6% per year. Interest on the

Refunding Bonds shall be payable when due, or until the principal amount is paid, semiannually as specified in the Certificate of Award as the dates on which interest on the Refunding Bonds shall be payable (the "Interest Payment Dates"), beginning on the date specified in the Certificate of Award as the first Interest Payment Date.

The Refunding Bonds shall mature in the years and principal amounts as shall be permitted by law and determined by the Director of Finance and specified in the Certificate of Award, based on (i) the written advice of a Financial Advisor to be in the best interests of the City given market conditions at the time the Refunding Bonds are sold and (ii) the objectives of the plan of refunding to either obtain aggregate net present value debt service savings of not less than three 3% or restructure outstanding debt of the City.

The Director of Finance also shall determine and certify, on or prior to the date of delivery of the Refunding Bonds to the Original Purchaser, that portion of the aggregate principal amount of the Refunding Bonds that is allocable to each Project, and the principal amount of Refunding Bonds allocated to each Project that shall be payable at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements (as defined below) on the applicable principal payment dates; provided, that (i) the aggregate principal amount of the Refunding Bonds allocable to a Project shall be determined by the Director of Finance on a pro rata basis by reference to the respective amount of funds that is required for the refunding of the Refunded Bonds that are allocable to that Project, taking into account any funds other than the proceeds of the Refunding Bonds that are available and appropriated for that purpose, and (ii) no portion of the aggregate principal amount of Refunding Bonds allocated to a Project shall be payable later than the maximum maturity for that portion of the Refunding Bonds as certified by the Director of Finance.

The Refunding Bonds stated to mature in any year may be issued as term bonds (the "Term Refunding 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 Refunding Bonds shall be issued as Term Refunding Bonds, any dates (the "Mandatory Redemption Dates") on which the principal amount of the Term Refunding 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 Refunding Bonds shall be subject to redemption prior to stated maturity as follows:

(a) Mandatory Sinking Fund Redemption. If any of the Refunding Bonds are issued as Term Refunding Bonds, the Term Refunding Bonds shall be subject to mandatory sinking fund redemption and be redeemed pursuant to Mandatory Sinking Fund Redemption Requirements, at a redemption price of 100% of the principal amount redeemed, plus interest

accrued to the redemption date, on the Mandatory Redemption Dates.

The aggregate of the moneys to be deposited with the Escrow Agent, currently The Huntington National Bank, for payment of principal of and interest on any Term Refunding Bonds shall include amounts sufficient to redeem on the Mandatory Redemption Dates the principal amount of Term Refunding Bonds payable on those dates pursuant to the Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as provided in the Supplemental Indenture).

(b) Optional Redemption. The Refunding 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 whole multiples of \$5,000, on the optional redemption dates and at the redemption prices specified in the Certificate of Award, plus, in each case, accrued interest to the redemption date. Based on the written advice of a financial advisor, the Director of Finance may determine in the Certificate of Award that it is in the best interests of the City (i) for some or all of the Refunding Bonds not to be callable prior to their stated maturity, and (ii) for a premium to be payable on the redemption of any Refunding Bonds calculated in a manner to make the bondholder whole for the loss of the investment or calculated as a percentage in excess of 100% of the principal amount redeemed.

If and to the extent provided in the Certificate of Award, the City may have the option to purchase any Refunding Bond which is redeemable by optional redemption at a purchase price not less than the redemption price that would be payable if that Refunding Bond were called for optional redemption on the date of the proposed purchase. That election shall be exercised as provided in the Supplemental Indenture.

If and to the extent provided in the Certificate of Award, the Refunding Bonds may be secured by a Debt Service Reserve Fund to be held by the Trustee under the Indenture. The principal amount of the Refunding Bonds may include provision for funding the Debt Service Reserve Fund from the proceeds of the Refunding Bonds, subject to compliance with applicable federal tax laws.

Section 4. Sale of Refunding Bonds. The Refunding 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 one or more firms that have proposed to underwrite the Refunding Bonds and have been selected by the Director of Finance based on an evaluation of the qualifications of those firms (collectively, the "Original Purchaser").

The Refunding Bonds shall be awarded to the Original Purchaser in the Certificate of Award which shall specify the final terms of the Refunding Bonds in accordance with law, the provisions of this Ordinance, the written advice of a financial advisor retained under authority of Section 12 and the Original Purchaser's offer to purchase the Refunding Bonds, including: the principal amount of the Refunding Bonds, the purchase price (which shall be not less than 97% of

the principal amount of the Refunding Bonds plus any 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 Refunding Bonds (if different from those set forth in Section 3), and any other matters required in this Ordinance to be set forth in that Certificate. As appropriate under the Charter, the Mayor, Director of Finance, Director of Law, Clerk of Council and other appropriate officers of the City are, and each of them is, authorized 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 Refunding Bonds and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, procedure, and conditions for the delivery of the Refunding 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 Refunding 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 Refunding Bonds. The Director of Finance is further authorized to sign and deliver on behalf of the City a bond purchase agreement between the City and the Original Purchaser (the "Bond Purchase Agreement"), approved as to form by the Director of Law, setting forth the terms and conditions on which the City agrees to sell the Refunding Bonds and the Original Purchaser agrees to buy the Refunding Bonds, which shall be consistent with this Ordinance and the Indenture, that are not substantially adverse to the City, and 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 by the Director of Finance. It is determined that the terms of the Refunding Bonds, as provided in this Ordinance and as may be provided in or pursuant to the Certificate of Award, the Indenture and the Supplemental Indenture, are in the best interest of the City and in compliance with all legal requirements.

Section 5. Escrow Agreement. The Director of Finance is authorized to sign and deliver, in the name and on behalf of the Issuer, an agreement (the "Escrow Agreement") between the City and the Escrow Agent, providing for the investment and holding in escrow of the proceeds of the Refunding Bonds to be applied to the refunding of the Refunded Bonds and for the application of the moneys derived from such investments, in accordance with the General Bond Ordinance and this Ordinance and as otherwise directed by law. Notice of the advance refunding of any of the Refunded Bonds and any direction for the redemption of Refunded Bonds prior to stated maturity shall be given

in accordance with the terms of the Refunded Bonds and as further provided in the Escrow Agreement. The Refunded Bonds shall be retired at stated maturity or redeemed prior to maturity as provided in the Certificate of Award and in accordance with the ordinance authorizing the respective Refunded Bonds and the Escrow Agreement. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Escrow Agreement from money lawfully available and appropriated or to be appropriated for that purpose. The Director of Finance shall obtain the services of an independent accounting firm of national reputation to provide a verification report as to the adequacy of the escrow fund to pay the Refunded Bonds on the dates set forth in the Escrow Agreement. The Director of Finance and other appropriate City officials shall execute all documents and take all other actions necessary or appropriate on the part of the City to effect the refunding of the Refunded Bonds in accordance with the General Bond Ordinance and this Ordinance and as otherwise directed by law, and to cause the Refunded Bonds to be deemed paid and discharged.

If U.S. Treasury Securities State and Local Government Series are to be purchased for the Escrow Fund, the Escrow Agent is authorized to file, on behalf of the City, subscriptions for the purchase and issuance of those Securities. If those Securities are not timely available for purchase, or if in the judgment of the Director of Finance, an open-market purchase of direct obligations of the United States of America for the Escrow Fund is in the best interest of and financially advantageous to the City, the Director of Finance may purchase and deliver those obligations, engage the services of a bidding agent or similar entity for the purpose of facilitating the bidding, purchase and delivery of such obligations for, and any related structuring of, the Escrow Fund, execute such instruments as are deemed necessary to engage such services for such purpose, and provide further for the payment of the cost of obtaining such services from the proceeds of the Refunding Bonds to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose.

Section 6. Pledge and Covenant to Maintain Income Tax. So long as Bonds are outstanding under the Indenture, the City pledges the municipal income taxes of the City and grants a lien thereon, subordinate to the lien granted in the General Bond Ordinance as security for the General Obligation Bonds of the City issued and outstanding under the General Bond Ordinance, to the full extent required to meet debt charges payable on the Bonds issued and outstanding, from time to time, under the Indenture. The City covenants to appropriate annually sufficient amounts from the income taxes to pay all debt charges on the General Obligation Bonds, the Bonds outstanding under the Indenture, any Parity Obligations and the Unrestricted Income Tax Obligations (each as defined in the Indenture). The City further covenants that so long as any Bonds are outstanding under the Indenture, the City shall not repeal or

amend, or suffer the repeal of, any ordinance for the levy or collection of its income taxes in any manner or to such extent that the City would not be able to meet its obligations to the holders of the Bonds.

Section 7. Defeasance.

(a) Release of Ordinance. If the City shall pay or cause to be paid and discharged all the outstanding Refunding Bonds, or there shall otherwise be paid to the holders of the outstanding Refunding 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 7(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 Refunding Bonds. Outstanding Refunding 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 Refunding 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 Refunding 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 Refunding 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 Refunding 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 8. Supplemental Indenture.

The Director of Finance is authorized to sign and deliver on behalf of the City a supplemental trust indenture (the "Supplemental Indenture"), supplementing the Indenture to provide procedures for the authentication, registration and transfer of the Refunding Bonds, redemption of Refunding Bonds, payments under any Credit Support Instrument authorized by Section 11, application of the proceeds of the Refunding Bonds, defeasance of the Refunding Bonds, and other terms consistent with this Ordinance and the Certificate of Award and approved by the Director of Finance as not substantially adverse to the City. The Supplemental Indenture shall be approved as to form by the Director of Law. The determination by the Director of Finance that the provisions of the Supplemental Indenture are not substantially adverse to the City shall be conclusively evidenced by the Director's signing of the Supplemental Indenture. As appropriate under the Charter, the Mayor, the Director of Finance, the Director of Law, the Clerk of Council and other appropriate officers of the City are, and each of them is, authorized to sign, acknowledge and deliver, in the name and on behalf of the City, such documents, certifications and instruments in addition to the Indenture and Supplemental Indenture as may be necessary or appropriate to issue and sell the Refunding Bonds and to consummate the transactions authorized by this Ordinance.

Section 9. Official Statement; Continuing Disclosure.

If, in the judgment of the Director of Finance, a disclosure document (each, an "Official Statement") is appropriate or necessary in connection with the sale of the Refunding Bonds, the Director of Finance is authorized to prepare or cause to be prepared on behalf of the City an Official Statement with respect to the Refunding Bonds, as the case may be, and any necessary supplements and to authorize the use and distribution of each Official Statement and any supplements. The Director of Finance is authorized to sign on behalf of the City and in her official capacity each Official Statement and any supplements approved by her. The Director of Finance is authorized to sign and deliver on behalf of the City and in her official capacity such certificates in connection with the accuracy of each Official Statement and any supplements as may, in her judgment, be necessary or appropriate. The Director of Finance 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 Refunding Bonds, the City agrees, in accordance with, and as the only obligated person with respect to the Refunding 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 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 Refunding Bonds, as the case may be, 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 to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices.

Section 10. Federal Tax Considerations. The City covenants that it 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 or arbitrage bonds under Sections 141 or 148 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 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 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 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 Refunding Bonds is also made with respect to all issues any portion of the debt service on which 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 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 Refunding Bonds.

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Refunding 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 Refunding 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 Refunding Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing rebate amounts 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 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 of the interest on and the tax status of the Refunding Bonds.

Section 11. Credit Facilities and Ratings. If, in the judgment of the Director of Finance, based on the written advice of a Financial Advisor, the filing of an application for a rating on one or more Series of Refunding Bonds by one or more nationally recognized rating agencies is in the best interests of the City, the Director of Finance is authorized to prepare and submit those applications and to provide to each such agency such information as may be required for the purpose. The Director of Finance is authorized to contract for one or more Credit Support Instruments for any Series of Refunding Bonds or designated portions thereof if the Director determines, based on the written advice of a Financial Advisor, that the Credit Support Instruments will result in debt service savings to the City. As used in this section, "Credit Support Instrument" means an insurance policy, surety, letter of credit, or other instrument used to enhance or provide for the security of Refunding Bonds. The cost of obtaining each rating and the cost of obtaining each Credit Support Instrument, except to the extent paid by the Original Purchasers in accordance with the Bond Purchase Agreement, shall be paid from the proceeds of Refunding

Bonds or funds appropriated for that purpose.

Section 12. Financial Advisor. The Director of Finance may obtain the services of one or more financial advisors, from time to time, to assist the Director of Finance in making any of the determinations required by this Ordinance to be determined by the Director of Finance. The Director of Finance may rely on the written advice of any financial advisor so retained. Any financial advisor employed under the authority of this Ordinance shall be disinterested in the transaction and be independent of the underwriters and any other party interested in the transaction.

Section 13. Open Meeting Determination. It is found and determined that all formal actions of this Council and of any of its committees concerning and relating to the passage of this Ordinance were taken, and that all deliberations of this Council and any of its committees that resulted in these 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 14. 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 Refunding Bonds in order to make them 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 Refunding Bonds. It is further found and determined, and is 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 15. Delivery to County Fiscal Officer. The Director of Finance is directed to forward a certified copy of this Ordinance and of the Certificate of Award for the Refunding Bonds to the County Fiscal Officer of Cuyahoga County and to secure a receipt therefor.

