

The City Record

Official Publication of the Council of the City of Cleveland



April the Sixteenth, 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

The City Record is available online at
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

MAJOR – 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, Chief of Public Affairs – Interim Director of Equal Opportunity.

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

DEPT. OF LAW – Barbara A. Langhenry, Director,

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 – Paul Bender, 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 – Antonette 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 – George Baker, Interim Director, 75 Erieview Plaza

DIVISIONS:

Air Quality – George Baker, Commissioner

Environment – Pamela Cross, Commissioner, 75 Erieview Plaza

Health – _____, 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 Taskay, 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 – Edward W. Rybka, 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 _____.

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 – Robert N. Brown, 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, Robert N. Brown, Allan Dreyer, Giancarlo Calicchia, Council Member

Terrell H. Pruitt, Robert Vilkas, Donald Petit, Interim Secretary.

AUDIT COMMITTEE – Yvette M. Ittu, 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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71 OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

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WEDNESDAY, APRIL 16, 2014

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CITY COUNCIL

MONDAY, APRIL 14, 2014

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Address all communications to
PATRICIA J. BRITT
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.

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, April 14, 2014

The meeting of the Council was called to order with the President of Council, Kevin J. Kelley, in the Chair.

Council Members present: Dona Brady, Anthony Brancatelli, Phyllis E. Cleveland, Kevin Conwell, TJ Dow, Jeffrey D. Johnson, Martin J. Keane, Kevin J. Kelley, Mamie J. Mitchell, Michael D. Polensek, Terrell H. Pruitt, Zack Reed, Martin J. Sweeney and Matthew Zone.

Also present were: Mayor Frank G. Jackson, Chief of Staff Ken Siliman, Chief of Government Affairs Valarie J. McCall, Chief of Education Monyka S. Price, Chief of Communications Maureen Harper, Chief of Public Affairs Natoya Walker-Minor, and Directors Langhenry, Bender, Smith, Spronz, McGrath, Cox, Rush, Southerington, Nichols, Griffin, Fumich, Ambroz, and Interim Director Baker.

Pursuant to Ordinance No. 2926-76, the opening prayer was offered by Dr. Robin Hedgeman, Bethany Christian Church, Cleveland, Ohio (Ward 2). Pledge of Allegiance.

MOTION

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

OATH OF OFFICE

File No. 503-14.
George Baker, Interim Director of Department of Public Health, City of Cleveland. Received.

FROM OHIO DIVISION OF LIQUOR CONTROL

File No. 504-14.
RE: #9048404. Transfer of Location Application, D5 D6. Tribeca, Inc., 2510 Elm Street (Ward 3). Received.

File No. 505-14.
RE: #5830330. Transfer of Ownership Application, D5. Memphis March 2014, LLC, 6101 Memphis Avenue (Ward 13). Received.

File No. 506-14.
RE: #2123202. Transfer of Location Application, D5. Diana M. Alvis, Inc., 6816 Superior Avenue (Ward 7). Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 507-14—Annie Kate McCaleb Powell.

Res. No. 508-14—Rudolph "Rudi" Knez.

Res. No. 517-14—Ruben E. Pope, III.

Res. No. 518-14—Marcy R. Schreiber.

CONGRATULATIONS RESOLUTIONS

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

Res. No. 509-14—Mia L. Moore.

Res. No. 510-14—Robert D. Keiser.

RECOGNITION RESOLUTIONS

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

Res. No. 511-14—Council on American-Islamic Relations, Ohio (CAIR-Ohio).

Res. No. 512-14—Karen K. Butler.
Res. No. 513-14—Robin J. Bachman.

Res. No. 514-14—Omega Psi Phi Fraternity, Zeta Omega Chapter.

Res. No. 515-14—John Carroll University Center for Service and Social Action.

APPRECIATION RESOLUTION

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

Res. No. 516-14—John J. Ferchill.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 495-14.**By Council Member Kelley (by departmental request).****An emergency ordinance to amend Sections 33, 36, and 42 of Ordinance No. 385-14, passed March 31, 2014, relating to compensation for various classifications.**

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

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

Section 1. That Sections 33, 36, and 42 of Ordinance No. 385-14, passed March 31, 2014, are amended to read as follows:**Section 33.** That the salaries and the compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Accountant IV	\$20,800.00	\$61,213.89
2. Airport Operations Agent III	20,800.00	57,473.28
3. Assistant Personnel Administrator	20,800.00	57,473.28
4. Assistant Water Plant Manager.....	10.00	34.11
5. Assistant Water Plant Manager - Parma	10.00	34.11
6. Budget and Management Analyst.....	20,800.00	57,473.28
7. Chief Animal Control Officer.....	20,800.00	84,555.45
8. Demolition Compliance Officer.....	26,797.11	97,572.38
9. Labor Relations Assistant.....	20,800.00	55,528.34
10. Machinist Unit Leader	14.28	25.77
11. Rehabilitation Supervisor	20,800.00	55,528.34
12. Superintendent of Sewer Maintenance.....	20,800.00	76,867.55
13. Supervisor of Architectural Construction	20,800.00	57,496.23
14. Supervisor of Personnel Records.....	20,800.00	55,528.34
15. Supervisor of Site Development	20,800.00	55,528.34
16. Supervisor of Vital Statistics.....	20,800.00	57,473.28
17. Systems Analyst	20,800.00	63,677.78
18. Water System Construction Inspector Supervisor.....	20,800.00	64,449.34

Section 36. That the salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Airport Operations Superintendent.....	\$23,333.40	\$67,822.56
2. Airport Security Coordinator.....	23,333.40	65,528.58
3. Assistant Airport Safety Chief/Training Officer.....	23,333.40	65,528.58
4. Human Resources Program Planning & Management Specialist	22,333.40	65,528.58
5. Assistant Manager of Stage	22,333.40	65,528.58
6. Chief of Bureau of Accounts and Collections.....	22,333.40	65,528.58
7. Chief of Bureau of Smoke Abatement.....	22,333.40	65,528.58
8. Chief Engineer-Traffic.....	22,333.40	76,344.01
9. Chief Senior Electric Switchboard Operator	22,333.40	82,416.00
10. Chief of Tax Auditing Bureau.....	22,333.40	67,822.56
11. Chief of Tax Records Bureau	22,333.40	65,528.58
12. Deputy Commissioner of Purchases and Supplies.....	22,333.40	77,446.20
13. Grants Administrator.....	22,333.40	77,446.20
14. Health Center Director.....	22,333.40	77,446.20
15. Human Resources Fiscal Administrator.....	22,333.40	65,528.58
16. Income Tax Financial Supervisor.....	22,333.40	65,528.58
17. Manager of Assigned Maintenance.....	22,333.40	76,344.01
18. Manager of Parks and Recreation Research and Planning.....	22,333.40	76,344.01
19. Manager of Parks and Urban Forestry.....	22,333.40	76,344.01
20. Manager of Site Development.....	22,333.40	76,344.01
21. Prevailing Wage Coordinator.....	27,193.50	69,367.62
22. Project Director	22,333.40	82,706.96
23. Programming Supervisor.....	22,333.40	65,528.58
24. Superintendent of Sidewalks.....	22,333.40	65,528.58
25. Warehouse Inventory Manager	22,333.40	82,706.96
26. Water Business Plan Assistant Manager.....	22,333.40	82,706.96

Section 42. That the salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Administration Bureau Manager.....	\$40,314.82	\$136,049.25
2. Assistant Manager - Applications Development and Technical Support.....	46,224.91	128,595.56
3. Assistant Manager - Data Processing Operations	46,224.91	118,705.54
4. Assistant to Manager of Planning	46,224.91	118,705.54

5.	Customer Support and Inspection Scheduling		
	Coordinator	42,286.40	97,572.38
6.	Deputy Commissioner of Cleveland Public Power	46,224.91	133,631.28

Section 2. That existing Sections 33, 36, and 42 of Ordinance No. 385-14, passed March 31, 2014, are repealed.

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

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

**Ord. No. 496-14.
By Council Members Pruitt and Kelley (by departmental request).**

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more requirement contracts without competitive bidding with BissNuss Inc., the Northeast Ohio Regional representative of various proprietary equipment and services in order to maintain and replace existing components of the chemical feed systems, for the Division of Water, Department of Public Utilities, for a period not to exceed two years, with two one-year options to renew, the first of which is exercisable through 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 this Council determines that the within commodities are non-competitive and cannot be secured from any source other than BissNuss Inc., who is the Northeast Ohio Regional representative of the following various proprietary equipment and services: Evoqua Water Technologies, LLC, Force Flow Inc., ASCO, Inc., Enviropax, Inc, Acrison, Jim Myers & Sons, BNR, Inc., Gastronics, Inc., Henry Pratt, Inc., Ross Valves, Inc., ITT Fabrilvalve, Inc., Milton Roy Americas, and Cla-Val, Inc. in order to maintain and replace existing components of the chemical feed systems. Therefore, the Director of Public Utilities is authorized to make one or more written requirement contracts with BissNuss Inc., for the requirements for a period not to exceed two years, with two one-year options to renew, the first of which is exercisable through additional legislative authority, for the necessary equipment and services manufactured by the above-listed manufacturers, but provided by BissNuss Inc., to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Division of Water, Department of Public Utilities. The first of the one-year options to renew may not be exercised without additional legislative authority. If such additional legislative authority is granted and the first of the one-year options to renew is exercised, then the second of the one-year options to renew may be exercisable at the option of the Director of Public Utilities without the necessity of obtaining additional authority of this Council.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of

Purchases and Supplies under a delivery order against the contract or contracts certified by the Director of Finance. (RQN 2002, RL 2014-4)

Section 3. 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 Public Utilities 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 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

**Ord. No. 497-14.
By Council Member Kelley (by departmental request).**

An emergency ordinance authorizing the issuance and sale of bonds in the maximum principal amount of \$21,200,000 for the purpose of providing funds for Bridges and Roadway improvements and authorizing related matters.

Whereas, this Council desires to issue bonds in an aggregate principal amount not to exceed \$21,200,000 (the "Series 2014B Bonds") to finance the costs of certain permanent improvements described in Section 1; and

Whereas, the Series 2014B 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 certified to this Council that the estimated life or usefulness of the improvements to be financed with the proceeds of the Series 2014B Bonds is at least five years and the maximum maturity of the Series 2014B Bonds is 18 years, as evidenced by the certificate contained in File No. 497-14-A; and

Whereas, the authorization for issuance of the Series 2014B Bonds is necessary to provide funds to pay the costs of certain permanent improvements described in Section 1 that are urgently needed for the benefit of the City, and as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health and safety, and for the usual daily operation of a municipal department; now, therefore,

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

Section 1. Purpose. It is deemed necessary to issue the Series 2014B Bonds in an aggregate principal amount not to exceed \$21,200,000 for the purpose of providing funds to improve the municipal street system and related facilities, including streets, expressways, roadways, driveways, driveway approaches, retaining walls, underground vaults, sidewalks and pedestrian walkways, by acquiring, constructing, reconstructing, opening, extending, widening, grading, draining, paving, resurfacing, striping, lighting and curbing, removing or reconstructing underground vaults to preserve the public right of way; installing gutters, on-street bicycle facilities, bicycle paths, sidewalks and related pedestrian improvements; constructing, installing and improving bus stations, ADA ramps and streetscape entryways; constructing and improving culverts; constructing sanitary sewers, storm sewers and water lines; resetting and constructing catch basins and other storm drainage facilities; constructing, reconstructing, replacing, renovating and rehabilitating bridges; acquiring any real estate and interests in real estate, including easements, necessary for such purpose; and installing street lighting and signs, signals, markings and other devices for traffic control purposes, together with all necessary and incidental appurtenances, and to pay any capitalized interest and all expenses incurred in connection with the issuance of the securities, including all financing costs within the meaning of Section 133.01(K) of the Revised Code and such other costs of the foregoing permanent improvements that may be financed with the proceeds of securities as permitted by Section 133.15(B) of the Ohio Revised Code and as otherwise permitted by law.

Section 2. Authority, Security and Source of Payment. The Series 2014B 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 Series 2014B 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 Series 2014B 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 Series 2014B 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"), and three series of Subordinate Lien Income Tax Bonds issued on February 11, 2014 (collectively, the "Series 2014A 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 and any additional bonds issued under the Indenture are collectively referred to in this Ordinance as the "Bonds."

Section 3. 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 4. Terms of the Series 2014B Bonds. The Series 2014B Bonds shall be issued in fully registered form. The Series 2014B Bonds may be issued in one or more series or subseries. The Series 2014B 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 Sixth

Supplement identified in Section 7. The Series 2014B Bonds shall be designated "Bridges and Roadway Improvement Bonds, Series 2014B" and may contain such further designation as provided in the Certificate of Award identified below. The Series 2014B Bonds shall be issued in one lot as fully registered Series 2014B Bonds in denominations of \$5,000 or any whole multiple thereof. The Series 2014B Bonds shall be numbered as determined by the Director of Finance. The Series 2014B Bonds shall be signed by the officials of the City and in the manner set forth in the Indenture.

The Series 2014B Bonds shall be dated the date of their issuance and delivery or such other date specified in the certificate of award providing for the final terms of the Series 2014B Bonds and the sale of the Series 2014B Bonds in accordance with this Ordinance (the "Certificate of Award"). The Series 2014B Bonds shall bear interest from their date until the principal amount is paid at the rate or rates per year specified in the Certificate of Award, provided that the yield (determined in accordance with the arbitrage provisions of the Internal Revenue Code of 1986, as amended) of the Series 2014B Bonds shall not exceed 6.00% per year. Interest on the Series 2014B Bonds shall be payable semi-annually on April 1 and October 1, or such other dates specified in the Certificate of Award (the "Interest Payment Dates").

