

# The City Record

Official Publication of the Council of the City of Cleveland



September the Twenty-First, Two Thousand and Sixteen

**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 Kerry McCormack
- 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 Brian Kazy
- 17 Martin J. Keane

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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	Kerry McCormack	1429 West 38th Street	44113
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	Brian Kazy	4300 West 143rd Street	44135
17	Martin J. Keane	15907 Colletta Lane	44111

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

### MAYOR – Frank G. Jackson

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

### OFFICE OF CAPITAL PROJECTS – Matthew L. Spronz, Director

**DIVISIONS:**  
 Architecture and Site Development – \_\_\_\_\_ Manager  
 Engineering and Construction – Richard J. Switalski, Manager  
 Real Estate – James DeRosa, Commissioner

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

**DEPT. OF LAW** – Barbara A. Langhenry, Director, Gary D. Singletary, Chief Counsel,  
 Richard F. Horvath, Chief Corporate Counsel, Thomas J. Kaiser, Chief Trial Counsel,  
 Victor R. Perez, Chief Assistant Prosecutor, Room 106; Robin Wood, 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 – Robert L. Davis, Director, 1201 Lakeside Avenue

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

### DEPT. OF PORT CONTROL – Fred Szabo, Interim 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 – Jeffrey Brown, 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 – Frank D. Williams, Interim Commissioner  
 Traffic Engineering – Robert Mavec, Commissioner  
 Waste Collection and Disposal – Randell T. Scott, Interim Commissioner

### DEPT. OF PUBLIC HEALTH – \_\_\_\_\_, Director, 75 Erieview Plaza

**DIVISIONS:**  
 Air Quality – George Baker, Commissioner  
 Environment – Chantez Williams, Commissioner, 75 Erieview Plaza  
 Health – \_\_\_\_\_, Commissioner, 75 Erieview Plaza

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

**DIVISIONS:**  
 Animal Control Services – Edward Jamison, Chief Animal Control Officer, 2690 West 7th Street  
 Correction – Robert Taskey, Commissioner, Cleveland House of Corrections, 4041 Northfield Rd.  
 Emergency Medical Service – Nicole Carlton, Acting Commissioner, 1708 South Pointe Drive  
 Fire – Patrick Kelly, Chief, 1645 Superior Avenue  
 Police – Calvin D. Williams, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street

### DEPT. OF COMMUNITY DEVELOPMENT – Daryl Rush, Director

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

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

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

### DEPT. OF HUMAN RESOURCES – Nycole West, 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, Joan Shaver Washington, Tim Donovan, Elizabeth Kukla, Secretary.

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

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

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

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

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

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

**HOUSING ADVISORY BOARD** – Room 310 – Keith Brown, Terri Hamilton Brown, Vickie Eaton-Johnson, Mike Foley, Eric Hodderson, Janet Loehr, Mark McDermott, Marcia Nolan, David Perkowski, Joan Shaver Washington, Keith Sutton.

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

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

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

**CLEVELAND LANDMARKS COMMISSION** – Room 519 – Julie Trott, Chair; Giancarlo Calicchia, Vice Chair; Laura M. Bala, Freddy L. Collier, Jr., Allan Dreyer, Council Member Terrell H. Pruitt, Robert Strickland, Donald Petit, 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 15C  
 Judge Marilyn B. Cassidy – Courtroom 13A  
 Judge Michelle Denise Earley – Courtroom 14C  
 Judge Emanuella Groves – Courtroom 14B  
 Judge Lauren C. Moore – Courtroom 14A  
 Judge Charles L. Patton, Jr. – Courtroom 13D  
 Judge Raymond L. Pianka (Housing Court Judge) – Courtroom 13B  
 Judge Michael R. Sliwinski – Courtroom 12A  
 Judge Janet Rath Colaluca – Courtroom 12B  
 Judge Suzan Marie Sweeney – Courtroom 12C  
 Judge Ed Wade – Courtroom 13C  
 Judge Joseph J. Zone – Courtroom 14D  
 Earle B. Turner – Clerk of Courts, Russell R. Brown III – Court Administrator, Robert J. Furda – Chief Bailiff; Dean Jenkins – Chief Probation Officer, Gregory F. Clifford – Chief Magistrate.

# The City Record

71 OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 103

WEDNESDAY, SEPTEMBER 21, 2016

No. 5363

## CITY COUNCIL

MONDAY, SEPTEMBER 19, 2016

The City Record  
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The City Record is available  
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[www.clevelandcitycouncil.org](http://www.clevelandcitycouncil.org)  
Address all communications to  
**PATRICIA J. BRITT**  
City Clerk, Clerk of Council  
216 City Hall

### The following Committees meet at the Call of the Chair:

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

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

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

### File No. 1124-16.

RE: #2815939. Stock Application,  
C1 C2 D8. Forest & Associates, Inc.,  
11521 Clifton Blvd. (Ward 15).  
Received.

### File No. 1128-16.

RE: #9324500. Transfer of Owner-  
ship Application, D5 D6. VVD  
Enterprises LLC, 1144-46 Prospect  
Ave. (Ward 5). Received.

### File No. 1129-16.

RE: #3408575. Temporary License  
Application, F8. Group Plan Com-  
mission, Cleveland Public Square.  
(Ward 3). Received.

### File No. 1130-16.

RE: #0688277. New License Appli-  
cation, D5J. Bibibop LLC, 11431  
Euclid Ave. (Ward 6). Received.

### PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2015-2017

#### MONDAY — Alternating

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

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

#### MONDAY

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

#### TUESDAY

9:30 A.M. — **Development, Plan-  
ning and Sustainability Committee:**  
Brancatelli (CHAIR), Cleveland  
(VICE-CHAIR), Cummins, Dow,  
McCormack, 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 Com-  
munity Benefits Committee:** Cleve-  
land (CHAIR), Zone (VICE-CHAIR),  
J. Johnson, Kazy, Polensek, Pruitt,  
Reed.

#### WEDNESDAY — Alternating

10:00 A.M. — **Safety Committee:**  
Zone (CHAIR), Conwell (VICE-  
CHAIR), Kazy, Keane, McCormack,  
Mitchell, Polensek.

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

### OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio  
Monday, September 18, 2016  
The meeting of the Council was  
called to order at 7:05 p.m. with the  
President of Council, Kevin J. Kel-  
ley, in the Chair.

Council Members present: Dona  
Brady, Anthony Brancatelli, Phyllis  
E. Cleveland, Kevin Conwell, Brian  
J. Cummins, T.J. Dow, Jeffrey D.  
Johnson, Kenneth L. Johnson, Brian  
Kazy, Kevin J. Kelley, Martin J.  
Keane, Kerry McCormack, Michael  
D. Polensek, Zack Reed, and  
Matthew Zone.

Also present were: Mayor Frank  
G. Jackson, Chief of Staff Ken Sil-  
liman, Chief of Regional Develop-  
ment Edward W. Rybka, Media  
Relations Director Dan Williams,  
Chief of Public Affairs Natoya  
Walker-Minor, and Directors  
Langhenry, Dumas, Davis, Szabo,  
Spronz, Gordon, McGrath, Cox,  
O'Leary, West, Nichols, Griffin, Col-  
lier, Fumich, Ambroz and Burrows.

Council Members, Administration,  
Staff, and those in the audience rose  
for a moment of silent reflection,  
and the Pledge of Allegiance.

#### MOTION

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

#### COMMUNICATIONS

**File No. 1115-16.**  
From Council President Kevin J.  
Kelley appointing, without objection  
by Council, Allan Dreyer as Council  
Clerk Pro Tempore for September  
15, 2016. Received.

#### FROM OHIO DIVISION OF LIQUOR CONTROL

**File No. 1123-16.**  
RE: #6362689. Stock Application,  
D1 D2 D3 D3A D6. New Gold, Inc.,  
3081 East 93rd St. (Ward 4).  
Received.

#### CONDOLENCE RESOLUTIONS

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

**Res. No. 1131-16** — Kenneth  
Stephen Carpenter.

**Res. No. 1132-16** — Fred Charles  
Crosby.

**Res. No. 1133-16** — Carl R. Munn.

#### CONGRATULATIONS RESOLUTIONS

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

**Res. No. 1134-16** — Adolph Steve  
Klosowski.

**Res. No. 1135-16** — The Institute  
of Classical Architecture - 100th  
Anniversary.

#### RECOGNITION RESOLUTIONS

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

**Res. No. 1136-16** — Wanda Davis.

**Res. No. 1137-16** — Clarence A.  
Daniels, Jr.

#### APPRECIATION RESOLUTION

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

**Res. No. 1138-16** — Reverend  
Tonya Fields.

#### FIRST READING EMERGENCY ORDINANCES REFERRED

**Ord. No. 1116-16.**  
By Council Member Kelley (by  
departmental request).

An emergency ordinance authoriz-  
ing the Director of Finance to employ

**one or more professional consultants to assess and recommend natural gas suppliers, and, if necessary, to procure natural gas, and to provide other related services; and authorizing the purchase by one or more requirement contracts of natural gas, for the various natural gas accounts of City government, for a period of two years, with two one-year options to renew, exercisable by the Director of Finance.**

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

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

**Section 1.** That the Director of Finance is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to assess and recommend natural gas suppliers, and, if necessary, to procure natural gas, and to provide other related services, for a period of two years, with two one-year options to renew, exercisable by the Director of Finance.

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

**Section 2.** That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of two years, with two one-year options to renew, exercisable by the Director of Finance, for the purchase of natural gas in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis (per Mcf) for the various divisions of City government. Bids shall be taken in a manner that permits an award to be made for all City natural gas accounts as a single contract, or by separate contract for each or any combination of City natural gas accounts as the Board of Control determines. Alternate bids for a period less than the term may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 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 Finance may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

**Section 4.** That the costs of the contract or contracts shall be charged against the proper appropriation

accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance. (RQN 1505, RL 2016-30)

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

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

**Ord. No. 1117-16.**  
**By Council Member Kelley (by departmental request).**

**An emergency ordinance authorizing the purchase by one or more requirement contracts of industrial paper products and various janitorial maintenance equipment, materials, supplies and services, including moving services, for the various divisions of City government, for a period of two years, with an option to renew for one year, exercisable by the Director of Finance.**

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

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

**Section 1.** That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period of two years, with an option to renew for one year, exercisable by the Director of Finance, for the necessary items of industrial paper products and various janitorial maintenance equipment, materials, supplies and services, including moving services, in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 2.** That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which 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 1505, RL 2016-28)

**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 Finance may sign all documents that are necessary to make the purchases, and may enter

into one or more contracts with the vendors selected through that cooperative process.

**Section 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 Finance, Law; Committee on Finance.

**Ord. No. 1118-16.**  
**By Council Members Zane, Brancatelli and Kelley (by departmental request).**

**An emergency ordinance authorizing the Director of Economic Development to enter into an agreement with Cudell Improvement, Inc., or its designee, to sell, on behalf of the City, tiles salvaged from the demolition of the City-owned church structure, formerly known as the Fifth Church of Christ Scientist.**

Whereas, the City of Cleveland owns certain property located at 11623 Lake Avenue and formerly known as the Fifth Church of Christ Scientist; and

Whereas, the Landmarks Commission requires that certain architectural elements be salvaged from the church prior to its demolition including roof tiles that were crafted specifically to fit the church's dome and have limited opportunities for architectural reuse and are not otherwise needed or suitable for City use; and

Whereas, Section 101 of the Charter and Section 181.19 of the Codified Ordinances of Cleveland, Ohio, 1976, provide that, when directed by the Board of Control, the Commissioner of Purchases and Supplies shall sell all personal property of the City of Cleveland not needed or suitable for the use of the City; and

Whereas, Cudell Improvement, Inc. ("Cudell") has led a neighborhood engagement process that resulted in the church's deconstruction and demolition for new development and has unique access to neighbors and community stakeholders who may be interested in owning one or more roof tiles in remembrance of the church; and

Whereas, the Director of Economic Development proposes, on behalf of, and upon recommendation of, the Commissioner of Purchases and Supplies, to enter into an agreement with Cudell to sell the tiles, at their current value, on behalf of the City; and

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

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

**Section 1.** That roof tiles salvaged from the demolition of the City-owned property located at 11623 Lake Avenue and formerly known as the Fifth Church of Christ Scientist are determined to be no longer needed or suitable for use of the City.

**Section 2.** That notwithstanding and as an exception to Section 181.19 of the Codified Ordinances of Cleveland, Ohio, 1976, on recommendation of the Commissioner of Purchases and Supplies, and when directed by the Board of Control, the Director of Economic Development is authorized to enter into an agreement with Cud-

ell to sell the roof tiles salvaged from the demolition of the former Fifth Church of Christ Scientist for a fee per tile determined by the Board of Control, to be paid from the gross proceeds of the sale. The proceeds of the sale of the tiles by Cudell less the fee per tile, will be deposited into Fund No. 17 SF 634 for uses authorized by Ordinance No. 115-12, passed March 19, 2012, the Neighborhood Development Program Ordinance.

**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 Economic Development, Finance, Law; Committees on Development Planning and Sustainability, Finance.

**FIRST READING EMERGENCY  
RESOLUTION REFERRED**

**Res. No. 1122-16.**

**By Council Members Pruitt, Reed and Brancatelli**

**An emergency resolution supporting the Mill Creek Watershed Partnership Alliance with West Creek Preservation Committee.**

Whereas, Mill Creek Watershed Partnership, an Ohio unincorporated nonprofit association (MCWP) was informally organized to address common environmental conservation, stormwater and development concerns of communities within the Mill Creek watershed, educate the public on the importance of Mill Creek and encourage cooperative interaction among watershed stakeholders; and

Whereas, West Creek Preservation Committee, an Ohio nonprofit corporation dba West Creek Conservancy (WCC), is organized as a nonprofit corporation under the laws of the State of Ohio and qualified as a charitable organization pursuant to Section 501(c)(3) of the Internal Revenue Code, whose purpose is to conserve natural habitats, restore ecological value and sustainability of urban lands and expand neighborhood opportunities to experience nature through land conservation and watershed management activities; and

Whereas, WCC has developed the Mill Creek Watershed Action Plan according to Ohio EPA and Ohio Department of Natural Resources guidelines and acts as a watershed coordinator to implement its recommendations; and

Whereas, in order to better support and implement the Mill Creek Watershed Action Plan, WCC and MCWP desire to form an alliance in order to improve the efficiency and effectiveness of their common conservation and watershed management mission, afford economies of scale and cost reduction by integration with WCC's existing infrastructure and consolidation of administration costs and enhance funding opportunities; and

Whereas, this Council believes that it is in the best interest of Mill Creek for MCWP to align with WCC as a division of WCC and that the alliance be implemented pursuant to an Alliance Agreement between MCWP and WCC; 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 Mill Creek Watershed Partnership Alliance with West Creek Preservation Committee.

**Section 2.** The Clerk of Council is directed to transmit copies of this resolution to the Mill Creek Watershed Partnership and the West Creek Conservancy.

**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.

Referred to Committee on Finance.

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

**Ord. No. 1119-16.**

**By Council Members Pruitt, Cleveland and Brady.**

**An emergency ordinance authorizing the issuance of a Frozen Dessert Mobile Permit to Shawn Stevens to engage in mobile vending in Wards 1, 5 and 11.**

Whereas, pursuant to Section 675.07 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council expressed by ordinance is a prerequisite to peddling upon public rights of way outside of the Central Business District; and

Whereas, This Council has considered the request of Shawn Stevens to engage in mobile vending outside of the Central Business district, and has determined that it is in the public interest to allow Shawn Stevens to engage in mobile vending in Wards 1, 5 and 11; and

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

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

**Section 1.** That this Council consents, as required by, Section 675.08 of the Codified Ordinances to allow to Shawn Stevens to engage in mobile vending in the public rights of way in Wards 1, 5 and 11.

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

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

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

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

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

**Ord. No. 1120-16.**

**By Council Member Kelley.**

**An emergency ordinance to amend Ordinance No. 440-16, passed August 10, 2016, relating to portable storage containers and penalty, to repeal existing Section 327.99.**

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 Ordinance No. 440-16, passed August 10, 2016, is amended to read as follows:

**Section 2a.** That existing Section 327.99 of the Codified Ordinances of Cleveland Ohio, 1976, as amended by Ordinance No. 1396-14, passed December 8, 2014, is repealed.

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

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

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

**Ord. No. 1125-16.**

**By Council Member Polensek.**

**An emergency ordinance amending Section 1 of Ordinance No. 745-16, passed June 6, 2016 as it pertains to authorizing the Director of the Department of Economic Development to enter into an agreement with the LaSalle AMC TCE, LLC for the interior and exterior renovation improvement of the LaSalle Theater through the use of Ward 8 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 Section 1 of Ordinance No. 745-16, passed June 6, 2016 is hereby amended to read as follows:

**Section 1.** That the Director of the Department of Economic Development is hereby authorized to enter into an agreement with the LaSalle AMC TCE, LLC for the interior and exterior renovation improvement of the LaSalle Theater located at **819 - 829 East 185th Street, Cleveland, Ohio** for the public purpose of stimulating commercial economic development on East 185th Street and in the Waterloo Arts District in the city of Cleveland through the use of Ward 8 Neighborhood Capital Funds.