Section 16. Severability. Each section and each part of each section of this Ordinance is declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is 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 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 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. 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 19. Miscellaneous.

(a) Any provisions of the Codified Ordinances of the City that are inconsistent with the provisions of this

Ordinance and the General Bond Ordinance shall not apply to the Refunding Bonds authorized herein.

(b) All covenants, terms and provisions of the General Bond Ordinance are fully applicable to the Refunding Bonds 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 Refunding Bonds 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 20. Sunset of Authorization.

The authority granted by this Ordinance for the issuance and sale of Refunding Bonds shall expire three years from the effective date of this Ordinance. If a preliminary official statement with respect to the issuance of a series of Refunding Bonds is distributed under the authority of this Ordinance at any time within the three-year period following its effective date, then the authority granted by this Ordinance shall not

expire as to that series of Refunding Bonds. The Director of Finance shall notify the Chairman of the Finance Committee and the Clerk of this Council of the initiation of the issuance of any Refunding Bonds under the authority of this Ordinance.

Section 21. 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 for the refunding of the Refunded Bonds, which will enable the City to obtain debt service savings or restructure its outstanding debt and thereby protect and preserve the credit 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.

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

Ord. No. 1593-14.

By Council Member Kelley (by departmental request).

An emergency ordinance to provide for the transfer and amendment to the General Fund appropriations in the amount of Two Million Nine Hundred Forty Thousand (\$2,940,000), Eight Hundred Thousand (\$800,000) within the Special Revenue Fund, and Ten Million Eight Hundred Fifty Thousand (\$10,850,000) within the Enterprise Fund.

Whereas, in accordance with Section 41 of the Charter, the Mayor has recommended in writing the within transfer; and

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

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

Section 1. That amendment to the General Fund appropriations in the amount of Two Million Nine Hundred Forty Thousand (\$2,940,000), Eight Hundred Thousand (\$800,000) within the Special Revenue Fund, and Ten Million Eight Hundred Fifty Thousand (\$10,850,000) within the Enterprise Fund, as follows:

	Transfer To	Transfer From
GENERAL FUND		
GENERAL GOVERNMENT		
Municipal Court - Housing Division		
I. Personnel and Related Expenses	\$ -	\$ 25,000
II. Other Expenses	25,000	-
Office of the Mayor		
I. Personnel and Related Expenses	-	10,000
II. Other Expenses	10,000	-
Office of Capital Projects		
I. Personnel and Related Expenses	-	75,000
II. Other Expenses	75,000	-
Civil Service Commission		
I. Personnel and Related Expenses	25,000	-
TOTAL GENERAL GOVERNMENT	135,000	110,000
	135,000	110,000
DEPARTMENT OF LAW		
Division of Law		
I. Personnel and Related Expenses	-	225,000
II. Other Expenses	1,200,000	-
TOTAL DEPARTMENT OF LAW	1,200,000	225,000
	1,200,000	225,000

DEPARTMENT OF PUBLIC HEALTH

Public Health Administration		
I. Personnel and Related Expenses	80,000	-
Division of Health		
I. Personnel and Related Expenses	-	50,000
Division of the Environment		
I. Personnel and Related Expenses	50,000	-
II. Other Expenses	10,000	-
Division of Air Quality		
I. Personnel and Related Expenses	30,000	-
II. Other Expenses	10,000	-
TOTAL DEPARTMENT OF PUBLIC HEALTH	<u>180,000</u>	<u>50,000</u>

DEPARTMENT OF PUBLIC SAFETY

Public Safety Administration		
I. Personnel and Related Expenses	250,000	-
Division of Police		
I. Personnel and Related Expenses	-	1,470,000
Division of Fire		
I. Personnel and Related Expenses	-	200,000
II. Other Expenses	200,000	-
Division of Animal Control Services		
I. Personnel and Related Expenses	90,000	-
TOTAL DEPARTMENT OF PUBLIC SAFETY	<u>540,000</u>	<u>1,670,000</u>

DEPARTMENT OF PUBLIC WORKS

Division of Public Works Administration		
I. Personnel and Related Expenses	-	150,000
Division of Recreation		
I. Personnel and Related Expenses	-	250,000
Division of Property Management		
I. Personnel and Related Expenses	-	200,000
Division of Park Maintenance and Properties		
I. Personnel and Related Expenses	-	185,000
II. Other Expenses	250,000	-
Division of Waste Collection		
I. Personnel and Related Expenses	450,000	-
II. Other Expenses	175,000	-
Division of Traffic Engineering		
I. Personnel and Related Expenses	-	100,000
II. Other Expenses	10,000	-
TOTAL DEPARTMENT OF PUBLIC WORKS	<u>885,000</u>	<u>885,000</u>
TOTAL GENERAL FUND	<u>2,940,000</u>	<u>2,940,000</u>

SPECIAL REVENUE FUNDS

DEPARTMENT OF PUBLIC WORKS

Street Construction, Maintenance & Repair Fund		
I. Personnel and Related Expenses	800,000	-
II. Other Expenses	-	800,000
TOTAL DEPARTMENT OF PUBLIC WORKS	<u>800,000</u>	<u>800,000</u>
TOTAL SPECIAL REVENUE FUNDS	<u>800,000</u>	<u>800,000</u>

ENTERPRISE FUNDS		
DEPARTMENT OF PUBLIC WORKS		
Division of Public Auditorium		
I. Personnel and Related Expenses	100,000	-
II. Other Expenses	-	100,000
TOTAL DEPARTMENT OF PUBLIC WORKS	100,000	100,000
	100,000	100,000
DEPARTMENT OF PUBLIC UTILITIES		
Division of Water		
I. Personnel and Related Expenses	-	7,250,000
II. Other Expenses	7,250,000	-
Division of Cleveland Public Power		
I. Personnel and Related Expenses	-	3,500,000
II. Other Expenses	3,500,000	-
TOTAL DEPARTMENT OF PUBLIC UTILITIES	10,750,000	10,750,000
	10,750,000	10,750,000
TOTAL ENTERPRISE FUNDS	10,850,000	10,850,000
	10,850,000	10,850,000
TOTAL ALL FUNDS	14,590,000	14,590,000
	14,590,000	14,590,000

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. 1594-14.

By Council Member Kelley (by departmental request).

An emergency ordinance to make additional appropriations of Two Hundred Thousand (\$200,000) of Enterprise Funds; and to correctly restate funds appropriated for the use of the Sinking Fund Commission under the annual appropriation measure, Ordinance No. 180-14, passed March 24, 2014.

Whereas, there remains an unappropriated balance in the various funds, the sum of Two Hundred Thousand (\$200,000) which is available for additional appropriation; and

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

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

Section 1. That there is hereby appropriated the additional revenue as set forth in the Amended Official Certificate of Estimated Resources previously unappropriated as follows:

ENTERPRISE FUND	200,000
TOTAL ALL FUNDS	200,000

ENTERPRISE FUNDS		
DEPARTMENT OF PUBLIC WORKS		
Division of Parking Facilities - Off Street Parking		
II. Other Expenses	200,000	200,000
TOTAL DEPARTMENT OF PUBLIC WORKS		200,000
		200,000
TOTAL ENTERPRISE FUND		200,000
		200,000
TOTAL ALL FUNDS		200,000
		200,000

Section 2. That the total appropriation for the Sinking Fund Commission, under Ordinance No. 180-14, passed March 24, 2014, is correctly restated as follows:

Sinking Fund Commission		959,640
I. Personnel and Related Expenses	233,340	
II. Other Expenses	726,300	

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 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. 1595-14.**By Council Member Kelley (by departmental request).****An emergency ordinance to make temporary appropriations for the current payrolls and other ordinary expenses of the City of Cleveland from the period from January 1, 2015 until the effective date of the annual appropriation ordinance for the fiscal year ending December 31, 2015.**

Whereas, it is desired to postpone the passage of the annual appropriation ordinance until the amended certificate is received, based on the actual balances as the same may be determined by the Director of Finance and the County Budget Commission; and

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

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

Section 1. To provide for the current payrolls, sinking fund and other ordinary expenses of the City of Cleveland for the period from January 1, 2015 until the effective date of the Annual Appropriation Ordinance for the fiscal year ending December 31, 2015, there be and there is hereby appropriated for the period from January 1, 2015 until the effective date of the Annual Appropriation Five Hundred Ninety Two Million, Five Hundred Forty Four Thousand, Eight Hundred Sixty Nine Dollars (\$592,544,869) out of taxes due the City of Cleveland and any other revenues accrued or occurring during said period of time and said funds are respectively appropriated as follows:

GENERAL FUND		
Legislative Branch		\$2,362,859
Judicial Branch		\$12,663,394
Executive Branch		
General Government		\$4,276,520
Department of Aging		\$365,189
Department of Human Resources		\$893,942
Department of Community Development (Consumer Affairs)		\$79,866
Department of Law		\$6,282,744
Department of Finance		\$6,799,891
Department of Public Health		\$2,807,993
Department of Public Safety		\$88,631,113
Department of Public Works		\$23,388,722
Department of Building and Housing		\$2,843,474
Department of Economic Development		\$458,356
Nondepartmental		\$20,759,873
Total Executive Branch		<u>\$157,587,683</u>
TOTAL GENERAL FUND		<u><u>\$172,613,936</u></u>
Special Revenue Funds		\$62,808,291
Internal Service Funds		\$38,650,750
Enterprise Funds		\$288,443,907
Agency Funds		\$3,652,235
Debt Service Funds		\$26,375,750
TOTAL APPROPRIATIONS FOR 2015		<u><u>\$592,544,869</u></u>
GENERAL FUND		
LEGISLATIVE BRANCH		
Council and Clerk of Council		\$2,362,859
I. Personnel and Related Expenses	\$ 1,408,150	
II. Other Expenses	954,709	
TOTAL LEGISLATIVE BRANCH		<u><u>\$2,362,859</u></u>
JUDICIAL BRANCH		
Municipal Court - Judicial Division		\$8,076,364
I. Personnel and Related Expenses	\$ 5,556,342	
II. Other Expenses	2,520,022	
Municipal Court - Clerk's Division		\$3,495,994
I. Personnel and Related Expenses	\$ 2,681,223	
II. Other Expenses	814,771	
Municipal Court - Housing Division		\$1,091,036
I. Personnel and Related Expenses	\$ 1,028,485	
II. Other Expenses	62,551	
TOTAL JUDICIAL BRANCH		<u><u>\$12,663,394</u></u>

EXECUTIVE BRANCH

GENERAL GOVERNMENT

Office of the Mayor		\$759,538
I. Personnel and Related Expenses	\$ 709,715	
II. Other Expenses	49,823	
Office of Capital Projects		\$1,556,859
I. Personnel and Related Expenses	\$ 1,348,366	
II. Other Expenses	208,493	
Landmarks Commission		\$57,827
I. Personnel and Related Expenses	\$ 52,759	
II. Other Expenses	5,068	
Board of Building Standards and Appeals		\$39,562
I. Personnel and Related Expenses	\$ 35,028	
II. Other Expenses	4,534	
Board of Zoning Appeals		\$65,741
I. Personnel and Related Expenses	\$ 59,166	
II. Other Expenses	6,575	
Civil Service Commission		\$353,138
I. Personnel and Related Expenses	\$ 175,601	
II. Other Expenses	177,537	
Community Relations Board		\$459,813
I. Personnel and Related Expenses	\$ 372,948	
II. Other Expenses	86,865	
City Planning Commission		\$494,521
I. Personnel and Related Expenses	\$ 422,115	
II. Other Expenses	72,406	
Boxing and Wrestling Commission		\$1,600
I. Personnel and Related Expenses	\$ 1,600	
Office of Equal Opportunity		\$236,692
I. Personnel and Related Expenses	\$ 228,033	
II. Other Expenses	8,659	
Office of Budget & Management		\$251,229
I. Personnel and Related Expenses	\$ 237,329	
II. Other Expenses	13,900	
TOTAL GENERAL GOVERNMENT		<u>\$4,276,520</u>

DEPARTMENT OF AGING

Department of Aging		\$365,189
I. Personnel and Related Expenses	\$ 231,969	
II. Other Expenses	133,220	
TOTAL DEPARTMENT OF AGING		<u>\$365,189</u>

DEPARTMENT OF HUMAN RESOURCES

Department of Human Resources		\$893,942
I. Personnel and Related Expenses	\$ 389,181	
II. Other Expenses	504,761	
TOTAL DEPARTMENT OF HUMAN RESOURCES		<u>\$893,942</u>

DEPARTMENT OF COMMUNITY DEVELOPMENT

Office of Fair Housing and Consumer Affairs		\$79,866
I. Personnel and Related Expenses	\$ 74,940	
II. Other Expenses	4,926	
TOTAL DEPARTMENT OF COMMUNITY DEVELOPMENT		<u>\$79,866</u>

DEPARTMENT OF LAW

Division of Law		\$6,282,744
I. Personnel and Related Expenses	\$ 1,861,347	
II. Other Expenses	4,421,397	
TOTAL DEPARTMENT OF LAW		<u>\$6,282,744</u>