The Series 2014B Bonds shall mature in the years and principal amounts set forth in the Certificate of Award, provided that (i) each principal payment shall occur on an Interest Payment Date, and (ii) the final maturity date of the Series 2014B Bonds shall be no later than August 1, 2033. The Series 2014B Bonds stated to mature in any year may be issued as serial Series 2014B Bonds or as term Series 2014B Bonds payable prior to stated maturity pursuant to sinking fund redemption (the "Term Bonds"). The Director of Finance shall determine in the Certificate of Award whether any of the Series 2014B Bonds shall be issued as Term Bonds, any dates (the "Mandatory Redemption Dates") on which the principal amount of the Term Bonds shall be payable pursuant to mandatory sinking fund installments rather than at stated maturity and the amount of principal to be paid on each Mandatory Redemption Date (the "Mandatory Sinking Fund Redemption Requirements"). If any of the Series 2014B Bonds are issued as Term Series 2014B Bonds, the Term Bonds shall be redeemed pursuant to the 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 Trustee for payment of principal of and interest on any Term Bonds shall include amounts sufficient to redeem on the Mandatory Redemption Dates the principal amount of Term Bonds payable on those dates pursuant to the Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as provided in the Indenture and the Sixth Supplement).

The Series 2014B 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 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 Series 2014B Bonds not to be callable prior to their stated maturity, and (ii) for a premium to be payable on the redemption of any Series 2014B 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 Bond which is redeemable by optional redemption at a purchase price not less than the redemption price that would be payable if that Bond were called for optional redemption on the date of the proposed purchase. That election shall be exercised as provided in the Sixth Supplement.

If and to the extent provided in the Certificate of Award, the Series 2014B Bonds may be secured by a Debt Service Reserve Fund to be held by the Trustee under the Indenture. The principal amount of the Series 2014B Bonds may include provision for funding the Debt Service Reserve Fund from the proceeds of the Bonds, subject to compliance with applicable federal tax laws.

Section 5. Sale of Series 2014B Bonds. The Series 2014B 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 the purchaser identified in the Certificate of Award (the "Original Purchaser"). The Certificate of Award shall specify the final terms of the Series 2014B 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 Series 2014B Bonds, including: the principal amount of the Series 2014B Bonds (which shall not exceed the amount stated in Section 1), the purchase price (which shall be not less than 97% of the principal amount plus accrued interest to their date of delivery), interest rate or rates, the amounts and years in which principal installments are payable (at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements), terms and conditions under which any Series 2014B Bonds may be redeemed prior to maturity at the option of the City, the Interest Payment Dates and the date of the Series 2014B 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 Series 2014B Bonds and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, procedures, and conditions for the delivery of the Series 2014B 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 Series 2014B 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 Series 2014B Bonds. The Director of Finance is 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 Series 2014B Bonds and the Original Purchaser agrees to buy the Series 2014B Bonds on terms consistent with this Ordinance and the Indenture, that are 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 Bond Purchase Agreement or amendments to the Bond Purchase Agreement by the Director of Finance. It is determined that the terms of the Series 2014B Bonds, as provided in this Ordinance and as may be provided in or pursuant to the Certificate of Award, the Indenture and the Sixth Supplement, are in the best interest of the City and in compliance with all legal requirements.

Section 6. Application of Proceeds. The proceeds from the sale of the Series 2014B Bonds shall be applied as follows:

(a) to the payment of any providers of any Credit Support Instruments, the fees and expenses required to be paid by the City to obtain the Credit Support Instrument;

(b) to the Trustee, for deposit in the Interest Payment Account in the Debt Service Fund, the amount, if any, received by the City upon delivery of the Series 2014B Bonds as accrued interest from their dated date to the date of their delivery to the Original Purchaser;

(c) to the Trustee, for deposit in the Debt Service Reserve Fund, any amount identified in the Certificate of Award as required to be deposited in the Debt Service Reserve Fund; and

(d) to the Trustee for deposit in the Project Fund, the balance of the proceeds (including any original issue premium received from the sale of the Series 2014B Bonds).

Section 7. Supplemental Indenture; Lease. The Director of Finance is authorized to sign and deliver on behalf of the City a supplemental trust indenture (the "Sixth Supplement"), supplementing the Indenture to provide procedures for the authentication, registration and transfer of the Series 2014B Bonds, redemption of Series 2014B Bonds, payments under any Credit Support Instrument authorized by Section 11, application of the

proceeds of the Series 2014B Bonds, defeasance of the Series 2014B 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 Sixth Supplement shall be approved as to form by the Director of Law. The determination by the Director of Finance that the provisions of the Sixth Supplement are not substantially adverse to the City shall be conclusively evidenced by the Director's signing of the Sixth Supplement. 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 Sixth Supplement as may be necessary or appropriate to issue and sell the Series 2014B Bonds and to consummate the transactions authorized by this Ordinance.

The Director of Finance is further authorized to sign and deliver on behalf of the City a five-year lease agreement (the "Lease") and any related agreements with PlayhouseSquare Foundation, Inc. ("PSF") for the City's acquisition, under Section 133.15 of the Revised Code, of a leasehold interest in the streetscape entryways described in Section 1 to be acquired with a portion of the proceeds of the Series 2014B Bonds, which proceeds of the Series 2014B Bonds may be expended as a single lease payment or pre-payment for the rental under the Lease. Pursuant to the Lease, PSF shall agree, among other things, to have full responsibility for maintaining the leased streetscape entryways in substantially the same condition as they will be at the commencement of the Lease and not to make any structural alterations of the leased streetscape entryways without the written approval of the City.

Section 8. Bond Anticipation Notes. For the purpose of raising money in anticipation of the issuance of the Series 2014B Bonds for the purpose set forth in Section 1, notes of the City may be issued in an aggregate principal amount not to exceed \$21,200,000 (the "Notes") upon the direction of the Director of Finance to be set forth in a certificate providing for the final terms of the Notes and the sale of the Notes and signed by the Director of Finance (the "Note Certificate of Award"). The Notes, if sold as fixed rate obligations, shall bear interest at such rate, not exceeding 6.00% per year, and shall be payable on the date or dates, as shall be determined by the Director of Finance of the City in the Note Certificate of Award; shall be dated their date of issuance; shall mature on the date set forth in the Note Certificate of Award; shall be subject to redemption by the City at any time prior to maturity without penalty, unless the Director of Finance, based on the advice of a financial advisor, determines that it is in the best interest of the City in order to enhance the marketability of the Notes, that the Notes not be redeemable prior to maturity or that a premium be paid on their prior redemption; shall be designated "Bridges and Roadway Improvement

Bond Anticipation Notes" or as otherwise provided in the Note Certificate of Award; shall be issued in such numbers and denominations as may be requested by the Note Purchaser (hereinafter defined); and shall be issued in fully registered form (which may be in a book entry only system). The provisions of Sections 9.98 to 9.983 of the Revised Code shall apply to the Notes and pursuant to that authority and this Ordinance, the Director of Finance may determine in the Certificate of Award, based on the written advice of a financial advisor, that the City's best interests will be served by causing all or a portion of the Notes to be obligations bearing interest at variable rates. If the Director of Finance so determines, then the Director of Finance shall specify in the Certificate of Award the method and procedure by which the variable rate of interest to be borne by the variable rate Notes shall be determined; provided that the variable rate Notes shall not bear interest at a rate in excess of 25.00% per year. The Director of Finance is authorized to enter into agreements in connection with the delivery of the variable rate Notes, and from time to time thereafter so long as the variable rate Notes are outstanding, with providers of Credit Support Instruments (as defined in Section 11) and others as may be determined by the Director of Finance, based on the written advice of a financial advisor, to be necessary or appropriate to provide for the method of determining the variable interest rates, permitting holders the right of tender, providing for liquidity or credit support for the payment of the variable rate Notes upon tender for purchase or redemption, and providing for the repayment by the City of any amounts drawn under the Credit Support Instrument. The Trustee shall be the authenticating agent, registrar, transfer agent and paying agent for the Notes. The Notes shall be signed by the officials of the City and in the manner set forth in the Indenture. The Notes 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 at not less than par and accrued interest to one or more firms that have proposed to underwrite the Notes and have been selected by the Director of Finance based on an evaluation of the qualifications of those firms (the "Note Purchaser") in the principal amount set forth in a certificate of award to be executed by the Director of Finance (the "Note Certificate of Award"). The proceeds of such sale shall be paid into the proper fund or funds set forth in the Note Certificate of Award and used for the purpose for which the Notes are being issued under the provisions of 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 Notes or the Series 2014B 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 Notes or the Series 2014B 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 Notes or the Series 2014B Bonds, the City agrees, in accordance with, and as the only obligated person with respect to the Notes and the Series 2014B Bonds under the SEC Rule, to provide or cause to be provided such financial information and operating data and notices, in such manner as may be required for purposes of the SEC Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Director of Finance is authorized and directed to prepare, or cause to be prepared, and to sign and deliver, in the name and on behalf of the City, a continuing disclosure agreement or certificate, which shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and beneficial owners of the Notes or the Series 2014B 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 Series 2014B Bonds and any Notes in such manner and to such extent as may be necessary so that (i) the Series 2014B Bonds and any Notes will not (A) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Internal Revenue Code of 1986, as amended (the "Code") or (B) be treated other than as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (ii) the interest on the Series 2014B Bonds and any Notes will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (i) it will take or cause to be taken such actions that may be required of it for the interest on the Series 2014B Bonds and any Notes to be and remain

excluded from gross income for federal income tax purposes, (ii) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (iii) it, or persons acting for it, will, among other acts of compliance, (A) apply the proceeds of the Series 2014B Bonds and any Notes to the governmental purpose of the borrowing, (B) restrict the yield on investment property, (C) make timely and adequate payments to the federal government, (D) maintain books and records and make calculations and reports and (E) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Director of Finance or any other officer of the City having responsibility for issuance of the Series 2014B Bonds and any Notes is hereby authorized (i) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Series 2014B Bonds and any Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or tax status of the Series 2014B Bonds and any Notes 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, which action shall be in writing and signed by the officer, (ii) 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 intended tax status of the Series 2014B Bonds and any Notes and (iii) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Series 2014B Bonds and any Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Series 2014B Bonds and any Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on the Series 2014B Bonds and any Notes and the tax status of the Series 2014B Bonds and any Notes.

Section 11. Credit Facilities and Ratings. If the Director of Finance determines it to be in the best interests of the City, based on the written advice of a financial advisor, the Director of Finance may obtain an insurance policy, letter of credit, standby bond purchase agreement or other credit enhancement instrument as further security for the payment when due of the principal of and interest on all or any portion of the Series 2014B Bonds or any Notes (a "Credit Support Instrument"). The Director of Finance may request a rating on the Series 2014B Bonds or Notes from one or more nationally recognized rating organizations, and do any and all

things and take any and all actions required to secure a Credit Support Instrument and/or a rating or ratings on the Series 2014B Bonds or Notes. The Director of Finance may enter into one or more agreements for Credit Support Instruments containing terms not materially inconsistent with this Ordinance or the Indenture. The expenditure of the amounts necessary to secure Credit Support Instruments or obtain those ratings is authorized and approved, and the Director of Finance is authorized to provide for the payment of any such amounts from the proceeds of the Series 2014B Bonds or Notes to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be 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 Original Purchasers 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 any of its committees and that all deliberations of this Council 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 Series 2014B Bonds and the Notes 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 Series 2014B Bonds or the Notes. 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 Series 2014B Bonds and any Note Certificate of Award to the County Fiscal Officer of Cuyahoga County and to secure a receipt therefore.

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. 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. Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance shall not apply to the Series 2014B Bonds or the Notes authorized herein.

Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding Series 2014B 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.

Section 18. Emergency Measure. This Ordinance is declared to be an emergency measure for the immediate preservation of the public peace, property, health and safety of the City by providing funds to pay the costs of certain permanent improvements which are urgently needed for the benefit of the City and for the usual daily operation of a municipal department, and, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest date allowed by law.

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

Ord. No. 498-14.
By Council Member Kelley (by departmental request).

An emergency ordinance authorizing the issuance and sale of bonds in the maximum principal amount of \$7,000,000 for the purpose of providing funds to improve Municipal Parks and Recreation Facilities and authorizing related matters.

Whereas, this Council desires to issue bonds in an aggregate principal amount not to exceed \$7,000,000 (the "Series 2014B Bonds") to finance the costs of certain permanent improvements described in Section 1; and

Whereas, the Series 2014B 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 certified to this Council that the estimated life or usefulness of the improvements to be financed with the proceeds of the Series 2014B Bonds is at least five years and the maximum maturity of the Series 2014B Bonds is 21 years, as evidenced by the certificate contained in File No. 498-14-A; and

Whereas, the authorization for issuance of the Series 2014B Bonds is necessary to provide funds to pay the costs of certain permanent improvements described in Section 1 that are urgently needed for the benefit of the City, and as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health and safety, and for the usual daily operation of a municipal department; now, therefore,

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

Section 1. Purpose. It is deemed necessary to issue the Series 2014B Bonds in an aggregate principal amount not to exceed \$7,000,000 for the purpose of providing funds to improve municipal parks and recreation facilities by constructing, reconstructing, rehabilitating, installing, renovating, enlarging and otherwise improving parks and recreation centers and areas, pools, aquatic facilities, skating rinks, greenhouses, bicycle paths, playgrounds, playfields, tracks, fields and related buildings, structures, walkways, pavement, safety surfaces and facilities, and providing necessary water systems, drainage, lighting, signage, fixtures, furnishings, equipment, safety modifications and site improvements, together with all necessary and incidental appurtenances and the acquisition of any required real estate and interests in real estate and the demolition of any existing buildings, structures, walkways and facilities, and to pay any capitalized interest and all expenses incurred in connection with the issuance of the securities, including all financing costs within the meaning of Section 133.01(K) of the Revised Code and such other costs of the foregoing permanent improvements that may be financed with the proceeds of securities as permitted by Section 133.15(B) of the Ohio Revised Code and as otherwise permitted by law.

