

The City Record

Official Publication of the Council of the City of Cleveland



November the Twenty-Ninth, Two Thousand and Seventeen

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 Blaine A. Griffin
- 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	Blaine A. Griffin	11810 Larchmere Boulevard	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

Matt Gray, 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

Duane Deskins, Executive Assistant to the Mayor, Chief of Prevention, Intervention and Opportunity for Youth and Young Adults

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

OFFICE OF QUALITY CONTROL AND PERFORMANCE MANAGEMENT – Sabra

T. Pierce-Scott, 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 – Kimberly Roy-Wilson,

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 Zoghbaib, Commissioner

DEPT. OF PORT CONTROL – Robert Kennedy, 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 – Kim Johnson, 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 – Randall T. Scott, Interim Commissioner

DEPT. OF PUBLIC HEALTH – Merle Gordon, Director, 75 Erieview Plaza

DIVISIONS:

Air Quality – David Hearn, Interim Commissioner

Environment – Brian Kimball, Commissioner, 75 Erieview Plaza

Health – Persis Sosiak, 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 – Michael Cosgrove, Director

DIVISIONS:

Administrative Services – Joy Anderson, Commissioner

Fair Housing and Consumer Affairs Office – John Mahoney, Manager

Neighborhood Development – James Greene, Commissioner

Neighborhood Services – Louise V. Jackson, Commissioner

DEPT. OF BUILDING AND HOUSING – Ayonna Blue Donald, Interim Director, Room 500

DIVISIONS:

Code Enforcement – Thomas E. Vanover, Commissioner

Construction Permitting – Narid Hussain, Commissioner

DEPT. OF HUMAN RESOURCES – Nycote West, Director, Room 121

DEPT. OF ECONOMIC DEVELOPMENT – David Ebersole, Interim Director, Room 210

DEPT. OF AGING – Mary McNamara, Director, Room 122

COMMUNITY RELATIONS BOARD – Room 11, Grady Stevenson, Interim 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, Rev. Gregory E. Jordan, President; Michael

Flickinger, Vice-President; Barry A. Withers, Interim Secretary; Members: Daniel J.

Brennan, India Pierce Lee.

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;

Henry Bailey, Kelley Britt, 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;

Public Utilities Director Robert L. Davis; 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 – _____, Chair; 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.

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. Itu, Chairman; Debra Janik, Bracy Lewis, Diane

Downing, Donna Sciarappa, Council President Kevin J. Kelley; Law Director Barbara A.

Langhenry.

CLEVELAND MUNICIPAL COURT

JUSTICE CENTER – 1200 ONTARIO STREET

JUDGE COURTROOM ASSIGNMENTS

Judge Courtroom

Presiding and Administrative Judge Ronald B. Adrine – Courtroom 15A

Judge Pinkey S. Carr – Courtroom 15C

Judge Marilyn B. Cassidy – Courtroom 13A

Judge Janet Rath Colaluca – Courtroom 12B

Judge Michelle Denise Earley – Courtroom 14C

Judge Emanuella Groves – Courtroom 14B

Judge Jimmy L. Jackson, Jr. – Courtroom 12A

Judge Lauren C. Moore – Courtroom 14A

Judge Charles L. Patton, Jr. – Courtroom 13D

Judge Ronald J.H. O’Leary (Housing Court Judge) – Courtroom 13B

Judge Michael R. Sliwinski – Courtroom 13C

Judge Suzan Marie Sweeney – Courtroom 12C

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. 104

WEDNESDAY, NOVEMBER 29, 2017

No. 5425

CITY COUNCIL

MONDAY, NOVEMBER 27, 2017

The City Record
Published weekly by the City Clerk,
Clerk of Council under authority
of the Charter of the
City of Cleveland
The City Record is available
online at
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:
Kazy (CHAIR), Brady, Cleveland,
Dow, Kelley.

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

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

Ohio Housing Finance Agency for multifamily funding programs for the development known as International Village, single-family homes to be built on several sites including on Sackett Avenue, West 38th Street, West 41st Street, West 43rd Street, West 50th Street, West 38th Street, West 52nd Street, West 54th Street, and West 56th Street, in Cleveland, Ohio; with other sites to be determined in the future. Received.

PLATS

File No. 1425-17.

Dedication Plat for Brock Court and West 19th Place Widening, between Smith Court and West 18th Street. Approved by Committees on Municipal Services and Properties, and Development Planning and Sustainability. Without objection, Plat approved.

File No. 1426-17.

Dedication Plat for Clinton Court Townhomes Subdivision, between West 45th Street and West 48th Street. Approved by Committees on Municipal Services and Properties, and Development Planning and Sustainability. Without objection, Plat approved.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 1431-17.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a Tax Increment Financing Agreement with Health Tech Hospitality, LLC, or its designee, to support debt service related to the development of a Hilton Tru Hotel located at 6975 Euclid Avenue; to provide for payments to the Cleveland City School District; and to declare certain improvements to real property to be a public purpose.