DEPARTMENT OF FINANCE

Finance Administration		\$617,622
I. Personnel and Related Expenses	\$ 290,523	
II. Other Expenses	327,099	
Division of Accounts		\$1,048,272
I. Personnel and Related Expenses	\$ 377,308	
II. Other Expenses	670,964	
Division of Assessments and Licenses		\$1,282,839
I. Personnel and Related Expenses	\$ 630,248	
II. Other Expenses	652,591	
Division of Treasury		\$230,723
I. Personnel and Related Expenses	\$ 179,261	
II. Other Expenses	51,462	
Division of Purchases and Supplies		\$197,133
I. Personnel and Related Expenses	\$ 181,523	
II. Other Expenses	15,610	
Bureau of Internal Audit		\$695,107
I. Personnel and Related Expenses	\$ 175,045	
II. Other Expenses	520,062	
Division of Financial Reporting and Control		\$388,545
I. Personnel and Related Expenses	\$ 380,494	
II. Other Expenses	8,051	
Information Systems Services		\$2,339,650
I. Personnel and Related Expenses	\$ 757,822	
II. Other Expenses	1,581,828	
TOTAL DEPARTMENT OF FINANCE		<u>\$6,799,891</u>

DEPARTMENT OF PUBLIC HEALTH

Public Health Administration		\$582,111
I. Personnel and Related Expenses	\$ 228,634	
II. Other Expenses	353,477	
Division of Health		\$1,640,295
I. Personnel and Related Expenses	\$ 566,549	
II. Other Expenses	1,073,746	
Division of Environment		\$439,201
I. Personnel and Related Expenses	\$ 236,489	
II. Other Expenses	202,712	
Division of Air Quality		\$146,386
I. Personnel and Related Expenses	\$ 34,980	
II. Other Expenses	111,406	
TOTAL DEPARTMENT OF PUBLIC HEALTH		<u>\$2,807,993</u>

DEPARTMENT OF PUBLIC SAFETY

Public Safety Administration		\$1,846,425
I. Personnel and Related Expenses	\$ 1,169,919	
II. Other Expenses	676,506	

Division of Police		\$51,023,780
I. Personnel and Related Expenses	\$ 46,750,905	
II. Other Expenses	4,272,875	
Division of Fire		\$23,754,696
I. Personnel and Related Expenses	\$ 22,261,725	
II. Other Expenses	1,492,971	
Division of Emergency Medical Services		\$7,224,190
I. Personnel and Related Expenses	\$ 6,049,768	
II. Other Expenses	1,174,422	
Division of Animal Control Services		\$526,504
I. Personnel and Related Expenses	\$ 318,306	
II. Other Expenses	208,198	
Division of Correction		\$4,255,518
I. Personnel and Related Expenses	\$ 2,835,112	
II. Other Expenses	1,420,406	
TOTAL DEPARTMENT OF PUBLIC SAFETY		<u>\$88,631,113</u>

DEPARTMENT OF PUBLIC WORKS

Division of Public Works Administration		\$908,015
I. Personnel and Related Expenses	\$ 825,748	
II. Other Expenses	82,267	
Division of Recreation		\$4,597,665
I. Personnel and Related Expenses	\$ 2,204,666	
II. Other Expenses	2,392,999	
Division of Parking Facilities-On Street		\$371,597
I. Personnel and Related Expenses	\$ 336,228	
II. Other Expenses	35,369	
Division of Property Management		\$2,508,902
I. Personnel and Related Expenses	\$ 1,529,970	
II. Other Expenses	978,932	
Division of Park Maintenance and Properties		\$5,811,187
I. Personnel and Related Expenses	\$ 2,445,079	
II. Other Expenses	3,366,108	
Division of Waste		\$8,087,145
I. Personnel and Related Expenses	\$ 3,785,432	
II. Other Expenses	4,301,713	
Division of Traffic Engineering		\$1,104,211
I. Personnel and Related Expenses	\$ 781,546	
II. Other Expenses	322,665	
TOTAL DEPARTMENT OF PUBLIC WORKS		<u>\$23,388,722</u>

DEPARTMENT OF BUILDING AND HOUSING

Building and Housing Dir Office		\$682,696
I. Personnel and Related Expenses	\$ 484,325	
II. Other Expenses	198,371	
Division of Code Enforcement		\$1,726,721
I. Personnel and Related Expenses	\$ 1,649,589	
II. Other Expenses	77,132	
Division of Construction Permit		\$434,057
I. Personnel and Related Expenses	\$ 427,920	
II. Other Expenses	6,137	
TOTAL DEPARTMENT OF BUILDING AND HOUSING		<u>\$2,843,474</u>

DEPARTMENT OF ECONOMIC DEVELOPMENT		
Economic Development		\$458,356
I. Personnel and Related Expenses	\$ 451,907	
II. Other Expenses	6,449	
TOTAL DEPARTMENT OF ECONOMIC DEVELOPMENT		<u>\$458,356</u>
NONDEPARTMENTAL		
Other Administrative		\$6,913,910
II. Other Expenses	\$ 6,913,910	
Transfers to Other Funds		\$13,845,963
II. Other Expenses	\$ 13,845,963	
TOTAL NONDEPARTMENTAL		<u>\$20,759,873</u>
TOTAL EXECUTIVE BRANCH		<u>\$157,587,683</u>
TOTAL GENERAL FUND		<u>\$172,613,936</u>
SPECIAL REVENUE FUND		
Restricted Income Tax Fund		\$37,793,875
II. Other Expenses	\$ 37,793,875	
Street Construction, Maintenance & Repair Fund		\$15,598,726
I. Personnel and Related Expenses	\$ 5,375,290	
II. Other Expenses	10,223,436	
Division of Public Auditorium & Stadium-Stadium		\$9,415,690
II. Other Expenses	\$ 9,415,690	
TOTAL SPECIAL REVENUE FUNDS		<u>\$62,808,291</u>
INTERNAL SERVICE FUND		
Sinking Fund Commission		\$351,306
I. Personnel and Related Expenses	\$ 70,886	
II. Other Expenses	280,420	
Information Systems Services-Telephone Exchange		\$2,734,514
I. Personnel and Related Expenses	\$ 411,487	
II. Other Expenses	2,323,027	
Health Self Insurance		\$22,159,920
II. Other Expenses	\$ 22,159,920	
Health Self Insurance		\$4,992,000
II. Other Expenses	\$ 4,992,000	
Division of Motor Vehicle Maintenance		\$7,329,874
I. Personnel and Related Expenses	\$ 1,491,050	
II. Other Expenses	5,838,824	
Division of Printing and Reproduction		\$862,416
I. Personnel and Related Expenses	\$ 236,433	
II. Other Expenses	625,983	
City Storeroom and Central Warehouse		\$220,720
I. Personnel and Related Expenses	\$ 34,326	
II. Other Expenses	186,394	
TOTAL INTERNAL SERVICE FUNDS		<u>\$38,650,750</u>
ENTERPRISE FUNDS		
DEPARTMENT OF PUBLIC UTILITIES		
Utilities Administration		\$1,605,370
I. Personnel and Related Expenses	\$ 1,208,365	
II. Other Expenses	397,005	

Radio		\$1,310,172
I. Personnel and Related Expenses	\$ 167,530	
II. Other Expenses	1,142,642	
Division of Fiscal Control		\$1,708,496
I. Personnel and Related Expenses	\$ 1,437,320	
II. Other Expenses	271,176	
Division of Water		\$121,344,495
I. Personnel and Related Expenses	\$ 23,239,164	
II. Other Expenses	98,105,331	
Division of Water Pollution Control		\$9,102,744
I. Personnel and Related Expenses	\$ 3,309,432	
II. Other Expenses	5,793,312	
Division of Cleveland Public Power		\$75,606,470
I. Personnel and Related Expenses	\$ 7,183,841	
II. Other Expenses	68,422,629	
TOTAL DEPARTMENT OF PUBLIC UTILITIES		<u>\$210,677,747</u>
DEPARTMENT OF PORT CONTROL		
Divisions of Cleveland Hopkins & Burke Lakefront Airports - Operations		\$70,925,418
I. Personnel and Related Expenses	\$ 9,299,944	
II. Other Expenses	61,625,474	
TOTAL DEPARTMENT OF PORT CONTROL		<u>\$70,925,418</u>
DEPARTMENT OF PUBLIC WORKS		
Division of Cemeteries		\$653,917
I. Personnel and Related Expenses	\$ 339,909	
II. Other Expenses	314,008	
Golf Course Fund		\$19,200
I. Personnel and Related Expenses	\$ 2,000	
II. Other Expenses	17,200	
Division of Parking Facilities-Off Street Parking		\$4,474,035
I. Personnel and Related Expenses	\$ 379,330	
II. Other Expenses	4,094,705	
Division of Public Auditorium		\$926,253
I. Personnel and Related Expenses	\$ 358,839	
II. Other Expenses	567,414	
Division of Public Auditorium & Stadium- West Side Market		\$767,337
I. Personnel and Related Expenses	\$ 120,397	
II. Other Expenses	646,940	
TOTAL DEPARTMENT OF PUBLIC WORKS		<u>\$6,840,742</u>
TOTAL ENTERPRISE FUNDS		<u>\$288,443,907</u>
AGENCY FUND		
Central Collection Agency		\$3,652,235
I. Personnel and Related Expenses	\$ 2,029,135	
II. Other Expenses	1,623,100	
TOTAL AGENCY FUND		<u>\$3,652,235</u>
DEBT SERVICE FUND		
Sinking Fund Commission		\$26,375,750
III. Debt Service	\$ 26,375,750	
TOTAL DEBT SERVICE FUNDS		<u>\$26,375,750</u>

Section 2. That all expenditures and payments made under and pursuant to the ordinance appropriating such sum or sums of money shall be charged against the annual appropriation ordinance for the fiscal year ending December 31, 2015, when such appropriation ordinance shall become effective, and to the various departments and divisions and payment of whose officers and employees and operating expenses such sum or sums of money hereunder shall then have paid out or expended. Provided, however, that no payment shall be made under the authority of this ordinance after the effective date of said Annual Appropriation Ordinance for the fiscal year ending December 31, 2015.

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 Finance, Law; Committee on Finance.

Ord. No. 1597-14.

By Council Member Kelley.

An emergency ordinance authorizing the Council President to enter into an agreement with Cobalt Group, Inc. for the professional services necessary to provide for implementation of an operations and sustainability plan for Cleveland City Council.

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 Council President is authorized to enter into an agreement with Cobalt Group, Inc. ("Consultant") for the professional services necessary to provide for the implementation of an operations and sustainability plan for Cleveland City Council, including the services set forth in Consultant's 2015 Statement of Work and those services as may be directed by the Clerk of Council or her designee. This agreement shall be entered into as of January 1, 2015 and shall be for a term of one year, concluding December 31, 2015.

The agreement shall be certified in an amount not to exceed \$66,000.00 from fund 01, dept. 0101, subfund 001, and object code 6320.

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.

Referred to Committee on Finance.

Ord. No. 1598-14.

By Council Member Kelley.

An emergency ordinance authorizing the Clerk of Council to enter into contract with Mita Marketing LLC for the professional services necessary to assist Cleveland City Council with communications and public relations.

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 Clerk of Council is authorized to enter into an agreement with Mita Marketing LLC for the professional services necessary to assist Cleveland City Council with communications and public relations, for a one year period beginning January 1, 2015 and concluding December 31, 2015.

Section 2. That the cost of said contract shall not exceed \$60,000 and shall be certified from Fund 01, Dept. 0101, Subfund 001, Object Code 6320.

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 Committee on Finance.

Ord. No. 1599-14.

By Council Member Kelley.

An emergency ordinance authorizing the Clerk of Council to enter into an agreement with Solar Systems Networking Inc. for the professional services necessary to advise and assist in the maintenance and performance of computer technology projects and to provide specific computer technology services for Cleveland City Council.

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 Clerk of Council ("Clerk") is authorized to enter into an agreement with Solar Systems Networking Inc. ("Consultant"), for the professional services necessary to advise and assist in the maintenance and performance of computer technology projects and to provide specific computer technology services to assist with specific projects as set forth in the agreement. This agreement shall be entered into as of January 1, 2015 and shall be for a term of one year, concluding December 31, 2015. The cost of all services under this amendment shall not exceed \$80,000 and shall be paid for from fund 11-006 and/or 21-006.

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.

Referred to Committee on Finance.

Ord. No. 1600-14.

By Council Member Kelley.

An emergency ordinance to enter into an agreement with Western Reserve Land Conservancy d/b/a Thriving Communities Institute to provide professional services regarding the Vacant and Abandoned Property Action Council (VAPAC), demolition bond, reforestation, demolition funding, rehabilitation, and code enforcement.

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 Clerk of Council is authorized to enter into an agreement with Western Reserve Land Conservancy d/b/a Thriving Communities Institute to provide professional services regarding the Vacant and Abandoned Property Action Council (VAPAC), demolition bond, reforestation, demolition funding, rehabilitation, and code enforcement for a one year period beginning January 1, 2015 and concluding December 31, 2015.

Section 2. That the cost of said contract shall not exceed \$150,000 and shall be certified from Fund 01, Dept. 0101, Subfund 001, Object Code 6320.