**Section 2.** That Section 1 of Ordinance No. 745-16, passed June 6, 2016 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 15. Nays 0. Read second time. Read third time in full. Passed. Yeas 15. Nays 0.

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

**Res. No. 1121-16.**

**By Council Member Cleveland.**

**An emergency resolution objecting to the transfer of ownership C2, C2X and D6 Liquor Permit to 2747 Cedar Avenue, 1st floor and basement.**

Whereas, Council has been notified by the Division of Liquor Control of an application for the transfer of ownership of a C2, C2X and D6 Liquor Permit from Quasem, Inc., 2747 Cedar Avenue, 1st floor and basement, Cleveland, Ohio 44115, Permit Number 71337770005 to 2747 Food, Inc., DBA 28th Street Supermarket, 2747 Cedar Avenue, 1st floor and basement, Cleveland, Ohio 44115, Permit Number 9115175; and

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a C2, C2X and D6 Liquor Permit from Quasem, Inc., 2747 Cedar Avenue, 1st floor and basement, Cleveland, Ohio 44115, Permit Number 71337770005 to 2747 Food, Inc., DBA 28th Street Supermarket, 2747 Cedar Avenue, 1st floor and basement, Cleveland, Ohio 44115, Permit Number 9115175; and requests the Superintendent of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

**Res. No. 1126-16.**

**By Council Member Polensek.**

**An emergency resolution objecting to a New C1 Liquor Permit at 16015 Lake Shore Boulevard.**

Whereas, Council has been notified by the Division of Liquor Control of an application for a New C1 Liquor Permit at Dolgen Midwest, LLC, DBA Dollar General Store 16834, 16015 Lake Shore Boulevard, Cleveland, Ohio 44110, Permit Number 22348152225; and

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to a New C1 Liquor Permit at Dolgen Midwest, LLC, DBA Dollar General Store 16834, 16015 Lake Shore Boulevard,

Cleveland, Ohio 44110, Permit Number 22348152225; and requests the Superintendent of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

**Res. No. 1127-16.**

**By Council Member Mitchell.**

**An emergency resolution objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 10221 Union Avenue, 1st floor.**

Whereas, Council has been notified by the Division of Liquor Control of an application for the transfer of ownership of a C2 and C2X Liquor Permit from Ezzat, Inc., DBA Unity Food Mart, 10221 Union Avenue, 1st floor, Cleveland, Ohio 44105, Permit Number 2598338 to Zizay, LLC, DBA Unity Food Mart, 10221 Union Avenue, 1st floor, Cleveland, Ohio 44105, Permanent Number 9954900; and

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

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

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

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

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

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

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section

4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the Superintendent of Liquor Control within 30 days of notification; now, therefore,

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a C2 and C2X Liquor Permit from Ezzat, Inc., DBA Unity Food Mart, 10221 Union Avenue, 1st floor, Cleveland, Ohio 44105, Permit Number 2598338 to Zizay, LLC, DBA Unity Food Mart, 10221 Union Avenue, 1st floor, Cleveland, Ohio 44105, Permanent Number 9954900; and requests the Superintendent of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

**SECOND READING EMERGENCY ORDINANCES PASSED**

**Ord. No. 910-16.**

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

An emergency ordinance authorizing the Director of Public Utilities to exercise the first options to renew various contracts for the requirements for services and materials necessary to maintain and repair pumps, motors, controls, transformers, circuit breakers, switchgear, and appurtenances, including but not limited to inspection, supplies, repairing and testing for the Division of Water.

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

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

**Ord. No. 911-16.**

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. RCD 2015-11 with the Hach Company to maintain, service, calibrate, refurbish, and test various scientific and in-line process analytical instruments used to monitor the drinking water purification process.

Approved by Directors of Public Utilities, Finance, Law; Passage

recommended by Committees on Utilities, Finance.

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

**Ord. No. 912-16.**

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

An emergency ordinance authorizing the Director of Public Utilities to exercise the first options to renew Contract No. RCD 2015-12 with Hach Company and Contract No. RCD 2015-10 with HSQ Technology, A Corporation, for the requirements to maintain and replace proprietary components of control systems for the Division of Water.

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

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

**Ord. No. 913-16.**

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

An emergency ordinance authorizing the Director of Community Development to transfer Permanent Parcel Nos. 118-06-028, 118-06-029, and 118-06-049 located between East 65th Street and East 66th Street fronting Euclid Avenue, to the control, possession, and use of the Department of Economic Development Industrial Commercial Land Bank for future redevelopment.

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

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

**Ord. No. 914-16.**

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

An emergency ordinance authorizing the Director of Economic Development to enter into a forgivable loan agreement with Burten Bell Carr Development, Inc., or its designee, to provide economic development assistance to partially finance capital, parking lot, and site improvements at Arbor Park Place located at the southwest corner of East 40th Street and Community College Avenue, to assist with management of the center, and other associated costs necessary to redevelop the property.

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

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

**Ord. No. 915-16.**

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

An emergency ordinance authorizing the Director of Economic Development to enter into an amendment to Contract No. 67924 and

the Promissory Note with Detroit Shoreway Community Development Organization, or their designee, for the historical renovation of the Capitol Theatre, to allow for a deferral of principal and interest from September 1, 2015 until July 31, 2016, and other contract modifications.

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

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

**SECOND READING EMERGENCY RESOLUTION ADOPTED**

**Res. No. 1079-16.**

By Council Member Zone.

An emergency resolution opposing the proposed Dakota Access Pipeline and expressing solidarity with the Indigenous Resistance to that proposed pipeline.

Approved by Committee on Finance. The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Adopted. Yeas 15. Nays 0.

**MOTION**

On the motion of Council Member Reed, the absence of Council Members Mamie J. Mitchell and Terrell H. Pruitt are hereby authorized. Seconded by Council Member McCormack.

**MOTION**

The Council Meeting adjourned at 7:52 p.m. to meet on Monday, September 26, 2016, 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**

September 14, 2016

The Regular meeting of the Board of Control convened in the Mayor's office on Wednesday, September 14, 2016 at 10:37 a.m. with Acting Director Singletary presiding.

Present: Acting Director Singletary, Director Dumas, Acting Directors Shaw, Flask, Director Gordon, Acting Directors Withers, Cosgrove, Directors West, Nichols, Acting Director McNamara, and Director O'Leary.

Absent: Mayor Jackson and Director Cox.

Others: Tiffany White Johnson, Commissioner, Purchases & Supplies.

Melissa Burrows, Director, Office of Equal Opportunity.

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

**Resolution No. 403-16.**

By Interim Director Szabo.

Be it resolved by the Board of Control of the City of Cleveland that, under the authority of Ordinance No. 699-16, passed by the Council of the City of Cleveland on July 13, 2016, the firm of Anthony Allega Cement Contractor, Inc. ("Consultant") is selected upon nomination of the Director of Port Control from a list of qualified persons or firms determined after a full and complete canvass by the Director of Port Control as the firm of consultants available to be employed by contract to supplement the regularly employed staff of the several departments of the City to provide design/build services for the CLE Snow Removal Equipment Storage & Vehicle Maintenance Building Addition, to undertake architectural, engineering support services, program management and construction services for the Division of Cleveland Hopkins International Airport, Department of Port Control.

Be it further resolved that the Director of Port Control is authorized to enter into a written design/build contract with Anthony Allega Cement Contractor, Inc. for the above-mentioned services, based upon its proposal dated July 29, 2016, which contract shall be prepared by the Director of Law, shall provide that the compensation to Anthony Allega Cement Contractor, Inc. for the services authorized shall not exceed \$17,175,933.39, and shall contain such other provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved by the Board of Control of the City of Cleveland that employment of the following sub-consultants and sub-contractors by Anthony Allega Cement Contractor, Inc. is approved:

<u>Design Sub-Consultants</u> <u>Percent</u>	<u>DBE/SBE</u> <u>Amount</u>
Sandhu & Associates 11.1%	DBE \$ 89,000.00
Somat Engineering 6.7%	DBE \$ 54,067.00
KS Associates 2.6%	SBE \$ 20,800.00
GS&P/OH, Inc. 14.6%	Non-Certified \$ 117,500.00

<u>Construction Sub-Contractors</u> <u>Percent</u>	<u>DBE/SBE</u> <u>Amount</u>
RAR Contracting Co., Inc. 7.24%	DBE \$1,185,600.00
Eclipse Co., Inc. 1.59%	DBE \$ 260,500.00
North Electric, Inc. 11.21%	DBE \$1,835,200.00
Southwest Companies, Inc. .58%	SBE \$ 95,127.00

North American Cement Co, Inc. 7.98%	SBE \$1,306,329.00
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Drake Construction Company 2.22%	Non-Certified \$ 364,641.00
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Be it further resolved that the employment of the following sub-contractors by Drake Construction Company, subcontractor to Anthony Allega Cement Contractor, Inc., is approved.

<u>Design Sub-Consultants</u> <u>Percent</u>	<u>DBE/SBE</u> <u>Amount</u>
M Rivera Construction 1.22%	SBE \$ 199,376.00
Contractor Connection 0.34%	SBE \$ 94,124.00

Yeas: Acting Director Singletary, Director Dumas, Acting Directors Shaw, Flask, Director Gordon, Acting Directors Withers, Cosgrove, Directors West, Nichols, Acting Director McNamara, and Director O'Leary.

Nays: None.  
Absent: Mayor Jackson and Director Cox.

**Resolution No. 404-16.**

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. 110-27-021 located at 1134 East 125th Street; and

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

Whereas, Muriel Sadler and John Sadler have proposed to the City to purchase and develop the parcel for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 9 has either approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

2. The proposed purchasers of the parcel are 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 Muriel Sadler and John Sadler for the sale and development of Permanent Parcel No. 110-27-021 located at 1134 East 125th Street, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for the sale of the parcel shall be \$200.00, which amount is determined to be not less than the fair market value of the parcel for uses according to the Program.

Yeas: Acting Director Singletary, Director Dumas, Acting Directors Shaw, Flask, Director Gordon, Acting Directors Withers, Cosgrove, Directors West, Nichols, Acting Director McNamara, and Director O'Leary.

Nays: None.  
Absent: Mayor Jackson and Director Cox.

**Resolution No. 405-16.**

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. 018-05-053 located at 3419 West 118th Street; and

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

Whereas, Vilmarily Hernandez Gomez has proposed to the City to purchase and develop the parcel for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 11 has either approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

2. The proposed purchaser of the 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 Vilmarily Hernandez Gomez for the sale and development of Permanent Parcel No. 018-05-053 located at 3419 West 118th Street, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for the sale of the parcel shall be \$200.00, which amount is determined to be not less than the fair market value of the parcel for uses according to the Program.

Yeas: Acting Director Singletary, Director Dumas, Acting Directors Shaw, Flask, Director Gordon, Acting Directors Withers, Cosgrove, Directors West, Nichols, Acting Director McNamara, and Director O'Leary.

Nays: None.  
Absent: Mayor Jackson and Director Cox.



**Resolution No. 406-16.**

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. 118-25-071 located 7306 Cedar Avenue; 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, East Cedar Apartments LLC has proposed to the City to purchase and develop the parcel for parking adjacent to an affordable housing project; and

Whereas, the following conditions exist:

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

2. The proposed purchaser of the 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 East Cedar Apartments LLC for the sale and development of Permanent Parcel No. 118-25-071 located 7306 Cedar Avenue, 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 \$3,100.00, which amount is determined to be not less than the fair market value of the parcel for uses according to the Program.

Yeas: Acting Director Singletary, Director Dumas, Acting Directors Shaw, Flask, Director Gordon, Acting Directors Withers, Cosgrove, Directors West, Nichols, Acting Director McNamara, and Director O'Leary.

Nays: None.

Absent: Mayor Jackson and Director Cox.

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. There-after, 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, OCTOBER 3, 2016**

**9:30 A.M.**

**Calendar No. 16-236:** Appeal from Decision of Assessments and License 2600 Hamilton Avenue (Ward 7) Flexco Incorporated, owner, appeals under the authority of Section 76-6(b) of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from the decision of the Division of Assessments and Licenses to deny the Entertainment Venue Application #EVEN15-00046 on August 22, 2016 for the issuance of a Dance Hall License for the period of July 1, 2015 through June 30, 2017. (Filed August 29, 2016)

**Calendar No. 16-240:** 2002 TorbenSON Drive (Ward 10)

Jason Johnson, owner, and Meki-ta Anderson, Lessee, propose to establish a Type A daycare within an existing single family residence A1 One-Family Residential. The appellant appeals for relief from the strict application of Section 337.23g(3)(C) of the Cleveland Codified Ordinances which states that a Type A day care shall not be less than 30 feet from adjoining premises in a Residence District not used for similar purpose and requires Board of Zoning Appeals approval after public notice, public hearing, if adequate yard spaces and other safeguards to preserve the character of the neighborhood are provided, and if in the judgment of the Board the daycare and uses are appropriately located and designed and will meet a community need without adversely affecting the neighborhood. (Filed September 1, 2016)

**Calendar No. 16-241:** 14735 Lorain Avenue (Ward 17)

WPE LLC, owner (aka Juan and Lillian Chahda), propose to change use from tool & die shop to storage facility in a B1 General Retail Business District and a C1 General Industry District. The owner

appeals for relief from the strict application of Section 359.01(a) which states that substitution of a non-conforming use requires approval/special permit from the Board of Zoning Appeals. The proposed use is non-conforming as a storage facility and its accessory uses are not permitted in General Retail Business District per Section 343.11(b). (Filed September 2, 2016)

**Calendar No. 16-242:** 1904 East 97th Street (Ward 7)

Case Western Reserve University, owner, and Innova Phase 2 LP., Lessee, propose to construct a temporary parking lot in an E3 General Retail Zoning District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 347.10 which states that a temporary permit shall not exceed 30 days in duration and no temporary permit shall be issued within 60 days of the expiration of a previous temporary permit for same purpose. The Lessee is proposing a temporary parking lot until April 1, 2017.

2. Section 349.07(b) which states that accessory off street parking spaces shall be provided with wheel or bumper guards; none proposed

3. Section 352.10(e) which states that Island strips of a minimum area of 100 square feet each is required and shall be separated by no more than 20 parking spaces.

4. Section 352.10 which states that a 6' wide landscape strip is required along Chester Ave and E. 97 St. between parking lot and street.

5. Section 352.0 which states that an 8' wide transition strip is required along North side of lot where lot abuts Multi-Family District.

6. Section 358.05 which states that a fence in a Non Residential District (Gen Retail District) and in actual front yard or actual side yard shall not exceed 4' in height and a 6' high chain link is proposed in actual front yard and actual side yard.

7. Section 349.15 which states that 11 bicycle parking spaces required; none proposed. (Filed September 2, 2016)

**Calendar No. 16-243:** 4704 State Road (Ward 13)

Munar's Total Care, LLC, owner, proposes to expand an existing non-conforming auto service garage to include overnight storage of nine cars due to "high volume of business" in a C1 Local Retail Business District. The auto service garage is non-conforming in use, landscaping, setback and driveway width. The owner appeals for relief from the following sections of the Cleveland Codified Ordinances:

1. Section 343.13(f) which states that not more than four customer vehicles may be stored overnight in an outdoor location on the premises of a motor vehicle service garage. A vehicle that is not in working order shall not be stored on such premises for more than forth-eight hours. Applicant proposes storing nine vehicles overnight at outdoor location.

2. Section 676A.03(b) which states that outdoor customer parking areas shall not be used for overnight storage of more than four vehicles.

3. Section 359.01(a) which states that a use of building or land for which a permit has been lawfully

issued, may be continued even though such use does not conform to the provisions of this Zoning Code for the use district in which it is located, but no enlargement or expansion shall be permitted except as a variance under the terms of Chapter 329.