Whereas, under Section 5709.41 of the Revised Code, improvements to real property may be declared to be a public purpose where fee title to the real property was, at one time, held by the City of Cleveland and the real property is then leased or conveyed by the City; and

Whereas, the City has entered into the chain of title for the Property which is more particularly described in the File set forth in this ordinance (the "Real Property") pursuant to the requirements of Section 5709.41 of the Revised Code prior to the passage of this ordinance; and

Whereas, the Real Property is to be developed in accordance with the

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL MAY 15, 2017

MONDAY — Alternating

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

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

MONDAY

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

TUESDAY

9:30 A.M. — **Development, Planning 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, Griffin, Keane, Polensek.

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

WEDNESDAY — Alternating

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio
November 27, 2017

The meeting of the Council was called to order at 7:04 p.m. with the President of Council, Kevin J. Kelley, in the Chair.

Council Members present: Dona Brady, Anthony Brancatelli, Phyllis E. Cleveland, Kevin Conwell, Brian J. Cummins, Blaine A. Griffin, 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, Valarie J. McCall, Chief of Regional Development Edward W. Rybka, Media Relations Director Dan Williams, Chief of Sustainability Matt Gray, Chief of Public Affairs Natoya Walker-Minor, Chief of Prevention, Intervention and Opportunity for Youth and Young Adults Duane Deskins, and Directors Langhenry, Dumas, Davis, Kennedy, Spronz, McGrath, Cox, Cosgrove, Ebersole, Stevenson, Collier, McNamara, Burrows and Pierce Scott.

MOTION

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 Polensek, the reading of the minutes of the last meeting was dispensed with and the journal approved. Seconded by Council Member Cummins.

COMMUNICATIONS

File No. 1438-17.

From Robert S. Curry, Executive Director, CHN Housing Partners. Notice of receipt of an award from

Cleveland 2020 Citywide Plan, a copy of which is placed in File No. 1431-17-A; and

Whereas, under Section 5709.41 of the Revised Code, the improvements declared to be a public purpose may be exempt from real property taxation; and

Whereas, under Section 5709.41 of the Revised Code, the owners of the improvements may be required to make annual service payments in lieu of taxes that would have been paid had the improvement not been exempt; and

Whereas, under Section 5709.41 of the Revised Code, the exemption may exceed 75% of the improvements for up to 30 years when a portion of the service payments so collected are distributed to the Cleveland City School District ("District") in an amount equal to the amount the District would have received had the improvement not been exempt; and

Whereas, the District has been notified of the intent to enter into the agreement authorized by this ordinance in compliance with Sections 5709.41(C)(4) and 5709.83 of the Revised Code; and

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

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

Section 1. That the improvements to be constructed by Health Tech Hospitality, LLC, or its designee, ("Redeveloper"), are declared to be a public purpose for purposes of Section 5709.41 of the Revised Code. The Real Property is more fully described as follows:

**LEGAL DESCRIPTION OF
PARCEL "A" 1.5531 ACRES
CITY OF CLEVELAND, OHIO**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being 1.5531 acre Consolidated Parcel "A" in a Lot Split and Consolidation Plat for Health Tech Hospitality, LLC, of part of Original 100 Acre Lot Number 338 as shown by the plat recorded in AFN 201708280541 of Cuyahoga County Map Records.

Be the same more or less, but subject to all legal highways and easements of record.

Section 2. That one hundred percent (100%) of the Improvements are declared exempt from real property taxation for a period of thirty years; and that in no event shall the exemption period extend beyond 2049. The terms of the agreement are as follows:

**DEPARTMENT OF
ECONOMIC DEVELOPMENT
SUMMARY FOR THE
LEGISLATIVE FILE**

Project Name: Hilton Tru
Project Address: 6975 Euclid Avenue,
Cleveland, OH 44115
Developer: Health Tech
Hospitality, LLC
Project Manager: Cassie Slansky
Ward/Councilperson: 7 - Dow
City Assistance: Non-School TIF

Project Summary and Discussion

Health Tech Hospitality, LLC, or designee, ("Developer") is proposing to develop a Hilton Tru, located at

6975 Euclid Avenue, Cleveland, OH 44115 ("Project Site"). In order to assist with the project financing, the Developer has requested the City impose a 5709.41, 30-Year, Non-School TIF. The TIF will support debt service related to the project and assist with the development of the hotel. The project will create and/or cause to create 20 new W-2 jobs at the Project Site with an approximate payroll of \$750,000. TIF proceeds are estimated to generate approximately \$1,448,771.

In 2015, the City sold parcels in the block located at E. 69th-70th Street between Euclid Avenue and Chester Avenue out of the Industrial Commercial Land Bank. Economic Development targeted this property and worked with Midtown Cleveland, who owned the remaining developable property to position the site for redevelopment.