Section 2. Authority, Security and Source of Payment. The Series 2014B 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 Series 2014B 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 Series 2014B 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 Series 2014B 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"), and three series of Subordinate Lien Income Tax Bonds issued on February 11, 2014 (collectively, the "Series 2014A 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 and any additional bonds issued under the Indenture are collectively referred to in this Ordinance as the "Bonds."

Section 3. 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 4. Terms of the Series 2014B Bonds. The Series 2014B Bonds shall be issued in fully registered form. The Series 2014B Bonds may be issued in one or more series or subseries. The Series 2014B 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 Sixth Supplement identified in Section 7. The Series 2014B Bonds shall be designated "Parks and Recreation Facilities Improvement Bonds, Series 2014B" and may contain such further designation as provided in the Certificate of Award identified below. The Series 2014B Bonds shall be issued in one lot as fully registered Series 2014B Bonds in denominations of \$5,000 or any whole multiple thereof. The Series 2014B Bonds shall be numbered as determined by the Director of Finance. The Series 2014B Bonds shall be signed by the officials of the City and in the manner set forth in the Indenture.

The Series 2014B Bonds shall be dated the date of their issuance and delivery or such other date specified in the certificate of award providing for the final terms of the Series 2014B Bonds and the sale of the Series 2014B Bonds in accordance with this Ordinance (the "Certificate of Award"). The Series 2014B Bonds shall bear interest from their date until the principal amount is paid at the rate or rates per year specified in the Certificate of Award, provided that the yield (determined in accordance with the arbitrage provisions of the Internal Revenue Code of 1986, as amended) of the Series 2014B Bonds shall not exceed 6.00% per year. Interest on the Series 2014B Bonds shall be payable semi-annually on April 1 and October 1, or such other dates specified in the Certificate of Award (the "Interest Payment Dates").

The Series 2014B Bonds shall mature in the years and principal amounts set forth in the Certificate of Award, provided that (i) each principal payment shall occur on an Interest Payment Date, and (ii) the final maturity date of the Series 2014B Bonds shall be no later than August 1, 2036. The Series 2014B Bonds stated to mature in any year may be issued as serial Series 2014B Bonds or as term Series 2014B Bonds payable prior to stated maturity pursuant to sinking fund redemption (the "Term Bonds"). The Director of Finance shall determine in the Certificate of Award whether any of the Series 2014B Bonds shall be issued as Term Bonds, any dates (the "Mandatory Redemption Dates") on which the principal amount of the Term Bonds shall be payable pursuant to mandatory sinking fund installments rather than at stated maturity and the amount of principal to be paid on each Mandatory Redemption Date (the "Mandatory Sinking Fund Redemption Requirements"). If any of the Series 2014B Bonds are issued as Term Series 2014B Bonds, the Term Bonds shall be redeemed pursuant to the 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 Trustee for payment of principal of and interest on any Term Bonds shall include amounts sufficient to redeem on the Mandatory Redemption Dates the principal amount of Term Bonds payable on those dates pursuant to the Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as provided in

the Indenture and the Sixth Supplement).

The Series 2014B 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 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 Series 2014B Bonds not to be callable prior to their stated maturity, and (ii) for a premium to be payable on the redemption of any Series 2014B 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 Bond which is redeemable by optional redemption at a purchase price not less than the redemption price that would be payable if that Bond were called for optional redemption on the date of the proposed purchase. That election shall be exercised as provided in the Sixth Supplement.

If and to the extent provided in the Certificate of Award, the Series 2014B Bonds may be secured by a Debt Service Reserve Fund to be held by the Trustee under the Indenture. The principal amount of the Series 2014B Bonds may include provision for funding the Debt Service Reserve Fund from the proceeds of the Bonds, subject to compliance with applicable federal tax laws.

Section 5. Sale of Series 2014B Bonds. The Series 2014B 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 the purchaser identified in the Certificate of Award (the "Original Purchaser"). The Certificate of Award shall specify the final terms of the Series 2014B 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 Series 2014B Bonds, including: the principal amount of the Series 2014B Bonds (which shall not exceed the amount stated in Section 1), the purchase price (which shall be not less than 97% of the principal amount plus accrued interest to their date of delivery), interest rate or rates, the amounts and years in which principal installments are payable (at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements), terms and conditions under which any Series 2014B Bonds may be redeemed prior to maturity at the option of the City, the Interest Payment Dates and the date of the Series 2014B 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 Series 2014B Bonds and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, procedures, and conditions for the delivery of the Series 2014B 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 Series 2014B 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 Series 2014B Bonds. The Director of Finance is 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 Series 2014B Bonds and the Original Purchaser agrees to buy the Series 2014B Bonds on terms consistent with this Ordinance and the Indenture, that are 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 Bond Purchase Agreement or amendments to the Bond Purchase Agreement by the Director of Finance. It is determined that the terms of the Series 2014B Bonds, as provided in this Ordinance and as may be provided in or pursuant to the Certificate of Award, the Indenture and the Sixth Supplement, are in the best interest of the City and in compliance with all legal requirements.

Section 6. Application of Proceeds. The proceeds from the sale of the Series 2014B Bonds shall be applied as follows:

(a) to the payment of any providers of any Credit Support Instruments, the fees and expenses required to be paid by the City to obtain the Credit Support Instrument;

(b) to the Trustee, for deposit in the Interest Payment Account in the Debt Service Fund, the amount, if any, received by the City upon delivery of the Series 2014B Bonds as accrued interest from their dated date to the date of their delivery to the Original Purchaser;

(c) to the Trustee, for deposit in the Debt Service Reserve Fund, any amount identified in the Certificate of Award as required to be deposited in the Debt Service Reserve Fund; and

(d) to the Trustee for deposit in the Project Fund, the balance of the proceeds (including any original issue premium received from the sale of the Series 2014B Bonds).

Section 7. Supplemental Indenture. The Director of Finance is authorized to sign and deliver on behalf of the City a supplemental trust indenture (the "Sixth Supplement"), supplementing the Indenture to provide procedures for the authentication, registration and transfer of the Series 2014B Bonds, redemption of Series 2014B Bonds, payments under any

Credit Support Instrument authorized by Section 11, application of the proceeds of the Series 2014B Bonds, defeasance of the Series 2014B 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 Sixth Supplement shall be approved as to form by the Director of Law. The determination by the Director of Finance that the provisions of the Sixth Supplement are not substantially adverse to the City shall be conclusively evidenced by the Director's signing of the Sixth Supplement. 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 Sixth Supplement as may be necessary or appropriate to issue and sell the Series 2014B Bonds and to consummate the transactions authorized by this Ordinance.

Section 8. Bond Anticipation Notes.

For the purpose of raising money in anticipation of the issuance of the Series 2014B Bonds for the purpose set forth in Section 1, notes of the City may be issued in an aggregate principal amount not to exceed \$7,000,000 (the "Notes") upon the direction of the Director of Finance to be set forth in a certificate providing for the final terms of the Notes and the sale of the Notes and signed by the Director of Finance (the "Note Certificate of Award"). The Notes, if sold as fixed rate obligations, shall bear interest at such rate, not exceeding 6.00% per year, and shall be payable on the date or dates, as shall be determined by the Director of Finance of the City in the Note Certificate of Award; shall be dated their date of issuance; shall mature on the date set forth in the Note Certificate of Award; shall be subject to redemption by the City at any time prior to maturity without penalty, unless the Director of Finance, based on the advice of a financial advisor, determines that it is in the best interest of the City in order to enhance the marketability of the Notes, that the Notes not be redeemable prior to maturity or that a premium be paid on their prior redemption; shall be designated "Parks and Recreation Facilities Improvement Bond Anticipation Notes" or as otherwise provided in the Note Certificate of Award; shall be issued in such numbers and denominations as may be requested by the Note Purchaser (hereinafter defined); and shall be issued in fully registered form (which may be in a book entry only system). The provisions of Sections 9.98 to 9.983 of the Revised Code shall apply to the Notes and pursuant to that authority and this Ordinance, the Director of Finance may determine in the Certificate of Award, based on the written advice of a financial advisor, that the City's best interests will be served by causing all or a portion of the Notes to be obligations bearing interest at variable rates. If the Director of Finance so determines, then the Director of Finance shall specify in the Certificate of Award the method and procedure by which the variable rate of interest to be borne by the variable rate Notes

shall be determined; provided that the variable rate Notes shall not bear interest at a rate in excess of 25.00% per year. The Director of Finance is authorized to enter into agreements in connection with the delivery of the variable rate Notes, and from time to time thereafter so long as the variable rate Notes are outstanding, with providers of Credit Support Instruments (as defined in Section 11) and others as may be determined by the Director of Finance, based on the written advice of a financial advisor, to be necessary or appropriate to provide for the method of determining the variable interest rates, permitting holders the right of tender, providing for liquidity or credit support for the payment of the variable rate Notes upon tender for purchase or redemption, and providing for the repayment by the City of any amounts drawn under the Credit Support Instrument. The Trustee shall be the authenticating agent, registrar, transfer agent and paying agent for the Notes. The Notes shall be signed by the officials of the City and in the manner set forth in the Indenture. The Notes 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 at not less than par and accrued interest to one or more firms that have proposed to underwrite the Notes and have been selected by the Director of Finance based on an evaluation of the qualifications of those firms (the "Note Purchaser") in the principal amount set forth in a certificate of award to be executed by the Director of Finance (the "Note Certificate of Award"). The proceeds of such sale shall be paid into the proper fund or funds set forth in the Note Certificate of Award and used for the purpose for which the Notes are being issued under the provisions of 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 Notes or the Series 2014B 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 Notes or the Series 2014B 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 Notes or the Series 2014B Bonds, the City agrees, in accordance with, and as the only obligated person with respect to the Notes and the Series 2014B Bonds under the SEC Rule, to provide or cause to be provided such financial information and operating data and notices, in such manner as may be required for purposes of the SEC Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Director of Finance is authorized and directed to prepare, or cause to be prepared, and to sign and deliver, in the name and on behalf of the City, a continuing disclosure agreement or certificate, which shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and beneficial owners of the Notes or the Series 2014B 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 Series 2014B Bonds and any Notes in such manner and to such extent as may be necessary so that (i) the Series 2014B Bonds and any Notes will not (A) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Internal Revenue Code of 1986, as amended (the "Code") or (B) be treated other than as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (ii) the interest on the Series 2014B Bonds and any Notes will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (i) it will take or cause to be taken such actions that may be required of it for the interest on the Series 2014B Bonds and any Notes to be and remain excluded from gross income for federal income tax purposes, (ii) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (iii) it, or persons acting for it, will, among other acts of compliance, (A) apply the proceeds of the Series 2014B Bonds and any Notes to the governmental purpose of the borrowing, (B) restrict the yield on investment property, (C) make timely and adequate payments to the federal government, (D) maintain books and records and make calculations and reports and (E) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Director of Finance or any other officer of the City having responsibility for issuance of the Series 2014B Bonds and any Notes is hereby authorized (i) to make or

effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Series 2014B Bonds and any Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or tax status of the Series 2014B Bonds and any Notes 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, which action shall be in writing and signed by the officer, (ii) 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 intended tax status of the Series 2014B Bonds and any Notes and (iii) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Series 2014B Bonds and any Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Series 2014B Bonds and any Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on the Series 2014B Bonds and any Notes and the tax status of the Series 2014B Bonds and any Notes.

Section 11. Credit Facilities and Ratings. If the Director of Finance determines it to be in the best interests of the City, based on the written advice of a financial advisor, the Director of Finance may obtain an insurance policy, letter of credit, standby bond purchase agreement or other credit enhancement instrument as further security for the payment when due of the principal of and interest on all or any portion of the Series 2014B Bonds or any Notes (a "Credit Support Instrument"). The Director of Finance may request a rating on the Series 2014B Bonds or Notes from one or more nationally recognized rating organizations, and do any and all things and take any and all actions required to secure a Credit Support Instrument and/or a rating or ratings on the Series 2014B Bonds or Notes. The Director of Finance may enter into one or more agreements for Credit Support Instruments containing terms not materially inconsistent with this Ordinance or the Indenture. The expenditure of the amounts necessary to secure Credit Support Instruments or obtain those ratings is authorized and approved, and the Director of Finance is authorized to provide for the payment of any such amounts from the proceeds of the Series 2014B Bonds or Notes to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be 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 Original Purchasers 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 any of its committees and that all deliberations of this Council 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 Series 2014B Bonds and the Notes 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 Series 2014B Bonds or the Notes. 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 Series 2014B Bonds and any Note Certificate of Award to the County Fiscal Officer of Cuyahoga County and to secure a receipt therefore.

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. 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. Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance shall not apply to the Series 2014B Bonds or the Notes authorized herein.

Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding Series 2014B 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.

Section 18. Emergency Measure. This Ordinance is declared to be an emergency measure for the immediate preservation of the public peace, property, health and safety of the City by providing funds to pay the costs of certain permanent improvements which are urgently needed for the benefit of the City and for the usual daily operation of a municipal department, and, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest date allowed by law.

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

Ord. No. 499-14.

By Council Member Kelley (by departmental request).