4. Section 329.03(b) which states that such variance shall be limited to specific cases where:

- The practical difficulty or unnecessary hardship inheres in and is peculiar to the premises sought to be built upon or used because of physical size, shape or other characteristics of the premises or adjoining premises which differentiate it from other premises in the same district and create a difficulty of hardship caused by a strict application of the provisions of this Zoning Code not generally shared by other land or building in the same district;

- Refusal of the variance appealed for will deprive the owner of substantial property rights; and

- Granting of the variance appealed for will not be contrary to the purpose and intent of the provisions of this Zoning Code. (Filed September 7, 2016)

**POSTPONED FROM  
AUGUST 22, 2016**

**Calendar No. 16-093:** 1909 West 25th Street (Ward 3)

Tony Iwais, owner, and Townhall propose to expand existing restaurant use to second floor in a C4 Local Retail Zoning District and a Pedestrian Retail Overlay District (PRO). The owner appeals for relief from Section 349.04(f) which states that additional accessory off street parking is required for the new expansion at the rate of one parking space per 4 seats; therefore, 54 spaces are required. The subject property is located in the PRO therefore is benefited by a parking reduction of one third. Reduce bringing the total to 36 spaces being required and no spaces are proposed. Lot Consolidation is required and separate permit is required from Side Walk and Streets for side walk sitting/dining. (Filed May 11, 2016 - No testimony)

Second postponement made at the request of the Councilman for further review. First postponement made at the request of the Development Corporation to allow for further review.

**POSTPONED FROM  
AUGUST 29, 2016**

**Calendar No. 16-128:** 1251 East 99th Street (Ward 9)

Muslim Brotherhood, owner, proposes to build a mosque and parking lot in a D2 Multi-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 357.14(a)(1) which states that parking in the required front setback is not a permitted encroachment on East 100th Street.

2. Section 358.04(b)(2) which states that six (6) foot high privacy fence is not a permitted yard encroachment in an established setback, and must be 50% open in the required setback.

3. Section 337.02(B)(1) which states that places of worship and accessory use must be 15 feet from adjoining premises where 5 feet and

10 feet are proposed. (Filed May 19, 2016 - No Testimony)

Second postponement made at the request of the City to allow for time for transfer of land bank lot and design review.

**POSTPONED FROM  
AUGUST 8, 2016**

**Calendar No. 16-131:** 3510 Fulton Road (Ward 14)

3510 Fulton LLC., owner, proposes to construct a "coffee shop" addition to existing convenience store in a C2 General Retail Business District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 357.01(d) which states that a specific 8 foot setback must be observed on Fulton Rd

2. Section 357.13 (b) which states that no building, patio/outdoor seating nor canopy are permitted front yard encroachments.

3. Section 327.02(d)(e) which states that details regarding fence and seating are required and no details are shown.

4. Note: the required parking cannot be determined due to omitted seating details. (Filed May 23, 2016 - No Testimony)

First postponement made at the request of the appellant to allow for time for design review.

**POSTPONED FROM  
AUGUST 29, 2016**

**Calendar No. 16-179:** 13215 Miles Avenue (Ward 1)

131 Miles LLC., owner, proposes to construct a new restaurant building in a B1 Local Retail Business District. The owner appeals for relief from the following sections of the Cleveland Codified Ordinances:

1. Section 357.07 which states that an 8 foot specific setback is required along Miles Avenue where a 7 foot setback is proposed. Parking spaces are proposed within the setback.

2. Section 343.18(c) which states that a driveway is required to be a least 15 feet from side property lines and the proposed driveway is 4' from property line. (Filed July 19, 2016 - Testimony Taken)

First postponement made at the request of the Board in order for the project to be reviewed by Traffic Engineering.

**POSTPONED FROM  
SEPTEMBER 6, 2016**

**Calendar No. 16-194:** 6104 West Clinton Avenue (Ward 15)

Peter Glynias, owner, proposes to erect a 30' x 31' three story frame single family residence with attached open front porch and detached 22' x 24' garage in a B1 Two-Family Residential District. The owner appeals for relief from the following sections of the Cleveland Codified Ordinances:

1. Section 353.01 which states that the maximum height allowed is 35 feet and 40 feet are proposed.

2. Section 355.04 which states that the Maximum Gross floor area shall not be less than 50 percent of lot size or in this case 3,341 square feet and the appellant is proposing 3,662 square feet.

3. Section 357.06(a) which states that the required front yard setback is 27 feet and 6 inches where 24 feet are proposed.

4. Section 357.09(2)(B) which states that the Minimum required interior side yard is 10' where the appellant is proposing 3'. (Filed July 27, 2016 - No Testimony)

First postponement made at the request of the Landmarks Commission to allow for more time for review.

**REPORT OF THE BOARD  
OF ZONING APPEALS**

**MONDAY, SEPTEMBER 19, 2016**

At the meeting of the Board of Zoning Appeals on Monday, September 19, 2016 the following appeals were scheduled for hearing before the Board.

**Calendar No. 16-120:** 1958 & 1960 East 123rd Street

1960 LLC., owner, proposes to add 4 new townhouses to existing industrial structure on one lot, in a C1 Multi-Family Zoning District.

**Calendar No. 16-173:** 2493 West 7th Street

Cleveland Bricks, owner, proposes to erect a three story 3,200 square foot townhouse on a 2,400 square foot in a B1 Two-Family Residential District.

**Calendar No. 16-174:** 2491 West 7th Street

Cleveland Bricks, owner, proposes to erect a three story 3,200 square foot townhouse on a 2,400 square foot in a B1 Two-Family Residential District.

**Calendar No. 16-220:** 4600 State Road St. Mary's Byzantine Church,

owner, proposes to erect 65 linear feet of 6 foot high opaque wood fence in an A1 One-Family Residential District.

**Calendar No. 16-221:** 1436 West 55th Street

GS Detroit Investments LLC., owner, proposes to construct a parking lot in a B1 Two-Family Residential District.

**Calendar No. 16-224:** 11637 Clifton Boulevard

Lee Solding Co., owner, proposes to build a barbeque enclosure in a C2 Local Retail Business District.

**Calendar No. 16-225:** 17714 Windward Road

Cliff Whitehead, owner, proposes to erect a 216 square foot addition and new balcony to an existing non-conforming single family residence.

**Calendar No. 16-227:** 11800 Mt. Overlook Avenue

CMSD, owner, proposes to construct a new 92,725 square foot K-8 school in a B1 Two Family Residential District.

The following appeals were **DENIED:**

None.

The following appeals were **WITHDRAWN:**

**Calendar No. 16-084:** Appeal of Curtis A. Hart from VN

Curtis A. Hart, owner, appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the

Cleveland Codified Ordinances from a Notice of Violation Number.

**Calendar No. 16-222:** Appeal of Mark Carroca from DAL denial R & J Trucking, Mark Carroca, owner, appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances and disputes the decision of the Commissioner of Assessments and Licenses to deny Private Waste Hauler application.

The following appeals were **DISMISSED:**

None.

The following cases were **POSTPONED:**

**Calendar No. 16-097 through 16-104:** Clinton Ct. Townhome 4504-4508 Clinton Avenue & 4503-4511 Wheat Court. Postponed to October 17, 2016.

**Calendar No. 16-161:** James Atkins 3847 West 130th Street. Postponed to October 31, 2016.

The following cases were heard by the Board of Zoning Appeals on Monday, September 12, 2016 and the decisions were adopted and approved on Monday, September 19, 2016:

The following appeals were **APPROVED:**

**Calendar No. 16-52:** 7114 St. Clair Avenue Eishons House, LLC., owner, proposes to change use from store to bar and restaurant with entertainment in a C1 Local Retail Business District.

**Calendar No. 16-197:** 18200 Waterloo Road George Whalley, owner, and Sunbelt Rentals, Inc., Lessee, propose to use property for equipment and tool rental, sale display, warehousing in a C2 General Retail Zoning District.

**Calendar No. 16-198:** 2131 West 10th Street Fred Callatrello, owner, proposes to erect a 39' - 4" x 54' - 8" two-story frame single family residence with attached garage in a B1 Multi-Family Residential District.

**Calendar No. 16-204:** 3900 East 75th Street Cleveland Metropolitan School District proposes to construct a new PreK-8 school in a B1 Two-Family zoning district.

**Calendar No. 16-205:** 18400 Schenely Avenue Cleveland Metropolitan School District proposes to construct a new PreK-8 school in a B1 Two-Family zoning district.

**Calendar No. 16-206:** 7901 Halle Avenue Cleveland Metropolitan School District proposes to construct a new PreK-8 school in a B1 Two-Family zoning district.

**Calendar No. 16-216:** 17448 Lorain Avenue Kamm's Plaza Shopping Center, owner, proposes to establish use as brewery, tap room, and retail sales in a C1 Shopping Center District.

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

NO MEETING

**PUBLIC NOTICE**

NONE

**NOTICE OF PUBLIC HEARING**

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

**Mercedes Cotner Committee Room 217 City Hall, Cleveland, Ohio On Tuesday, September 27, 2016 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, September 27, 2016, at 9:30 a.m., to consider the following ordinances now pending in the Council:

**Ord. No. 1555-13.**

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

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976 by enacting new Sections 351.01 to 351.19 relating to riparian setbacks and wetlands setbacks; and to amend Section 327.99, as amended by Ordinance No. 899-06, passed August 16, 2006, relating to penalties under the Zoning Code.

Anthony Brancatelli, Chair Committee on Development, Planning and Sustainability

September 21, 2016

**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, October 4, 2016 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, October 4, 2016, at 9:30 a.m., to consider the following ordinances now pending in the Council:

**Ord. No. 730-16.**

By Council Member McCormack. An ordinance changing the Use, height and Area districts of the

parcels bounded by Prospect Ave, Ontario and Huron, as shown shaded on the attached Map (Map Change No. 2539).

Anthony Brancatelli, Chair Committee on Development, Planning and Sustainability

September 21, 2016 and September 28, 2016

**CITY OF CLEVELAND BIDS**

**For All Departments**

Sealed bids will be received at the office of the Commissioner of Purchases and Supplies, Room 128, City Hall, in accordance with the appended schedule, and will be opened and read in Room 128, City Hall, immediately thereafter.

Each bid must be made in accordance with the specifications and must be submitted on the blanks supplied for the purpose, all of which may be obtained at the office of the said Commissioner of Purchases and Supplies, but no bid will be considered unless delivered to the office of the said commissioner previous to 12:00 noon (Eastern Standard Time) on the date specified in the schedule.

**187.10 Negotiated contracts; Notice required in Advertisement for Bids.**

Where invitations for bids are advertised, the following notice shall be included in the advertisement: "Pursuant to the MBE/FBE Code, each prime bidder, each minority business enterprise ("MBE") and each female business enterprise ("FBE") must be certified before doing business with the City. Therefore, any prime contractor wishing to receive credit for using an MBE or FBE should ensure that applications for certification as to MBE or FBE status compliance with the Code, affirmative action in employment and, if applicable, joint venture status, are submitted to the office of Equal Opportunity ("OEO") prior to the date of bid opening or submission of proposals or as specified by the Director. Failure to comply with the business enterprise code or with representations made on these forms may result in cancellation of the contract or other civil or criminal penalties."

**THURSDAY, SEPTEMBER 29, 2016**

**File No. 111-16 — Booster Pumps (Re-Bid)** for the Division of Fire, Department of Public Safety, as authorized by Ordinance No. 1475-15, passed by the Council of the City of Cleveland, December 7, 2015.

**THERE WILL BE A NON-MANDATORY PRE-BID MEETING, THURSDAY, SEPTEMBER 22, 2016 AT 11:30 A.M. 601 LAKE-SIDE AVENUE, ROOM 128 CITY HALL, CLEVELAND, OH 44114.**

September 14, 2016 and September 21, 2016

**FRIDAY, SEPTEMBER 30, 2016**

**File No. 112-16 — 2016 Miscellaneous Sized Steel** for the Division of Purchases and Supplies, Department of Finance, as authorized by Section 497.08 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, FRIDAY, SEPTEMBER 23, 2016 AT 3:00 P.M. 601 LAKESIDE AVENUE, ROOM 128 CITY HALL, CLEVELAND, OH 44114.

**File No. 115-16 — 2016 Citywide Messenger Services (Re-Bid)** for the Division of Purchases and Supplies, Department of Finance, as authorized by Section 497.08 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, THURSDAY, SEPTEMBER 22, 2016 AT 11:00 A.M. CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, ROOM 128, CLEVELAND, OH 44114.

September 14, 2016 and September 21, 2016

**WEDNESDAY, OCTOBER 5, 2016**

**File No. 116-16 — Water Pollution Control Building Improvement - Phase II Maintenance Garage Ventilation and Window Improvements Project** for the Division of Water Pollution Control, 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 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, SEPTEMBER 22, 2016 AT 2:00 P.M. WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, WPC RED ROOM, CLEVELAND, OH 44108.

September 14, 2016 and September 21, 2016

**THURSDAY, OCTOBER 13, 2016**

**File No. 117-16 — City Hall Offices MEP Assessments and Various Improvements** for the Division of Architecture and Site Development, Department of Capital Projects, as authorized by Ordinance No. 734-14, passed by the Council of the City of Cleveland, June 9, 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 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, FRIDAY, SEPTEMBER 30, 2016 AT 10:00 A.M. THE DIVISION OF ARCHITECTURE AND SITE DEVELOPMENT, 601 LAKESIDE AVENUE, ROOM 517A, CLEVELAND, OH 44114.

September 14, 2016 and September 21, 2016

**WEDNESDAY, OCTOBER 26, 2016**

**File No. 114-16 — Uniforms and Related Items - Department of Port Control** for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Section 497.08 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, TUESDAY, OCTOBER 18, 2016 AT 10:00 A.M. CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S CENTRAL RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OH 44135-3193.

September 14, 2016 and September 21, 2016

**FRIDAY, OCTOBER 7, 2016**

**File No. 121-16 — Morgana Athletic Complex Field House Building**, for the Division of Architecture and Site Development, Office of Capital Projects, as authorized by Ordinance No. 247-15, passed by the Council of the City of Cleveland, April 13, 2015.

THERE WILL BE A **NON-REFUNDABLE FEE** FOR PLANS AND SPECIFICATIONS IN THE AMOUNT OF SEVENTY FIVE DOLLARS (\$75.00) ONLY IN THE FORM OF A CASHIER'S CHECK OR 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, SEPTEMBER 29, 2016 AT 10:00 A.M. THE DIVISION OF ARCHITECTURE AND SITE DEVELOPMENT, 601 LAKESIDE AVENUE, 517A, CLEVELAND, OH 44114.

September 21, 2016 and September 28, 2016

**WEDNESDAY, OCTOBER 12, 2016**

**File No. 118-16 — Capital Maintenance and Repairs of City Facilities - Flooring and Carpet (Re-Bid)**, for the Division of Property Management, Department of Public Works, as authorized by Section 131.67 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, FRIDAY, SEPTEMBER 30, 2016 AT 10:00 A.M. 4150 EAST 49TH STREET, BUILDING 1, CLEVELAND, OH 44105.

**File No. 119-16 — Labor and Materials for Capital Maintenance and Repair of City Facilities - HVAC (Re-Bid)**, for the Division of Property Management, Department of Public Works, as authorized by Section

131.67 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, FRIDAY, SEPTEMBER 30, 2016 AT 10:30 A.M. 4150 EAST 49TH STREET, BUILDING 1, CLEVELAND, OH 44105.

**File No. 122-16 — East 152nd Street Rehabilitation - Woodworth to Waterloo**, for the Division of Engineering and Construction, Office of Capital Projects, as authorized by Ordinance No. 1101-15, passed by the Council of the City of Cleveland, November 9, 2015.

THERE WILL BE A **NON-REFUNDABLE FEE** FOR PLANS AND SPECIFICATIONS IN THE AMOUNT OF ONE HUNDRED DOLLARS (\$100.00) ONLY IN THE FORM OF A CASHIER'S CHECK OR MONEY ORDER (NO COMPANY CHECKS NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED TOPURCHASE PLANS).

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, TUESDAY, OCTOBER 4, 2016 AT 9:00 A.M. THE DIVISION OF ARCHITECTURE AND SITE DEVELOPMENT, 601 LAKESIDE AVENUE, ROOM 518, CLEVELAND, OH 44114.

September 21, 2016 and September 28, 2016

**THURSDAY, OCTOBER 13, 2016**

**File No. 113-16 2016 — Paint and Paint Supplies**, for the Division of Purchases and Supplies, Department of Finance, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, THURSDAY, SEPTEMBER 29, 2016 AT 1:00 P.M. CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, ROOM 128, CLEVELAND, OH 44114.

September 21, 2016 and September 28, 2016

**FRIDAY, OCTOBER 21, 2016**

**File No. 120-16 — Morgan Improvements - A**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1406-15, passed by the Council of the City of Cleveland, November 30, 2016.

THERE WILL BE A **NON-REFUNDABLE FEE** FOR PLANS AND SPECIFICATIONS IN THE AMOUNT OF SEVENTY FIVE DOLLARS (\$75.00) ONLY IN THE FORM OF A CASHIER'S CHECK OR 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, SEPTEMBER 29, 2016 AT 10:00 A.M. THE CARL B. STOKES UTILITIES BUILDING, 1201 LAKESIDE AVENUE, MAIN AUDITORIUM, CLEVELAND, OH 44114.