As development has continued, HTH has acquired a license to the development of a Hilton Tru, an "upscale economy" hotel flag. Costs for the FFE and construction and design for "upscale" flag elevated the original cost projections. The total development costs have increased from \$12M to approximately \$14M. This has forced the developer to raise more equity, but not being able to provide the returns required, thus making the project infeasible.

Proposed City Assistance

- This ordinance will authorize the Director of Economic Development to enter into a 30-year non-school Tax Increment Finance (TIF) agreement with Health Tech Hospitality, LLC, and/or its designee. The City will have declared certain improvements with respect to the project to be a public purpose and exempt 100% of the improvements from real property taxes.
- The Developer agrees to make certain improvements to the parcel and make payments in lieu of taxes (PILOTS) equal to the taxes that would have been paid for the parcel but for the TIF. A portion of the PILOTS will be paid to the Cleveland Metropolitan School District in the amount the District would have otherwise received but for the TIF by the County ("District Payments"). The balance of the PILOTS will be utilized to fund eligible project costs and project debt. The developer will be responsible for any shortfall of PILOT payments for project costs.

Economic Impact

- Creation of 20 jobs in the City of Cleveland
- Project estimates \$18,750 in new annual City tax revenue generated from residents and new employees

City Requirements

- Subject to Chapter 187: MBE/FBE/CSB requirements
- Subject to Chapter 188: Fannie Lewis Cleveland Residential Employment Law
- Subject to a Workforce Development Agreement for all new jobs
- Subject to a Community Benefits Agreement

Section 3. That, under Section 5709.41 of the Revised Code, Redeveloper, or the owners of the Improvements, shall make service payments for a period of thirty years in lieu of the exempt taxes to the Cuyahoga County Treasurer; the payments shall be charged and collected in the same manner, and shall be in an amount not less than the taxes that would have been paid had the Improvements not been exempt from taxation.

Section 4. That a portion of the service payments collected under this ordinance shall be distributed by the Cuyahoga County Treasurer to the Treasurer of the District in the amount of the taxes that would have been payable to the District had the Improvement not been exempt from taxation.

Section 5. That the Director of Economic Development is authorized to enter into an agreement or agreements with Redeveloper to provide for the exemption and service payments described in this ordinance, including agreements securing the payments described in this ordinance, which agreement or agreements shall contain those terms contained in this ordinance.

Section 6. That under Section 5709.43 of the Revised Code, there is established an identified Urban Redevelopment Tax Increment Equivalent Fund into which shall be deposited service Payments in Lieu of Taxes ("PILOTS") which shall be used for the purposes described in this ordinance, or File, or for other economic development purposes as determined by the Director of Economic Development.

Section 7. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in open meetings of this Council, and any of its committees that resulted in formal action were in meetings open to the public in compliance with the law.

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

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

Ord. No. 1432-17.

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

An emergency ordinance approving the Tax Incentive Review Council's Year 2016 recommendations.

Whereas, under Section 5709.85 of the Revised Code, if a municipal corporation grants an exemption from taxation, they shall create a Tax Incentive Review Council ("TIRC"); and

Whereas, one of the functions of the TIRC is to annually review all agreements granting exemptions from property taxation and to make recommendations to either continue, modify, or cancel their agreements based on various factors, including fluctuations in the business cycle unique to the owner's business; and

Whereas, in compliance with Section 5709.85 of the Revised Code, the City of Cleveland has created a TIRC and the TIRC has made written recommendations on exemptions to be approved by the legislative authority; and

Whereas, under Section 5709.85 of the Revised Code, once a legislative authority receives written recommendations from a tax incentive review council, that legislative authority has sixty days after receiving the recommendations, to hold a meeting and vote to accept, reject, or modify, all or any portion of the recommendations; and

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

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

Section 1. That the TIRC's Year 2016 recommendations contained in File No. 1432-17-A are approved.

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

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

Ord. No. 1433-17.
By Council Members Zone and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from PetSmart Charities to assist with financing the cost of the construction of a new City Kennel.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$150,000, and any other funds that may become available during the grant term from PetSmart Charities to assist with financing the cost of the construction of a new City Kennel; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the application for the grant contained in the file described below.

Section 2. That the application for the grant, File No. 1433-17-A, made a part of this ordinance as if fully rewritten, is approved in all respects and shall not be changed without additional legislative authority.

Section 3. That the Director of Public Safety is authorized to extend the term of the grant.

Section 4. That the Director of Public Safety shall deposit the grant accepted under this ordinance into a fund or funds designated by the Director of Finance to implement the program as described in the file and appropriated for that purpose.

Section 5. That this ordinance is declared to be an emergency measure and, provided it receives the

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

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

Ord. No. 1434-17.
By Council Members Zone and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to enter into an amendment to Contract No. CT 6001 PS 2016-165 with Intergraph Corporation dba Hexagon Safety & Infrastructure to provide additional services needed to implement the Computer Aided Dispatch System Upgrade Project; and authorizing contracts to implement the Computer Aided Dispatch system Upgrade as required by the Department of Justice Consent Decree.