An emergency ordinance authorizing the issuance and sale of bonds in the maximum principal amount of \$14,500,000 for the purpose of providing funds to improve facilities for the discharge of governmental functions or for services otherwise benefiting Public Safety, Health and Welfare and authorizing related matters.

Whereas, this Council desires to issue bonds in an aggregate principal amount not to exceed \$14,500,000 (the "Series 2014B Bonds") to finance the costs of certain permanent improvements described in Section 1; and

Whereas, the Series 2014B 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 certified to this Council that the estimated life or usefulness of the improvements to be financed with the proceeds of the Series 2014B Bonds is at least five years and the maximum maturity of the Series 2014B Bonds is 15 years, as evidenced by the certificate contained in File No. 499-14-A; and

Whereas, the authorization for issuance of the Series 2014B Bonds is necessary to provide funds to pay the costs of certain permanent improvements described in Section 1 that are urgently needed for the benefit of the City, and as a result, this Ordinance constitutes an emergency measure providing for the

immediate preservation of the public peace, property, health and safety, and for the usual daily operation of a municipal department; now, therefore,

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

Section 1. Purpose. It is deemed necessary to issue the Series 2014B Bonds in an aggregate principal amount not to exceed \$14,500,000 for the purpose of providing funds to improve facilities for the discharge of governmental functions or for services otherwise benefiting the public safety, health and welfare, including constructing, reconstructing, rehabilitating, installing, renovating, enlarging and otherwise improving buildings, structures and other facilities in, of and for City Hall, police stations, fire stations, emergency medical centers, service stations, waste collection, transfer and disposal facilities, correctional facilities, health facilities, maintenance facilities, kennels, parking facilities, centers and other facilities, the provision of necessary fixtures, furnishings, equipment, information technology hardware and software, utilities, site improvements and appurtenances, and the acquisition of vehicles, and to pay any capitalized interest and all expenses incurred in connection with the issuance of the securities, including all financing costs within the meaning of Section 133.01(K) of the Revised Code and such other costs of the foregoing permanent improvements that may be financed with the proceeds of securities as permitted by Section 133.15(B) of the Ohio Revised Code and as otherwise permitted by law.

Section 2. Authority, Security and Source of Payment. The Series 2014B 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 Series 2014B 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 Series 2014B 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 Series 2014B 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"), and three series of Subordinate Lien Income Tax Bonds issued on February 11, 2014 (collectively, the "Series 2014A 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 and any additional bonds issued under the Indenture are collectively referred to in this Ordinance as the "Bonds."

Section 3. 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 4. Terms of the Series 2014B Bonds. The Series 2014B Bonds shall be issued in fully registered form. The Series 2014B Bonds may be issued in one or more series or subseries. The Series 2014B 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 Sixth Supplement identified in Section 7. The Series 2014B Bonds shall be designated "Public Facilities Improvement Bonds, Series 2014B" and may contain such further designation as provided in the Certificate of Award identified below. The Series 2014B Bonds shall be issued in one lot as fully registered Series 2014B Bonds in denominations of \$5,000 or any whole multiple thereof. The Series 2014B Bonds shall be numbered as determined by the Director of Finance. The Series 2014B Bonds shall be signed by the officials of the City and in the manner set forth in the Indenture.

The Series 2014B Bonds shall be dated the date of their issuance and delivery or such other date specified

in the certificate of award providing for the final terms of the Series 2014B Bonds and the sale of the Series 2014B Bonds in accordance with this Ordinance (the "Certificate of Award"). The Series 2014B Bonds shall bear interest from their date until the principal amount is paid at the rate or rates per year specified in the Certificate of Award, provided that the yield (determined in accordance with the arbitrage provisions of the Internal Revenue Code of 1986, as amended) of the Series 2014B Bonds shall not exceed 6.00% per year. Interest on the Series 2014B Bonds shall be payable semi-annually on April 1 and October 1, or such other dates specified in the Certificate of Award (the "Interest Payment Dates").

The Series 2014B Bonds shall mature in the years and principal amounts set forth in the Certificate of Award, provided that (i) each principal payment shall occur on an Interest Payment Date, and (ii) the final maturity date of the Series 2014B Bonds shall be no later than August 1, 2030. The Series 2014B Bonds stated to mature in any year may be issued as serial Series 2014B Bonds or as term Series 2014B Bonds payable prior to stated maturity pursuant to sinking fund redemption (the "Term Bonds"). The Director of Finance shall determine in the Certificate of Award whether any of the Series 2014B Bonds shall be issued as Term Bonds, any dates (the "Mandatory Redemption Dates") on which the principal amount of the Term Bonds shall be payable pursuant to mandatory sinking fund installments rather than at stated maturity and the amount of principal to be paid on each Mandatory Redemption Date (the "Mandatory Sinking Fund Redemption Requirements"). If any of the Series 2014B Bonds are issued as Term Series 2014B Bonds, the Term Bonds shall be redeemed pursuant to the 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 monies to be deposited with the Trustee for payment of principal of and interest on any Term Bonds shall include amounts sufficient to redeem on the Mandatory Redemption Dates the principal amount of Term Bonds payable on those dates pursuant to the Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as provided in the Indenture and the Sixth Supplement).

The Series 2014B 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 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 Series 2014B Bonds not to be callable prior to their stated maturity, and (ii) for a premium to be payable on the redemption of any Series 2014B 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 Bond which is redeemable by optional redemption at a purchase price not less than the redemption price that would be payable if that Bond were called for optional redemption on the date of the proposed purchase. That election shall be exercised as provided in the Sixth Supplement.

If and to the extent provided in the Certificate of Award, the Series 2014B Bonds may be secured by a Debt Service Reserve Fund to be held by the Trustee under the Indenture. The principal amount of the Series 2014B Bonds may include provision for funding the Debt Service Reserve Fund from the proceeds of the Bonds, subject to compliance with applicable federal tax laws.

Section 5. Sale of Series 2014B Bonds. The Series 2014B 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 the purchaser identified in the Certificate of Award (the "Original Purchaser"). The Certificate of Award shall specify the final terms of the Series 2014B 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 Series 2014B Bonds, including: the principal amount of the Series 2014B Bonds (which shall not exceed the amount stated in Section 1), the purchase price (which shall be not less than 97% of the principal amount plus accrued interest to their date of delivery), interest rate or rates, the amounts and years in which principal installments are payable (at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements), terms and conditions under which any Series 2014B Bonds may be redeemed prior to maturity at the option of the City, the Interest Payment Dates and the date of the Series 2014B 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 Series 2014B Bonds and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, procedures, and conditions for the delivery of the Series 2014B 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 Series 2014B 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 Series 2014B Bonds. The

Director of Finance is 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 Series 2014B Bonds and the Original Purchaser agrees to buy the Series 2014B Bonds on terms consistent with this Ordinance and the Indenture, that are 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 Bond Purchase Agreement or amendments to the Bond Purchase Agreement by the Director of Finance. It is determined that the terms of the Series 2014B Bonds, as provided in this Ordinance and as may be provided in or pursuant to the Certificate of Award, the Indenture and the Sixth Supplement, are in the best interest of the City and in compliance with all legal requirements.

Section 6. Application of Proceeds. The proceeds from the sale of the Series 2014B Bonds shall be applied as follows:

(a) to the payment of any providers of any Credit Support Instruments, the fees and expenses required to be paid by the City to obtain the Credit Support Instrument;

(b) to the Trustee, for deposit in the Interest Payment Account in the Debt Service Fund, the amount, if any, received by the City upon delivery of the Series 2014B Bonds as accrued interest from their dated date to the date of their delivery to the Original Purchaser;

(c) to the Trustee, for deposit in the Debt Service Reserve Fund, any amount identified in the Certificate of Award as required to be deposited in the Debt Service Reserve Fund; and

(d) to the Trustee for deposit in the Project Fund, the balance of the proceeds (including any original issue premium received from the sale of the Series 2014B Bonds).

Section 7. Supplemental Indenture. The Director of Finance is authorized to sign and deliver on behalf of the City a supplemental trust indenture (the "Sixth Supplement"), supplementing the Indenture to provide procedures for the authentication, registration and transfer of the Series 2014B Bonds, redemption of Series 2014B Bonds, payments under any Credit Support Instrument authorized by Section 11, application of the proceeds of the Series 2014B Bonds, defeasance of the Series 2014B 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 Sixth Supplement shall be approved as to form by the Director of Law. The determination by the Director of Finance that the provisions of the Sixth Supplement are not substantially adverse to the City shall be conclusively evidenced by the Director's signing of the Sixth Supplement. 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 Sixth Supplement as may be necessary or appropriate to issue and sell the Series 2014B Bonds and to consummate the transactions authorized by this Ordinance.

Section 8. Bond Anticipation Notes. For the purpose of raising money in anticipation of the issuance of the Series 2014B Bonds for the purpose set forth in Section 1, notes of the City may be issued in an aggregate principal amount not to exceed \$14,500,000 (the "Notes") upon the direction of the Director of Finance to be set forth in a certificate providing for the final terms of the Notes and the sale of the Notes and signed by the Director of Finance (the "Note Certificate of Award"). The Notes, if sold as fixed rate obligations, shall bear interest at such rate, not exceeding 6.00% per year, and shall be payable on the date or dates, as shall be determined by the Director of Finance of the City in the Note Certificate of Award; shall be dated their date of issuance; shall mature on the date set forth in the Note Certificate of Award; shall be subject to redemption by the City at any time prior to maturity without penalty, unless the Director of Finance, based on the advice of a financial advisor, determines that it is in the best interest of the City in order to enhance the marketability of the Notes, that the Notes not be redeemable prior to maturity or that a premium be paid on their prior redemption; shall be designated "Public Facilities Improvement Bond Anticipation Notes" or as otherwise provided in the Note Certificate of Award; shall be issued in such numbers and denominations as may be requested by the Note Purchaser (hereinafter defined); and shall be issued in fully registered form (which may be in a book entry only system). The provisions of Sections 9.98 to 9.983 of the Revised Code shall apply to the Notes and pursuant to that authority and this Ordinance, the Director of Finance may determine in the Certificate of Award, based on the written advice of a financial advisor, that the City's best interests will be served by causing all or a portion of the Notes to be obligations bearing interest at variable rates. If the Director of Finance so determines, then the Director of Finance shall specify in the Certificate of Award the method and procedure by which the variable rate of interest to be borne by the variable rate Notes shall be determined; provided that the variable rate Notes shall not bear interest at a rate in excess of 25.00% per year. The Director of Finance is authorized to enter into agreements in connection with the delivery of the variable rate Notes, and from time to time thereafter so long as the variable rate Notes are outstanding, with providers of Credit Support Instruments (as defined in Section 11) and others as may be determined by the Director of Finance, based on the written advice of a financial advisor, to be necessary or appropriate to provide for the method of determining the variable interest rates, permitting holders the right of tender, providing for liquidity or credit support for the payment of the variable rate Notes upon tender for purchase or redemption, and providing for the repayment by the City of any amounts drawn under the Credit Support Instrument. The Trustee

shall be the authenticating agent, registrar, transfer agent and paying agent for the Notes. The Notes shall be signed by the officials of the City and in the manner set forth in the Indenture. The Notes 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 at not less than par and accrued interest to one or more firms that have proposed to underwrite the Notes and have been selected by the Director of Finance based on an evaluation of the qualifications of those firms (the "Note Purchaser") in the principal amount set forth in a certificate of award to be executed by the Director of Finance (the "Note Certificate of Award"). The proceeds of such sale shall be paid into the proper fund or funds set forth in the Note Certificate of Award and used for the purpose for which the Notes are being issued under the provisions of 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 Notes or the Series 2014B 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 Notes or the Series 2014B 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 Notes or the Series 2014B Bonds, the City agrees, in accordance with, and as the only obligated person with respect to the Notes and the Series 2014B Bonds under the SEC Rule, to provide or cause to be provided such financial information and operating data and notices, in such manner as may be required for purposes of the SEC Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Director of Finance is authorized and directed to prepare, or cause to be prepared, and to sign and deliver, in the name and on behalf of the City, a continuing disclosure agreement or certificate, which shall

constitute the continuing disclosure agreement made by the City for the benefit of the holders and beneficial owners of the Notes or the Series 2014B 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 Series 2014B Bonds and any Notes in such manner and to such extent as may be necessary so that (i) the Series 2014B Bonds and any Notes will not (A) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Internal Revenue Code of 1986, as amended (the "Code") or (B) be treated other than as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (ii) the interest on the Series 2014B Bonds and any Notes will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (i) it will take or cause to be taken such actions that may be required of it for the interest on the Series 2014B Bonds and any Notes to be and remain excluded from gross income for federal income tax purposes, (ii) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (iii) it, or persons acting for it, will, among other acts of compliance, (A) apply the proceeds of the Series 2014B Bonds and any Notes to the governmental purpose of the borrowing, (B) restrict the yield on investment property, (C) make timely and adequate payments to the federal government, (D) maintain books and records and make calculations and reports and (E) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Director of Finance or any other officer of the City having responsibility for issuance of the Series 2014B Bonds and any Notes is hereby authorized (i) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Series 2014B Bonds and any Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or tax status of the Series 2014B Bonds and any Notes 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, which action shall be in writing and signed by the officer, (ii) 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 intended tax status of the Series 2014B Bonds and any Notes and (iii) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Series 2014B Bonds and any Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Series 2014B Bonds and any Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on the Series 2014B Bonds and any Notes and the tax status of the Series 2014B Bonds and any Notes.