September 21, 2016 and September 28, 2016

**ADOPTED RESOLUTIONS AND ORDINANCES**

**Res. No. 907-16.**

**By Council Member Kelley (by departmental request).**

**An emergency resolution accepting the amounts and rates as determined by the Cuyahoga County Budget Commission and authorizing the necessary tax levies and certifying them to the County Fiscal Officer.**

Whereas, this Council, under the provisions of law, has adopted a Tax Budget for the fiscal year commencing January 1, 2017; and

Whereas, the Budget Commission of Cuyahoga County, Ohio, has certified its action on the Tax Budget to this Council together with an estimate by the County Fiscal Officer of the rate of each tax necessary to be levied by this Council and what part is within and what part is outside the 10-mill tax limitation; and

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

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

**Section 1.** That the amounts and rates as determined by the Budget Commission in its certification are accepted.

**Section 2.** That there is levied on the tax duplicate of the City of Cleveland the rate of each tax necessary to be levied within and without the 10-mill tax limitation, as follows:

**SCHEDULE A**  
 SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY  
 TAX APPROVED BY BUDGET COMMISSION  
 AND COUNTY AUDITOR'S ESTIMATE TAX RATES

Fund	Amount to be Derived From Levies	Amount Approved By Budget Commission	County Auditor's Estimate of Tax Rate To Be Levied	
	Outside 10-Mill Limitation	Inside 10-Mill Limitation	Inside 10-Mill Limitation	Outside 10-Mill Limitation
	Column II	Column IV	Column V	Column VI
GENERAL FUND			----	7.75
GENERAL BOND				
RETIREMENT FUND			4.35	----
POLICE PENSION FUND			----	0.30
FIRE PENSION FUND			0.05	0.25
<b>TOTAL</b>			<b>4.40</b>	<b>8.30</b>

**Section 3.** That the Clerk of Council is directed to certify a copy of this resolution to the County Fiscal Officer of Cuyahoga County.

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

Adopted September 12, 2016.  
 Effective September 15, 2016.

**Res. No. 908-16.**

**By Council Member Kelley (by departmental request).**

**An emergency resolution requesting the County Fiscal Officer to make advances during the year 2017, pursuant to Section 321.34, Ohio Revised Code.**

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 under Section 321.34 of the Revised Code, the County Fiscal Officer is hereby requested to draw, and the County Treasurer to pay on draft or drafts made payable to the Treasury of the City of Cleveland, any money that may be in the County Treasury from time to time during the year 2017 and credited to the account of the City

of Cleveland and lawfully applicable to the purpose of the 2017 fiscal year, during which year such request will be made. The payments are to be made from time to time in accordance with the schedule set by Cuyahoga County.

**Section 2.** That the Clerk of Council is directed to transmit a certified copy of this resolution to the County Fiscal Officer.

**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 September 12, 2016.  
 Effective September 15, 2016.

**Res. No. 923-16.**

**By Council Member Kelley.**

**An emergency resolution supporting House Bill 579, in the 131st Ohio General Assembly, to make supplemental appropriations to the Department of Transportation in order to provide political subdivisions with funding for critical road maintenance repairs.**

Whereas, House Bill 579 was introduced in the Ohio House of Representatives on May 25, 2016, and sponsored by Representatives Martin J. Sweeney and Mike Ashford; and

Whereas, House Bill 579 makes supplemental appropriations to the Department of Transportation in order to provide political subdivisions with funding for critical road maintenance repairs; and

Whereas, the bill appropriates \$150 million to the newly created

Road Maintenance Fund to be used by the Director of Transportation to distribute funding to political subdivisions for critical road maintenance repairs; and

Whereas, state funding that a political subdivision receives under this appropriation item shall be distributed in a way so that the state provides fifty percent of the project funding, while the political subdivision will be responsible for the remaining fifty percent of the project funding; and

Whereas, this Council recognizes the dire need for state funding for critical road maintenance repairs, and supports House Bill 579 to provide these supplemental funds to benefit citizens of Cleveland and Ohio municipalities; and

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

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

**Section 1.** That this Council supports House Bill 579, in the 131st Ohio General Assembly, to make supplemental appropriations to the Department of Transportation in order to provide political subdivisions with funding for critical road maintenance repairs.

**Section 2.** That the Clerk of Council is directed to transmit copies of this resolution to Representatives Martin J. Sweeney and Mike Ashford, the Ohio House of Representatives.

**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 September 12, 2016.  
Effective September 15, 2016.

**Res. No. 1036-16.**  
**By Council Member Brancatelli.**  
**An emergency resolution objecting to the transfer of ownership of a D2, D2X and D3 Liquor Permit to 7702 Spafford Road.**

Whereas, Council has been notified by the Division of Liquor Control of an application for the transfer of ownership of a D2, D2X and D3 Liquor Permit from Kaplan Tavern, Inc., DBA Wooden Nickel, 7702 Spafford Road, 1st floor and basement, Cleveland, Ohio 44105, Permit Number 4471308 to Deon Carter, 7702 Spafford Road, Cleveland, Ohio 44105, Permit Number 1301100; and

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

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

Whereas, the place for which the permit is sought has not conformed

to the building, safety or health requirements of the governing body of this County or City; and

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a D2, D2X and D3 Liquor Permit from Kaplan Tavern, Inc., DBA Wooden Nickel, 7702 Spafford Road, 1st floor and basement, Cleveland, Ohio 44105, Permit Number 4471308 to Deon Carter, 7702 Spafford Road, Cleveland, Ohio 44105, Permit Number 1301100; and requests the Superintendent of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted September 12, 2016.  
Effective September 15, 2016.

**Res. No. 1037-16.**  
**By Council Member Polensek.**  
**An emergency resolution objecting to a New C2 Liquor Permit at 870 East 185th Street.**

Whereas, Council has been notified by the Division of Liquor Control of an application for a New C2 Liquor Permit at Carla LaGrutta, DBA Quix, 870 East 185th Street, Cleveland, Ohio 44119, Permit Number 4969821; and

Whereas, the granting of this application for a liquor permit to this high crime area, which is already saturated with other liquor outlets, is contrary to the best inter-

ests of the entire community; and

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to a New C2 Liquor Permit at Carla LaGrutta, DBA Quix, 870 East 185th Street, Cleveland, Ohio 44119, Permit Number 4969821; and requests the Superintendent of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted September 12, 2016.  
Effective September 15, 2016.

**Res. No. 1038-16.**  
**By Council Member K. Johnson.**  
**An emergency resolution objecting to a New C1 Liquor Permit at 12704 Buckeye Road.**

Whereas, Council has been notified by the Division of Liquor Control of an application for a New C1 Liquor Permit at Evans Quick Pick, LLC, DBA Evans Quick Pick, 12704 Buckeye Road, Cleveland, Ohio 44120, Permit Number 258220; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to a New C1 Liquor Permit at Evans Quick Pick, LLC, DBA Evans Quick Pick, 12704 Buckeye Road, Cleveland, Ohio 44120, Permit Number 258220; and requests the Superintendent of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted September 12, 2016.  
Effective September 15, 2016.

**Res. No. 1039-16.**  
**By Council Member Keane.**  
**An emergency resolution objecting to a New D3 Liquor Permit at 16729 Lorain Avenue.**

Whereas, Council has been notified by the Division of Liquor Control of an application for a New D3 Liquor Permit at Chipotle Mexican Grill of Colorado, LLC, DBA Chipotle Mexican Grill 1978, 16729 Lorain Avenue, Cleveland, Ohio 44111, Permit Number 14374151015; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to a New D3 Liquor Permit at Chipotle Mexican Grill of Colorado, LLC, DBA Chipotle Mexican Grill 1978, 16729 Lorain Avenue, Cleveland, Ohio 44111, Permit Number 14374151015; and requests the Superintendent of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted September 12, 2016.  
Effective September 15, 2016.

**Res. No. 1040-16.**

**By Council Member Keane.**

**An emergency resolution objecting to the transfer of stock of a D5 Liquor Permit to 16612 Lorain Avenue.**

Whereas, Council has been notified by the Division of Liquor Control of an application for a transfer of stock of a D5 Liquor Permit at Randc Holdings, LLC, 16612 Lorain Avenue, Cleveland, Ohio 44111, Permanent Number 7196863; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to a transfer of stock of a D5 Liquor Permit at Randc Holdings, LLC, 16612 Lorain Avenue, Cleveland, Ohio 44111, Permanent Number 7196863, and requests the Superintendent of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted September 12, 2016.  
Effective September 15, 2016.

**Res. No. 1078-16.****By Council Member Dow.****An emergency resolution objecting to the transfer of ownership C2 and C2X Liquor Permit to 1453 East 66th Street.**

Whereas, Council has been notified by the Division of Liquor Control of an application for the transfer of ownership of a C2 and C2X Liquor Permit from Zoeter, Inc., 1453 East 66th Street, Cleveland, Ohio 44103, Permit Number 9957779 to Sauvage, Inc., DBA East 66th Market, 1453 East 66th Street, Cleveland, Ohio 44103, Permit Number 7755902; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a C2 and C2X Liquor Permit from Zoeter, Inc., 1453 East 66th Street, Cleveland, Ohio 44103, Permit Number 9957779 to Sauvage, Inc., DBA East 66th Market, 1453 East 66th Street, Cleveland, Ohio 44103, Permit Number 7755902; and requests the Superintendent of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

Adopted September 12, 2016.  
Effective September 15, 2016.

**Ord. No. 909-16.****By Council Member Kelley (by departmental request).****An emergency ordinance authorizing refunding and remarketing of airport system revenue bonds; authorizing supplemental indentures and other agreements related to the bonds; and authorizing and approving related matters.**

Whereas, under authority of the Constitution of the State of Ohio and the Charter of the City, this Council has by ordinance authorized the issuance of Revenue Bonds, from time to time, for the Airport System under the terms and security of the Amended and Restated Trust Indenture (Seventeenth Supplemental Trust Indenture), effective as of January 31, 2012 (the "Trust Indenture"), between the City and The Bank of New York Mellon Trust Company, N.A., as trustee (the "Trustee"); and

Whereas, this Council has determined to authorize the issuance by the City of Airport System Revenue Refunding Bonds ("Refunding Bonds") under the Trust Indenture for the purpose of refunding Outstanding Revenue Bonds, as defined and provided in this Ordinance, or, alternatively in the case of Outstanding Revenue Bonds bearing interest at variable rates, the interest rate mode conversion or change in Credit Support Instrument and remarketing of Outstanding Revenue Bonds, in either case to obtain debt service savings, or to stabilize interest rates or minimize risks of increased interest expense on Outstanding Revenue Bonds that bear interest at variable rates, or to eliminate or modify covenants that are unduly restrictive, or to obtain a more favorable debt service structure; and

Whereas, this Ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department and providing for the immediate preservation of the public peace, property, health or safety in that authorizing the refunding and other actions with respect to Outstanding Revenue Bonds is necessary to enable the City to respond to market conditions on a timely basis for the benefit of the Airport System; now, therefore,

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

**Section 1. Definitions.**

In addition to the words and terms defined in the Trust Indenture, the following words and terms shall have the following meanings, unless the context or use indicates a contrary meaning or intention.

"Bond Purchase Agreement" means, with respect to the Refunding Bonds, one or more Bond Purchase Agreements between the City and the Original Purchasers authorized in Section 5 of this Ordinance.

"Certificate of Award" means one or more certificates delivered by the Director of Finance pursuant to Section 5 of this Ordinance providing for the final terms of the Refunding Bonds of any series consistent with the requirements of the Trust Indenture and this Ordinance.

"Code" means the Internal Revenue Code of 1986, as amended, including, when appropriate, the statutory predecessor of the Code and all applicable Treasury regulations.

"Credit Support Instrument" means an insurance policy, surety, letter of credit, standby bond purchase agreement or other credit enhancement, support or liquidity device used to enhance the security or liquidity of any Revenue Bonds or any Hedge Agreements.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, with its participants or otherwise, a book entry system to record beneficial ownership of Revenue Bonds or Bond service charges, and to effect transfers of Revenue Bonds, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Direct Payment" means a credit allowed under the Code with respect to obligations that is payable to the City by the U.S. Treasury.

"Direct Payment Obligations" means obligations the interest on which is includible in gross income for federal income tax purposes and with respect to which the City shall have made an irrevocable election to receive a Direct Payment.

"Financial Advisor" means any financial advisory firm or firms retained by the Director of Finance of the City, from time to time, in connection with the Revenue Bonds or any Hedge Agreement.

"Hedge Agreement" has the meaning given in Section 3 of this Ordinance.

"Original Purchasers" means, with respect to each series of Refunding Bonds, the financial institutions identified in the Certificate of Award for that series.

"Outstanding Revenue Bonds" means Revenue Bonds issued and outstanding, from time to time, under the Trust Indenture, including without limitation any Refunding Bonds issued pursuant to this Ordinance. On the date of introduction of this Ordinance, the Outstanding Revenue Bonds (and the respective principal amounts then currently outstanding) consisted of the following series of Airport System Revenue Bonds: Series 2000C (\$6,000,000), Series 2006A (\$48,065,000), Series 2006B (\$1,610,000), Series 2007B (\$7,295,000), Series 2008D (\$5,975,000), Series 2009C (\$107,305,000), Series 2009D (\$30,200,000), Series 2011A (\$49,930,000), Series 2012A (\$235,150,000), Series 2013A (\$58,000,000), Series 2014A (\$24,025,000), Series 2014B (\$6,465,000) and Series 2016A (\$108,120,000).

"Refunded Bonds" means those Outstanding Revenue Bonds identified in a Certificate of Award to be refunded from proceeds of Refunding Bonds.

"Refunding Bonds" means the Airport System Revenue Refunding Bonds authorized by this Ordinance



to be issued as Additional Revenue Bonds under the Trust Indenture for the purpose of refunding one or more series of Outstanding Revenue Bonds, or designated maturities thereof.

"Remarketing Agent" means a financial institution performing the duties of a remarketing agent under a Supplemental Indenture for variable rate Revenue Bonds.

"Revenue Bonds" means Outstanding Revenue Bonds and any Additional Revenue Bonds issued under the Trust Indenture.

"Supplemental Indenture" means each Supplemental Trust Indenture delivered to supplement the Trust Indenture, to further provide for the terms and security of one or more series of Revenue Bonds or to amend the Trust Indenture.

"Taxable Bonds" means any Refunding Bonds the interest on which is included in gross income for federal income tax purposes.

"Tax-Exempt Bonds" means Revenue Bonds bearing interest excluded from gross income for federal income tax purposes.

### **Section 2. Authorization of the Refunding Bonds.**

This Council authorizes the City to issue the Refunding Bonds in one or more Series for the purpose of refunding one or more Series of Outstanding Revenue Bonds, or designated portions thereof, to obtain aggregate net present value debt service savings of at least three percent (3%), or to eliminate or modify covenants that are unduly restrictive, or to obtain a more favorable debt service structure or more favorable terms under Credit Support Instruments. With respect to Outstanding Revenue Bonds that are short-term or variable-rate obligations, this Council authorizes the City to issue Refunding Bonds to refund such Outstanding Revenue Bonds, or designated portions thereof, for any of the foregoing purposes or for the purpose that the Director of Finance has determined, based on the written advice of a Financial Advisor, that such Outstanding Revenue Bonds are subjecting the City to undesirably high rates of interest or undesirable fluctuations in rates of interest or risks or expenses associated with Credit Support Instruments or Hedge Agreements that can economically be avoided or mitigated through refunding. The principal amount of each Series of Refunding Bonds is to be the amount set forth in the Certificate of Award authorized in Section 5 and determined by the Director of Finance, based on the written advice of a Financial Advisor, to be necessary (i) to refund the Refunded Bonds to be refunded by that Series, (ii) to fund any interest on the Refunding Bonds, (iii) to fund any deposit to the Bond Service Reserve Fund required under the Trust Indenture or any special reserve fund for that Series separate from the Bond Service Reserve Fund, (iv) to fund any deposit to the Renewal and Replacement Fund required under the Trust Indenture, (v) to pay costs of any Credit Support Instruments, (vi) to pay any amounts owed under Hedge Agreements, and (vii) to pay costs of issuing the Refunding Bonds and refunding the Refunded Bonds.

Separate series of Refunding Bonds may be issued at the same or different

times. The Refunding Bonds of each series shall be designated as provided in the applicable Certificate of Award. A separate Certificate of Award and a separate Supplemental Indenture may be delivered for each series. The proceeds from the sale of each Series of Refunding Bonds shall be allocated, deposited and applied as provided in Section 6. The Refunding Bonds shall constitute Revenue Bonds for all purposes of the Trust Indenture.

This Council finds and determines that the issuance of the Refunding Bonds for a purpose provided in this Ordinance serves a proper, public, municipal purpose by reducing or stabilizing costs of air travel facilities serving the people of the City of Cleveland, thereby increasing and promoting commerce by providing necessary transportation for individuals and commercial enterprises purchasing and selling services and products in northeastern Ohio, and creating and preserving jobs and employment opportunities in the City and improving the economic welfare of the City.