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

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

Section 1. That the Director of Public Safety is authorized to enter into an amendment to Contract No. CT 6001 PS 2016-165 with Hexagon Safety & Infrastructure dba Intergraph Corporation to provide additional services needed to implement the Computer Aided Dispatch System Upgrade Project, for the Division of Police, Division of Fire, and the Division of Emergency Medical Service, Department of Public Safety. The additional services shall include software maintenance, CAD configuration services for ProQA and Unified CallTaker, map services, training, and the exchange of I/MAP Editor CC for I/Map Editor software for ArcGIS CC software, on the basis of its proposal dated September 13, 2017.

Section 2. That the Director of Public Safety is authorized to enter into one or more (professional services) contracts with Priority Dispatch Corporation to implement the Computer Aided Dispatch System Upgrade Project by acquiring and implementing ProQA for the Division of Police, and for other related services, including but not limited to, acquiring related and implementing software, monitoring and reporting, quality assurance, system administration configuration, and training, on the basis of its proposal dated August 7, 2017.

Section 3. That the Director of Public Safety is authorized to make one or more written (standard) contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: ruggedized smart phones, tablet devices, ruggedized mobile computer devices to support the capture of data, and for installation of mobile data computers, including labor and materials if necessary, needed to implement the Computer Aided Dispatch System Upgrade Project as required by the Department of Justice Consent Decree, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Department of Public Safety.

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

Section 5. That the cost of the contract amendment and the contract or contracts shall be paid from Fund Nos. 11 SF 006 and 20 SF 578, and from the fund or funds to which are credited the proceeds from the sale of future bonds if authorized for this purpose, and other funds approved by the Director of Finance. (RQS 6001, RL 2017-105)

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

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

Ord. No. 1435-17.
By Council Members Zone and Kelley (by departmental request).

An emergency ordinance to amend Section 2 of Ordinance No. 109-17, passed February 1, 2017, relating to written standard and requirement contracts of labor and materials necessary to inspect, test, maintain, repair, and upgrade elevators, escalators, and moving or speed walks for the various divisions of City government, for a period of five years.

Whereas, under Ordinance No. 109-17, passed February 13, 2017, this Council authorized Contract No. MA 1505 RCD 2017-4 with Schindler Elevator Corporation for labor and materials necessary to inspect, test, maintain, and repair and upgrade elevators, escalators, and moving or speed walks for the various divisions of City government; and

Whereas, Ordinance No. 109-17 funded the contract or contracts using funds appropriated for this purpose; and

Whereas, one of the jobs needing repair under this contract will be paid from bond funds only; and

Whereas, under state law, bond funds must be identified and the language existing in the ordinance does not identify them; and

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

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

Section 1. That Section 2 of Ordinance No. 109-17, passed February 13, 2017 is amended to read as follows:

Section 2. That the costs of the requirement contract or contracts for **the two repairs to the elevators at the Justice Center in an estimated sum of \$102,000 shall be paid from Fund No. 20 SF 578 and other proper appropriation accounts and that the costs of the requirement contract or contracts for any other use under this contract shall be charged against the proper**

appropriation accounts and that 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 2017-3 and RQS 6001, RL 2017-107.

Section 2. That existing Section 2 of Ordinance No. 109-17, passed February 13, 2017, is repealed.

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

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

**Ord. No. 1436-17.
By Council Members Pruitt and Kelley (by departmental request).**

An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to perform a rate study for the Divisions of Water, Cleveland Public Power, and Water Pollution Control, Department of Public Utilities.

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

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

Section 1. That the Director of Public Utilities is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to perform a rate study for the Divisions of Water, Cleveland Public Power, and Water Pollution Control.

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

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

Section 2. That the cost of contract or contracts authorized shall be paid from Fund Nos. 52 SF 001, 54 SF 001, and 58 SF 001, Request No. RQS 2005, RL 2017-104.

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

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

**Ord. No. 1437-17.
By Council Member Kelley (by departmental request).**

An emergency ordinance to make temporary appropriations for the current payrolls and other ordinary expenses of the City of Cleveland from the period from January 1, 2018 until the effective date of the annual appropriation ordinance for the fiscal year ending December 31, 2018.