Section 11. Credit Facilities and Ratings. If the Director of Finance determines it to be in the best interests of the City, based on the written advice of a financial advisor, the Director of Finance may obtain an insurance policy, letter of credit, standby bond purchase agreement or other credit enhancement instrument as further security for the payment when due of the principal of and interest on all or any portion of the Series 2014B Bonds or any Notes (a "Credit Support Instrument"). The Director of Finance may request a rating on the Series 2014B Bonds or Notes from one or more nationally recognized rating organizations, and do any and all things and take any and all actions required to secure a Credit Support Instrument and/or a rating or ratings on the Series 2014B Bonds or Notes. The Director of Finance may enter into one or more agreements for Credit Support Instruments containing terms not materially inconsistent with this Ordinance or the Indenture. The expenditure of the amounts necessary to secure Credit Support Instruments or obtain those ratings is authorized and approved, and the Director of Finance is authorized to provide for the payment of any such amounts from the proceeds of the Series 2014B Bonds or Notes to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be 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 Original Purchasers 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 any of its committees and that all deliberations of this Council 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 Series 2014B Bonds and the Notes 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 Series 2014B Bonds or the Notes. 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 Series 2014B Bonds and any Note Certificate of Award to the County Fiscal Officer of Cuyahoga County and to secure a receipt therefore.

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. 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. Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance shall not apply to the Series 2014B Bonds or the Notes authorized herein.

Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding Series 2014B 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.

Section 18. Emergency Measure. This Ordinance is declared to be an emergency measure for the immediate preservation of the public peace, property, health and safety of the City by providing funds to pay the costs of certain permanent improvements which are urgently needed for the benefit of the City and for the usual daily operation of a municipal department, and, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest date allowed by law.

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

Ord. No. 500-14.

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

An emergency ordinance authorizing the Directors of Public Works and Finance to enter into one or more contracts with the Cleveland Metropolitan School District to conduct recreational, cultural, and extracurricular programs for the benefit of school children during the 2013-14 school year.

Whereas, under Ordinance No. 1025-A-95, passed June 28, 1995, tax revenues from levying the parking facility tax and increases in the motor vehicle lessor tax and the admission tax can be used to fund recreational, cultural, and extracurricular programs within the Cleveland School system; and

Whereas, the Joint Board established by Ordinance No. 1025-A-95 has recommended that a portion of the tax proceeds be used to fund a number of recreational, cultural, and extracurricular programs for City school children during the 2013-14 school year, including dance, drama, instrumental, vocal, cheerleading, aquatic, sports, and academic enrichment programs; 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 Directors of Public Works and Finance are authorized to enter into one or more contracts with the Cleveland Metropolitan School District to conduct various recreational, cultural and extracurricular programs for the benefit of City school children during the 2013-14 school year, under the program description contained in File No. 500-14-A. The cost of the contract or contracts shall not exceed \$1,000,000 and shall be paid from Fund No. 11 SF 035, Request No. RQS 7001, RL 20142014-22.

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

Referred to Directors of Public Works, Finance, Law; Committees on Municipal Services and Properties, Finance.

Ord. No. 501-14.

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

An emergency ordinance authorizing the Director of Public Works to enter into one or more contracts with the National Youth Sports Program to provide a youth summer sports, nutrition, health, and life skills development program for 2014 at Case Western Reserve University.

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

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

Section 1. That the Director of Public Works is authorized to enter into one or more contracts with the National Youth Sports Program for the public purpose of providing Cleveland youths with a summer sports, nutrition, health, and life skills development program for 2014 at Case Western Reserve University.

Section 2. That the cost of the contract or contracts shall not exceed \$100,000 and shall be paid from Fund No. 01-7004-6380, Request No. RQS 7004, RL 2014-27.

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

Referred to Directors of Public Works, Finance, Law; Committees on Municipal Services and Properties, Finance.

FIRST READING EMERGENCY ORDINANCE READ IN FULL AND PASSED

Ord. No. 502-14.

By Council Member Conwell.

An emergency ordinance amending Section 2 of Ordinance No. 1532-13 passed November 11, 2013 as it pertains to authorizing the Director of the Department of Economic Development to enter into an agreement with Famicos Foundation for the Hot Sauce Williams Development Project 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 Section 2 of Ordinance No. 1532-13 passed November 11, 2013, is hereby amended to read as follows:

Section 2. That the cost of said contract shall be in an amount not to exceed **\$70,000** and shall be paid from Fund No. 10 SF 188.

Section 2. That Section 2 of Ordinance No. 1532-13 passed November 11, 2013, is hereby repealed.

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

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

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

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

Res. No. 494-14

By Council Member Pruitt

An emergency resolution approving the recommendation of the Operations Committee of the hiring of certain employees by Cleveland City Council.

Whereas, Section 31 of the Charter of the City of Cleveland mandates that the Council shall choose "employees of its own body as are necessary"; and

Whereas, under Rule 12-1 of the Rules of Council, recommendation for hiring will come through the office of the Clerk to the Operations Committee; and

Whereas, such recommendation has been made to the Council and is attached in File No. 000-14-A; 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 approves the recommendation of the Personnel and Operations Committee of the hiring of Cynthia Carter, Latrease Poole Miller, and Steven Rys as employees of Cleveland City Council.

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 14. Nays 0. Read second time. Read third time in full. Adopted. Yeas 14. Nays 0.

**SECOND READING EMERGENCY
ORDINANCES PASSED**

Ord. No. 1607-13.

By Council Member Mitchell.

An emergency ordinance designating True Holiness Temple (formerly Second Church of Christ, Scientist) as a Cleveland Landmark.

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

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

Ord. No. 125-14.

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

An emergency ordinance authorizing the Director of Community Development to apply for and accept grants from the United States Department of

Housing and Urban Development for the CDBG Year 40 under the Title I of the Housing and Community Development Act of 1974, for the 2014 Federal HOME Investment Partnerships Act Program, Emergency Solutions Grant Program, and the Housing Opportunities for Persons with AIDS Program.

Approved by Directors of Community Development, Finance, Law; Passage recommended by Committees on Development, Planning and Sustainability, Finance, when amended, as follows:

1. In Section 2, lines 1 and 2, strike "That the budget allocations for the grants, placed in File No. 125-14-A" and insert "That the 2014 Consolidated Plan Budget City Council Hearing Book and budget allocation for the grants, placed in File Nos. 125-14-A and 125-14-B".

Amendments agreed to.

The rules were suspended. Yeas 14. Nays 0. Read second time. Read third time in full. Passed. Yeas 14. 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. 360-14.

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 MorphoTrust USA, LLC., for the use and occupancy of certain space located in the passenger terminal building at Cleveland Hopkins International Airport, Department of Port Control, for a period of two years, with three one-year options to renew, the first of which requires additional legislative authority.

Approved by Directors of Port Control, Finance, Law; Passage recommended by Committees on Transportation, Finance.

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

Ord. No. 387-14.

By Council Member Kelley (by departmental request).

An emergency ordinance authorizing the Director of Human Resources to enter into one or more agreements with Medical Mutual of Ohio, Anthem Blue Cross and Blue Shield, and HealthSpan fka Kaiser Permanente to provide reimbursements to the City for City-provided employee wellness education, screenings, initiatives, and other approved wellness events, for a period of one year.

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

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

Ord. No. 425-14.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Oatey SCS Company, or its designee, to provide for a ten-year, seventy percent tax abatement for certain tangible real property improvements needed to construct

a new headquarters in the Emerald Corporate Park in the City of Cleveland; and to amend 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 14. Nays 0. Read second time. Read third time in full. Passed. Yeas 14. Nays 0.

Ord. No. 426-14.

By Council Member Kelley (by departmental request).

An emergency ordinance authorizing the Director of Finance to exercise the third option to renew Contract No. CT 1511 PS 2010-124 with Oracle USA, Inc. for acquisition and maintenance of software licenses and other Oracle products, for the various divisions of City government.

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

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

Ord. No. 428-14.

By Council Member Kelley (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of plumbing supplies and equipment, for the various divisions of City government, for a period of two years, with one option to renew for a one-year period, exercisable through additional legislative authority.

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

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

**SECOND READING
ORDINANCES PASSED**

Ord. No. 757-13.

By Council Member Brancatelli.

An ordinance changing the Use District of lands on the east side of E. 49th Street north of Chard Avenue to Residence Industry District (Map Change Number 2423).

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

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

Ord. No. 1524-13.

By Council Member Westbrook and Zone.

An ordinance changing the Use District of lands on the south side of Madison Avenue east of W. 98th Street to Local Retail Business from Multi-Family Residential (Map Change No. 2466).

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

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

Ord. No. 1602-13.

By Council Member Mitchell and Reed.

An ordinance changing the Use, Area and Height Districts land locate on the west side of East 116th Street north of Benham Avenue to Multi-Family Residential, a 'C' Area District and a '1' Height District (Map Change No. 2468).

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

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

Ord. No. 1603-13.

By Council Members Pruitt and Reed.

An ordinance changing the Use, Area and Height Districts lands on the east and west sides of East 131st Street and on the southeast corner of East 131st Street and Beachwood Avenue to Two Family Residential, a 'B' Area District and a '1' Height District (Map Change No. 2467).

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

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

Ord. No. 77-14.

By Council Member Zone.

An ordinance changing the Use and Height Districts of lands located on the east side of West 73rd Street and the west side of West 70th Street north of Detroit from General Industry and a '3' Height District to a Residence Industry or a Two Family Residential District and a '1' Height District (Map Change No. 2475).

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

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

Ord. No. 132-14.

By Council Member Zone.

An ordinance changing the Use and Area Districts of land located on the northeast corner of West 54th Street and Herman Avenue from Two Family Residential and a 'B' Area District to a Residential Attached 2 Townhouse District (RA-2) (Map Change 2476).

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

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

MOTION

On the motion of Council Member Dow, the absences of Council Members Joe Cimperman, Brian J. Cummins, and Kenneth L. Johnson are hereby authorized. Seconded by Council Member Zone.

MOTION

The Council Meeting adjourned at 7:56 p.m. to meet on Monday, April 21, 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

April 9, 2014

The Regular meeting of the Board of Control convened in the Mayor's office on Wednesday, April 9, 2014 at 10:37 a.m. with Director Langhenry presiding.

Present: Director Langhenry, Acting Director White, Director Bender, Acting Director Savas, Director Cox, Interim Director Baker, Director McGrath, Acting Director Cosgrove, Directors Southerington, Nichols and Fumich.

Absent: Mayor Jackson and Director Rybka.

Others: Natoya Walker Minor, Director, Office of Equal Opportunity.

Tiffany White, Commissioner, Division of Purchases & Supplies.

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

Resolution No. 146-14.

By Director Bender.

Whereas, under Board of Control Resolutions No. 460-11, adopted on September 21, 2011 and No. 671-13, adopted on November 27, 2013, the City of Cleveland entered into City Contracts No. RC2011-149 and No. RC2014-035, respectively, with General Chemical Performance Products LLC for an estimated quantity of liquid alum and alum blend coagulants, item 1, for the Division of Water, Department of Public Utilities; and

Whereas, by its letter dated March 25, 2014, Chemtrade Chemical Corporation dba Chemtrade Chemicals US LLC informed the City that effective March 1, 2014, it finalized the purchase of General Chemical Performance Products LLC and that it will honor City Contracts No. RC2011-149 and No. RC2014-035; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland, that this Board authorizes the Director of Public Utilities, on behalf of the City, to consent to the assignment of City Contract No. RC2011-149 and City Contract No. RC2014-035 from General Chemical Performance Products LLC to Chemtrade Chemical Corporation dba Chemtrade Chemicals US LLC ("Chemtrade")

and the assumption by Chemtrade of all General Chemical Performance Products' rights and obligations under the contracts.

Be it further resolved that the Director of Public Utilities is authorized to execute all documents necessary to effect the consent to the assignment and assumption of City Contracts Nos. RC2011-149 and RC2014-035 authorized above. A copy of the consent to assignment and the assignment of Contracts Nos. RC2011-149 and RC2014-035 shall be filed with the original of the contracts in the custody of the Commissioner of Accounts.

Yeas: Director Langhenry, Acting Director White, Director Bender, Acting Director Savas, Director Cox, Interim Director Baker, Director McGrath, Acting Director Cosgrove, Directors Southerington, Nichols and Fumich.

Nays: None.

Absent: Mayor Jackson and Director Rybka.

Resolution No. 147-14.

By Director McGrath.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Atwell's Police & Fire Equipment Co. for the purchase of Glock Semiautomatic Pistols, all items, for the Division of Police, Department of Public Safety, for the period of one year beginning with the date of the execution of a contract, with a one year option to renew, received on February 19, 2014, under the authority of Section 135.065, Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of estimated quantity would amount to \$81,800.00, is affirmed and approved as the lowest and best bid, and the Director of Public Safety is requested to enter into a requirement contract for the goods and/or services necessary for the specified items.

The requirement contract shall further provide that the Contractor shall furnish the remainder of the City's requirements for the goods and/or services, whether more or less than the estimated quantity, as may be ordered under the delivery orders separately certified to the contract.

Yeas: Director Langhenry, Acting Director White, Director Bender, Acting Director Savas, Director Cox, Interim Director Baker, Director McGrath, Acting Director Cosgrove, Directors Southerington, Nichols and Fumich.

Nays: None.

Absent: Mayor Jackson and Director Rybka.

Resolution No. 148-14.

By Director Cox.