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 Committee on Finance.

Ord. No. 1601-14.

By Council Member Kelley.

An emergency ordinance authorizing the Clerk of Council to enter into an agreement with Guy Gadomski, CPA to provide professional financial consulting and auditing services necessary for Cleveland City Council.

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 Clerk of Council is authorized to enter into an agreement with Guy Gadomski, CPA to provide professional financial consulting and auditing services necessary for Cleveland City Council, including but not limited to, analysis of the Mayor's Estimate, preparation and presentation of the Council budget retreat, and briefings to the Council President, and any other financial advisory services as directed by the Clerk or her designee. This agreement shall be entered into as of January 1, 2015 and shall be for a term of one year, concluding December 31, 2015.

The agreement shall be certified in an amount not to exceed \$50,000.00 from fund 01, dept. 0101 subfund 001 object code 6320.

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.

Referred to Committee on Finance.

Ord. No. 1602-14.

By Council Member Kelley.

An emergency ordinance authorizing the Clerk of Council to enter into an agreement with The Project Group for professional assistance in investigating utility-related matters pertaining to the Divisions of Cleveland Public Power, Water and Water Pollution Control for Cleveland City Council.

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 Clerk of Council is authorized to enter into an agreement with the Project Group for professional assistance in investigating utility-related matters pertaining to the Divisions of Cleveland Public Power, Water and Water Pollution Control for Cleveland City Council. This agreement shall be entered into as of January 1, 2015 and shall be for a term of one year, concluding December 31, 2015. The agreement shall be certified in an amount not to exceed \$250,000.00 from fund 52-001, 54-001 and/or 58-001 and such other funds as may be deemed appropriate by the Director of Finance.

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.

Referred to Committee on Finance.

**FIRST READING EMERGENCY
ORDINANCE READ IN FULL
AND PASSED**

Ord. No. 1596-14.

By Council Member Cimperman.

An emergency ordinance consenting and approving the issuance of a permit for The Santa Shuffle on December 13, 2014, sponsored by Hermes Sports and Events.

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 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of The Santa Shuffle on December 13, 2014, start: Starkweather & Scranton; Starkweather east to Professor; Professor north to Fairfield; Fairfield west to West 11th and (finish line); provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the

extent and in form satisfactory to the Director of Law.

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 15. Nays 0. Read second time. Read third time in full. Passed. Yeas 15. Nays 0.

**FIRST READING EMERGENCY
RESOLUTIONS READ IN FULL
AND ADOPTED**

Res. No. 1603-14.

By Council Members Kelley, Pruitt, Reed, Cimperman, K. Johnson, Cleveland, Mitchell, Dow, Polensek, Conwell, J. Johnson, Brady, Brancatelli, Cummins, Zone, Sweeney and Keane.

An emergency resolution opposing Am. Sub. H.B. 5 which, if passed as currently proposed, will have serious financial impact on cities and villages of Ohio.

Whereas, in early 2013, H.B. 5 was introduced in the Ohio House in an attempt to create uniformity in the collection and administration of municipal income taxes in Ohio; and Whereas, however, the bill extends the concept of uniformity into areas that will impact the tax revenue collected by communities like Cleveland; and

Whereas, the pending legislation could result in a substantial reduction in resources for the hundreds of Ohio communities that levy an income tax; and could lead to further budget consequences such as service cuts and tax increases; and

Whereas, when combined with the significant loss of revenue that municipalities already face as a result of 4 years of state policy changes and state budget cuts, the potential impact to Ohio communities is staggering; and

Whereas, if Am. Sub. H.B. 5 passes, the potential impact on Ohio communities is estimated to exceed \$82 million per year; when taken with the annual impacts of other cuts to local governments contained in the past 2 state budgets, the impact to municipalities will approach half a billion dollars per year; for some Ohio communities, this reduction in resources exceeds 20% of their annual budgets; and

Whereas, for the City of Cleveland, should Am. Sub. H.B. 5 pass, the resulting revenue loss would be in excess of \$3 million, which would inevitably harm our ability to provide needed services at the level citizens and business rely on; this would be detrimental to the safety and economic stability of the city; and

Whereas, the City of Cleveland has already lost \$30 million due to state cuts in the Local Government Fund, the accelerated phase-out of Tangible Personal Property reimbursement and cuts to the Commercial Activity Tax, and has lost \$5.5 million because of the elimination of the estate tax; 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 Am. Sub. H.B. 5 which, if passed as currently proposed, will have serious financial impact on cities and villages of Ohio.

Section 2. That the Clerk of Council is hereby directed to transmit copies of this resolution to all members of the Ohio legislature.

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 15. Nays 0. Read second time. Read third time in full. Adopted. Yeas 15. Nays 0.

Res. No. 1604-14.

By Council Members Cimperman, Pruitt, Reed, K. Johnson, Cleveland, Mitchell, Dow, Polensek, Conwell, J. Johnson, Brady, Brancatelli, Kelley, Cummins, Zone, Sweeney and Keane.

An emergency resolution urging the Ohio State Board of Education to wait 90 days to allow more community input before voting on its intent to eliminate the "5 of 8" rule.

Whereas, the Ohio State Board of Education plans to vote in December on whether to eliminate the so-called "5 of 8" rule that requires school districts to fill at least five of eight jobs for every 1,000 students with elementary art, music or physical education teachers, school counselors, library media specialists, school nurses, social workers, and visiting teachers; and

Whereas, if this proposal passes, each district would decide how many of these critical positions to fill, which leaves them open to cuts; and

Whereas, state teachers unions and associations of school librarians, nurses and counselors are concerned that local boards and administrators will see this as an opportunity to control budgets by eliminating art, music and physical education teachers, school counselors, library media specialists, school nurses and social workers; and

Whereas, these professionals, parents and community members are concerned about the effect that eliminating these required positions will have on the quality of education for students; and

Whereas, more time is needed for community discussion of what personnel schools really need to help students thrive, and what expectations should be set for all public schools; 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 State Board of Education to wait 90 days to allow more community input before voting on its intent to eliminate the "5 of 8" rule.

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.

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

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Adopted. Yeas 15. Nays 0.

SECOND READING EMERGENCY ORDINANCES PASSED

Ord. No. 974-13.

By Council Members Miller and Kelley (by departmental request).

An emergency ordinance to amend Section 551.05, 551.111 and 551.991 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 773-A-80, passed December 14, 1981 and Ordinance No. 1291-11, passed December 9, 2011 relating to setting out an excessively large quantity of waste for collection prohibited, applicability, penalty, and civil infractions.

Approved by Directors of Public Works, Finance, Law; Passage recommended by Committees on Public Service, Finance, when amended, as follows:

1. In the title, line 2, after "Section" insert "551.041,".

2. In Section 1, after line 2, insert: "Section 551.041, as amended by Ordinance No. 697-10, passed August 18, 2010;".

3. In Section 1, after line 7, insert the following new amended Section 551.041 to read as follows:

"Section 551.041 Infractions Related to Automated Waste Collection and Curbside Recycling

Findings. It is essential to the success of the automated waste collection and curbside recycling program described in division (b) that waste set out for collection is placed in the correct container for the type of waste involved.

If the correct container is not used, it increases both the labor and disposal costs for the waste. If recyclable materials become contaminated by regular household waste, then they must be disposed of as regular solid waste, which is more costly than treating them as recyclables. If the regular household waste container is used for the disposal of recyclable materials, then the economic and environmental benefits of recycling are not realized.

To achieve the goals of the program it is necessary that all citizens use the container intended for disposal of the type of waste involved and avoid all mixing of recyclable materials and regular household waste.

(a) No person shall do any of the following at any parcel included in the automated waste collection and curbside recycling program described in division (b):

(1) Set out for collection the container designated for recyclable

materials if its contents exceed two percent (2%) regular household waste by volume.

(2) Set out for collection the container designated for regular household waste if its contents exceed ten percent (10%) recyclable materials by volume.

(3) Set out for collection any regular household waste in any container or bag other than the container designated for regular household waste for use in the automated waste collection program.

It is not a violation of this division to set out for collection at any parcel included in the program described in division (b) special waste set out in accordance with Section 551.05.

Nothing in this section shall be construed as abrogating or limiting any other section of these Codified Ordinances including without limitation the prohibition on setting out an excessively large quantity of waste for collection as proscribed by Section 551.111.

(b) The offenses established in division (a) pertain to any parcel that is included in the automated waste collection and curbside recycling program in which the waste is collected by means of a truck equipped with mechanical arms. The City will distribute two (2) containers to each household in the program, one (1) designated for regular household waste, and the other designated for recyclable materials.

(c) As use in this section:

(1) "Recyclable materials" means glass, metal cans, plastic bottles, mixed paper, and cardboard that are prepared for collection in accordance with this chapter and the rules and regulations issued under it.

(2) "Regular household waste" means waste generated in ordinary residential uses excluding recyclable materials, hazardous waste and any waste excluded from being placed out for curbside collection by law, rule or regulation."

4. In Section 1, at amended Section 551.05(a), line 1, after "furniture," insert "tires, yard waste,".

5. In Section 1, at amended Section 551.111(a), strike lines 3 and 4 in their entirety and insert "exceeding five approved waste containers, twenty bags of yard waste, twenty bundles of brush or tree trunks, four tires, or three special waste items as described in division (b) of Section 551.05."

6. In Section 1, at amended Section 551.111(b), strike lines 3 and 4 in their entirety and insert "waste exceeding twenty bags of yard waste, twenty bundles of brush or tree trunks, four tires, or three special waste items as described in division (b) of Section 551.05."

7. In Section 1, at amended Section 551.111(d), line 3, strike "two hundred fifty dollars (\$250.00)." and insert "three hundred fifty dollars (\$350.00):".

8. In Section 1, at amended Section 551.991(a)(2), line 1, strike "55.104" and insert "551.041".

9. In Section 1, at amended Section 551.991(f), strike the schedule in its entirety and insert:

"Section Civil Penalty

551.111, division (a) \$100.00. However, if the quantity of solid waste exceeds ten approved waste containers, forty bags of yard waste,

forty bundles or brush or tree trunks, eight tires, or six special waste items, the civil penalty shall be \$350.00.

551.111, division (b) \$100.00.

However, if the quantity of solid waste exceeds ten approved waste containers, forty bags of yard waste, forty bundles of brush or tree trunks, or six special waste items, the civil penalty shall be \$350.00

551.04, division (d) \$100.00

551.04, division (e) \$100.00

551.041, division (a) \$100.00".

10. In Section 2, after line 2, insert: "Section 551.041, as amended by Ordinance No. 697-10, passed August 18, 2010;".

Amendments agreed to.

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Passed. Yeas 11. Nays 4.

Those voting yea: Council Members Brancatelli, Cimperman, Cleveland, Conwell, Dow, J. Johnson, K. Johnson, Kelley, Mitchell, Pruitt and Sweeney.

Those voting nay: Council Members Brady, Cummins, Keane and Polensek.

Absent: Council Members Reed and Zone.

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. 1345-14.

By Council Members Cimperman and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health and the Academy of Educational Development for the 2015-2017 Federal AIDS Prevention Program; and to enter into contracts with various agencies to implement the program.

Approved by Directors of Public Health, Finance, Law; Passage recommended by Committees on Health and Human Services, Finance.

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Passed. Yeas 15. Nays 0.

Ord. No. 1346-14.

By Council Members Cimperman and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the 2014-15 Healthy Weight Program.

Approved by Directors of Public Health, Finance, Law; Passage recommended by Committees on Health and Human Services, Finance.

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Passed. Yeas 15. Nays 0.

Ord. No. 1347-14.

By Council Members Cimperman and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the 2015-2017 STD Control Prevention Program; authorizing the Director to enter into contracts with various agencies or entities to implement the grant; and to enter into an agreement

with the Ohio Department of Health for the City to receive payments from the Medicaid program.

Approved by Directors of Public Health, Finance, Law; Passage recommended by Committees on Health and Human Services, Finance.

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Passed. Yeas 15. Nays 0.

Ord. No. 1348-14.

By Council Members K. Johnson, Kelley, J. Johnson and Polensek (by departmental request).

An emergency ordinance authorizing the Mayor to apply to the District One Public Works Integrating Committee for state funding for the rehabilitation of U.S. Route 42, Scranton Road/Carter Road, Clark Avenue, and East 152nd Street; to apply for and accept grants from various entities for the improvements; authorizing the Director of Capital Projects to enter into contracts and agreements to design and construct the improvements and other agreements needed for the improvements; and authorizing the Commissioner of Purchases and Supplies to acquire, accept, and record for right-of-way purposes real property and easements necessary to make the improvement.

Approved by Directors of Capital Projects, City Planning Commission, Finance, Law; Passage recommended by Committees on Municipal Services and Properties, Finance.

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Passed. Yeas 15. Nays 0.

Ord. No. 1349-14.

By Council Members Reed, K. Johnson and Kelley (by departmental request).

An emergency ordinance giving consent of the City of Cleveland to the County of Cuyahoga for the resurfacing of Turney Road from Warner Road to the Cleveland south corporation line; authorizing the Director of Capital Projects to enter into any relative agreements; to apply for and accept an allocation of County Motor Vehicle License Tax Funds for the improvement; and authorizing the Commissioner of Purchases and Supplies to acquire, accept, and record for right-of-way purposes any real property and easements necessary to make the improvement.