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

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

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

Section 1. To provide for the current payrolls, sinking fund and other ordinary expenses of the City of Cleveland for the period from January 1, 2018 until the effective date of the Annual Appropriation Ordinance for the fiscal year ending December 31, 2018, there be and there is hereby appropriated for the period from January 1, 2018 until the effective date of the Annual Appropriation Six Hundred Sixty Four Million, Five Hundred Thirty Five Thousand, Nine Hundred Thirty Five Dollars (\$664,535,935) out of taxes due the City of Cleveland and any other revenues accrued or occurring during said period of time and said funds are respectively appropriated as follows:

GENERAL FUND

Legislative Branch	\$2,767,621
Judicial Branch	\$13,493,256
Executive Branch	
General Government	\$6,936,065
Department of Aging	\$422,854
Department of Human Resources	\$1,795,310
Department of Community Development (Consumer Affairs)	\$81,871
Department of Law	\$5,280,694
Department of Finance	\$6,645,606
Department of Public Health	\$3,739,765
Department of Public Safety	\$104,764,960
Department of Public Works	\$26,502,903
Department of Building and Housing	\$3,851,079
Department of Economic Development	\$515,123
Nondepartmental	\$24,298,626
Total Executive Branch	\$184,834,856
TOTAL GENERAL FUND	\$201,095,733
Special Revenue Funds	\$69,918,880
Internal Service Funds	\$54,989,161
Enterprise Funds	\$305,613,250
Agency Funds	\$4,045,973
Debt Service Funds	\$28,872,938
TOTAL APPROPRIATIONS FOR 2018	\$664,535,935

GENERAL FUND

LEGISLATIVE BRANCH

Council and Clerk of Council		\$2,767,621
I. Personnel and Related Expenses	\$1,441,055	
II. Other Expenses	\$1,326,566	
TOTAL LEGISLATIVE BRANCH		<u>\$2,767,621</u>

JUDICIAL BRANCH

Municipal Court - Judicial Division		\$8,637,634
I. Personnel and Related Expenses	\$5,838,656	
II. Other Expenses	\$2,798,978	
Municipal Court - Clerk's Division		\$3,466,451
I. Personnel and Related Expenses	\$2,934,839	
II. Other Expenses	\$531,612	
Municipal Court - Housing Division		\$1,389,171
I. Personnel and Related Expenses	\$1,255,507	
II. Other Expenses	\$133,664	
TOTAL JUDICIAL BRANCH		<u>\$13,493,256</u>

EXECUTIVE BRANCH

GENERAL GOVERNMENT

Office of the Mayor		\$892,521
I. Personnel and Related Expenses	\$851,620	
II. Other Expenses	\$40,901	
Office of Capital Projects		\$1,846,111
I. Personnel and Related Expenses	\$1,627,266	
II. Other Expenses	\$218,845	
Office of Quality Control & Performance Management		\$453,279
I. Personnel and Related Expenses	\$308,959	
II. Other Expenses	\$144,320	
Landmarks Commission		\$57,416
I. Personnel and Related Expenses	\$52,543	
II. Other Expenses	\$4,873	
Board of Building Standards and Appeals		\$35,603
I. Personnel and Related Expenses	\$31,987	
II. Other Expenses	\$3,616	
Board of Zoning Appeals		\$70,596
I. Personnel and Related Expenses	\$61,375	
II. Other Expenses	\$9,221	
Civil Service Commission		\$659,743
I. Personnel and Related Expenses	\$260,877	
II. Other Expenses	\$398,866	
Community Relations Board		\$1,242,984
I. Personnel and Related Expenses	\$508,784	
II. Other Expenses	\$734,200	
City Planning Commission		\$847,969
I. Personnel and Related Expenses	\$547,994	
II. Other Expenses	\$299,975	
Boxing and Wrestling Commission		\$6,854
I. Personnel and Related Expenses	\$6,854	
Office of Sustainability		\$298,189
I. Personnel and Related Expenses	\$173,249	
II. Other Expenses	\$24,940	

Office of Equal Opportunity		\$265,669
I. Personnel and Related Expenses	\$206,789	
II. Other Expenses	\$58,880	
Office of Budget & Management		\$259,131
I. Personnel and Related Expenses	\$228,279	
II. Other Expenses	\$30,852	
TOTAL GENERAL GOVERNMENT		<u>\$6,936,065</u>

DEPARTMENT OF AGING

Department of Aging		\$422,854
I. Personnel and Related Expenses	\$319,764	
II. Other Expenses	\$103,090	
TOTAL DEPARTMENT OF AGING		<u>\$422,854</u>

DEPARTMENT OF HUMAN RESOURCES

Department of Human Resources		\$1,795,310
I. Personnel and Related Expenses	\$413,996	
II. Other Expenses	\$1,381,314	
TOTAL DEPARTMENT OF HUMAN RESOURCES		<u>\$1,795,310</u>

DEPARTMENT OF COMMUNITY DEVELOPMENT-DIRECTOR'S OFFICE

Department of Community Development-Director's Office		\$81,871
I. Personnel and Related Expenses	\$78,011	
II. Other Expenses	\$3,860	
TOTAL DEPARTMENT OF COMMUNITY DEVELOPMENT-DIRECTOR'S OFFICE		<u>\$81,871</u>

DEPARTMENT OF LAW

Division of Law		\$5,280,694
I. Personnel and Related Expenses	\$2,068,916	
II. Other Expenses	\$3,211,778	
TOTAL DEPARTMENT OF LAW		<u>\$5,280,694</u>