Whereas, the City of Cleveland owns and operates certain real property commonly known as the Willard Park Garage under the supervision and direction of the Director of Public Works; and

Whereas, MVP Valet Services, LLC has proposed to offer valet parking services to the general public for the Heart Throb Ball at Cleveland Public Auditorium using the Willard Park Garage; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that, under Section 183.04 of the Codified Ordinances of Cleveland, Ohio,

1976, the Director of Public Works is authorized to enter into a concession agreement with MVP Valet Services, LLC to operate a valet parking service for the Heart Throb Ball at Cleveland Public Auditorium on May 2, 2014, using Willard Park Garage for a concession fee of \$450.00 plus \$5.00 per vehicle parked. The concession agreement shall be prepared by the Director of Law and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Yeas: Director Langhenry, Acting Director White, Director Bender, Acting Director Savas, Director Cox, Interim Director Baker, Director McGrath, Acting Director Cosgrove, Directors Southerington, Nichols and Fumich.

Nays: None.

Absent: Mayor Jackson and Director Rybka.

Resolution No. 149-14.

By Director Cox.

Whereas, the City of Cleveland owns and operates certain real property commonly known as the Willard Park Garage under the supervision and direction of the Director of Public Works; and

Whereas, NOW Valet Company has proposed to offer valet parking services to the general public for the Rock & Roll Hall of Fame Fundraiser to be held May 10, 2014 at the Cleveland Public Auditorium by using the Willard Park Garage; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that, under Section 183.04 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Works is authorized to enter into a concession agreement with NOW Valet Company to use Willard Park Garage to offer valet parking services to the public for the following event to be held at the Cleveland Public Auditorium on May 10, 2014 for a fee per event of \$450.00 plus \$5.00 per vehicle parked:

Rock & Roll Hall of
Fame Fundraiser May 10, 2014

The concession agreement shall be prepared by the Director of Law and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit public interest.

Yeas: Director Langhenry, Acting Director White, Director Bender, Acting Director Savas, Director Cox, Interim Director Baker, Director McGrath, Acting Director Cosgrove, Directors Southerington, Nichols and Fumich.

Nays: None.

Absent: Mayor Jackson and Director Rybka.

Resolution No. 150-14.

By Director Rush.

Whereas, Board of Control Resolution No. 260-13, adopted May 22, 2013, authorized the sale and development of Permanent Parcel No. 014-08-129 (Northerly Portion) to Ronald J. Moner for yard expansion, as part of the City Land Reutilization Program established under Ordinance No. 2076-76, passed by the Cleveland City Council on October 25, 1976; and

Whereas, in the fourth paragraph, Resolution No. 260-13 incorrectly identified the proposed purchaser of

the parcel to be sold as "Ronald J. Moner"; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 260-13, adopted by this Board May 22, 2013, authorizing the sale and development of Permanent Parcel No. 014-08-129 (Northerly Portion) to Ronald J. Moner for yard expansion, is amended by substituting "Ronald J. Moner, Trustee of Ronald J. Moner Trust" for "Ronald J. Moner", where appearing in the resolution.

Be it further resolved that all other provisions of Resolution No. 260-13 not expressly amended above shall remain unchanged and in full force and effect.

Yeas: Director Langhenry, Acting Director White, Director Bender, Acting Director Savas, Director Cox, Interim Director Baker, Director McGrath, Acting Director Cosgrove, Directors Southerington, Nichols and Fumich.

Nays: None.

Absent: Mayor Jackson and Director Rybka.

Resolution No. 151-14.

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 No. 114-32-012 located at 19419 Nottingham Road; 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, Angela Cavotta has proposed to the City to purchase and develop the parcel for agricultural use and

Whereas, the following conditions exist:

1. The member of Council from Ward 11 has 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 parcel 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 Angela Cavotta for the sale and development of Permanent Parcel No. 114-32-012 located at 19419 Nottingham Road, 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 parcel shall be \$200,000, which amount is determined to be not less than the fair market value of the parcel for uses according to the Program.

Yeas: Director Langhenry, Acting Director White, Director Bender, Acting Director Savas, Director Cox, Interim Director Baker, Director McGrath, Acting Director Cosgrove, Directors Southerington, Nichols and Fumich.

Nays: None.

Absent: Mayor Jackson and Director Rybka.

Resolution No. 152-14.

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 No. 108-29-076 located at 764 Lakeview Road; 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, Tree of Knowledge Learning Center, Inc. has proposed to the City to purchase and develop the parcel for playground; and

Whereas, the following conditions exist:

1. The member of Council from Ward 9 has 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 parcel 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 Tree of Knowledge Learning Center, Inc. for the sale and development of Permanent Parcel No. 108-29-076 located at 764 Lakeview Road, 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 parcel shall be \$1,500,000, which amount is determined to be not less than the fair market value of the parcel for uses according to the Program.

Yeas: Director Langhenry, Acting Director White, Director Bender, Acting Director Savas, Director Cox, Interim Director Baker, Director McGrath, Acting Director Cosgrove, Directors Southerington, Nichols and Fumich.

Nays: None.

Absent: Mayor Jackson and Director Rybka.

Resolution No. 153-14.

By Director Rybka.

Whereas, under the Ohio Environmental Protection Agency's National Pollutant Discharge Elimination System (NPDES) General Permit No. OHQ000002 and Draft-Renewal General Permit No. OHQ000003, the City

of Cleveland is required to regulate the use of environmental controls on construction activity in the City of Cleveland to control sediment and erosion at applicable developments, both during and after the construction; and

Whereas, under the authority of Section 3116.04 of the Codified Ordinances of Cleveland, Ohio, 1976 ("C.O."), the City of Cleveland, through its Director of Building and Housing, is authorized to enter into contract for professional services necessary to assist with plan review, inspections, and record-keeping as needed to administer Chapter 3116 C.O., for compensation to be fixed by the Board of Control; and

Whereas, the City intends to enter into an agreement with Cuyahoga Soil and Water Conservation District for one year for technical assistance related to NPDES-covered construction activities including initial plan review, subsequent plan review, site inspection, and the preparation of all reports, financial and programmatic; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Section 3116.04 C.O., the compensation to be paid to the Cuyahoga Soil and Water Conservation District for professional services to be rendered under the above-mentioned agreement, provided the total compensation to be paid shall not exceed \$70,000.00, is fixed at:

\$400.00 for each initial plan review;

\$150.00 for each subsequent plan review; and

\$150.00 for each site inspection.

Yeas: Director Langhenry, Acting Director White, Director Bender, Acting Director Savas, Director Cox, Interim Director Baker, Director McGrath, Acting Director Cosgrove, Directors Southerington, Nichols and Fumich.

Nays: None.

Absent: Mayor Jackson and Director Rybka.

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, APRIL 28, 2014

9:30 A.M.

Calendar No. 14-47: 1882 West 65 Street (Ward 15)

David Harper, owner, appeals to install telecommunications equipment and antenna on the roof of a structure located on a corner parcel in a B1 Two Family District and subject to the limitations in Section 354.08 (a) telecommunications use is not permitted in a Two-Family District but first permitted in Local Retail Business District, and pursuant to Section 354.08 (b) a telecommunications antenna or antenna structure may exceed the height limit established on the zoning map for buildings on the subject property, but such antenna or antenna structure shall not exceed the height limit by more than twenty (20) feet; fifty five (55) feet permitted and fifty nine (59) feet proposed; and subject to Section 354.14(a) the Board of Zoning Appeals may approve an application to install a telecommunications tower or antenna structure that does not meet the regulations of this chapter if the Board determines that all of the following conditions apply:

(1) The literal application of the regulations of this chapter in a particular instance will prevent adequate provision of wireless communications service, and no conforming alternative is technically feasible;

(2) The proposed installation will not be contrary to the stated purpose of the regulations of this chapter;

(3) Specifically, in the case of a telecommunications tower proposed to be placed in a Residential District, the subject parcel is not occupied by residential uses and is not likely to be occupied by residential uses in the foreseeable future;

(4) Specifically, in the case of a telecommunications antenna proposed to be placed in a Residential District on a building or structure other than a telecommunications tower, such building or structure is not a residence and is not designed for residential occupancy. (Filed 3-25-14)

Calendar No. 14-48: 4209 East 131 Street (Ward 1)

Winston House, owner, appeals to erect a 960 square foot addition and change use from bar to banquet hall/assembly on a parcel located in a B1 Local Retail Business and subject to Section 343.01 of the Cleveland Codified Ordinances a banquet hall/assembly use is not permitted in a Local Retail Business District but first permitted in a General Retail Business District if such use is 500 feet away from a residential

district per Section 343.11 (b) (2)(L) and the distance from subject property to the nearest residential district (Two Family District) is 175 feet; and pursuant to Section 349.04 (e) the required number of off-street parking spaces is 19 and 1 is provided. (Filed 3-26-14)

Calendar No. 14-49: 11125 Magnolia Drive (Ward 9)

Cleveland Music School Settlement, owner, appeals to install a 30' x 40' temporary tent for the various events occurring between April 9, 2014 to October 9, 2014 on a property located in an AA1 One Family Residential District and pursuant to Section 347.10 (a)(b) of the Cleveland Codified Ordinances no temporary use shall be established until a permit for such use has been issued by the Commissioner of Building and Housing and a temporary permit shall not exceed 30 days in duration, no temporary permit shall be issued within 60 days of the expiration of a previous temporary permit for the same temporary use on the same premises and such temporary use permit shall constitute a temporary waiver of off-street parking requirements and the proposed temporary use/structure will be for approximately 180 days. (Filed 3-28-14)

Appeal of LR 310 Prospect Investors LLC

Calendar No. 14-50: 310-320 Prospect Avenue (Ward 3)

LR 310 Prospect Investor, LLC, property owner appeal under the authority of Sections 329.02 and 329.021 of the Cleveland Codified Ordinances from a final decision of the Cleveland City Planning Commission rendered on March 21, 2014 regarding a request for a demolition permit to demolish the building at 310-320 Prospect Avenue.

Calendar No. 14-51: 16801 Fischer Road (Ward 17)

Anne Agozzino, owner, appeals to build an addition, a garage, a pool and outdoor open space trellis with fireplace on a 40' x 170' lot located in an A1 One Family Residential District and contrary to Section 337.23 of the Cleveland Codified Ordinances accessory buildings shall be located a minimum of 18" from all property lines and the 704 square foot garage is proposed to be built on the property line (0 inches from property line). (Filed 4-1-14)

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, APRIL 14, 2014

At the meeting of the Board of Zoning Appeals on Monday, April 14, 2014, the following appeals were scheduled for hearing before the Board.

The following appeal was **APPROVED:**

Calendar No. 14-40: 3312 Ruby Avenue

Joe Redrick, owner, appealed to erect a 20' x 22', 2 story, 880 square foot frame detached garage with

second floor storage on a 40' x 126' parcel in a B1 Two Family District.

The following appeals were **DENIED**:

None.

The following appeals were **WITHDRAWN**:

None.

The following appeals were **DISMISSED**:

Calendar No. 14-41: 2438 West 10th Street

Peter G. Kochera, owner, appealed to construct a 4 door, 2668 square foot garage with a second story and balcony on 66' x 189' parcel in a B1 Two Family District.

Calendar No. 14-42: 16006 Waterloo Road

16006 Waterloo Road Partners, LLC, owner, and Erin Corcoran appealed to change use of an existing store to a tattoo shop and gallery.

The following appeal was **POSTPONED**:

Calendar No. 14-34; 35; 36; 37; 038: 2132, 2136, 2140, 2144 West 17th Street & 1708 Bradford Ave. Tremont Property Investors, owner Postponed to May 19, 2014 at 9:30.

The following appeals were heard by the Board on April 7, 2014 and the decisions were adopted and approved on April 14, 2014.

The following appeals were **APPROVED**:

Calendar No. 14-30: 12701 Shaker Boulevard Shaker North LLC, owner, appealed to convert an existing non-conforming seven story apartment building from 101 dwelling units and 19 rooming occupancies to 120 dwelling units.

Calendar No. 14-32: 4125 Lorain Avenue JC Land Holdings, owner, appealed to change the use from storefront/office to bar with accessory brewery.

Calendar No. 13-247: 4414-20 Pearl Road Brian Bodach, owner, appealed to change the use from retail to three residential units in an existing one story brick building.

The following appeal was **DENIED**:

Calendar No. 14-29 8206 Wade Park Phyllis Wilson, owner, appealed to change the use of a single family home to a "Type A" daycare in a Multi-Family Residential District.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of April 9, 2014

As required by the provisions of Section 3103.20(2) of the Codified Ordinances of the City of Cleveland,

Ohio 1976, the following brief of action of the subject meeting is given for publication in the City Record:

* * *

Docket A-293-13.

RE: Appeal of John H. Deleva, Owner of the A-2 Assembly — Nite Clubs, Restaurants Two & One/half Story Wood Frame/Siding Masonry Veneer Property, located on the premises known as 12213 Buckingham Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated November 4, 2013 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find at this time that the Violation Notice was properly issued, and as a result a search warrant was issued; the Appellant is granted sixty (60) days in which to complete abatement of the violations by demolishing the property; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

Yeas: Messrs. Denk, Gallagher, Bradley, Maschke. Nays: None. Absent: Mr. Saab.

* * *

Docket A-18-14.

RE: Appeal of SunPace Property, LLC, Owner of the Property, located on the premises known as 17877 St. Clair Avenue from a NOTICE OF VIOLATION — FIRE CODE, dated January 16, 2014 of the Chief of the Division of Fire, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the Violation Notice was properly issued based upon testimony and photographic evidence; and that a review of the premises with the Fire Prevention Bureau to establish the proper building classification and fire prevention systems. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Maschke.

Yeas: Messrs. Denk, Gallagher, Bradley, Maschke. Nays: None. Absent: Mr. Saab.

* * *

Docket A-28-14.

RE: Appeal of George Caraman, Owner of the One Dwelling Unit Single-Family Residence One & One/half Story Frame Property, located on the premises known as 3438 West 56th Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated January 16, 2014 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to DENY the Appellants appeal request for additional time; the Appellant has volunteered to immediately proceed with obtaining all required permits and rehabilitating the property; the

property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Maschke.