Approved by Directors of Capital Projects City Planning Commission, Finance, Law; Passage recommended by Committees on Municipal Services and Properties, Finance.

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Passed. Yeas 15. Nays 0.

Ord. No. 1350-14.

By Council Members Pruitt and Kelley (by departmental request).

An emergency ordinance authorizing the general fund to receive and use revenue from tax remittances collected by Cleveland Public Power during the years 2015 and 2016 and transfer 50% of tax receipts collected in both years back to Cleveland Public Power.

Approved by Directors of Public Utilities, Finance, Law; Passage recommended by Committees on Utilities, Finance.

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Passed. Yeas 15. Nays 0.

Ord. No. 1383-14.

By Council Members Cimperman and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Alcohol Drug Addiction and Mental Health Services Board of Cuyahoga County for the 2015 Mental Health and Substance Abuse Prevention Program; and to enter into one or more agreements with the Board for the City to receive payments from the Medicaid program.

Approved by Directors of Public Health, Finance, Law; Passage recommended by Committees on Health and Human Services, Finance.

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Passed. Yeas 15. Nays 0.

Ord. No. 1384-14.

By Council Members Cimperman and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the Title X Program; authorizing the director to charge and accept fees; entering into one or more agreements to receive payments from Medicare, Medicaid and Medicaid HMO programs; contracting with various entities, authorizing one or more requirement contracts; and authorizing the purchase or lease of television and radio advertising time and other media.

Approved by Directors of Public Health, Finance, Law; Passage recommended by Committees on Health and Human Services, Finance.

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Passed. Yeas 15. Nays 0.

Ord. No. 1418-14.

By Council Members Brancatelli and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Community Development to employ one or more professional consultants to provide grant writing services; and authorizing the Director of Community Development to apply for and accept the Lead Hazard Reduction Demonstration or Lead Hazard Control Grant and the Healthy Homes Grant both from the U.S. Department of Housing and Urban Development; authorizing the purchase by one or more standard and requirement contracts of materials, equipment, supplies, and services necessary to implement the grants and for the rental of furniture and other household articles to supply and accommodate displaced persons; and authorizing one or more contracts with various entities, agencies, or individuals to implement the grants.

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

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Passed. Yeas 15. Nays 0.

Ord. No. 1439-14.

By Council Members Brancatelli, K. Johnson and Kelley (by departmental request).

An emergency ordinance giving consent of the City of Cleveland to the Director of Transportation of the State of Ohio for repairing pavement along a portion of Broadview Road; authorizing the Director of Capital Projects to enter into any relative agreements; and causing payment of the City's share to the State for the cost of the improvement.

Approved by Directors of Capital Projects, City Planning Commission, Finance, Law; Passage recommended by Committees on Municipal Services and Properties, Finance.

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Passed. Yeas 15. Nays 0.

Ord. No. 1440-14.

By Council Members Cleveland, K. Johnson and Kelley (by departmental request).

An emergency ordinance giving consent of the City of Cleveland to the Director of Transportation of the State of Ohio for repairing pavement along a portion of Community College Avenue; authorizing the Director of Capital Projects to enter into any relative agreements; and causing payment of the City's share to the State for the cost of the improvement.

Approved by Directors of Capital Projects, City Planning Commission, Finance, Law; Passage recommended by Committees on Municipal Services and Properties, Finance.

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Passed. Yeas 15. Nays 0.

Ord. No. 1441-14.

By Council Members Conwell, K. Johnson and Kelley (by departmental request).

An emergency ordinance giving consent of the City of Cleveland to the Director of Transportation of the State of Ohio for repairing pavement along a portion of East Boulevard and Ford Drive; authorizing the Director of Capital Projects to enter into any relative agreements; and causing payment of the City's share to the State for the cost of the improvement.

Approved by Directors of Capital Projects, City Planning Commission, Finance, Law; Passage recommended by Committees on Municipal Services and Properties, Finance.

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Passed. Yeas 15. Nays 0.

Ord. No. 1442-14.

By Council Members Pruitt, Reed, K. Johnson, Kelley and Brancatelli (by departmental request).

An emergency ordinance giving consent of the City of Cleveland to the Director of Transportation of the State of Ohio for repairing pavement along a portion of Harvard Avenue; authorizing the Director of Capital Projects to enter into any relative agreements; and causing payment of the City's share to the State for the cost of the improvement.

Approved by Directors of Capital Projects, City Planning Commission, Finance, Law; Passage recommended by Committees on Municipal Services and Properties, Finance.

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Passed. Yeas 15. Nays 0.

Ord. No. 1443-14.

By Council Members Cimperman, Cleveland, K. Johnson and Kelley (by departmental request).

An emergency ordinance giving consent of the City of Cleveland to the Director of Transportation of the State of Ohio for repairing pavement along a portion of Prospect Avenue; authorizing the Director of Capital Projects to enter into any relative agreements; and causing payment of the City's share to the State for the cost of the improvement.

Approved by Directors of Capital Projects, City Planning Commission, Finance, Law; Passage recommended by Committees on Municipal Services and Properties, Finance.

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Passed. Yeas 15. Nays 0.

Ord. No. 1444-14.

By Council Members Brady, Zone, Sweeney, K. Johnson and Kelley (by departmental request).

An emergency ordinance giving consent of the City of Cleveland to the Director of Transportation of the State of Ohio for repairing pavement along a portion of West 117th Street; authorizing the Director of Capital Projects to enter into any relative agreements; and causing payment of the City's share to the State for the cost of the improvement.

Approved by Directors of Capital Projects, City Planning Commission, Finance, Law; Passage recommended by Committees on Municipal Services and Properties, Finance.

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Passed. Yeas 15. Nays 0.

Ord. No. 1445-14.

By Council Members Brady, Zone, K. Johnson and Kelley (by departmental request).

An emergency ordinance giving consent of the City of Cleveland to the Director of Transportation of the State of Ohio for repairing pavement along a portion of West Boulevard; authorizing the Director of Capital Projects to enter into any relative agreements; and causing payment of the City's share to the State for the cost of the improvement.

Approved by Directors of Capital Projects, City Planning Commission, Finance, Law; Passage recommended by Committees on Municipal Services and Properties, Finance.

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Passed. Yeas 15. Nays 0.

Ord. No. 1469-14.

By Council Member Cimperman.

An emergency ordinance authorizing the continuation of Section 343.23 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance 1648-12, passed November 26, 2012, relating to drive-through lanes in pedestrian retail overlay districts.

Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on Development Planning and Sustainability, when amended, as follows:

1. In the title, at the end, and in Section 1, at the end, strike the period in both places and insert "**for a period of two years from the effective date of this ordinance.**".

2. In the third whereas clause, line 2, after "2012" insert "**for a period of two years from the effective date of this ordinance.**".

Amendments agreed to.

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Passed. Yeas 15. 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. 1507-14.

By Council Members Keane, Kelley and Brancatelli (by departmental request).

An emergency ordinance to amend the second and sixth whereas clauses, and Sections 1 and 2 of Ordinance No. 561-14, passed June 2, 2014, relating to lease agreements with Cumberland TCC, LLC, for property commonly known as the Harbor West Docks, and three sites at North Coast Harbor for future development.

Approved by Directors of Port Control, City Planning Commission, Finance, Law; Passage recommended by Committees on Transportation, Finance, when amended, as follows:

1. In Section 1, line 5, strike "wholly owned by" and insert "**or another wholly owned subsidiary of**".

2. In Section 1, at amended Section 1, strike lines 5 and 6 in their entirety and insert "**the Project Site as illustrated by the Phase map with lease area and street and park borders subject to slight variations at the discretion of the Developer and approval of the City Planning Commission, and placed in File No. 561-14-D**".

Amendments agreed to.

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Passed. Yeas 15. 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. 1509-14.

By Council Members Keane, Brancatelli and Kelley (by departmental request).

An emergency ordinance to amend Section 3 of Ordinance No. 425-14, passed April 14, 2014, relating to an Enterprise Zone Agreement with Oatey Company, or its designee, to provide for a tax abatement for certain tangible real property improvements needed to construct a new headquarters in the Emerald Corporate Park; and to authorize the Director of Economic Development to enter into an amendment to Contract No. 50034, as amended, with Emerald Research Park, Ltd., to change certain terms and conditions of the agreement.

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

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Passed. Yeas 15. Nays 0.

Ord. No. 1516-14.

By Council Members Pruitt and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts with Cleveland Housing Network for professional services necessary to provide administration and other related services for the Division of Water's discount affordability program, for a period of one year, with one one-year option to renew, exercisable by the Director of Public Utilities.

Approved by Directors of Public Utilities, Finance, Law; Passage recommended by Committees on Utilities, Finance.

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Passed. Yeas 15. Nays 0.

Ord. No. 1520-14.

By Council Member Kelley (by departmental request).

An emergency ordinance authorizing the Director of Finance, on behalf of the Cleveland Municipal Court, to enter into contract with the Cuyahoga County Public Defender Commission for legal services necessary to defend indigents charged with violation of ordinances of the City of Cleveland that may result in incarceration, for the Cleveland Municipal Court for a period of one year, with one option to renew for an additional one-year period, exercisable by the Director of Finance.

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

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Passed. Yeas 15. Nays 0.

Ord. No. 1521-14.

By Council Members Pruitt and Kelley (by departmental request).

An emergency ordinance determining the method of making the public improvement of repairing or replacing roofs and appurtenances, including but not limited to roofing systems; authorizing the Director of Public Utilities to enter into one or more public improvement by requirement contracts for the making of the improvement; and authorizing the purchase by one or more requirement contracts of maintaining, testing, evaluating, repairing or replacing roofs and appurtenances, including but not limited to roofing systems, and repairing water damage to structures and structure components caused by leaky roofs, for the Department of Public Utilities, for a period of two years.

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

1. In Section 5, line 1, after "contracts shall" insert "**not exceed \$1.1 million dollars and shall**".

Amendment agreed to.

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Passed. Yeas 15. 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. 1557-14.

By Council Members Conwell and J. Johnson (by departmental request).

An emergency ordinance designating East 112th Street between Primrose Avenue and Superior Avenue with a secondary and honorary designation of "Steve Harvey Way".

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

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Passed. Yeas 15. Nays 0.

MOTION

On the motion of Council Member Cleveland, the absences of Council Members Zack Reed and Matthew Zone are hereby authorized. Seconded by Council Member Sweeney.

The Council Meeting adjourned at 7:55 p.m. to meet on Monday, December 8, 2014, at 7:00 p.m. in the Council Chamber.

Patricia J. Britt
City Clerk, Clerk of Council

THE CALENDAR

The following measures will be on their final passage at the next meeting:

NONE

BOARD OF CONTROL

November 26, 2014

The Regular meeting of the Board of Control convened in the Mayor's office on Wednesday, November 26, 2014 at 10:34 a.m. with Director Langhenry presiding.

Present: Directors Langhenry, Dumas, Interim Director Dumas, Director Smith, Acting Director Johnson, Directors Parrilla, Rush, Southerington, Nichols, Fumich and O'Leary.

Absent: Mayor Jackson and Director McGrath.

Others: Melissa Burrows, Director, Office of Equal Opportunity.

Matthew Spronz, Director, Mayor's Office of Capital Projects.

Tiffany White, Commissioner, Division of Purchases & Supplies.

On motions, the following resolutions were adopted, except as may be otherwise noted.

Resolution No. 538-14.

By Director Spronz.

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 732-14 passed by the Council of the City of Cleveland on June 9, 2014, Osborn Engineering is selected upon the nomination of the Director of Capital Projects as the firm to be employed by contract to supplement the regularly employed staff of the several departments of the City to

provide professional architectural/engineering services for the Rehabilitation and New Construction of Public Facilities for Public Works, Public Safety, and Public Health Design Package 1: Various Recreation Center and Park Improvements.

Be it further resolved that the Director of Capital Projects is authorized to enter into a written contract with Osborn Engineering, based upon their proposal dated September 4, 2014 for a total cost not to exceed \$401,320.00, which contract shall be prepared by the Director of Law and shall provide for furnishing of professional services as stated in the proposal and shall contain such other terms and conditions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved that the employment of the following sub-consultants by Osborn Engineering is approved:

<u>Sub-Consultant</u>	<u>Percentage Amount</u>
Behnke Landscape Architects CSB	19.765 % \$ 79,320.00
Regency Construction CSB/FBE	2.990 % \$ 12,000.00
DLZ Ohio FBE	0.000 % \$110,000.00

Yeas: Directors Langhenry, Dumas, Interim Director Dumas, Director Smith, Acting Director Johnson, Directors Parrilla, Rush, Southerington, Nichols, Fumich and O'Leary.

Nays: None.

Absent: Mayor Jackson and Director McGrath.

Resolution No. 539-14.

By Director Spronz.