DEPARTMENT OF FINANCE

Finance Administration		\$468,265
I. Personnel and Related Expenses	\$271,649	
II. Other Expenses	\$196,616	
Division of Accounts		\$706,221
I. Personnel and Related Expenses	\$372,541	
II. Other Expenses	\$333,680	
Division of Assessments and Licenses		\$1,463,054
I. Personnel and Related Expenses	\$954,840	
II. Other Expenses	\$508,214	
Division of Treasury		\$274,649
I. Personnel and Related Expenses	\$216,511	
II. Other Expenses	\$58,138	
Division of Purchases and Supplies		\$220,382
I. Personnel and Related Expenses	\$204,417	
II. Other Expenses	\$15,965	
Bureau of Internal Audit		\$427,834
I. Personnel and Related Expenses	\$168,242	
II. Other Expenses	\$259,592	

Division of Financial Reporting and Control		\$417,607
I. Personnel and Related Expenses	\$407,563	
II. Other Expenses	\$10,044	
Information Systems Services		\$2,667,594
I. Personnel and Related Expenses	\$870,607	
II. Other Expenses	\$1,796,987	
TOTAL DEPARTMENT OF FINANCE		<u>\$6,645,606</u>

DEPARTMENT OF PUBLIC HEALTH

Public Health Administration		\$735,580
I. Personnel and Related Expenses	\$305,618	
II. Other Expenses	\$429,962	
Division of Health		\$1,955,232
I. Personnel and Related Expenses	\$730,225	
II. Other Expenses	\$1,225,007	
Division of Environment		\$740,879
I. Personnel and Related Expenses	\$414,863	
II. Other Expenses	\$326,016	
Division of Air Quality		\$308,074
I. Personnel and Related Expenses	\$178,834	
II. Other Expenses	\$129,240	
TOTAL DEPARTMENT OF PUBLIC HEALTH		<u>\$3,739,765</u>

DEPARTMENT OF PUBLIC SAFETY

Public Safety Administration		\$3,298,290
I. Personnel and Related Expenses	\$1,002,061	
II. Other Expenses	\$2,296,229	
Division of Police		\$58,285,047
I. Personnel and Related Expenses	\$53,260,526	
II. Other Expenses	\$5,024,521	
Division of Fire		\$25,719,356
I. Personnel and Related Expenses	\$24,096,391	
II. Other Expenses	\$1,622,965	
Division of Emergency Medical Services		\$9,166,927
I. Personnel and Related Expenses	\$7,702,609	
II. Other Expenses	\$1,464,318	
Division of Animal Care and Control		\$939,063
I. Personnel and Related Expenses	\$605,464	
II. Other Expenses	\$333,599	
Division of Correction		\$4,481,650
I. Personnel and Related Expenses	\$3,043,957	
II. Other Expenses	\$1,437,693	
Office of Professional Standards		\$559,508
I. Personnel and Related Expenses	\$289,175	
II. Other Expenses	\$270,333	
Police Review Board		\$46,352
I. Personnel and Related Expenses	\$39,600	
II. Other Expenses	\$6,752	
Community Police Commission		\$274,276
I. Personnel and Related Expenses	\$109,662	
II. Other Expenses	\$164,614	
Police Inspector General		\$64,554
I. Personnel and Related Expenses	\$60,094	
II. Other Expenses	\$4,460	

Department of Justice		\$1,929,937
I. Personnel and Related Expenses	\$823,892	
II. Other Expenses	\$1,106,045	
TOTAL DEPARTMENT OF PUBLIC SAFETY		<u>\$104,764,960</u>

DEPARTMENT OF PUBLIC WORKS

Division of Public Works Administration		\$931,274
I. Personnel and Related Expenses	\$848,709	
II. Other Expenses	\$82,565	
Division of Recreation		\$5,776,736
I. Personnel and Related Expenses	\$2,945,775	
II. Other Expenses	\$2,830,961	
Division of Parking Facilities-On Street		\$365,326
I. Personnel and Related Expenses	\$338,441	
II. Other Expenses	\$26,885	
Division of Property Management		\$2,623,922
I. Personnel and Related Expenses	\$1,583,954	
II. Other Expenses	\$1,039,968	
Division of Park Maintenance and Properties		\$6,507,268
I. Personnel and Related Expenses	\$2,809,963	
II. Other Expenses	\$3,697,305	
Division of Waste Collection and Disposal		\$9,131,926
I. Personnel and Related Expenses	\$4,343,758	
II. Other Expenses	\$4,788,168	
Division of Traffic Engineering		\$1,166,451
I. Personnel and Related Expenses	\$805,302	
II. Other Expenses	\$361,149	
TOTAL DEPARTMENT OF PUBLIC WORKS		<u>\$26,502,903</u>