Yeas: Messrs. Denk, Gallagher, Bradley, Maschke. Nays: None. Absent: Mr. Saab.

* * *

Docket A-30-14.

RE: Appeal of Daryl Williams & Charles Scott, Owners of the Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property, located on the premises known as 1643 Avalon Road from a NOTICE OF VIOLATION — INTERIOR/EXTERIOR MAINTENANCE, dated August 21, 2013 of the Chief of the Division of Fire, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-30-14 has been POSTPONED; to be rescheduled for April 23, 2014.

* * *

Docket A-31-14.

RE: Appeal of Khalil Abdur Rahman, Owner of the Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property, located on the premises known as 1856 Lampson Road from a CONDEMNATION ORDER — MAIN STRUCTURE, dated January 3, 2014, of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant two (2) weeks in which to obtain all required permits and six (6) months in which to complete abatement of the violations; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Maschke.

Yeas: Messrs. Denk, Gallagher, Bradley, Maschke. Nays: None. Absent: Mr. Saab.

* * *

Docket A-32-14.

RE: Appeal of Roland Realty Co., Owner of the F-1 Factory — Moderate Hazard (Combustibles) One & One/half Story Masonry Property, located on the premises known as 6100 Roland Avenue from a NOTICE OF VIOLATION — FIRE DAMAGE, dated January 27, 2014, of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant one hundred twenty (120) days in which to complete abatement of the violations by demolishing the property; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Maschke.

Yeas: Messrs. Denk, Gallagher, Bradley, Maschke. Nays: None. Absent: Mr. Saab.

* * *

Docket A-33-14.

RE: Appeal of Shaker Square Towers, LLC, Owner of the R-2 Residential — Non-transient; Apartments (Shared Egress) Six Story Concrete Frame Property, located on the premises known as 2825 East 130th Street (Bldgs. A & B) from a NOTICE OF VIOLATION — INTERIOR/EXTERIOR MAINTENANCE, dated January 27, 2014 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant sixty (60) days in which to complete abatement of all violations on the property; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Bradley.

Yeas: Messrs. Denk, Gallagher, Bradley, Maschke. Nays: None. Absent: Mr. Saab.

* * *

Docket A-34-14.

RE: Appeal of Yvette Attaway, Owner of the Two Dwelling Units Two-Family Residence Two & One-half Story Frame Property, located on the premises known as 10610 Grandview Avenue from a NOTICE OF VIOLATION — INTERIOR/EXTERIOR MAINTENANCE, dated January 30, 2014 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant three (3) months in which to complete abatement of the violations; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

Yeas: Messrs. Denk, Gallagher, Bradley, Maschke. Nays: None. Absent: Mr. Saab.

* * *

Docket A-55-14.

RE: Appeal of GLSD Steel Warehouse, Owner of the Property, located on the premises known as 4700 Heidtman Parkway from an ADJUDICATION ORDER, dated February 28, 2014 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance, noting the capability of the structure is 24 pounds per square feet and that the Appellant will install strain gages on the building

structure with audible alarms. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

Yeas: Messrs. Denk, Gallagher, Bradley, Maschke. Nays: None. Absent: Mr. Saab.

* * *

Docket A-65-14.

RE: Appeal of DeWayne Cooper, Owner of the One Story Masonry Property, located on the premises known as 7810 Colfax Road from a CONDEMNATION ORDER — MAIN STRUCTURE, dated February 26, 2014 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant sixty (60) days in which to clean up the site and submit plans to the Building Department to obtain a permit to stabilize the existing structure; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

Yeas: Messrs. Denk, Gallagher, Bradley, Maschke. Nays: None. Absent: Mr. Saab.

* * *

APPROVAL OF RESOLUTIONS:

Separate motions were entered by Mr. Gallagher and seconded by Mr. Bradley for Approval and Adoption of the Resolutions as presented by the Secretary for the following Dockets respectively, subject to the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC):

- A-313-13 — Rayford Wells
- A-11-14 — Shakertown Apt., Ltd.
- A-15-14 — A&M Financial Services, Inc.
- A-26-14 — Mouzer Sider
- A-27-14 — Sol Property Holdings
- A-29-14 — 10302 Madison Ave, LLC
- A-64-14 — Detroit Shoreway Comm. Dev.

Yeas: Messrs. Denk, Gallagher, Bradley, Maschke. Nays: None. Absent: Mr. Saab.

* * *

APPROVAL OF MINUTES:

Separate motions were entered by Mr. Gallagher and seconded by Mr. Saab for Approval and Adoption of the Minutes as presented by the Secretary, subject to the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC):

March 26, 2014

Yeas: Messrs. Denk, Gallagher, Saab, Bradley, Maschke. Nays: None.

* * *

JOSEPH F. DENK
Chairman

PUBLIC NOTICE

On March 3, 2014, Cleveland City Council passed Ordinance No. 280-14 authorizing the submission to the electors of the City of Cleveland of a proposal to amend the Charter of the City of Cleveland by amending existing Section 33 to allow for legislation to be presented in electronic, digital, written or printed form. The language that will appear on the ballot for the May 6, 2014 election is as follows:

**ISSUE 11
PROPOSED CHARTER
AMENDMENT
CITY OF CLEVELAND**

A majority affirmative vote is required for passage.

Shall Section 33 of the Charter of the City of Cleveland be amended to provide that copies of ordinances and resolutions shall be introduced in the Council in electronic, digital, written or printed form, and that members of council shall receive an electronic, digital, written or printed copy of an ordinance prior to the final reading of that ordinance?

For more information, go to www.clevelandcitycouncil.org.

March 26, 2014, April 2, 2014, April 9, 2014, April 16, 2014, April 23, 2014, and April 30, 2014

NOTICE OF PUBLIC HEARING

**Notice of Public Hearing
By the Council Committee
On Development, Planning
and Sustainability**

**Mercedes Cotner
Committee Room 217
City Hall, Cleveland, Ohio
On Tuesday, April 29, 2014
9:30 a.m.**

Notice is hereby given to all interested property owners that the Council Committee on Development, Planning and Sustainability will hold a public hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on Tuesday, April 29, 2014, at 9:30 a.m., to consider the following ordinance now pending in the Council:

Ord. No. 62-14.

By Council Member Cimperman. An ordinance establishing a Pedestrian Retail Overlay (PRO) on the north and south sides of Detroit Avenue from West 50th Street to West 25th Street and south on West 25th Street to Franklin Boulevard as shown shaded and outlined on the attached map (Map Change No. 2474).

Ord. No. 63-14.

By Council Member Cimperman. An ordinance changing the Use and Area Districts of lands on the south side of Detroit Avenue from West 50th Street to West 25th Street and south on West 25th Street to Franklin Boulevard as shown shaded on the attached map to Local Retail Business District and a 'D' Area District (Map Change No. 2473).

All interested persons are urged to be present or to be represented at the above time and place.

Anthony Brancatelli, Chair
Committee on Development,
Planning and Sustainability

April 16, 2014 and April 23, 2014

CITY of CLEVELAND BIDS

For All Departments

Sealed bids will be received at the office of the Commissioner of Purchases and Supplies, Room 12S, City Hall, in accordance with the appended schedule, and will be opened and read in Room 12S, 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, APRIL 25, 2014

File No. 45-14 — Purchase of Recycling Bins, for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING THURSDAY, APRIL 17, 2014 AT 1:00 P.M. THE DEPARTMENT OF PORT CONTROL, CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S FEDERAL SERVICE STATION BUILDING, 5301 WEST HANGAR ROAD, CLEVELAND, OHIO 44135-3193.

April 9, 2014 and April 16, 2014

FRIDAY, MAY 2, 2014

File No. 43-14 — 1201 Lakeside Avenue Customer Lobby Improvement, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1554-13, passed by the Council of the City of Cleveland, February 10, 2014.

*THERE WILL BE A **NON-REFUNDABLE FEE** FOR PLANS AND SPECIFICATIONS IN THE AMOUNT OF FIFTY DOLLARS (\$50.00) 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, APRIL 17, 2014 AT 2:30 P.M. THE CARL B. STOKES, PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, 2ND FLOOR ATRIUM CONFERENCE ROOM, 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.

File No. 44-14 — Maintaining and Repairing Detention Basins, Facilities and Structures, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 651-09, passed by the Council of the City of Cleveland, June 8, 2009.

*THERE WILL BE A **NON-REFUNDABLE FEE** FOR PLANS AND SPECIFICATIONS IN THE AMOUNT OF FIFTY DOLLARS (\$50.00) 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 MONDAY, APRIL 21, 2014 AT 1:30 P.M. THE DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

*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.

File No. 46-14 — Bunker Gear Suits, for the Various Divisions of Port Control, Department of Port Control, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING TUESDAY, APRIL 22, 2014 AT

9:00 A.M. THE CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S, AIRPORT RESCUE FIRE FIGHTING BUILDING, 5651 POSTAL ROAD, CLEVELAND, OHIO 44135-3193.

April 9, 2014 and April 16, 2014

FRIDAY, MAY 2, 2014

File No. 50-14 — Purchase of Recycling Compactors, for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING THURSDAY, APRIL 24, 2014 AT 10:00 A.M. THE CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S, FEDERAL SERVICE STATION BUILDING, 5301 WEST HANGER ROAD, CLEVELAND, OHIO 44135-3193.

April 16, 2014 and April 23, 2014

WEDNESDAY, MAY 7, 2014

File No. 47-14 — Rockefeller Park Greenhouse Heating Improvements, for the Division of Architecture and Site Development, Department of Public Works and The Mayor's Office of Capital Projects, as authorized by Ordinance No. 533-12, passed by the Council of the City of Cleveland, June 4, 2012.

*THERE WILL BE A **NON-REFUNDABLE FEE** FOR PLANS AND SPECIFICATIONS IN THE AMOUNT OF TWENTY FIVE DOLLARS (\$25.00) 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, APRIL 24, 2014 AT 2:00 P.M. THE ROCKEFELLER PARK GREENHOUSE, LOBBY AREA, 750 EAST 88TH STREET, CLEVELAND, OHIO 44108.

*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.

April 16, 2014 and April 23, 2014

FRIDAY, MAY 9, 2014

File No. 48-14 — Labor and Materials Necessary to Maintain and Replace Interior Plants for the Various Divisions of Port Control (Re-bid), for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING MONDAY, APRIL 28, 2014 AT 10:00 A.M. THE CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S CENTRAL RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135-3193.

File No. 49-14 — Labor and Materials Necessary to Maintain and Replace Exterior Plants and Other Site Landscaping for the Various Divisions of Port Control (Re-Bid), for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING FRIDAY, APRIL 25, 2014 AT 10:00 A.M. THE CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S CENTRAL RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135-3193.

April 16, 2014 and April 23, 2014

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 472-14.

By Council Member Dow and J. Johnson.

An emergency resolution withdrawing objection to the renewal of a D2, D2X, D3 and D6 Liquor Permit at 6201 St. Clair Avenue, 1st floor and repealing Resolution No. 1060-13, objection to said renewal.

Whereas, this Council objected to the renewal of a D2, D2X, D3 and D6 Liquor Permit to Dot & Beanies Tavern, Inc., 6201 St. Clair Avenue, 1st floor, Cleveland, Ohio 44103, Permanent Number 2275179 by Resolution No. 1060-13, adopted by the Council on August 14, 2013; and

Whereas, this Council wishes to withdraw its objection to the above permit and consents to said permit; and

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

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

Section 1. That objection to the renewal of a D2, D2X, D3 and D6 Liquor Permit to Dot & Beanies Tavern, Inc., 6201 St. Clair Avenue, 1st floor, Cleveland, Ohio 44103, Permanent Number 2275179, be and the same is hereby withdrawn and Resolution No. 1060-13, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

Adopted April 7, 2014.
Effective April 8, 2014.

Res. No. 475-14.

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

An emergency resolution supporting the Cuyahoga County Council's Ordinance No. O2014-0008 that enacts the Cuyahoga County Voting Rights Law to assist its citizens in exercising their right to vote through voter registration, early voting, and voting by mail programs; and urging the County to send applications to vote by mail with postage-prepaid return envelopes to all registered voters in Cuyahoga County.