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 733-14 passed by the Council of the City of Cleveland on June 9, 2014, R. E. Warner & Associates, Inc., is selected upon the nomination of the Director of Capital Projects as the firm to be employed by contract to supplement the regularly employed staff of the several departments of the City to provide professional architectural/engineering services for the Rehabilitation and New Construction of Public Works, Public Safety, and Public Health Design Package 2: Various Public Facility Improvements.

Be it further resolved that the Director of Capital Projects is authorized to enter into a written contract with R. E. Warner & Associates, Inc., based upon their proposal dated September 5, 2014 for a total cost not to exceed \$281,826.00, which contract shall be prepared by the Director of Law and shall provide for furnishing of professional services as stated in the proposal and shall contain such other terms and conditions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved that the employment of the following sub-consultants by R. E. Warner & Associates, Inc. is approved:

<u>Sub-Consultant</u>	<u>Percentage Amount</u>
McGuiness Unlimited, Inc. CSB/FBE	6.467 % \$18,225.00
Osborn Engineering CSB	18.000 % \$50,728.00

Yeas: Directors Langhenry, Dumas, Interim Director Dumas, Director Smith, Acting Director Johnson, Directors Parrilla, Rush, Southerington, Nichols, Fumich and O'Leary.

Nays: None.

Absent: Mayor Jackson and Director McGrath.

Resolution No. 540-14.

By Director Spronz.

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 734-14 passed by the Council of the City of Cleveland on June 9, 2014, DLZ Architecture, Inc., is selected upon the nomination of the Director of Capital Projects as the firm to be employed by contract to supplement the regularly employed staff of the several departments of the City to provide professional architectural/engineering services for the Rehabilitation and New Construction of Public Facilities for Public Works, Public Safety, and Public Health Design Package 3: Various Safety Facility Improvements.

Be it further resolved that the Director of Capital Projects is authorized to enter into a written contract with DLZ Architecture, Inc., based upon their proposal dated September 5, 2014 for a total cost not to exceed \$524,383.00, which contract shall be prepared by the Director of Law and shall provide for furnishing of professional services as stated in the proposal and shall contain such other terms and conditions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved that the employment of the following sub-consultants by DLZ Architecture, Inc. is approved:

<u>Sub-Consultant</u>	<u>Percentage Amount</u>
Regency Construction Services CSB	2.932 % \$ 14,640.00
Osborn Engineering CSB	37.082 % \$185,180.00

Yeas: Directors Langhenry, Dumas, Interim Director Dumas, Director Smith, Acting Director Johnson, Directors Parrilla, Rush, Southerington, Nichols, Fumich and O'Leary.

Nays: None.

Absent: Mayor Jackson and Director McGrath.

Resolution No. 541-14.

By Director Cox.

Whereas, under the authority of Ordinance No. 1591-13, passed November 25, 2013 by the Council of the City of Cleveland, the Director of Public Works and the Commissioner of Purchases and Supplies are authorized to purchase property needed for Stage 3 of the Towpath Trail Project, the location of which

is described in the ordinance, for a consideration that shall not exceed fair market value as determined by the Board of Control; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the consideration of \$40,000.00 to be paid to Edward Reynolds for the purchase of 1063 Holmden Avenue, also known as PPN 008-14-062 and PPN 008-14-063, needed for Stage 3 of the Towpath Trail Project, is determined not to exceed fair market value.

Yeas: Directors Langhenry, Dumas, Interim Director Dumas, Director Smith, Acting Director Johnson, Directors Parrilla, Rush, Southerington, Nichols, Fumich and O'Leary.

Nays: None.

Absent: Mayor Jackson and Director McGrath.

Resolution No. 542-14.

By Director Rush.

Whereas, under Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program ("Program") according to the provisions of Chapter 5722 of the Ohio Revised Code; and

Whereas, under the Program, the City has acquired Permanent Parcel Nos. 124-18-001, 124-18-002, 124-18-004, 124-18-005, 124-18-006, 124-18-008, 124-18-010, 124-18-014, 124-18-015, 124-18-016, 124-18-017, 124-18-018, 124-18-057, 124-18-063, 124-18-064, 124-18-065, 124-19-026, 124-19-027, 124-19-028, 124-19-029, 124-19-030 located on Bushnell Avenue, Kinsman Avenue, Grand Avenue, East 64th Street and East 65th Street; and

Whereas, Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have been met, to sell Land Reutilization Program parcels; and

Whereas, Northeast Ohio Regional Sewer District has proposed to the City to purchase and develop the parcels for a green infrastructure project; and

Whereas, the following conditions exist:

1. The member of Council from Ward 5 has either approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

2. The proposed purchaser of the parcels is neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested, to execute an Official Deed for and on behalf of the City of Cleveland, with Northeast Ohio Regional Sewer District for the sale and development of Permanent Parcel Nos. 124-18-001, 124-18-002, 124-18-004, 124-18-005, 124-18-006, 124-18-008, 124-18-010, 124-18-014, 124-18-015, 124-18-016, 124-18-017, 124-18-018, 124-18-057, 124-18-063, 124-18-064, 124-18-065, 124-19-026, 124-19-027, 124-19-028, 124-19-029, 124-19-030 located on Bushnell

Avenue, Kinsman Avenue, Grand Avenue, East 64th Street and East 65th Street, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for the sale of the parcels shall be \$85,150.00, which amount is determined to be not less than the fair market value of the parcels for uses according to the Program.

Yeas: Directors Langhenry, Dumas, Interim Director Dumas, Director Smith, Acting Director Johnson, Directors Parrilla, Rush, Southerington, Nichols, Fumich and O'Leary.

Nays: None.

Absent: Mayor Jackson and Director McGrath.

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.

ROBERT BENNETT,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, DECEMBER 22, 2014

9:30 A.M.

Calendar No. 14-221: 2173 Professor Avenue (Ward 3)

Sutton Builders, LLC., owner appeals to change use from store to restaurant in a C1 General Retail Business District. The owner appeals for relief from the strict application of Section 349.04 of the Cleveland Codified Ordinances which states that 11 additional off-street parking spaces are required and none are proposed. (Filed November 6, 2014)

Calendar No. 14-223: 2232 West 11th

Street (front unit) and 2236 West 11th Street (rear unit) (Ward 3)

Micro House Cleveland, owner, proposes to change the use of the existing front two-family dwelling to a three family residence and the rear single family dwelling to a two family residence in a B1 Multi-Family Residential District. The owner appeals for relief from the following sections of the Cleveland Codified Ordinances:

1. Section 349.05(a) which states that no parking space shall be located within ten feet of any wall of a residential building or structure which contains a ground floor opening designated to provide light or ventilation for such building or structure.

2. Section 349.07(a) which states that accessory off-street parking spaces and maneuvering area shall be properly graded for drainage within the lot provided for such parking spaces.

3. Section 349.07(b) which states that accessory off-street parking spaces shall be provided with wheel or bumper guards that are so located that no part of the parked vehicle will extend beyond such parking space.

4. Section 349.08 which states that screening of 5 or more off-street parking spaces shall be screened with an opaque wall or painted fence or strip of land at least four feet wide and densely planted with shrubs that form dense screen year round.

5. Section 355.04(b) which states that the minimum lot area required for 5 selling units is 12,000 square feet and 7,524 square feet are proposed.

6. Section 357.15(a) which states that the rear building behind a main building on residential lot shall not be less than 40 feet away and 29 feet are proposed.

7. Section 359.01(a) which states that an expansion of a nonconforming use requires Board of Zoning Appeals Approval. (Filed November 11, 2014)

Calendar No. 14-227: 5437 Broadway Avenue (aka 3328 East 55th Street) (Ward 5)

4 Ever Social Club, owner, proposes to establish use as a banquet hall for weddings, receptions, and other events in a C2 Local Retail Business District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 343.11(b)(2)(L) which states that an assembly/banquet hall is not permitted in the Local Retail Business District but is first permitted in General Retail Business.

2. Section 349.04(e) which states that a parking area equal to three times the gross floor area is required and no parking is shown. (Filed November 13, 2014)

Calendar No. 14-228: 14428 Triskett Road (Ward 17)

St. Mel Church, owner, proposes to erect a 4' x 8' x 8' high single face illuminated identification message center ground sign in a B1 Two-Family Residential District. The

owner appeals for relief from the following sections of the Cleveland Codified Ordinances:

1. Section 350.13(g) which states that the ground sign requires Board of Zoning Appeals approval.

2. Section 350.13(g)(2) which states that the information displayed on the sign shall be limited to information pertaining to the community facility use; the information shall remain static or fixed for twenty seconds and motion is not allowed. (Filed November 17, 2014)

Calendar No. 14-230: 4320 West 130th Street (Ward 16)

Lindsey & Josephine Smith, owners, propose to establish use as motor vehicle sales in a C1 General Retail Business District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 349.04(f) which states that the total parking area must be equal to 25% of the gross lot area and the gross lot area is 12,870 square feet therefore 3,217.5 square feet of parking is required (18 square feet for employee, 900 for customer parking, display parking is 1800 square feet).

2. Section 352.09 which states that a transition strip of 10 feet is required and none are proposed. (Filed November 19, 2014)

Postponed from October 27, 2014

Calendar No. 14-045: 4384 Lee Road (Ward 1)

Johnny Abounader, owner, appeals to establish use as motor vehicle repair and used auto sales in a C1 Local Retail Business District and contrary to Section 343.01(b) of the Cleveland Codified Ordinances a motor vehicle repair garage is not permitted in a Local Retail Business District but first permitted in a Semi-Industry District per Section 345.03(c)(2); and used auto sales is not permitted in a Local Retail Business District but first permitted in a General Retail Business District per Section 343.11(b)(2)(H)(4); and pursuant to Section 349.04 a detailed parking plan showing location of striped, accessory off-street parking spaces is required to determine compliance with parking count requirements and no plan was submitted, said detailed plan should have also shown areas used for accessory off-street parking being paved and drained per Section 349.07 and no detail is given; and subject to Section 352.08-12 a six foot wide frontage strip providing 50% year round opacity is required where parking abuts the street and none is shown; and subject to Section 341.02(a) exterior alterations of site in a designated Design Review District requires the review and approval of the City Planning Commission. (Filed March 24, 2014 - no testimony)

Postponement made at the request of the Board in order to allow for time for the applicant to complete the Design Review. 2nd request.

Postponed from October 13, 2014

Calendar No. 14-095: 4207 Clark Avenue (Ward 3)

Antonio Ortiz, owner, proposes expand an existing nonconforming

motor vehicle repair garage located in a C2 Semi-Industry District by constructing a new 1,324 square foot detailing shop addition. Owner appeals for relief from the following Sections of the Cleveland Codified Ordinances:

1. Section 345.03(c)(2) which states that a repair garage for repair or painting of motor vehicles, is permitted in Semi-Industry provided that such use is located not less than one hundred (100) feet from a Residence District and the property abuts a Two Family Residential District.

2. Section 359.01(a) which states that the expansion of an existing nonconforming use requires Board of Zoning Appeals Approval.

3. Section 343.11(b)(2)(I)(2) states that an automobile laundry cannot be located less than 100 feet from a Residence District and the property abuts a Two Family Residential District.

4. Section 349.04(g) requires 7 off street parking spaces and none are shown. (Filed May 30, 2014 - no testimony)

Fourth postponement made at the request of the Councilman in order to allow for more time to review the project.

Calendar No. 14-66: 4157 Lorain Avenue (Ward 3)

Thomas Papouras, owner, proposes to establish a used car lot on a parcel of land that is 80' x 125', located in a D3 Local Retail Business District and a Pedestrian Retail Overlay District (PRO). The owner appeals for relief from the strict application of the following Cleveland Zoning Code Sections:

1. Section 343.11(b)(2)(I)(4) which states that used auto sales is first permitted in General Retail Business.

2. Section 352.10 requiring a 4 foot wide frontage landscape strip along Lorain Avenue and West 42nd Street.

3. Section 352.10 requiring a 10 foot wide transition strip at the rear where the property abuts a residential district.

4. Section 347.11 requiring that the area for display of cars and customers parking must be hard surfaced and drained within lot.

5. Section 349.04(f) which states that an Auto sales lot must provide 25% of their gross lot area for customer parking.

6. Section 343.23(e)(1)(A) PRO District prohibits opens sales/car lots (Filed May 5, 2014 - no testimony).

Postponement requested by the Appellant in order to allow for time to explore his legal rights as it pertains to the denial of the conditional use by the City Planning Commission.

REHEARING

Calendar No. 14-202: 2012 West 25th Street (Ward 3)

MRN, owner, proposes to display two business identification wall signs, each approximately 30 square feet in area on a building located in a C4 Local Retail Business District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 350.16 which states that for permit applications within Landmark Districts, Public Land Protective Districts or Business Revitalization Districts, the Landmarks Commission or City Planning Commission, as applicable, may authorize the Commissioner of Building and Housing to issue a permit which requires adherence to standards which are either less strict or more strict than the standards. The Landmarks Commission, in Certificate of Appropriateness 14-028, has required applicant in this case to seek a variance from Section 350.20(a) of the Zoning Code.