### **Section 3. Authorization of Hedging Arrangements.**

This Council finds that by engaging in interest rate hedging arrangements with respect to Revenue Bonds the City may reduce its cost of borrowing by optimizing the relative amounts of fixed and variable rate obligations, or minimizing the risk of variations in its debt service costs, or obtaining savings by confirming rates of interest on Revenue Bonds in advance of their issuance. To permit the City to have the flexibility to undertake interest rate swap, swaption, rate cap, rate collar and other hedging transactions, from time to time, and to establish the procedures for approving those transactions, this Council authorizes the signing and delivery of one or more agreements (each, a "Hedge Agreement") and any related agreements necessary for the consummation of the transactions contemplated by each Hedge Agreement. The authorizations in this Section 3 are supplemental to and not in derogation of any authority provided by any other ordinance of this Council concerning hedging arrangements.

Upon the determination of the Director of Finance, based on the written advice of a Financial Advisor, that it is to the financial advantage of the City and in the City's best interests that a hedging arrangement be undertaken by the City with respect to any Revenue Bonds issued or to be issued under the Trust Indenture, the Director of Finance may authorize one or more interest rate hedge transactions in accordance with the applicable Hedge Agreement; provided that the term of each hedge transaction shall not exceed the final maturity of the Revenue Bonds to which the hedge relates.

The Director of Finance shall negotiate the terms of each Hedge Agreement. The City shall receive a written opinion of a Financial Advisor that the payments made or to be made by the counterparty to the City, or by the City to the counterparty, shall be fair value for the Hedge Agreement, considering, among other things, the credit of the City's Airport System, the credit of the counterparty and the

terms and conditions of the Hedge Agreement. The Director of Finance shall determine the terms and conditions of the Hedge Agreement, including without limitation, the time or times and procedures for the exercise by the counterparty or the City, as the case may be, of any option under the Hedge Agreement, whether the obligations of the City under the Hedge Agreement shall be secured by a Credit Support Instrument, and the rates to be paid by the counterparty to the City and by the City to the counterparty under the Hedge Agreement in the event of the exercise of the option. The approval of each interest rate hedge transaction by the Director of Finance shall be conclusively evidenced by the signing and delivery of the applicable Hedge Agreement by the Director of Finance.

The Director of Finance is authorized to enter into an amendment, modification or novation of any Hedge Agreement or any Credit Support Instrument securing a Hedge Agreement or to terminate any Hedge Agreement, in whole or in part, if the Director of Finance determines, based on the written advice of a Financial Advisor, that (a) the amendment, modification, novation or termination is (i) justified by the corresponding benefit to the City, (ii) commercially reasonable based on then-current market conditions, and (iii) in the City's best interests, and (b) any payments made or to be made by the counterparty to the City, or by the City to the counterparty, are fair value for such amendment, modification, novation or termination, given the credit of the counterparty and the terms and conditions of the amendment, modification, novation or termination. To the extent that any amounts to be paid by the City in connection with any such amendment, modification, novation or termination are not paid from proceeds of Revenue Bonds, those amounts shall be paid from Fund Nos. 60SF 001, 60 SF 104, 60 SF 105, 60 SF 106 and 60 SF 141 and/or passenger facility charges, as determined by the Director of Finance after consultation with the Director of Port Control.

The City's obligations under any Hedge Agreement shall be payable from the Airport Revenues as defined in the Trust Indenture and may be payable also from other funds permitted by law to be used for the purpose, as identified by the Director of Finance in the Hedge Agreement. Those payments may be secured by a pledge of Airport Revenues, to the extent permitted by the Trust Indenture, all as determined by the Director of Finance and set forth in the Hedge Agreement. The obligation of the City to make payments under any Hedge Agreement does not and shall not represent or constitute a general obligation, debt, bonded indebtedness or a pledge of the faith and credit of the City or the State of Ohio. Nothing gives any party to any Hedge Agreement the right to have excises, ad valorem or other taxes levied by the City or the State of Ohio for the payment of any amounts due under any Hedge Agreement.

In the event the Director of Finance determines, based on the written advice of a Financial Advisor, that it is necessary to supplement or amend

the Trust Indenture or a Supplemental Indenture in connection with any Hedge Agreement or any amendment, modification, novation or termination of any Hedge Agreement, the Mayor and the Director of Finance are authorized to sign and deliver a Supplemental Indenture or amendment of an existing Supplemental Indenture.

**Section 4. Terms of Refunding Bonds.**

The Refunding Bonds shall contain the terms provided in or determined pursuant to, the Trust Indenture, this Ordinance, the applicable Certificate of Award and the applicable Supplemental Indenture. Each series of Refunding Bonds may be secured by a separate Supplemental Indenture, or a single Supplemental Indenture may secure more than one series of Refunding Bonds.

(a) General. The Refunding Bonds may be issued as obligations bearing interest at fixed or variable interest rates. In the event that the Director of Finance, based on the written advice of a Financial Advisor, determines that the City's best interests will be served by a series of Refunding Bonds bearing interest at variable interest rates, then provision shall be made in the Supplemental Indenture applicable to that series for the method and procedure by which the variable rate of interest to be borne by the Refunding Bonds of that series shall be determined (whether by reference to a market index, by a remarketing agent or otherwise); provided that no series of variable rate Refunding Bonds shall bear interest at a rate in excess of twenty-five percent (25%) per year (including any Refunding Bonds held by a provider of a Credit Support Instrument). The Director of Finance may determine that the terms of a variable rate series of Refunding Bonds may or may not permit the holders to tender their variable rate Refunding Bonds for purchase by the City. If the Director of Finance designates any series of Refunding Bonds as variable rate Refunding Bonds, and if the Holders of that series of Refunding Bonds are to be entitled to tender those Refunding Bonds for purchase, then the Director of Finance shall also designate for those variable rate Refunding Bonds (and may designate others, from time to time, in substitution thereof), the tender agent or agents (which may be the Trustee) and the remarketing agent or agents (which may be any of the Original Purchasers), which designations shall be based on the determination of the Director of Finance, based on the written advice of a Financial Advisor, that the parties so designated possess the requisite resources and experience to provide the services required of them and that the terms on which the designated parties have agreed to provide such services are fair and commercially reasonable.

The Director of Finance is authorized to enter into agreements with others in connection with the delivery of the Refunding Bonds, and from time to time thereafter so long as the Refunding Bonds are outstanding, as may be determined by the Director of Finance to be necessary or appropriate to provide for (i) the method of determining the variable interest rates, (ii) the rights and procedures

for tender, (iii) liquidity or credit support, (iv) repayment by the City of any amounts drawn under the Credit Support Instrument, (v) the direct purchase of tendered Refunding Bonds, and (vi) other arrangements in the best interests of the City. The Director of Finance is further authorized to terminate any such agreements if the Director of Finance determines, based on the written advice of a Financial Advisor, that the City's best interests will be served by such termination. The Director of Finance is further authorized to enter into agreements, from time to time so long as the variable rate Refunding Bonds are outstanding, supplementing or amending the applicable Supplemental Indenture for a series of Refunding Bonds as provided in Section 8. To the extent that any fees and expenses associated with agreements entered into or terminated pursuant to this Section are not paid from proceeds of Revenue Bonds, those fees and expenses shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106 and 60 SF 141 and/or passenger facility charges, as determined by the Director of Finance after consultation with the Director of Port Control.

(b) Form; Exchange and Transfer. All Refunding Bonds shall be issued in fully registered form. The Refunding Bonds initially shall be delivered only in book-entry form, shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository, and shall not be transferable or exchangeable (except for transfer to another Depository or its nominee) without further action by the City pursuant to the provisions of the Trust Indenture.

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

The Director of Finance is authorized to enter into any agreements determined by the Director to be necessary in connection with the book entry system for the Refunding Bonds, after determining that those agreements will not endanger the funds or securities of the City under the Indenture (as evidenced by the Director's signing of those agreements).

(c) Dates; Denominations. The Refunding Bonds of each series shall be dated as of the date or dates provided in the Certificate of Award for that series. The Refunding Bonds of

each series shall be issued in the denominations permitted in the Supplemental Indenture for that series.

(d) Interest and Place of Payment. The Refunding Bonds of each series shall bear interest at their respective interest rates specified in the Certificate of Award (or, in the case of variable rate Refunding Bonds, determined pursuant to the Supplemental Indenture) for that series. Refunding Bonds of the same series and same maturity may bear interest at different interest rates. The Refunding Bonds of each series shall bear interest from the most recent date to which interest has been paid or duly provided for or, if no interest has been paid or duly provided for, from their date. The principal and any redemption premium and the interest payable on each series of Refunding Bonds shall be payable at the times, to the persons and in the manner set forth in, or referenced by, the Supplemental Indenture, including, without limitation, provisions thereof permitting special arrangements for payments to the Depository.

(e) Maturities. The Refunding Bonds of each series shall mature on the dates and in the respective principal amounts provided in the Certificate of Award, consistent with this Ordinance and the Trust Indenture.

(f) Prior Redemption. The Refunding Bonds of each series may be subject to redemption prior to maturity at the option of the City, if and to the extent so provided in the Certificate of Award for that series. Any Refunding Bonds so determined to be subject to optional redemption and maturing by their stated terms after the earliest optional redemption date shall be subject to redemption at the option of the City on or after the earliest optional redemption date in whole or in part on any date at the redemption prices provided in the Certificate of Award and in accordance with the applicable Supplemental Indenture and the Trust Indenture. Any Refunding Bonds so determined to be subject to a make whole optional redemption intended to make the bondholder whole for the loss of the investment resulting from the early redemption shall be subject to redemption at the option of the City pursuant to the formula or other methodology provided in the Certificate of Award and in accordance with the applicable Supplemental Indenture and the Trust Indenture to provide for the make whole redemption price. The Refunding Bonds may be subject to mandatory redemption prior to maturity on the dates, or upon the occurrence of events, and at the redemption prices as determined and provided in the Certificate of Award and applicable Supplemental Indenture, including without limitation, mandatory sinking fund redemption of term bonds on each mandatory redemption date in the aggregate amount of the sinking fund installment to be paid on such mandatory redemption date.

(g) Purchase in Lieu of Redemption. The Refunding Bonds of each Series may be subject to purchase by the City in lieu of optional redemption if and to the extent provided in the Certificate of Award and the applicable Supplemental Indenture.

(h) Signing. The Refunding Bonds shall be signed by the Mayor and the

Director of Finance, and approved as to form by the Director of Law. Any or all of the signatures of those officials may be facsimiles. The Refunding Bonds shall bear the corporate seal of the City or a facsimile thereof.

(i) **Numbering.** The Refunding Bonds shall be numbered as determined by the Director of Finance.

**Section 5. Award and Sale of Refunding Bonds.**

The Director of Finance shall sign and deliver a Certificate of Award for the Refunding Bonds. In the event the Refunding Bonds are issued in more than one series sold at different times, a separate Certificate of Award shall be signed and delivered for each separately delivered series. The sale of the Refunding Bonds shall be awarded to the Original Purchasers selected by the Director of Finance, based on an evaluation of the qualifications of firms that have proposed to underwrite the Refunding Bonds, and shall be identified in the Certificate of Award. Each Certificate of Award shall determine the following, based on the written advice of a Financial Advisor, consistent with this Ordinance and the Trust Indenture:

(a) the aggregate principal amount of Refunding Bonds issued;

(b) the purchase price to be paid to the City by those Original Purchasers, which amount shall be not less than: (i) 97% of the amount determined by adding to the aggregate principal amount of the Refunding Bonds any aggregate original issue premium and subtracting from that amount any aggregate original issue discount, plus (ii) any accrued interest on the Refunding Bonds from their date to the date of their delivery to the Original Purchasers;

(c) whether the Refunding Bonds are to be Tax-Exempt Bonds or Taxable Bonds and, if the Refunding Bonds are Taxable Bonds, whether or not they are Direct Payment Obligations;

(d) whether any Refunding Bonds are to be subject to redemption prior to maturity, and, if so, the redemption date or the event causing the prior redemption for those Refunding Bonds subject to prior redemption and the redemption price, which may be determined as a percentage of the principal amount redeemed or by a formula intended to make the bondholder whole for the loss of the investment resulting from the early redemption or by other methodology;

(e) the dates on which principal of the Refunding Bonds is to be paid, which shall be not later than thirty (30) years from their respective dates of issuance, with an identification of whether the payment is due by stated maturity or by mandatory sinking fund redemption of Refunding Bonds of a particular maturity;

(f) the interest rates to be borne by Refunding Bonds bearing interest at a fixed rate, the weighted average of which shall not exceed six percent (6%) as to Refunding Bonds of any series that are Tax-Exempt Bonds, or eight percent (8%) as to Refunding Bonds of any Series that are Taxable Bonds, or the method by which the interest rate is to be determined for Refunding Bonds bearing interest at variable rates, consistent with Section 4;

(g) the particular Outstanding Revenue Bonds or portions thereof to be Refunded Bonds;

(h) the title and series designation for the Refunding Bonds;

(i) the amount, if any, and source of any money to be deposited in the Bond Service Reserve Fund in order to cause the balance therein to equal the Required Bond Service Reserve, if and to the extent required by the applicable Supplemental Indenture, and any determination as to whether there shall be a special reserve fund for the Refunding Bonds of any series, separate from the common Bond Service Reserve Fund, or a surety or insurance policy, bank letter or line of credit, or other form of credit or Credit Facility enhancing the security for Refunding Bonds of that series in lieu of a funded reserve fund;

(j) the amount, if any, and source of any money to be deposited in the Renewal and Replacement Fund in order to cause the balance therein to equal the Renewal and Replacement Fund Requirement;

(k) the Paying Agent; and

(l) whether any Refunding Bonds are to be secured by or payable from a Credit Support Instrument.

It is determined that the terms of the Refunding Bonds as so determined within the limitations set forth in this Ordinance and as so specified and set forth in the Certificate of Award will be in the best interest of the City and consistent with all legal requirements.

The Director of Finance may enter into one or more Bond Purchase Agreements with the Original Purchasers of Refunding Bonds setting forth the conditions for delivery of the Refunding Bonds that are consistent with this Ordinance, the Certificate of Award, and the Trust Indenture and that are determined by the Director of Finance, based on the written advice of a Financial Advisor, to be customary for airport revenue bonds issued by governmental entities, including, without limitation, representations as to the accuracy and completeness of information contained in the Official Statement of the City described in Section 13.

**Section 6. Application of Proceeds of Refunding Bonds.**

The proceeds from the sale of the Refunding Bonds shall be applied as provided in the applicable Supplemental Indenture, including:

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

(ii) to the Bond Service Fund, any proceeds constituting accrued interest and, unless other provision is made in the Supplemental Indenture, any proceeds to be used to pay interest on the Refunding Bonds;

(iii) to the Bond Service Reserve Fund, any proceeds to be deposited in that Fund in order to cause the balance therein to equal the Required Bond Service Reserve, subject to the provisions set forth in Section 5 (i) of this Ordinance for a lesser or special deposit;

(iv) to the Renewal and Replacement Fund, any proceeds to be deposited in that Fund to cause the balance therein to equal the Renewal and Replacement Fund Requirement;

(v) to an escrow fund established with the Trustee, any proceeds to be deposited in escrow to pay the principal of and any premium and interest on the Refunded Bonds;

(vi) to the counterparty under any Hedge Agreement, any payment determined by the Director of Finance to be paid from the proceeds of the Refunding Bonds, including any termination payment in the event that the Director of Finance determines it is in the best interests of the City to terminate a Hedge Agreement relating to Outstanding Revenue Bonds; and

(vii) to the Costs of Issuance Fund, to be created under the applicable Supplemental Indenture, such amounts as are needed to pay costs of issuing the Refunding Bonds and refunding the Refunded Bonds.

The proceeds from the sale of the Refunding Bonds are appropriated and shall be used for the purpose for which those Refunding Bonds are issued as provided in this Ordinance.

**Section 7. Refunding of Outstanding Revenue Bonds; Escrow Agreements.**

The Director of Finance is authorized to sign and deliver, in the name and on behalf of the City, one or more escrow agreements between the City and the Trustee, as escrow trustee, providing for, among other matters: the investment and holding in escrow of the proceeds of the Refunding Bonds to be applied to the refunding of the Refunded Bonds; the application of the moneys derived from those investments to the payment of the Bond service charges on those Refunded Bonds; and the irrevocable call for redemption of those Outstanding Revenue Bonds identified in the Certificate of Award to be Refunded Bonds to be called for redemption prior to maturity. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the escrow agreement from proceeds of the Refunding Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose. Provision shall be made in the escrow agreement to give the Trustee any written notice of redemption required under Section 4.03 of the Trust Indenture. The Director of Finance and other City officials as appropriate under the Charter shall sign all documents and take all other actions necessary or appropriate on the part of the City to effect such refunding in accordance with the Trust Indenture and to cause the Refunded Bonds to be deemed paid and discharged, including without limitation, the retention of an independent firm of accountants to verify the mathematical accuracy of the calculations relating to the escrow.