Whereas, on March 11, 2014, the Cuyahoga County Council introduced Ordinance No. O2014-008 to enact the Cuyahoga County Voting Rights Law and update the Cuyahoga County Equity Plan in Chapter 1101 of the Cuyahoga County Code; and

Whereas, the Cuyahoga County Voting Rights Law promotes voter participation and access to the ballot in Cuyahoga County by all citizens through voter registration, early voting, and voting by mail programs, including mailing applications to vote by mail with postage-prepaid return envelopes; and

Whereas, as recognized by the U.S. Court of Appeals for the 6th Circuit in *League of Women Voters of Ohio v. Brunner*, 548 F.3d 463 (6th Cir. 2008), the citizens of Cuyahoga County experienced substantial problems and long lines trying to exercise their constitutional right to vote during the 2004 general election; and

Whereas, the voting problems experienced by the County's citizens in 2004 are not a mere accident, but are the byproduct of unique conditions and needs of large, urban counties; and

Whereas, Cuyahoga County is Ohio's largest county with a population of 1,280,122, and home to approximately 11 percent of Ohio's population of 11,536,502, according to the 2010 U.S. Census; and

Whereas, a significant percentage of the County's citizens often change residential addresses a number of times in between elections. Almost 35 percent of Cuyahoga County's citizenry reside in rental housing. Furthermore, the County's Office of Homeless Services estimates that approximately 5,157 homeless citizens above the age of 18 live in the County who are entitled to cast their ballots in accordance with *Northeast Ohio Coalition for the Homeless v. Husted*, 2012 WL 2711393 (S.D. Ohio July 9, 2012); and

Whereas, 94 percent of the voting precincts in Cuyahoga County are in multi-precinct locations, which significantly raises the possibility of relegating the County's citizens to provisional ballots when they vote on Election Day; and

Whereas, the County found a real solution to these voting problems through a combination of mechanisms working together, including (1) the ability of its citizens, especially citizens who change residential addresses multiple times in between elections, to register to vote or update their voting registration and cast their vote on the same day during early in person voting at the Board of Elections; (2) early in person voting at the Board of Elections during after

hours, the weekends, especially Sundays, and the Monday before the election; and (3) mailing the vote by mail applications to its citizens with postage-prepaid return envelopes to promote early voting and voting by mail; and

Whereas, the citizens of Cuyahoga County have come to expect and rely on the fact that they automatically receive their requests for ballots to vote by mail, with postage-prepaid return envelopes, for every election; and

Whereas, these solutions proved successful, and the County reduced the number of voting precincts available on Election Day; and

Whereas, by the adoption of Ohio Senate Bills 205, 216, and 238, and Secretary of State Directive 2014-06, the State has jettisoned the very solutions that proved successful in resolving elections problems in Cuyahoga County; and

Whereas, Cuyahoga County has a substantial interest in ensuring that its citizens have adequate opportunities to cast their ballots in every election; and

Whereas, Cuyahoga County also has a substantial interest in protecting the integrity of its own elections, including elections for its elected offices and issues that it places on the ballot by ensuring that the County's citizens have adequate opportunities to cast their ballot in elections that can be very close and impacted by the citizenry's ability to have adequate access to the ballot; and

Whereas, In August 2012, Cuyahoga County adopted an Equity Plan, codified in Chapter 1101 of the Cuyahoga County Code, that expressly provides that the County's objective is to remove barriers that stand in the way of the County's citizens; and

Whereas, the restrictions imposed by the State have a disparate impact on working men and women in Cuyahoga County; and

Whereas, the County should do everything possible to remove barriers in the way of its citizens' constitutional right to vote to further its equity objectives; and

Whereas, as federal courts have recognized, the establishment of so-called "uniform" procedures across the State that fail to take into account the unique needs of individual counties results in inequity and hurts the ability of citizens in large counties to vote. See, e.g., *Vanzant v. Brunner*, S.D. Ohio Case No. 1:10-cv-596; and

Whereas, Cleveland City Council supports the County Council's determination, as a chartered county with home rule powers, that it is necessary to provide services to its citizens to facilitate their ability to vote; and

Whereas, as a chartered county, Cuyahoga County is constitutionally entitled to rights and privileges, including a First Amendment right to communicate with its citizens and share information with them on how to vote and what forms to use when they want to apply to receive their ballots by mail; and

Whereas, Senate Bill 205 restricts speech based on the identity of the speaker by not prohibiting individuals and private corporations from exercising their First Amendment right to communicate through sending applications to vote by mail, including postage-prepaid return envelopes, while attempting to

restrict the ability of home rule entities from exercising the very same speech; and,

Whereas, Cleveland City Council supports the County Council's finding that it is necessary to invoke the County's home rule powers and its constitutional First Amendment rights to establish a program to assist its citizens in exercising their right to vote through voter registration as well as mailing applications for voting by mail to its citizens, with postage-prepaid return envelopes; and

Whereas, Cleveland City Council supports the County Council's Voting Rights Law that will assist all Cleveland and Cuyahoga County citizens in exercising their right to vote; 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 supports the Cuyahoga County Council's Ordinance No. O2014-0008 that enacts the Cuyahoga County Voting Rights Law to assist its citizens in exercising their right to vote through voter registration, early voting, and voting by mail programs; and urges the County to send applications to vote by mail with postage-prepaid return envelopes to all registered voters in Cuyahoga County.

Section 2. That the Clerk of Council is directed to transmit copies of this resolution to the Cuyahoga County Council, County Executive, Ed FitzGerald, and Councilmember Sunny Simon.

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 April 7, 2014.
Effective April 8, 2014.

Ord. No. 189-14.
By Council Members Pruitt and Kelley (by departmental request).

An emergency ordinance to amend Section 129.294 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 892-12, passed August 8, 2012, relating to professional services for the Department of Public Utilities.

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

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

Section 1. That Section 129.294 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 892-12, passed August 8, 2012, is amended to read as follows:

Section 129.294 Professional Services for General Engineering, Architectural, Environmental, Geotechnical Engineering, and Other Services

(a) That the Director of Public Utilities is authorized to employ by contract one (1) or more consultants or

one (1) or more firms of consultants to provide professional services for general engineering, architectural, environmental, geotechnical engineering services necessary for environmental, safety, sustainability and regulatory compliance for the various divisions of the Department of Public Utilities regarding its operations, new projects, work continuity, preventive maintenance, facility management, and utility administration in accordance with federal and state regulations. The services may include, but are not limited to, engineering design and construction services, construction inspection and testing, geotechnical investigation, testing analysis, environmental assessment, surveying, water quality services, and sewer investigations and other related work.

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

(c) The Director of Public Utilities shall notify all members of Council if the award of a contract under this section exceeds \$50,000.

(d) The term of any contracts authorized under this section shall not exceed two years, with two one-year options to renew. Notwithstanding this section, the first of the one-year options to renew may not be exercised without additional legislative authority. If such additional legislative authority is granted and the first of the one-year options to renew is exercised, then the second of the one-year options to renew may be exercisable at the option of the Director of Public Utilities, without the necessity of obtaining additional authority of this Council.

(e) The costs for the contracts shall be paid from funds appropriated for the Department of Public Utilities for this purpose.

Section 2. That existing Section 129.294 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 892-12, passed August 8, 2012, is repealed.

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

Passed April 7, 2014.
Effective April 8, 2014.

Ord. No. 196-14.
By Council Members Pruitt and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more agreements with Cleveland Housing Network to administer energy, water, and sewer

conservation services to low income home owners or rental property owners, for the Divisions of Water, Water Pollution Control, and Cleveland Public Power, Department of Public Utilities, for a period of one year, with a one-year option to renew, exercisable by the Director of Public Utilities.

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

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

Section 1. That the Director of Public Utilities is authorized to enter into one or more agreements with Cleveland Housing Network to administer energy, water, and sewer conservation services to low income home owners or rental property owners, for the Divisions of Water, Water Pollution Control, and Cleveland Public Power, Department of Public Utilities, for a period of one year, with a one-year option to renew, exercisable by the Director of Public Utilities.

Section 2. That the cost of the agreement or agreements authorized shall not exceed \$967,500 and shall be paid from Fund Nos. 52 SF 001, 54 SF 001, and 58 SF 001, Request No. RQS 2002, RL 2014-1.

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

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

Passed April 7, 2014.
Effective April 8, 2014.

Ord. No. 273-14.
By Council Members K. Johnson and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Public Works to employ one or more professional consultants to provide armed security services at various indoor and outdoor recreation facilities, including but not limited to, outdoor pools, recreation centers, and various surrounding play areas, for a period not to exceed one year.

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

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

Section 1. That the Director of Public Works 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 provide armed security services at various indoor and outdoor recreation facilities, including but not limited to, outdoor pools, recreation centers, and various surrounding play areas, for a period not to exceed one year.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of

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

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund No. 01-7004-6380, Request No. RQS 7004, RL 2014-4.

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 April 7, 2014.

Effective April 8, 2014.

Ord. No. 302-14.
By Council Members Pruitt and Kelley (by departmental request).
An emergency ordinance authorizing the Director of Public Utilities to exercise the first option to renew Contract No. PS 2012-180 with SourceLink, Ohio LLC to provide professional services relating to the customer care and billing systems for the Divisions of Water and Cleveland Public Power.

Whereas, under the authority of Ordinance No. 409-12, passed April 23, 2012, the Director of Public Utilities entered into Contract No. PS 2012-180 with SourceLink, Ohio LLC to provide professional services relating to the customer care and billing systems for the Divisions of Water and Cleveland Public Power; and

Whereas, Ordinance No. 409-12 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 Public Utilities is authorized to exercise the first option to renew Contract No. PS 2012-180 for an additional year in the approximate amount of \$1,500,000 with SourceLink, Ohio LLC to provide professional services relating to the customer care and billing systems for the Divisions of Water and Cleveland Public Power. This ordinance constitutes the additional legislative authority required by Ordinance No. 409-12 to exercise this option. (RQS 2002, RL 2014-7)

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 April 7, 2014.

Effective April 8, 2014.

Ord. No. 337-14.
By Council Members K. Johnson and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Public Works to enter into an agreement with the Neighborhood Leadership Institute to implement educational, recreational and cultural programs in various school buildings and recreation centers during evening hours, provide leadership training and supervise the summer tennis program.

Whereas, based on recommendations made by the Cleveland Summit on Education, certain pilot programs were created; 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 Public Works is authorized to enter into an agreement with Neighborhood Leadership Institute to implement educational, recreational and cultural programs in various school buildings and recreation centers during evening hours, provide leadership training and supervise the summer tennis program, in an amount not to exceed \$289,511, payable from Fund Nos. 01-7004-6380, Request No. RQS 7004, RL 2014-3.

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 April 7, 2014.

Effective April 8, 2014.

Ord. No. 359-14.
By Council Members K. Johnson and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Public Works to enter into one or more contracts with City Year to perform community service work and to collaborate with various non-profit agencies.

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

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

Section 1. That the Director of Public Works is authorized to enter into one or more contracts with City Year to perform community service work and to collaborate with non-profit agencies, in an amount not to exceed \$75,000.00, payable from Fund No. 01-7004-6380, Request No. RQS 7004, RL 2014-2.

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 April 7, 2014.

Effective April 8, 2014.

Ord. No. 468-14.
By Council Member Pruitt.

An emergency ordinance authorizing the Director of the Department of Aging to enter into an agreement with Court Community Service for the Senior Lawn Care Program through the use of Ward 1 Neighborhood Capital 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 Aging be authorized to enter into an agreement with Court Community Service for the Senior Lawn Care Program for the public purpose of assisting senior citizens residing in the city of Cleveland with grass cutting and lawn maintenance care through the use of Ward 1 Neighborhood Capital Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$22,500 and shall be paid from Fund No. 10 SF 177.

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 April 7, 2014.

Effective April 8, 2014.

Ord. No. 469-14.
By Council Member Brancatelli.
An emergency ordinance consenting and approving the issuance of a permit for the Morgana Run, on June 8, 2014, sponsored by Hermes Sports & 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 Morgana Run, sponsored by Hermes Sports & Events, on June 8, 2014; start: Fleet at Aetna; Fleet south to Broadway; Broadway northwest to Forman; Forman west to East 65th; East 65th north to Baxter; Baxter east to East 67th; East 67th north to Broadway; Broadway northwest to Morgan Trail; Morgan Trail south to Wire; Wire west to Broadway; Broadway northwest to Fleet; Fleet east to Kionowski-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.

Passed April 7, 2014.
Effective April 8, 2014.

Ord. No. 470-14.

By Council Member Polensek.

An emergency ordinance consenting and approving the issuance of a permit for the Escape on the Lake, on July 12, 2014, benefits Villa Angela-St. Joseph High School.

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 Escape on the Lake, on July 12, 2014, start: Villa Angela-St. Joseph; Lakeshore west to Schenely; Schenely north to Dorchester; Dorchester west to Lakefront State Park; run through the park, turn around return to Dorchester; Dorchester east to Schenely; Schenely south to Lakeshore; Lakeshore east to East 185th; finish at Villa Angela-St. Joseph, 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.

Passed April 7, 2014.
Effective April 8, 2014.

Ord. No. 471-14.

By Council Member Cleveland.

An emergency ordinance authorizing and directing the Director of Capital Projects to issue a permit to Burten, Bell, Carr Development to stretch banners at East 55th & Scovill near East Tech and East 39th & Community College Avenue, northeast side, for the period from May 28, 2013 to June 28, 2014, inclusive, publicizing the 9th Annual Ward 5 Family Festival.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Capital Projects is hereby authorized and directed to issue a permit to Burten, Bell, Carr Development to stretch banners at East 55th & Scovill near East Tech and East 39th & Community College Avenue, northeast side, for the period from May 28, 2013 to June 28, 2014, inclusive. Said banner shall be approved by the Director of Capital Projects, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

Passed April 7, 2014.
Effective April 8, 2014.

Ord. No. 476-14.

By Council Member Cleveland.

An emergency ordinance to add the name Geraldine H. Burns Way as a secondary name to Unwin Road from Quincy Avenue to Central Avenue.

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

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

Section 1. That, notwithstanding and as an exception to the Codified Ordinances of the City of Cleveland, 1976, the name Geraldine H. Burns Way shall be added as a secondary name to Unwin Road from Quincy Avenue to Central Avenue.

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

Passed April 7, 2014.
Effective April 8, 2014.

COUNCIL COMMITTEE MEETINGS

**Monday, April 14, 2014
2:00 p.m.**

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

**Tuesday, April 15, 2014
9:30 a.m.**

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

1:30 p.m.

Utilities Committee: Present: Pruitt, Chair; Brady, Vice Chair; Brancatelli, Cummins, Keane, Polensek. *Unauthorized Absence:* Mitchell.

**Wednesday, April 16, 2014
10:00 a.m.**

Safety Committee: Present in Safety: Zone, Chair; Conwell, Vice Chair; Keane, Polensek. *Authorized Absence:* Cimperman *Unauthorized Absence:* Dow, K. Johnson.

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