2. Section 350.02(a) for uses not located on the ground floor and for ground floor uses which lack direct access from the building exterior, the following signs shall be permitted in addition to signs otherwise permitted for the building. Regardless of the number of such uses in a building, not more than one (1) wall or projecting identification sign, a maximum of twelve (12) square feet in area, shall be placed at each ground floor entrance providing access to the uses in question. Two wall signs, each of approximately 30 square feet are proposed. (Filed October 7, 2014)

Rehearing requested by the City Planning Commission and the Councilman due to a miscommunication; original hearing date was November 17, 2014.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, DECEMBER 1, 2014

At the meeting of the Board of Zoning Appeals on Monday, December 1, 2014, the following appeals were scheduled for hearing before the Board.

The following appeals were **APPROVED:**

Calendar No. 14-209: 2925 Jay Avenue
Patrick Sullivan, owner, proposes to construct a 3,000 square foot, two-story, single family house on a 4,300 square foot lot located in a B1 Two-Family Residential District.

Calendar No. 14-210: 1810 West 25th Street (Unit 3)

Tom Gillespie, owner, proposes to establish use as a café in C3 Local Retail Business District and a Pedestrian Retail Overlay District (PRO).

Calendar No. 14-212: 3000 Bridge Avenue

WSCH, LLC, owner, proposes to establish use for four business office tenants in basement floor, total 2,692 gross floor area, in a non-conforming building authorized for 21 apartments and a coffee shop in a B1 Two-Family Residential District.

The following appeals were **DENIED:**

None.

The following appeal was **WITHDRAWN**:

Calendar No. 14-213: 3610 Superior Avenue
3620 Superior Avenue LLC, owner, proposes to expand the existing bar to include DJ/Dance/Amusement and to add 149.8 square feet exterior smoking area in a Semi-Industry Zoning District.

The following appeals were **DISMISSED**:

None.

The following appeals were **POSTPONED**:

Calendar No. 14-208: Reginald Phillips
1310 East 125th Street. Postponed to January 5, 2015.

Calendar No. 14-211: Buckeye-FDBTS, LLC
12915 Buckeye Road. Postponed to January 12, 2015.

**Correction from last week
Nov. 24, 2014**

At the meeting of the Board of Zoning Appeals on Monday, November 24, 2014, the following appeal was heard and approved but omitted from the previous report:

Calendar No. 14-204: 15402 Macauley Road
Michael Dubson, owner, appeals the decision rendered by the City of Cleveland Parking Violations Bureau Waste Collection and Photo Safety Division and the violation information described on Civil Infraction Ticket Number WC00199786, issued August 12, 2014 for the property located at 15402 Macauley Road and failure to comply with Section 551.111(B) in the Cleveland Codified Ordinances.

No appeals were adopted and approved on December 1, 2014.

Secretary

**REPORT OF THE BOARD
OF BUILDING STANDARDS
AND BUILDING APPEALS**

NO MEETING

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

NONE

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 append-

ed 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."

FRIDAY, DECEMBER 12, 2014

File No. 136-14 — Tire Repair Road Service, for the Division of Motor Vehicle Maintenance, Department of Public Works, as authorized by Section 131.17 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING FRIDAY, DECEMBER 5, 2014 AT 10:00 A.M. CLEVELAND CITY HALL, CONFERENCE ROOM 8, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

File No. 137-14 — Cab and Chassis With Digger Derrick Body and Related Equipment, for the Division of Motor Vehicle Maintenance, Department of Public Works, as authorized by Ordinance No. 752-12, passed by the Council of the City of Cleveland, June 4, 2012.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING FRIDAY, DECEMBER 5, 2014 AT 10:30 A.M. CLEVELAND CITY HALL, CONFERENCE ROOM 8, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

File No. 138-14 — Labor and Materials Necessary to Maintain and Repair Heating, Ventilation and Air Conditioning Systems (Re-Bid), for the various Division of Port Control, Department of Port Control, as authorized by Ordinance No. 1189-14, passed by the

Council of the City of Cleveland, October 13, 2014.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, DECEMBER 5, 2014 AT 10:00 A.M. CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S CENTRAL RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OH 44135-3193.

November 26, 2014 and December 3, 2014

THURSDAY, DECEMBER 18, 2014

File No. 135-14 — Pap and HPV Testing Services, for the Division of Health Administration, Department of Public Health, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** WEDNESDAY, DECEMBER 10, 2014 AT 11:00 A.M. LOCATED AT THE MCCAFFERTY HEALTH CENTER, 4242 LORAIN AVENUE, CLEVELAND, OHIO 44114.

File No. 140-14 — Fence Installation, Maintenance and/or Repair, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 567-13, passed by the Council of the City of Cleveland, May 6, 2013.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, DECEMBER 4, 2014 AT 10:00 A.M. THE TOM L. JOHNSON BUILDING, CONFERENCE ROOM A, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

November 26, 2014 and December 3, 2014

FRIDAY, DECEMBER 19, 2014

File No. 141-14 — Street Lighting Fixtures, Poles and Materials, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Section 129.26 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, DECEMBER 5, 2014 AT 11:00 A.M. THE TOM L. JOHNSON BUILDING, CONFERENCE ROOM A, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

File No. 142-14 — Labor and Materials Necessary to Perform Tree Trimming Services for the Various Divisions of the Department of Public Utilities, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 863-13, passed by the Council of the City of Cleveland, August 14, 2013.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, DECEMBER 5, 2014 AT 10:00 A.M. THE TOM L. JOHNSON BUILDING, CONFERENCE ROOM A, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

November 26, 2014 and December 3, 2014

FRIDAY, DECEMBER 19, 2014

File No. 139-14 — Lorain Avenue Reconstruction West 150th Street to West 117th Street CUY-10-10.17 PID 84289, for the Division of Engineering and Construction, Department of The Mayor's Office of Capital Projects, as authorized by Ordinance No. 648-13, passed by the Council of the City of Cleveland, May 20, 2013.

*THERE WILL BE A **NON-REFUNDABLE FEE FOR PLANS AND SPECIFICATIONS IN THE AMOUNT OF SEVENTY FIVE DOLLARS (\$75.00) ONLY IN THE FORM OF A CASHIER'S CHECK OR A MONEY ORDER (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED TO PURCHASE PLANS).**

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING THURSDAY, DECEMBER 11, 2014 AT 10:00 A.M. THE CLEVELAND CITY HALL, ROOM 514, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.**

***Bidders must purchase plans and specifications directly from the office of the Commissioner of Purchases and Supplies. Only registered Plan Holders will receive Addenda. Bids cannot be accepted from Bidders who only purchase plans from other entities such as Plan Rooms and/or who fail to register to be on the City of Cleveland Plan Holders List.**

November 26, 2014, December 3, 2014 and December 10, 2014

WEDNESDAY, JANUARY 7, 2015

File No. 143-14 — J.I.T. Office Supplies, Furniture and Equipment for the Various Divisions, for the various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 1191-14, passed by the Council of the City of Cleveland, September 29, 2014.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING TUESDAY, DECEMBER 16, 2014 AT 3:30 P.M. CLEVELAND CITY HALL, ROOM 514, 601 LAKESIDE AVENUE, CLEVELAND, OH 44114.**

December 3, 2014 and December 10, 2014

ADOPTED RESOLUTIONS AND ORDINANCES**Res. No. 1574-14.**

By Council Member Cimperman.

An emergency resolution objecting to the transfer of location of a D5 and D6 Liquor Permit to 2710 Lorain Avenue.

Whereas, Council has been notified by the Division of Liquor Control of an application for the transfer of location of a D5 and D6 Liquor Permit from 13101 Shaker, LLC, DBA Grotto Wine Bar, 13101 Shaker Square, Cleveland, Ohio 44120, Permanent Number 6548707 to Burlap, Inc., DBA The Supperclub, 2710 Lorain Avenue, Cleveland, Ohio

44113, Permanent Number 1116014; 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 Division 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 Superintendent 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 location of a D5 and D6 Liquor Permit from 13101 Shaker, LLC, DBA Grotto Wine Bar, 13101 Shaker Square, Cleveland, Ohio 44120, Permanent Number 6548707 to Burlap, Inc., DBA The Supperclub, 2710 Lorain Avenue, Cleveland, Ohio 44113, Permanent Number 1116014; and requests the Superintendent 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 November 24, 2014.
Effective November 26, 2014.

Res. No. 1575-14.

By Council Member Cimperman.

An emergency resolution objecting to the transfer of liquor license of a D5 Liquor Permit to 1220 Huron Road, East.

Whereas, Council has been notified by the Division of Liquor Control of an application for the transfer of liquor license of a D5 Liquor Permit from 18 Euc Lastchance, Inc., 1800 Euclid Avenue, 1st floor, Unit 4, Cleveland, Ohio 44113, Permanent Number 2455418 to 18 Euc Lastchance, Inc., 1220 Huron Road, East, Cleveland, Ohio 44115, Permanent Number 24554180001; 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 Division 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 Superintendent 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 liquor license of a D5 Liquor Permit from 18 Euc Lastchance, Inc., 1800 Euclid Avenue, 1st floor, Unit 4, Cleveland, Ohio 44113, Permanent Number 2455418 to 18 Euc Lastchance, Inc., 1220 Huron Road, East, Cleveland, Ohio 44115, Permanent Number 24554180001; and requests the Superintendent 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 November 24, 2014.
Effective November 26, 2014.

Res. No. 1576-14.
By Council Member Conwell.
An emergency resolution designating East 118th Street in between Wade Park Avenue and Euclid Avenue in University Circle a residential permit parking area.

Whereas, the Director of Public Safety has received verified petitions by residents living in eighty percent (80%) of the living units in the area of East 118th Street between Wade Park Avenue and Euclid Avenue; and

Whereas, the Director of Public Safety has completed a survey of the above mentioned street and the surrounding areas, has held a public hearing, and has determined that said residential street is overcrowded with commuter vehicles resulting in a lack of curbside

parking available to residents near their residences; and

Whereas, the Director of Public Safety has therefore determined East 118th Street between Wade Park Avenue and Euclid Avenue eligible for residential permit parking and has recommended to Council that it designate said street as a residential permit parking area; and

Whereas, Council Member Conwell concurs in the Director's recommendation; and

Whereas, East 118th Street between Wade Park Avenue and Euclid Avenue has otherwise met the objective criteria set forth in Chapter 461 of the Codified Ordinances of Cleveland, Ohio, 1976; 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 designates East 118th Street between Wade Park Avenue and Euclid Avenue a residential permit parking area, twenty-four (24) hours per day, seven (7) days per week.

Section 2. That this resolution is hereby declared to be an emergency measure and, provided it received 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 November 24, 2014.
 Effective November 26, 2014.

Ord. No. 1030-14.

By Council Members Pruitt and Kelley (by departmental request).

An emergency ordinance to amend Section 543.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1271-07, passed August 8, 2007, relating to sewerage service rates within Cleveland.

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 rates, rules, and regulations of the Division of Water, Department of Public Utilities, for sewerage services, fixed by the Board of Control by Resolution No. _____, adopted _____, are approved.

Section 2. That Section 543.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1271-07, passed August 8, 2007, is amended to read as follows:

Section 543.02 Sewerage Service Rates Within Cleveland

(a) *Regular and Homestead Rates.*

Sewer Rate Schedule

Regular Rates

Minimum Charge	\$12.53
1st MCF	\$12.53

Homestead Rates

Minimum Charge	\$7.43
1st MCF	\$7.43

(b) Special Homestead Rate. Homesteads that are single family residential property owned and occupied by a person sixty-five (65) years of age or older whose total annual income does not exceed the limits listed below or homesteads that are single family residential property owned and occupied by a person permanently and totally disabled whose total annual income does not exceed the limits listed below may be eligible for the special homestead rate. The Director of Public Utilities shall prescribe the application form for the homestead rates and have final approval of all applications.

Income Limits:

Year	Total Annual Income
2014	\$31,500
2015	\$32,000

(c) Fixed Charge Based Upon Meter Size

	2015	2016	2017	2018	2019
1/2" to 1"	\$12.00	\$12.00	\$15.00	\$15.00	\$18.00
1 1/2" to 2"	\$30.00	\$30.00	\$40.00	\$40.00	\$55.00
3" to 4"	\$99.00	\$99.00	\$115.00	\$115.00	\$140.00
6"	\$198.00	\$198.00	\$225.00	\$225.00	\$260.00
8"	\$300.00	\$300.00	\$325.00	\$325.00	\$370.00
12"	\$450.00	\$450.00	\$500.00	\$500.00	\$550.00
"Homestead	\$7.20	\$7.20	\$9.00	\$9.00	\$10.80".

(d) The sewerage service charges within the City shall be increased to meet the funding requirements of the Ohio Water Development Authority.

(e) Nothing contained in this section shall be held to authorize or require the payment of any sewer rental charge by any tax-supported department of the City.

(f) All rates shall be effective on January 1 of each year.

Section 3. That Section 543.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1271-07, passed August 8, 2007, is repealed.

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 November 24, 2014.

Effective November 26, 2014.

**Ord. No. 1454-14.
By Councilmembers Keane and Kelley (by departmental request).**

An emergency ordinance authorizing the Director of Port Control to exercise the first option to renew Contract No. PS 2013-032 with LHD & Associates, Inc. for federal government lobbying services necessary to assist with airport-related issues.