**Section 8. Remarketing.**

In the event that the Director of Finance determines, based on the written advice of a Financial Advisor, that it is advantageous to the City to convert the interest on any Outstanding Revenue Bonds bearing interest at variable rates to fixed interest rates for a period of time or to maturity, or to convert the interest on any Outstanding Revenue Bonds to a different variable rate period or mode, or

to terminate or take other actions with respect to any existing Credit Support Instrument that will require a tender and remarketing of any Outstanding Revenue Bonds under the Trust Indenture and the Supplemental Indenture for that series of Outstanding Revenue Bonds (such conversion or other actions and the tender and remarketing being collectively referred to in this Section as "remarketing"), the City shall undertake the remarketing in accordance with the Trust Indenture and the Supplemental Indenture for that series of Outstanding Revenue Bonds. In connection with any remarketing of Revenue Bonds, the Director of Finance is authorized to take such actions that she determines, based on the written advice of a Financial Advisor, will facilitate the remarketing of the Revenue Bonds or otherwise be in the best interests of the City, including without limitation, obtaining one or more Credit Support Instruments, terminating any Credit Support Instrument, and entering into agreements with one or more purchasers for their direct purchase of the remarketed Revenue Bonds in lieu of a public offering of the Revenue Bonds by a remarketing agent. In the event the Director of Finance determines, based on the written advice of a Financial Advisor, that it is necessary to supplement or amend the Supplemental Indenture applicable to a Series of Revenue Bonds to be remarketed in order to address current market conditions or to permit the use of or to terminate a Credit Support Instrument or otherwise obtain financing arrangements advantageous to the City, the Mayor, the Director of Finance and the Director of Port Control, or any two of them, are authorized to sign and deliver an amendment of that Supplemental Indenture, or an amended and restated Supplemental Indenture, approved as to form by the Director of Law, subject to the Trust Indenture.

The Director of Finance is further authorized to satisfy the Required Bond Service Reserve for the Revenue Bonds then outstanding under the Trust Indenture and the Supplemental Indenture for that series of Outstanding Revenue Bonds by the deposit of a credit facility in lieu of cash, as permitted and more specifically provided in the Trust Indenture, and to apply cash released from the Bond Service Reserve Fund to the payment of costs of remarketing the Revenue Bonds for which the interest rate has been converted from variable rates of interest to fixed rates of interest. To the extent the costs of remarketing are not paid from any cash released from the Bond Service Reserve Fund, those costs shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106 and 60 SF 141 and/or passenger facility charges, as determined by the Director of Finance after consultation with the Director of Port Control.

The Director of Finance and the Director of Port Control are authorized to prepare one or more disclosure documents in connection with any conversion and remarketing under the same terms and conditions as set forth in Section 13 of this Ordinance with respect to Refunding Bonds. The Director of Finance, the

Director of Port Control and other City officials, as appropriate under the Charter, are authorized to take such actions or cause to be taken such actions as are necessary to maintain the status of any Outstanding Revenue Bonds as Tax-Exempt Bonds, and the covenants and authorizations in Section 11 of this Ordinance shall apply to any converted Revenue Bonds that are Tax-Exempt Bonds. The Director of Finance, the Director of Port Control and other City officials, as appropriate under the Charter, are authorized to sign and deliver such instruments, certificates and documents as are necessary or appropriate to consummate the transactions authorized by this Section. The Director of Finance, the Director of Port Control, the Director of Law and other City officials, as appropriate under the Charter, are authorized to make the necessary arrangements on behalf of the City to establish the date, location, procedure and conditions for the conversion and remarketing of any series of Outstanding Revenue Bonds and to take all actions necessary to effect the conversion and remarketing of any series of Outstanding Revenue Bonds under the terms of this Ordinance and the Trust Indenture and the Supplemental Indenture for that series of Outstanding Revenue Bonds. The Clerk of Council shall furnish the Remarketing Agent a true transcript of proceedings certified by the Clerk or other official, of all proceedings had with reference to the conversion and remarketing of any series of Outstanding Revenue Bonds along with such information for the records as is necessary to determine the validity of the conversion and remarketing.

**Section 9. Authorization of Supplemental Indentures and Amendments of Trust Indenture.**

In order to secure the payment of the principal of and any premium and interest on the Refunding Bonds, the Mayor, the Director of Finance and the Director of Port Control, or any two of them, are authorized, in the name and on behalf of the City, to sign and deliver to the Trustee, in trust for the Original Purchasers and subsequent holders of the Refunding Bonds, one or more Supplemental Indentures, approved as to form by the Director of Law, not inconsistent with this Ordinance, the Certificate of Award and the Trust Indenture and not substantially adverse to the City as may be approved by the officers signing the same on behalf of the City. The determination by those officers that a Supplemental Indenture is not substantially adverse to the City shall be conclusively evidenced by the signing and delivery of that Supplemental Indenture by those officers. Any Supplemental Indenture may contain amendments to the Trust Indenture to permit the City increased flexibility for the use of financial or credit structures and techniques determined by the Director of Finance, based on the written advice of a Financial Advisor, to be in the best interests of the City.

**Section 10. Credit Support Instruments.** The Director of Finance is authorized to contract from time to time for one or more Credit Support Instruments for any series of Revenue Bonds or any Hedge Agreement

if the Director determines, based on the written advice of a Financial Advisor, that the Credit Support Instruments will result in savings to the City, will stabilize interest rates or minimize the risk of increased interest expense or increased risks, burdens, or other costs associated with hedging arrangements or relating to Revenue Bonds or reserve requirements. The Director of Finance is further authorized to agree to the amendment, replacement, assignment or termination of any Credit Support Instrument if the Director of Finance determines, based on the written advice of a Financial Advisor, that the City's best interests will be served by such amendment, replacement, assignment or termination. In the event the Director of Finance determines, based on the written advice of a Financial Advisor, that it is necessary to supplement or amend the Trust Indenture or a Supplemental Indenture in order to permit the use of, or to amend, replace, assign or terminate, a Credit Support Instrument, the Mayor and the Director of Finance are authorized to sign and deliver a Supplemental Indenture amending the Trust Indenture or an amendment of a Supplemental Indenture, approved as to form by the Director of Law. The cost of obtaining, amending, replacing, assigning or terminating each Credit Support Instrument, except to the extent paid from proceeds of Revenue Bonds or otherwise, shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106 and 60 SF 141 and/or passenger facility charges, as determined by the Director of Finance after consultation with the Director of Port Control.

**Section 11. Tax Covenants.**

(a) **Tax-Exempt Bonds.** With respect to Refunding Bonds that are to be issued and sold as Tax-Exempt Bonds, the City covenants that:

(i) It will use, and will restrict the use and investment of, the proceeds of the Tax-Exempt Bonds in such manner and to such extent as may be necessary so that (A) the interest on the Tax-Exempt Bonds will be excluded from gross income for federal income tax purposes, and (B) in the case of any Tax-Exempt Bonds qualifying as bonds, the interest on which is not treated as an item of tax preference under Section 57 of the Code ("Non-AMT Bonds"), such Tax-Exempt Bonds will be treated as Non-AMT Bonds.

(ii) It further covenants that (A) it will take or cause to be taken such actions that may be required of it for the interest on the Tax-Exempt Bonds to be and to remain excluded from gross income for federal income tax purposes, (B) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (C) it, or persons acting for it, will, among other acts of compliance, (1) apply the proceeds of the Tax-Exempt Bonds to the governmental purposes of the borrowing, (2) restrict the yield on investment property, (3) make timely and adequate payments to the federal government, (4) maintain books and records and make calculations and reports, and (5) 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.

(b) **Direct Payment Obligations.** With respect to any series of Refunding Bonds that are to be issued and sold as Direct Payment Obligations, the City covenants that:

(i) It will use, and will restrict the use and investment of, the proceeds of the Refunding Bonds in such manner and to such extent as may be necessary so that the Refunding Bonds will qualify as Direct Payment Obligations under the applicable provisions of the Code.

(ii) It further covenants that (A) it will take or cause to be taken such actions that may be required of it for the Refunding Bonds to be and remain Direct Payment Obligations, (B) it will not take or authorize to be taken any actions that would adversely affect that status, and (C) it, or persons acting for it, will, among other acts of compliance, (1) apply or cause the application of the proceeds of the Refunding Bonds to the governmental purpose of the borrowing, (2) restrict yield on investment property, (3) make timely and adequate payments to the federal government, (4) maintain books and records and make calculations and reports and (5) 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 tax status.

(c) **Further Actions.** The Director of Finance, or any other officer of the City having responsibility for issuance of the Refunding Bonds, is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Refunding Bonds as the City is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, the election to issue a series of Refunding Bonds as Direct Payment Obligations, or any of the elections provided for in or available under the Code for the purpose of assuring, enhancing or protecting the favorable tax treatment or status of the Refunding Bonds or interest thereon or entitlement to Direct Payments relating thereto, or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments of penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Refunding Bonds and the City's entitlement to receive Direct Payments, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Refunding Bonds, setting forth the reasonable expectations of the City regarding the

amount and use of all the proceeds of the Refunding Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Refunding Bonds.

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

#### **Section 12. Additional Documents.**

The Mayor, the Director of Finance, the Director of Port Control and other City officials as appropriate under the Charter are authorized to sign and deliver such instruments, certificates and documents as are necessary or appropriate to consummate the transactions authorized by this Ordinance, the Bond Purchase Agreements, the Supplemental Indentures, the Trust Indenture, the Escrow Agreements and the Hedge Agreements.

The Director of Finance, the Director of Port Control, the Director of Law and other City officials, as appropriate under the Charter, are authorized to make the necessary arrangements on behalf of the City to establish the date, location, procedure and conditions for the delivery of each series of Refunding Bonds to the Original Purchasers and to take all actions necessary to effect due signing, authentication and delivery of each series of Refunding Bonds under the terms of this Ordinance, the Supplemental Indentures, the Bond Purchase Agreements and the Trust Indenture. The Clerk of Council or other officials of the City as appropriate under the Charter shall furnish the Original Purchasers a true transcript of proceedings certified by the Clerk or other official, of all proceedings had with reference to the issuance of the Refunding Bonds along with such information for the records as is necessary to determine the regularity and validity of the issuance of the Refunding Bonds.

#### **Section 13. Official Statements; Continuing Disclosure.**

The Mayor, the Director of Finance, the Director of Port Control and other City officials as appropriate under the Charter, each is authorized on behalf of the City to (i) prepare or cause to be prepared, and make or authorize modifications, completions or changes of or supplements to, disclosure documents in the form of a preliminary official statement relating to the issuance of the Refunding Bonds of one or more series, and (ii) determine, and certify or otherwise represent, when each preliminary official statement as so prepared is a "deemed final" official statement (except for permitted omissions) by the City as of its date for purposes of Securities and Exchange Commission ("SEC") Rule 15c2-12(b)(1). The dis-

tribution and use of one or more preliminary official statements are hereby authorized and approved.

Those officers and each of them are also authorized, on behalf of the City and in their official capacities, to complete each preliminary official statement with such modifications, changes and supplements as those officers shall approve or authorize for the purpose of preparing and determining, and to certify or otherwise represent, that the official statement as so revised is a final official statement for purposes of SEC Rule 15c2-12(b)(3) and (4). Those officers each are further authorized to use and distribute, or authorize the use and distribution of, one or more final official statements and supplements thereto in connection with the original issuance of the Refunding Bonds as may, in their judgment, be necessary or appropriate. Those officers each are further authorized to sign and deliver, on behalf of the City and in their official capacities, each final official statement and such certificates in connection with the accuracy of each preliminary official statement and each final official statement and any amendments thereto as may, in their judgment, also be necessary or appropriate. The Director of Finance is authorized to contract for services for the production and distribution of preliminary and final official statements, including by printed and electronic means.

For the benefit of the holders and beneficial owners from time to time of the Refunding Bonds, the City agrees, in accordance with, and as an obligated person with respect to the Refunding Bonds under, SEC Rule 15c2-12, 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 SEC Rule 15c2-12. 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 and the Director of Port Control are authorized to prepare, or cause to be prepared, and to sign and deliver, in the name and on behalf of the City, a continuing disclosure agreement or certificate, which shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and beneficial owners of the Refunding Bonds in accordance with SEC Rule 15c2-12. 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.

#### **Section 14. Lien of Pledge.**

The Airport Revenues are subject to the lien of the pledge under the Trust Indenture without any physical delivery of the Airport Revenues or further act, and the lien of such pledge is valid and binding against all parties having claims of any kind against the City (irrespective of whether such parties have notice of such pledge and create a perfected security interest for all purposes of Chapter 1309, Ohio Revised Code) without the necessity for separation of delivery of the Airport Revenues or for the filing or recording of the Trust

Indenture or any other resolution or instrument by which such pledge is created or any certificate, statement or other document with respect to such pledge. The pledge of the Airport Revenues under the Trust Indenture shall be effective and the money therefrom and thereof may be applied to the purposes for which pledged without necessity for any further act of appropriation.

**Section 15. Financial Advisors and Consultants.**

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 or to negotiate any Hedge Agreements. The Director of Finance may rely on the written advice of any Financial Advisor so retained. The Director of Port Control may obtain the services of one or more feasibility consultants, from time to time, to provide reports in connection with the issuance and sale of any Refunding Bonds or the delivery of any Hedge Agreements concerning the utilization and operation of the Airport System, debt service coverage, rates and charges or other matters. Any Financial Advisor or consultant employed under the authority of this Ordinance shall be disinterested in the transaction and be independent of the underwriters or counterparties and any other party interested in the transaction.

**Section 16. Appointment of Successor Trustee.**

The Director of Finance is hereby authorized to appoint a successor Trustee in the event that the current Trustee, The Bank of New York Mellon Trust Company, N.A., shall resign or be removed, or be dissolved or otherwise become incapable of acting as Trustee under the Trust Indenture, or in case it shall be taken under the control of any public officer or officers or of a receiver appointed by a court, in accordance with the provisions of Section 12.08 of the Trust Indenture.

**Section 17. Open Meeting Determination.**

It is found and determined that all formal actions of the Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of the Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all applicable legal requirements.

**Section 18. Separability.**

Each section of this Ordinance and each subdivision of any section is declared to be independent, and the finding or holding of any section or subdivision of any section to be invalid or void shall not be deemed or held to affect the validity of any other section or subdivision of this Ordinance.

**Section 19. Recitals.**

It is determined and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Refunding Bonds in order to make the same legal, valid and binding special obligations issued by the City of Cleveland, Ohio will have happened, been done and performed or will happen, be done and performed in regular and due form as required by law; and that no limita-

tion of indebtedness or taxation, either statutory or constitutional, is applicable to the issuance of the Refunding Bonds.

**Section 20. Sunset of Authorization.**

The authority granted by Section 2 of this Ordinance to issue Refunding Bonds shall expire three years from the effective date of this Ordinance. If a preliminary official statement with respect to the issuance of a series of Refunding Bonds is distributed under the authority of this Ordinance at any time within the three-year period following its effective date, then the authority granted by this Ordinance shall not expire as to that series of Refunding Bonds. The Director of Finance shall notify the Chairman of the Finance Committee and the Clerk of this Council of the initiation of the issuance of any Refunding Bonds under the authority of this Ordinance.

**Section 21. Emergency.**

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 September 12, 2016.

Effective September 15, 2016.

**Ord. No. 920-16.**

**By Council Member Kelley.**

**An emergency ordinance authorizing the Clerk of Council to enter into an agreement with American Legal Publishing Corporation for the professional services necessary to provide all necessary supplemental or replacement pages to the Charter and the Codified Ordinances, to provide webhosting services and regular online updates to the Charter and the Code, to provide an annual review and comparison to Code Parts IV and VI to the Ohio Revised Code, and other services as may be deemed necessary for Code supplementation, and to authorize any amendments to the contract that may be necessary for additional printings of the Codified Ordinances during the term.**

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

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

**Section 1.** That the Clerk of Council ("Clerk") is authorized to enter into an agreement with American Legal Publishing Corporation ("Consultant") for the professional services necessary to provide all necessary supplemental or replacement pages to the Charter and the Codified Ordinances of the City of Cleveland (together, the "Code"), to provide webhosting services and regular online updates to the Code, to provide an annual review and comparison of Code Parts IV and VI to the Ohio Revised Code, and any other services as may be necessary for continued and efficient Code supplementation, and to authorize any amendments to the contract that may be necessary during the term in order to provide additional printings of the Charter and/or the Code, and additional binders, inserts and labels

The contract shall begin as of August 24, 2016 and shall continue for one year; the Clerk may exercise four (4) separate options to renew any or all portions of the agreement for additional one year periods, cancelable upon 30 days' written notice by the Clerk. Payment for services completed under the agreement, and any amendments to the agreement during the original term or the term of any exercised renewal shall be from Fund No. 01 SF 001.