DEPARTMENT OF BUILDING AND HOUSING

Building and Housing Dir Office		\$921,742
I. Personnel and Related Expenses	\$539,413	
II. Other Expenses	\$382,329	
Division of Code Enforcement		\$2,447,289
I. Personnel and Related Expenses	\$2,308,230	
II. Other Expenses	\$139,059	
Division of Construction Permit		\$482,048
I. Personnel and Related Expenses	\$471,791	
II. Other Expenses	\$10,257	
TOTAL DEPARTMENT OF BUILDING AND HOUSING		<u>\$3,851,079</u>

DEPARTMENT OF ECONOMIC DEVELOPMENT

Economic Development		\$515,123
I. Personnel and Related Expenses	\$506,430	
II. Other Expenses	\$8,693	
TOTAL DEPARTMENT OF ECONOMIC DEVELOPMENT		<u>\$515,123</u>

NONDEPARTMENTAL

County Auditor Deductions		\$473,000
II. Other Expenses	\$473,000	
Other Administrative		\$7,512,321
II. Other Expenses	\$7,512,321	

Transfers to Other Funds		\$16,313,305
II. Other Expenses	\$16,313,305	
TOTAL NONDEPARTMENTAL		\$24,298,626
TOTAL EXECUTIVE BRANCH		\$184,834,856
TOTAL GENERAL FUND		\$201,095,733

SPECIAL REVENUE FUNDS

Restricted Income Tax Fund		\$50,682,383
II. Other Expenses	\$50,682,383	
Street Construction, Maintenance & Repair Fund		\$13,930,747
I. Personnel and Related Expenses	\$6,216,020	
II. Other Expenses	\$7,714,727	
Division of Public Auditorium & Stadium-Stadium		\$5,305,750
II. Other Expenses	\$5,305,750	
TOTAL SPECIAL REVENUE FUNDS		\$69,918,880

INTERNAL SERVICE FUND

Sinking Fund Commission		\$273,959
I. Personnel and Related Expenses	\$53,451	
II. Other Expenses	\$220,508	
Information Systems Services-Telephone Exchange		\$3,096,758
I. Personnel and Related Expenses	\$426,616	
II. Other Expenses	\$2,670,142	
Health Self Insurance		\$35,658,710
II. Other Expenses	\$35,658,710	
Prescription Self Insurance		\$7,118,086
II. Other Expenses	\$7,118,086	
Division of Motor Vehicle Maintenance		\$6,301,752
I. Personnel and Related Expenses	\$1,692,332	
II. Other Expenses	\$4,609,420	
Division of Printing and Reproduction		\$874,124
I. Personnel and Related Expenses	\$243,097	
II. Other Expenses	\$631,027	
City Storeroom and Central Warehouse		\$220,778
I. Personnel and Related Expenses	\$32,698	
II. Other Expenses	\$188,080	
Radio		\$1,444,994
I. Personnel and Related Expenses	\$186,098	
II. Other Expenses	\$1,258,896	
TOTAL INTERNAL SERVICE FUNDS		\$54,989,161

ENTERPRISE FUND

DEPARTMENT OF PUBLIC UTILITIES

Utilities Administration		\$1,976,748
I. Personnel and Related Expenses	\$1,518,636	
II. Other Expenses	\$458,112	
Division of Fiscal Control		\$2,324,970
I. Personnel and Related Expenses	\$1,731,728	
II. Other Expenses	\$593,242	
Division of Water		\$134,524,542
I. Personnel and Related Expenses	\$24,245,919	
II. Other Expenses	\$110,278,623	

Division of Water Pollution Control		\$9,873,589
I. Personnel and Related Expenses	\$3,211,357	
II. Other Expenses	\$6,662,232	
Division of Cleveland Public Power		\$82,864,246
I. Personnel and Related Expenses	\$7,448,053	
II. Other Expenses	\$75,416,193	
TOTAL DEPARTMENT OF PUBLIC UTILITIES		<u>\$231,564,095</u>
DEPARTMENT OF PORT CONTROL		
Divisions of Cleveland Hopkins & Burke Lakefront Airports - Operations		\$65,870,636
I. Personnel and Related Expenses	\$9,602,013	
II. Other Expenses	\$56,268,623	
TOTAL DEPARTMENT OF PORT CONTROL		<u>\$65,870,636</u>
DEPARTMENT OF PUBLIC WORKS		
Division of Cemeteries		\$695,962
I. Personnel and Related Expenses	\$390,757	
II. Other Expenses	\$305,205	
Golf Course Fund		\$7,294
I. Personnel and Related Expenses	\$94	
II. Other Expenses	\$7,200	
Division of Parking Facilities-Off Street Parking		\$5,261,124
I. Personnel and Related Expenses	\$381,366	
II. Other Expenses	\$4,879,758	
Division of Public Auditorium		\$1,273,024
I. Personnel and Related Expenses	\$399,142	
II. Other Expenses	\$873,882	
Division of Public Auditorium & Stadium- West Side Market		\$925,115
I. Personnel and Related Expenses	\$143,009	
II. Other Expenses	\$782,106	
Division of Property Management - East Side Market		\$16,000
II. Other Expenses	\$16,000	
TOTAL DEPARTMENT OF PUBLIC WORKS		<u>\$8,178,519</u>
TOTAL ENTERPRISE FUND		<u>\$305,613,250</u>
AGENCY FUND		
Central Collection Agency		\$4,045,973
I. Personnel and Related Expenses	\$2,366,813	
II. Other Expenses	\$1,679,160	
TOTAL AGENCY FUND		<u>\$4,045,973</u>
DEBT SERVICE FUND		
Sinking Fund Commission		\$28,872,938
III. Debt Service	\$28,872,938	
TOTAL DEBT SERVICE FUNDS		<u>\$28,872,938</u>