Whereas, under the authority of Ordinance No. 1714-12, passed December 3, 2012, the Director of Port Control entered into Contract No. PS 2013-032 with LHD & Associates, Inc. for federal government lobbying services necessary to assist with airport-related issues; and

Whereas, Ordinance No. 1714-12 requires further legislation before exercising the first option to renew on this contract; 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 Port Control is authorized to exercise the first option to renew Contract No. PS 2013-032 with LHD & Associates, Inc. for an additional two-year period for federal government lobbying services necessary to assist with airport-related issues. The cost of the option shall not exceed \$108,000 per year and is payable from funds appropriated in 2015 and 2016 for this purpose. This ordinance constitutes the additional legislative authority required by Ordinance No. 1714-12 to exercise this option.

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.

Passed November 24, 2014.

Effective November 26, 2014.

**Ord. No. 1455-14.
By Council Members Keane and Kelley (by departmental request).**

An emergency ordinance authorizing the Director of Port Control to exercise the second option to renew Contract No. PS 2013-025 with Peregrine Advisors, LLC to provide financial consulting services for the various divisions of the Department of Port Control.

Whereas, under the authority of Ordinance No. 816-12, passed June 4, 2012, the Director of Port Control

entered into Contract No. PS 2013-025 with Peregrine Advisors, LLC to provide financial consulting services for the various divisions of the Department of Port Control; and

Whereas, Ordinance No. 816-12 requires further legislation before exercising the second option to renew on this contract; 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 Port Control is authorized to exercise the second option to renew Contract No. PS 2013-025 with Peregrine Advisors, LLC for an additional one-year period in an amount not to exceed \$300,000, to provide financial consulting services for the various divisions of the Department of Port Control. This ordinance constitutes the additional legislative authority required by Ordinance No. 816-12 to exercise this option. (RQS 3001, RL 2014-122)

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.

Passed November 24, 2014.

Effective November 26, 2014.

**Ord. No. 1456-14.
By Council Members Keane and Kelley (by departmental request).**

An emergency ordinance authorizing the Director of Port Control to exercise the second option to renew Contract No. PS 2013-031 with Seabury Airline Planning Group, LLC to provide airline and cargo consultant services for the Department of Port Control.

Whereas, under the authority of Ordinance No. 535-12, passed May 14, 2012, as amended by Ordinance No. 1456-12, passed November 12, 2012, the Director of Port Control entered into Contract No. PS 2013-031 with Seabury Airline Planning Group, LLC to provide airline and cargo consultant services for the Department of Port Control; and

Whereas, Ordinance No. 535-12, as amended, requires further legislation before exercising the second option to renew on this contract; 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 Port Control is authorized to exercise the second option to renew Contract No. PS 2013-031 for an additional year with Seabury Airline Planning Group, LLC to provide airline and cargo consultant services for the Department of Port Control. This ordinance constitutes the additional legislative authority required by Ordinance No. 535-12, as amended, to exercise this option.

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.

Passed November 24, 2014.

Effective November 26, 2014.

**Ord. No. 1458-14.
By Council Members Keane and Kelley (by departmental request).**

An emergency ordinance authorizing the Director of Port Control to enter into one or more contracts without competitive bidding with Ameribridge, LLC, for the purchase of one or more new or refurbished passenger boarding bridges, including but not limited to associated labor, equipment, materials, or services, and for training, maintenance, and inspection for a period not to exceed two years, for the Division of Cleveland Hopkins International Airport, Department of Port Control.

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 determines that the within commodities are non-competitive and cannot be secured from any source other than Ameribridge, LLC ("Ameribridge"). Therefore the Director of Port Control is authorized to make one or more written contracts with Ameribridge for the purchase of one or more new or refurbished passenger boarding bridges, including but not limited to associated labor, equipment, materials, or services, and for training, maintenance, and inspection for a period not to exceed two years, on the basis of its proposal dated October 20, 2014, to be purchased by the Commissioner of Purchases and Supplies, for the Division of Cleveland Hopkins International Airport, Department of Port Control.

Section 2. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Port Control may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 3. The contract or contracts authorized shall not exceed \$750,000 and shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 106, 60 SF 112, 60 SF 114, 60 SF 115, 60 SF 116, 60 SF 117, 60 SF 119, 60 SF 121, 60 SF 122, 60 SF 126, 60 SF 128, 60 SF 130, 60 SF 141, 60 SF 160, and passenger facility charges, and the fund or funds to which are credited the proceeds from any grants issued for this purpose, Request No. RQS 3001, RL 2013-099.

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 November 24, 2014.
Effective November 26, 2014.

Ord. No. 1462-14.

By Council Members Keane and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Port Control to enter into a Lease Agreement with Constant Aviation, LLC for the lease of hangar space known as Bay 3 of the Primary Hangar and the adjacent ramp area at Cleveland Hopkins International Airport, for the operation of an aircraft maintenance facility, for the Department of Port Control, for a period of two years, with three one-year options to renew, the first and second of which are exercisable by the Director of Port Control.

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 Port Control is authorized to enter into a Lease Agreement ("Lease") with Constant Aviation, LLC ("Lessee") for use and occupancy of approximately 26,208 square feet of hangar space known as Bay 3 of the Primary Hangar and the use and occupancy of approximately 32,760 square feet of the adjacent ramp area at Cleveland Hopkins International Airport (collectively, the "Leased Premises") for operation of an aircraft maintenance facility.

Section 2. The term of the Lease shall be for a two year period, with three one-year options to renew, the first and second of which are exercisable by the Director of Port Control. The third one-year option to renew may not be exercised without additional legislative authority.

Section 3. That the per annum rental rate shall be \$121,867.20, payable in monthly installments of \$10,155.60. The annual rental rate is based on a per square foot rate of \$3.75 for the use of the hangar area and \$.72 per square foot rate for use of the ramp space, which is fair market

rental value as established by an independent third party appraisal.

Section 4. That the Lease may authorize Lessee to make improvements to the Leased Premises subject to approval of the Director of Port Control and appropriate City agencies and officials.

Section 5. That the Director of Port Control, the Director of Law, and other appropriate City officials will have the authority to execute any other documents and certificates, and may take any other actions that may be necessary or appropriate to implement this ordinance.

Section 6. That the Lease authorized shall be prepared by the Director of Law.

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.

Passed November 24, 2014.
Effective November 26, 2014.

Ord. No. 1463-14.

By Council Members Keane and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Port Control to enter into a Lease Agreement with Constant Aviation, LLC for the lease of hangar space in Building 211 and the adjacent ramp area at Cleveland Hopkins International Airport, for the operation of an aircraft maintenance facility, for the Department of Port Control, for a period of two years, with three one-year options to renew, the first and second of which are exercisable by the Director of Port Control.

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 Port Control is authorized to enter into a Lease Agreement ("Lease") with Constant Aviation, LLC ("Lessee") for use and occupancy of approximately 20,069 square feet of hangar space generally known as Building 211 and the use and occupancy of approximately 21,080 square feet of the adjacent ramp area at Cleveland Hopkins International Airport (collectively, the "Leased Premises") for operation of an aircraft maintenance facility.

Section 2. The term of the Lease shall be for a two year period, with three one-year options to renew, the first and second of which are exercisable by the Director of Port Control. The third one-year option to renew may not be exercised without additional legislative authority.

Section 3. That the per annum rental rate shall be \$89,031.52, payable in monthly installments of \$7,419.29. The annual rental rate is based on a per square foot rate of \$3.68 for the use of the hangar area and \$.72 per square foot rate for use of the ramp space, which is fair market rental value as established by an independent third party appraisal.

Section 4. That the Lease may authorize Lessee to make improvements to the Leased Premises subject

to approval of the Director of Port Control and appropriate City agencies and officials.

Section 5. That the Director of Port Control, the Director of Law, and other appropriate City officials will have the authority to execute any other documents and certificates, and may take any other actions that may be necessary or appropriate to implement this ordinance.

Section 6. That the Lease authorized shall be prepared by the Director of Law.

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.

Passed November 24, 2014.
Effective November 26, 2014.

Ord. No. 1508-14.

By Council Member Kelley (by departmental request).

An emergency ordinance authorizing the Director of Finance to enter into an amendment to Contract No. CT 1505-PS 2011-054 with Clark Schaefer Hackett for professional services necessary to perform an assessment and to express the opinion of the City regarding the 2014 financial statements and to complete two statements of Auditing Standards for the Divisions of Water and Taxation.

Whereas, under Ordinance No. 1322-10, passed October 18, 2010, this Council authorized Contract No. CT 1505-PS 2011-054 with Clark Schaefer Hackett ("Clark Schaefer") for professional services necessary to perform an assessment and to express the opinion of the City regarding the 2010 financial statements and to complete two statements of Auditing Standards for the Divisions of Water and Taxation; and

Whereas, in addition to authorizing an initial contract for one year, Ordinance No. 1322-10, also authorized three one-year options to renew, all of which were exercised; and

Whereas, the State Auditor selects independent firms to provide these services through the State of Ohio's proposal process, and through that process selected Clark Schaefer; and

Whereas, the City accepted the State's selection, and Clark Schaefer has performed services under Ord. No. 1322-10 for audit years 2010, 2011, 2012, and 2013; and

Whereas, the State has requested that the City enter into a contract amendment with Clark Schaefer Hackett to perform similar services for audit year 2014; 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 Finance is authorized to enter into an amendment to Contract No. CT 1505-PS 2011-054 with Clark Schaefer Hackett for professional services necessary to perform an assessment and to express the opinion of the City regarding the 2014 financial statements and to complete two statements

of Auditing Standards for the Divisions of Water and Taxation. The cost of the amendment shall be paid from funds appropriated for this purpose in budget year 2015.

Section 2. That the contract amendment shall be prepared by the Director of Law.

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 November 24, 2014.
Effective November 26, 2014.

**Ord. No. 1524-14.
By Council Member Kelley (by departmental request).**

An emergency ordinance authorizing the Director of Finance to employ one or more professional consultants to assess and implement various city-wide safety programs and other related services; and to enter into various written standard purchase and requirement contracts needed in connection with the programs, for the various divisions of City government, for a period of two years, with two one-year options to renew, the first of which requires additional legislative authority.

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 supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to assess and implement various city-wide safety programs and other related services, including but not limited to, implementing a safety-management ordering database, vehicle monitoring system, and other related services.

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, and approved and certified by the Director of Finance.

Section 2. That the Director of Finance is authorized to make one or more written standard purchase contracts and written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio,

1976, the period of requirements to be determined by the director, for the necessary items of materials, equipment, supplies, and services necessary to implement the programs, including labor, maintenance, materials, and training, if necessary, to be purchased by the Commissioner of Purchases and Supplies on 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.

Section 3. 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 any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance.

Section 4. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Finance may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 5. That the cost of the contracts and other expenditures authorized shall be paid from funds appropriated for this purpose in budget years 2015 and 2016.

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 November 24, 2014.
Effective November 26, 2014.

**Ord. No. 1567-14.
By Council Member Conwell.
An emergency ordinance authorizing the Director of the Department of Public Works to enter into an agreement with Ohio Elite Football, Inc. for the Youth Sports Football Recreation Program through the use of Ward 9 Casino Revenue 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 the Department of Public Works be authorized to enter into an agreement with Ohio Elite Football, Inc., for the Youth Sports Football Recreation Program for the public purpose of providing organized recreational sports activities to city of Cleveland youth

through the use of Ward 9 Casino Revenue 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 188.

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 November 24, 2014.
Effective November 26, 2014.

**COUNCIL COMMITTEE
MEETINGS**

**Monday, December 1, 2014
10:30 a.m.**

Health and Human Services Committee: Present: Cimperman, Chair; Mitchell, Vice Chair; Brady, Conwell, Cummins, J. Johnson. *Authorized Absence:* Cleveland.

2:00 p.m.

Transportation Committee; Development, Planning and Sustainability Committee; & Finance Committee: Present in Transportation: Keane, Chair; Dow, Vice Chair; Conwell, J. Johnson. *Authorized Absence:* K. Johnson, Reed, Sweeney. *Pro tempore:* Cleveland, Mitchell. Present in DP&S: Brancatelli, Chair; Cleveland, Vice Chair; Cimperman, Cummins, Dow, Pruitt, Zone. Present in Finance: Kelley, Chair; Cleveland, Vice Chair; Brady, Brancatelli, Conwell, Keane, Mitchell, Pruitt, Zone.

Finance Committee: Present: Kelley, Chair; Cleveland, Vice Chair; Brady, Brancatelli, Conwell, Keane, Mitchell, Pruitt, Zone.

**Tuesday, December 2, 2014
9:30 a.m.**

Development, Planning & Sustainability Committee: Present: Brancatelli, Chair; Cleveland, Vice Chair; Cimperman, Cummins, Dow, Pruitt. *Authorized Absence:* Zone.

**Wednesday, December 3, 2014
10:00 a.m.**

Transportation Committee: Present: Keane, Chair; Dow, Vice Chair; Conwell, K. Johnson, Sweeney. *Authorized Absence:* J. Johnson, Reed.

**Thursday, December 4, 2014
1:00 p.m.**

Safety Committee: CANCELLED.

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O—Ordinance; R—Resolution; F—File
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