**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 September 12, 2016.

Effective September 15, 2016.

**Ord. No. 921-16.**

**By Council Member Kelley.**

**An emergency ordinance authorizing the Clerk of Council to enter into one or more internship agreements with various individuals to provide assistance to the Office of the Clerk and the members of Cleveland City Council in any and all matters related to official Council business.**

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

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

**Section 1.** That the Clerk of Council is authorized to enter into one or more internship agreements with various individuals to provide assistance to the Office of the Clerk and the members of Cleveland City Council in any and all matters related to official Council business, as may be directed by the Clerk or her designees. The agreements may be for terms of any number of weeks starting on or after September 1, 2016 and ending on or before September 30, 2017. The individuals shall be paid on an hourly basis in an amount up to and not to exceed \$15.00 per hour and shall be certified from fund number 01, sub-fund 001, department 0101, object 6320.

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

Passed September 12, 2016.

Effective September 15, 2016.

**Ord. No. 1011-16.**

**By Council Member Kelley (by initiative petition).**

**An emergency ordinance authorizing the submission to the electors of the City of Cleveland of an initiative petition proposing to amend the Codified Ordinances of the City of Cleveland, 1976 by enacting new sections 174.01 through 174.06, relating to Cleveland Minimum Wage.**

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health, and safety in that it must be certified to the election authorities in order for the question to appear at a special election to be held on May 2, 2017, and providing for the usual daily operation of a municipal department; now, therefore,

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

**Section 1.** That this Council authorizes the submission to the electors of the City of Cleveland at a special election to be held at the usual places of voting in the City of Cleveland on May 2, 2017, of an initiated proposal to amend the Codified Ordinances of the City of Cleveland, 1976, by enacting new sections 174.01, 174.02, 174.03, 174.04, 174.05, and 174.06 to read, respectively, as follows:

**TITLE**

**CLEVELAND MINIMUM WAGE**

**Section 174.01 Definitions**

For purposes of this Chapter:

(a) "An individual employed in or about the property of an employer or individual's residence", "casual basis", and "family member" have the same meaning as those terms are defined in Ohio Rev. Code Section 4111.14(D).

(b) "City" means the City of Cleveland, including all City divisions, departments, and offices.

(c) "Covered employer" means any person or entity employing 25 or more employees in the United States during the previous calendar year and who otherwise meets the definition of "employer" under Section 34a of Article II of the Ohio Constitution.

(d) "Employee" has the same meaning as in Ohio Rev. Code Section 4111.14 (B)(1), but does not include: any individual employed by a solely family owned and operated business, who is a family member of one of the owners; or any individual employed on a casual basis in or about the property of the employer or at the individual's residence.

**Section 174.02 Required Minimum Wage Rate**

(a) Beginning January 1 following the approval of this ordinance by the voters, every covered employer shall pay each of its employees working within the geographical boundaries of the City of Cleveland at a wage rate of not less than \$12.00 per hour; which shall increase annually at a rate of \$1.00 per hour each subsequent January 1, until the wage rate reaches \$15.00. Thereafter, the minimum wage rate provided in this Chapter shall be increased annually by the rate of inflation for the twelve month period prior to the September preceding the required increase according to the consumer price index or its successor index for all urban wage earners and clerical workers for all items as calculated by the federal government rounded to the nearest five cents.

(b) A covered employer is not required to pay the minimum wage rate established in this Chapter with respect to an individual employee if:

(1) The employer has received a license issued by the State of Ohio

authorizing payment of a wage rate below that required by Section 34a of Article II of the Ohio Constitution to employ the individual employee with mental or physical disabilities that may otherwise adversely affect their opportunity for employment; or

(2) The employer can demonstrate that an individual employee receives tips that combined with the wages paid by the employer are equal to or greater than the minimum wage rate for all hours worked. In such a case, an employer may pay an employee less than, but not less than half, the minimum wage rate required by this Chapter if the employee earns the minimum wage rate established in this Chapter for all hours worked inclusive of tips.

**Section 174.03 Prohibited Acts**

(a) No covered employer shall pay or agree to pay wages at a rate less than the rate required by this Chapter. Each week or portion thereof for which the covered employer pays any employee less than the rate required by this Chapter constitutes a separate offense.

(b) No covered employer shall reduce the wage rate of any employee as a consequence of this Chapter.

(c) No covered employer shall discharge or in any other manner discriminate against any employee because the employee made any complaint that the employee has not been paid wages in accordance with this Chapter, or because the employee has or will cause any proceeding to be instituted under or related to this Chapter, or because the employee has testified or is about to testify in any proceeding related to this Chapter.

(d) No covered employer shall otherwise violate any provision of this Chapter. Each day of violation constitutes a separate offense.

**Section 174.04 Civil Actions**

The City, an employee, or any person acting on behalf of an employee or all similarly-situated employees may bring a civil action in a court of competent jurisdiction for such legal or equitable relief as may be appropriate to remedy a violation of Chapter 174, within three (3) years of the violation or of when the violation ceased if it was of a continuing nature. There shall be no exhaustion requirement, no procedural, pleading or burden of proof requirements beyond those that apply generally to civil suits in order to maintain such action and no liability for costs or attorney's fees on an employee except upon a finding that such action was frivolous in accordance with the same standards that apply generally in civil suits. Where a covered employer is found to have violated any provision of this Chapter, the covered employer shall within thirty (30) days of the finding pay the employee back wages, damages, and the employee's costs and reasonable attorney's fees. Damages shall be calculated as an additional two times the amount of the back wages and in the case of a violation of an anti-retaliation provision an amount set by the court sufficient to compensate the employee and deter future violations, but not less than one hundred fifty dollars for each day that the violation continued.

Payment under this paragraph shall not be stayed pending any appeal.

**Section 174.05 Effect**

(a) Nothing in this Chapter interferes with, impedes, or in any way diminishes the right of employees to bargain collectively with their employers through representatives of their own choosing in order to establish wages or other conditions of work in excess of the applicable minimum wage rate established in this Chapter.

(b) Nothing in chapter shall be deemed to nor shall be applied in such a manner so as to have a constitutionally prohibited effect as an ex post facto law or impairment of an existing contract within the meaning of the Ohio or federal constitutions.

**Section 174.06 Severability**

If any portion of Chapter 174 is held invalid, the remainder of the Chapter shall not be affected by such holding and shall continue in full force and effect.

**Section 2.** That the forgoing proposed amendment to the Codified Ordinances, on receiving at least a majority of the votes cast at the May 2, 2017 special election, shall become effective immediately on its adoption.

**Section 3.** That the Clerk of this Council is authorized to promptly forward a certified copy of this ordinance to the Board of Elections of Cuyahoga County.

**Section 4.** That the Board of Elections of Cuyahoga County shall cause an appropriate notice to be given of the election to be held on May 2, 2017 on the foregoing amendment to the Codified Ordinances of this City and otherwise to provide for the election in the manner provided by the general laws of the State of Ohio.

**Section 5.** That, for the reasons stated in the preamble hereto, which is made a part hereof, this ordinance shall take effect and be in force immediately upon its passage by the affirmative vote of two-thirds of all the members elected to Council.

Passed September 12, 2016.

Effective September 15, 2016.

**Ord. No. 1012-16.**

**By Council Member Kelley.**

**An emergency ordinance repealing Ordinance No. 925-16, passed August 10, 2016.**

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 Ordinance No. 925-16, passed August 10, 2016, is repealed.

**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 September 12, 2016.

Effective September 15, 2016.

**Ord. No. 1013-16.****By Council Member McCormack.**

**An emergency ordinance consenting and approving the issuance of a permit for the 39th Annual "Walk of Hope", on Saturday, October 1, 2016, sponsored by the Catholic Charities Disability Services and Ministries.**

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 39th Annual "Walk for Hope," sponsored by the Catholic Charities Disability Services and Ministries, on Saturday, October 1, 2016, leave OLA/St. Joseph Center parking lot on Kenilworth Avenue; head east on Kenilworth to West 11th Street; turn right on West 11th to Starkweather Avenue; turn right on Starkweather to West 14th Street; turn right on West 14th to Kenilworth Avenue; turn right on Kenilworth to West 11th Street; turn left on West 11th and walk to University Road; turn right on University and walk to West 10th Street; turn right on West 10th and walk to stop sign; veer left to Professor Avenue—staying on the right hand side of the street and walk to Jefferson Avenue; turn right on Jefferson and walk to Starkweather Avenue—cross West 14th Street to the west side of West 14th; turn right on to West 14th Street—cross Kenilworth Avenue and return to OLA/St. Joseph Center, 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 September 12, 2016.

Effective September 15, 2016.

**Ord. No. 1073-16.****By Council Members McCormack and Zone.**

**An emergency ordinance amending the Title and Sections 1 and 2 of Ordinance No. 930-16, passed August 10, 2016 as it pertains to authorizing the Director of the Department of Community Development to enter into agreement with the Near West Side Multi Service Corporation (dba) May Dugan Center for the Food Distribution Program through the use of Wards 3 and 15 Casino Revenue Funds.**

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

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

**Section 1.** That the Title and Sections 1 and 2 of Ordinance No. 930-16, passed August 10, 2016 are hereby amended to read as follow:

An emergency ordinance authorizing the Director of the Department of Community Development to enter into agreement with the Near West Side Multi Service Corporation (dba) May Dugan Center for the Food Distribution Program through the use of Wards 3 and 15 Casino Revenue Funds.

**Section 1.** That the Director of the Department of Community Development is hereby authorized to enter into agreement effective September 1, 2016 with the Near West Side Multi Service Corporation (dba) May Dugan Center for the Food Distribution Program for the public purpose of providing fresh food and produce to low income residents residing in the city of Cleveland through the use of Ward(s) 3 and 15 casino revenue funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$12,500 and shall be paid from Fund No. 10 SF 188.

**Section 2.** That the Title and Sections 1 and 2 of Ordinance No. 930-16, passed August 10, 2016 are hereby repealed.

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

Passed September 12, 2016.

Effective September 15, 2016.

**Ord. No. 1074-16.****By Council Member Conwell.**

**An emergency ordinance authorizing the Director of the Department of Community Development to enter into an agreement with Ashbury Community Services, Inc for the Ashbury Senior Computer Community Center Training Program through the use of Ward 9 Casino Revenue Funds.**

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

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

**Section 1.** That the Director of the Department of Community Development be authorized to enter into an agreement effective September 1, 2016 with the Ashbury Community Services, Inc., for the Ashbury Senior Computer Community Center Training Program for the public purpose of providing computer training classes for adults and senior citizens residing in the city of Cleveland through the use of Ward 9 Casino Revenue Funds.

**Section 2.** That the cost of said contract shall be in an amount not to

exceed \$25,000 and shall be paid from Fund No. 10 SF 188.

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

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

Passed September 12, 2016.

Effective September 15, 2016.

**Ord. No. 1075-16.****By Council Member McCormack.**

**An emergency ordinance authorizing the Director of the Department of Community Development to enter into an agreement with the Cleveland Tenants Organization for the Rental Information Center and Tenant Advocacy Program through the use of Ward 3 Casino Revenue Funds.**

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

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

**Section 1.** That the Director of the Department of Community Development be authorized to enter into an agreement effective September 1, 2016 with the Cleveland Tenants Organization for the Rental Information Center and Tenant Advocacy Program for the public purpose of providing advocacy and counseling support for city of Cleveland residents in the area of housing services through the use of Ward 3 Casino Revenue Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$2,500 and shall be paid from Fund No. 10 SF 188.

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

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

Passed September 12, 2016.

Effective September 15, 2016.

**Ord. No. 1076-16.****By Council Members Brady, Cummins, McCormack, Pruitt, and Zone.**

**An emergency ordinance authorizing the Director of the Department of Community**



**Development to enter into agreement with the Cleveland Cultural Gardens Federation for the One World Day Centennial Expo through the use of Wards 1, 3, 11, 14 and 15 Casino Revenue Funds.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Director of the Department of Community Development is hereby authorized to enter into agreement effective June 1, 2016 for the One World Day Centennial Expo for the public purpose of providing educational programming and activities on the diverse ethnic population and various cultures that are present in the city of Cleveland through the use of ward(s) 11, 1, 3, 14 and 15 Casino Revenue Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$6,000 and shall be paid from Fund No. 10 SF 188.

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

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

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

Passed September 12, 2016.  
Effective September 15, 2016.

**Ord. No. 1077-16.  
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 Casino Revenue Funds.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department; now, therefore Be it ordained by the Council of the City of Cleveland:

**Section 1.** That the Director of the Department of Aging be authorized to enter into an agreement effective July 1, 2016 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 Casino Revenue Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$7,436 and shall be paid from Fund No. 10 SF 188.

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

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

Passed September 12, 2016.  
Effective September 15, 2016.

**COUNCIL COMMITTEE MEETINGS**

**Monday September 19, 2016  
2:00 p.m.**

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

**Tuesday September 20, 2016  
9:30 a.m.**

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

**Wednesday September 21, 2016  
10:00**

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

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O—Ordinance; R—Resolution; F—File  
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East 152nd Street Rehabilitation —Woodworth to Waterloo —Office of Capital Projects —Division of Engineering and Construction —per Ord. 1101-15 —bid due October 12, 2016 (advertised 9/21/2016 and 9/28/2016) ..... 1396

Labor and Materials for Capital Maintenance and Repair of City Facilities —HVAC (Re-bid) —Department of Public Works —Division of Property Management —per C.O. Sec. 131.67 —bid due October 12, 2016 (advertised 9/21/2016 and 9/28/2016)..... 1396

Morgan Improvements —A —Department of Public Utilities —Division of Water —per Ord. 1406-15 —bid due October 21, 2016 (advertised 9/21/2016 and 9/28/2016)..... 1396

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**Clerk of Council**

Authorizing the Clerk of Council to enter into an agreement with American Legal Publishing Corporation for the professional services necessary to provide all necessary supplemental or replacement pages to the Charter and the Codified Ordinances, to provide webhosting services and regular on line updates to the Charter and the Code, to provide an annual review and comparison to Code Parts IV and VI to the Ohio Revised Code, and other services as may be deemed necessary for Code supplementation, and to authorize any amendments to the contract that may be necessary for additional printings of the Codified Ordinances during the term. (O 920-16) ..... 1406

Authorizing the Clerk of Council to enter into one or more internship agreements with various individuals to provide assistance to the Office of the Clerk and the members of Cleveland City Council in any and all matters related to official Council business. (O 921-16) ..... 1406

From Council President Kevin J. Kelley appointing, without objection by Council, Allan Dreyer as Council Clerk Pro Tempore for September 15, 2016 (F 1115-16) ..... 1387

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Authorizing the Clerk of Council to enter into an agreement with American Legal Publishing Corporation for the professional services necessary to provide all necessary supplemental or replacement pages to the Charter and the Codified Ordinances, to provide webhosting services and regular on line updates to the Charter and the Code, to provide an annual review and comparison to Code Parts IV and VI to the Ohio Revised Code, and other services as may be deemed necessary for Code supplementation, and to authorize any amendments to the contract that may be necessary for additional printings of the Codified Ordinances during the term. (O 920-16) ..... 1406

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Riparian Setbacks and wetlands setbacks — enact Chapter 351 — Housing, Zoning and Building Codes, Penalties; Penalty — amend Section 327.99 (O 1555-13) ..... 1395

To amend Ordinance No. 440-16, passed August 10, 2016, relating to portable storage containers and penalty, to repeal existing Section 327.99. (O 1120-16)..... 1389

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**Community Development**

Amending the Title and Sections 1 and 2 of Ordinance No. 930-16, passed August 10, 2016 as it pertains to authorizing the Director of the Department of Community Development to enter into agreement with the Near West Side Multi Service Corporation (dba) May Dugan Center for the Food Distribution Program through the use of Wards 3 and 15 Casino Revenue Funds. (O 1073-16) ..... **1408**

Authorizing the Director of Community Development to transfer Permanent Parcel Nos. 118 06 028, 118 06 029, and 118 06 049 located between East 65th Street and East 66th Street fronting Euclid Avenue, to the control, possession, and use of the Department of Economic Development Industrial Commercial Land Bank for future redevelopment. (O 913-16) ..... 1391

Authorizing the Director of the Department of Community Development to enter into an agreement with Ashbury Community Services, Inc. for the Ashbury Senior Computer Community Center Training Program through the use of Ward 9 Casino Revenue Funds. (O 1074-16) ..... **1408**

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Congratulations Resolutions for The Institute of Classical Architecture — 100th Anniversary (R 1135-16) ..... 1387

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Authorizing the Clerk of Council to enter into one or more internship agreements with various individuals to provide assistance to the Office of the Clerk and the members of Cleveland City Council in any and all matters related to official Council business. (O 921-16) ..... **1406**

Authorizing the Director of Finance to employ one or more professional consultants to assess and recommend natural gas suppliers, and, if necessary, to procure natural gas, and to provide other related services; and authorizing the purchase by one or more requirement contracts of natural gas, for the various natural gas accounts of City government, for a period of two years, with two one year options to renew, exercisable by the Director of Finance. (O 1116-16) ..... 1387

Authorizing the Director of Public Utilities to exercise the first option to renew Contract No. RCD 2015 11 with the Hach Company to maintain, service, calibrate, refurbish, and test various scientific and in line process analytical instruments used to monitor the drinking water purification process. (O 911-16) ..... 1391

Authorizing the Director of Public Utilities to exercise the first options to renew various contracts for the requirements for services and materials necessary to maintain and repair pumps, motors, controls, transformers, circuit breakers, switchgear, and appurtenances, including but not limited to inspection, supplies, repairing and testing for the Division of Water. (O 910-16) ..... 1391

Authorizing the purchase by one or more requirement contracts of industrial paper products and various janitorial maintenance equipment, materials, supplies and services, including moving services, for the various divisions of City government, for a period of two years, with an option to renew for one year, exercisable by the Director of Finance. (O 1117-16) ..... 1388

**Cudell Improvement**

Authorizing the Director of Economic Development to enter into an agreement with Cudell Improvement, Inc., or its designee, to sell, on behalf of the City, tiles salvaged from the demolition of the City owned church structure, formerly known as the Fifth Church of Christ. (O 1118-16) ..... 1388

**Cuyahoga County**

Accepting the amounts and rates as determined by the Cuyahoga County Budget Commission and authorizing the necessary tax levies and certifying them to the County Fiscal Officer. (R 907-16) ..... **1397**

Requesting the County Fiscal Officer to make advances during the year 2017, pursuant to Section 321.34, Ohio Revised Code. (R 908-16) ..... **1397**

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Authorizing the Director of Economic Development to enter into an amendment to Contract No. 67924 and the Promissory Note with Detroit Shoreway Community Development Organization, or their designee, for the historical renovation of the Capitol Theatre, to allow for a deferral of principal and interest from September 1, 2015 until July 31, 2016, and other contract modifications. (O 915-16) ..... 1391

**Economic Development Department**

Amending Section 1 of Ordinance No. 745-16, passed June 6, 2016 as it pertains to authorizing the Director of the Department of Economic Development to enter into an agreement with the LaSalle AMC TCE, LLC for the interior and exterior renovation improvement of the LaSalle Theater through the use of Ward 8 Neighborhood Capital Funds. (O 1125-16) ..... 1389

Authorizing the Director of Community Development to transfer Permanent Parcel Nos. 118 06 028, 118 06 029, and 118 06 049 located between East 65th Street and East 66th Street fronting Euclid Avenue, to the control, possession, and use of the Department of Economic Development Industrial Commercial Land Bank for future redevelopment. (O 913-16) ..... 1391

Authorizing the Director of Economic Development to enter into a forgivable loan agreement with Burten Bell Carr Development, Inc., or its designee, to provide economic development assistance to partially finance capital, parking lot, and site improvements at Arbor Park Place located at the southwest corner of East 40th Street and Community College Avenue, to assist with management of the center, and other associated costs necessary to redevelop the property. (O 914-16) ..... 1391

Authorizing the Director of Economic Development to enter into an agreement with Cudell Improvement, Inc., or its designee, to sell, on behalf of the City, tiles salvaged from the demolition of the City owned church structure, formerly known as the Fifth Church of Christ. (O 1118-16) ..... 1388

Authorizing the Director of Economic Development to enter into an amendment to Contract No. 67924 and the Promissory Note with Detroit Shoreway Community Development Organization, or their designee, for the historical renovation of the Capitol Theatre, to allow for a deferral of principal and interest from September 1, 2015 until July 31, 2016, and other contract modifications. (O 915-16) ..... 1391

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Authorizing refunding and remarketing of airport system revenue bonds; authorizing supplemental indentures and other agreements related to the bonds; and authorizing and approving related matters. (O 909-16) ..... 1400

Authorizing the Director of Finance to employ one or more professional consultants to assess and recommend natural gas suppliers, and, if necessary, to procure natural gas, and to provide other related services; and authorizing the purchase by one or more requirement contracts of natural gas, for the various natural gas accounts of City government, for a period of two years, with two one year options to renew, exercisable by the Director of Finance. (O 1116-16) ..... 1387

Authorizing the purchase by one or more requirement contracts of industrial paper products and various janitorial maintenance equipment, materials, supplies and services, including moving services, for the various divisions of City government, for a period of two years, with an option to renew for one year, exercisable by the Director of Finance. (O 1117-16) ..... 1388

**Finances**

Accepting the amounts and rates as determined by the Cuyahoga County Budget Commission and authorizing the necessary tax levies and certifying them to the County Fiscal Officer. (R 907-16) ..... 1397

Requesting the County Fiscal Officer to make advances during the year 2017, pursuant to Section 321.34, Ohio Revised Code. (R 908-16) ..... 1397

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Authorizing the Director of Community Development to transfer Permanent Parcel Nos. 118 06 028, 118 06 029, and 118 06 049 located between East 65th Street and East 66th Street fronting Euclid Avenue, to the control, possession, and use of the Department of Economic Development Industrial Commercial Land Bank for future redevelopment. (O 913-16) ..... 1391

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#0688277. New License Application, D5J. Bibibop LLC, 11431 Euclid Ave. ( Ward 6 ) (F 1130-16) ..... 1387

#2815939. Stock Application, C1 C2 D8. Forest & Associates, Inc., 11521 Clifton Blvd. (Ward 15). (F 1124-16) ..... 1387

#3408575. Temporary License Application, F8. Group Plan Commission, Cleveland Public Square. (Ward 3). (F 1129-16) ..... 1387

#6362689. Stock Application, D1 D2 D3 D3A D6. New Gold, Inc., 3081 East 93rd St. (Ward 4). (F 1123-16) ..... 1387

#9324500. Transfer of Ownership Application, D5 D6. WVD Enterprises LLC, 1144 46 Prospect Ave. (Ward 5). (F 1128-16)..... 1387  
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 Objecting to a New C1 Liquor Permit at-16015 Lake Shore Boulevard. (R 1126-16) ..... 1390  
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Supporting House Bill 579, in the 131st Ohio General Assembly, to make supplemental appropriations to the Department of Transportation in order to provide political subdivisions with funding for critical road maintenance repairs. (R 923-16) ..... 1397

**Ohio General Assembly**

Supporting House Bill 579, in the 131st Ohio General Assembly, to make supplemental appropriations to the Department of Transportation in order to provide political subdivisions with funding for critical road maintenance repairs. (R 923-16) ..... 1397

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Authorizing the issuance of a Frozen Dessert Mobile Permit to Shawn Stevens to engage in mobile vending in Wards 1, 5 and 11. (O 1119-16) ..... 1389

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Authorizing refunding and remarketing of airport system revenue bonds; authorizing supplemental indentures and other agreements related to the bonds; and authorizing and approving related matters. (O 909-16) ..... 1400

**Professional Services**

Authorizing the Director of Finance to employ one or more professional consultants to assess and recommend natural gas suppliers, and, if necessary, to procure natural gas, and to provide other related services; and authorizing the purchase by one or more requirement contracts of natural gas, for the various natural gas accounts of City government, for a period of two years, with two one year options to renew, exercisable by the Director of Finance. (O 1116-16) ..... 1387

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Changing the Use, height and Area districts of the parcels bounded by Prospect Ave, Ontario and Huron, as shown shaded on the attached Map (Map Change No. 2539). (O 730-16) ..... 1395  
 Riparian Setbacks and wetlands setbacks — enact Chapter 351 — Housing, Zoning and Building Codes, Penalties; Penalty — amend Section 327.99 (O 1555-13) ..... 1395

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Recognition Resolution for Clarence A. Daniels, Jr. (R 1137-16) ..... 1387  
 Recognition Resolution for Wanda Davis (R 1136-16)..... 1387

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Opposing the proposed Dakota Access Pipeline and expressing solidarity with the Indigenous Resistance to that proposed pipeline. (R 1079-16) ..... 1391

**Taxes**

Accepting the amounts and rates as determined by the Cuyahoga County Budget Commission and authorizing the necessary tax levies and certifying them to the County Fiscal Officer. (R 907-16) ..... **1397**

**Utilities Department**

Authorizing the Director of Public Utilities to exercise the first option to renew Contract No. RCD 2015 11 with the Hach Company to maintain, service, calibrate, refurbish, and test various scientific and in line process analytical instruments used to monitor the drinking water purification process. (O 911-16) ..... 1391

Authorizing the Director of Public Utilities to exercise the first options to renew various contracts for the requirements for services and materials necessary to maintain and repair pumps, motors, controls, transformers, circuit breakers, switchgear, and appurtenances, including but not limited to inspection, supplies, repairing and testing for the Division of Water. (O 910-16) ..... 1391

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Consenting and approving the issuance of a permit for the 39th Annual "Walk of Hope", on Saturday, October 1, 2016, sponsored by the Catholic Charities Disability Services and Ministries. (O 1013-16)..... **1408**

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Authorizing the issuance of a Frozen Dessert Mobile Permit to Shawn Stevens to engage in mobile vending in Wards 1, 5 and 11. (O 1119-16) ..... 1389

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#3408575. Temporary License Application, F8. Group Plan Commission, Cleveland Public Square. (Ward 3). (F 1129-16)..... 1387

Amending the Title and Sections 1 and 2 of Ordinance No. 930-16, passed August 10, 2016 as it pertains to authorizing the Director of the Department of Community Development to enter into agreement with the Near West Side Multi Service Corporation (dba) May Dugan Center for the Food Distribution Program through the use of Wards 3 and 15 Casino Revenue Funds. (O 1073-16) ..... **1408**

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Changing the Use, height and Area districts of the parcels bounded by Prospect Ave, Ontario and Huron, as shown shaded on the attached Map (Map Change No. 2539). (O 730-16) ..... 1395

Congratulations Resolutions for The Institute of Classical Architecture — 100th Anniversary (R 1135-16) ..... 1387

Consenting and approving the issuance of a permit for the 39th Annual "Walk of Hope", on Saturday, October 1, 2016, sponsored by the Catholic Charities Disability Services and Ministries. (O 1013-16)..... **1408**

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Objecting to a New C1 Liquor Permit at 12704 Buckeye Road. (R 1038-16) ..... **1398**



**Ward 05**

#9324500. Transfer of Ownership Application, D5 D6. WVD Enterprises LLC, 1144 46 Prospect Ave. (Ward 5). (F 1128-16)..... 1387

Authorizing the Director of Economic Development to enter into a forgivable loan agreement with Burten Bell Carr Development, Inc., or its designee, to provide economic development assistance to partially finance capital, parking lot, and site improvements at Arbor Park Place located at the southwest corner of East 40th Street and Community College Avenue, to assist with management of the center, and other associated costs necessary to redevelop the property. (O 914-16)..... 1391

Authorizing the issuance of a Frozen Dessert Mobile Permit to Shawn Stevens to engage in mobile vending in Wards 1, 5 and 11. (O 1119-16) ..... 1389

Objecting to the transfer of ownership C2, C2X and D6 Liquor Permit to 2747 Cedar Avenue, 1st floor and basement. (R 1121-16) ..... 1390

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#0688277. New License Application, D5J. Bibibop LLC, 11431 Euclid Ave. ( Ward 6 ) (F 1130-16) ..... 1387

Objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 10221 Union Avenue, 1st floor. (R 1127-16) ..... 1390

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Authorizing the Director of Community Development to transfer Permanent Parcel Nos. 118 06 028, 118 06 029, and 118 06 049 located between East 65th Street and East 66th Street fronting Euclid Avenue, to the control, possession, and use of the Department of Economic Development Industrial Commercial Land Bank for future redevelopment. (O 913-16) ..... 1391

Objecting to the transfer of ownership C2 and C2X Liquor Permit to 1453 East 66th Street. (R 1078-16) ..... 1400

**Ward 08**

Amending Section 1 of Ordinance No. 745-16, passed June 6, 2016 as it pertains to authorizing the Director of the Department of Economic Development to enter into an agreement with the LaSalle AMC TCE, LLC for the interior and exterior renovation improvement of the LaSalle Theater through the use of Ward 8 Neighborhood Capital Funds. (O 1125-16)..... 1389

Condolence Resolution for Carl R. Munn (R 1133-16) ..... 1387

Objecting to a New C1 Liquor Permit at-16015 Lake Shore Boulevard. (R 1126-16) ..... 1390

Objecting to a New C2 Liquor Permit at 870 East 185th Street. (R 1037-16) ..... 1398

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Authorizing the Director of the Department of Community Development to enter into an agreement with Ashbury Community Services, Inc for the Ashbury Senior Computer Community Center Training Program through the use of Ward 9 Casino Revenue Funds. (O 1074-16) ..... 1408

Recognition Resolution for Wanda Davis (R 1136-16)..... 1387

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Condolence Resolution for Fred Charles Crosby (R 1132-16) ..... 1387

Recognition Resolution for Clarence A. Daniels, Jr. (R 1137-16) ..... 1387

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Authorizing the Director of the Department of Community Development to enter into agreement with the Cleveland Cultural Gardens Federation for the One World Day Centennial Expo through the use of Wards 1, 3, 11, 14 and 15 Casino Revenue Funds. (O 1076-16) ..... 1408

Authorizing the issuance of a Frozen Dessert Mobile Permit to Shawn Stevens to engage in mobile vending in Wards 1, 5 and 11. (O 1119-16) ..... 1389

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Condolence Resolution for Kenneth Stephen Carpenter (R 1131-16) ..... 1387

Objecting to the transfer of ownership of a D2, D2X and D3 Liquor Permit to 7702 Spafford Road. (R 1036-16) ..... 1398

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Authorizing the Director of the Department of Community Development to enter into agreement with the Cleveland Cultural Gardens Federation for the One World Day Centennial Expo through the use of Wards 1, 3, 11, 14 and 15 Casino Revenue Funds. (O 1076-16) ..... **1408**

Congratulations Resolutions for The Institute of Classical Architecture — 100th Anniversary (R 1135-16) ..... 1387

**Ward 15**

#2815939. Stock Application, C1 C2 D8. Forest & Associates, Inc., 11521 Clifton Blvd. (Ward 15). (F 1124-16) ..... 1387

Amending the Title and Sections 1 and 2 of Ordinance No. 930-16, passed August 10, 2016 as it pertains to authorizing the Director of the Department of Community Development to enter into agreement with the Near West Side Multi Service Corporation (dba) May Dugan Center for the Food Distribution Program through the use of Wards 3 and 15 Casino Revenue Funds. (O 1073-16) ..... **1408**

Authorizing the Director of Economic Development to enter into an amendment to Contract No. 67924 and the Promissory Note with Detroit Shoreway Community Development Organization, or their designee, for the historical renovation of the Capitol Theatre, to allow for a deferral of principal and interest from September 1, 2015 until July 31, 2016, and other contract modifications. (O 915-16) ..... 1391

Authorizing the Director of the Department of Community Development to enter into agreement with the Cleveland Cultural Gardens Federation for the One World Day Centennial Expo through the use of Wards 1, 3, 11, 14 and 15 Casino Revenue Funds. (O 1076-16) ..... **1408**

Opposing the proposed Dakota Access Pipeline and expressing solidarity with the Indigenous Resistance to that proposed pipeline. (R 1079-16) ..... 1391

**Ward 17**

Objecting to a New D3 Liquor Permit at-16729 Lorain Avenue. (R 1039-16) ..... **1399**

Objecting to the transfer of stock of a D5 Liquor Permit to-16612 Lorain Avenue. (R 1040-16) ..... **1399**

**Water Division**

Authorizing the Director of Public Utilities to exercise the first option to renew Contract No. RCD 2015 11 with the Hach Company to maintain, service, calibrate, refurbish, and test various scientific and in line process analytical instruments used to monitor the drinking water purification process. (O 911-16) ..... 1391

Authorizing the Director of Public Utilities to exercise the first options to renew various contracts for the requirements for services and materials necessary to maintain and repair pumps, motors, controls, transformers, circuit breakers, switchgear, and appurtenances, including but not limited to inspection, supplies, repairing and testing for the Division of Water. (O 910-16) ..... 1391

**Zoning**

Changing the Use, height and Area districts of the parcels bounded by Prospect Ave, Ontario and Huron, as shown shaded on the attached Map (Map Change No. 2539). (O 730-16) ..... 1395

**Zoning Code**

Riparian Setbacks and wetlands setbacks — enact Chapter 351 — Housing, Zoning and Building Codes, Penalties; Penalty — amend Section 327.99 (O 1555-13) ..... 1395