Section 2. That all expenditures and payments made under and pursuant to the ordinance appropriating such sum or sums of money shall be charged against the annual appropriation ordinance for the fiscal year ending December 31, 2018, when such appropriation ordinance shall become effective, and to the various departments and

divisions and payment of whose officers and employees and operating expenses such sum or sums of money hereunder shall then have paid out or expended. Provided, however, that no payment shall be made under the authority of this ordinance after the effective date of said Annual Appropriation Ordinance for the fiscal year ending December 31, 2018.

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

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

**Ord. No. 1439-17.
By Council Members Cleveland
and Kelley by departmental
request).**

An emergency ordinance authorizing the Director of Workforce Development to apply for, accept and expend funds and resources from the Ohio Department of Job and Family Services, or other fiscal agents, for the 2017 Workforce Innovation and Opportunity Act and Workforce Development Program grants; to enter into contracts and memoranda of understanding with various entities necessary to administer and implement the Workforce Development programs; to enter into one or more agreements with Cuyahoga County, or other fiscal agents, to accept monies for implementation of the programs; and to sublease areas at OhioMeansJobs Cleveland-Cuyahoga County One-Stop Service Center, located at 1910 Carnegie Avenue.

Whereas, the Workforce Innovation and Opportunity Act of 2014, Public Law 113-128 ("WIOA"), the purpose of which is to "... provide workforce investment activities, through statewide and local workforce investment systems, that increase the employment, retention, and earnings of participants, and increase attainment of recognized postsecondary credentials by participants, and, as a result, improve the quality of the workforce, reduce welfare dependency, increase economic self-sufficiency, meet the skill requirements of employers, and enhance the productivity and competitiveness of the nation" was enacted; and

Whereas, the Governor of the State of Ohio has designated the geographic boundaries of the City of Cleveland ("City") and Cuyahoga County as a Local Workforce Area for purposes of administering WIOA in Northeastern Ohio; and

Whereas, in order to better address the needs of the citizens of the City and the County, maximize the use of available funds, and comply with federal and state policies, and generally administer funds and programs under the Workforce Innovation and Opportunity Act ("WIOA"), and other Workforce Development programs, the City and the County have agreed to continue to operate consolidated Workforce programs in accordance with an Intergovernmental Agreement entered into by the Mayor and the Cuyahoga County Board of Commissioners on June 4, 2007 ("IGA"); and

Whereas, in accordance with the inter-governmental agreement for the WIOA Program Year ("PY") 2017 for the period of July 1, 2017 through June 30, 2019, the City will serve as the administrative entity and will be reimbursed from grant funds for all expenses; and

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

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

Section 1. That the Director of Workforce Development (the "Director") is authorized to apply for, accept and expend grants and resources from the Ohio Department of Job and Family Services, Department of Labor, Cuyahoga County or other fiscal agents, for the Workforce Development program services described in Section 2 to eligible individuals and businesses. The Director is authorized to file all papers and execute all documents necessary to receive the funds under the grants.

Section 2. That the Director is authorized to enter into one or more contracts with various agencies, entities or organizations to administer and implement the following components of the grants:

Youth Activities

- YOUTH REQUIRED PROGRAM ELEMENTS
 - Tutoring, Study Skills and Instruction
 - Alternative Secondary School Services
 - Summer Employment
 - Paid Work Experience
 - Occupational Skills Training
 - Leadership Development
 - Supportive Services
 - Mentoring
 - Follow-up Services
 - Comprehensive Guidance and Counseling
 - Financial Literacy
 - Entrepreneurial Skills Training
 - Help to transition to post-secondary education
- PRE-VOCATIONAL SERVICES AND ACTIVITIES
- JOB READINESS TRAINING
- JOB DEVELOPMENT/JOB PLACEMENT
- ON-THE-JOB TRAINING
- JOB FAIRS, WIB MEETINGS, YOUTH COUNCIL, PROVIDER MEETINGS
- YOUTH COMMITTEE
- YOUTH RESOURCE CENTER
- SUMMER JOB PROGRAMS
- SPECIAL PROJECTS

Adult Activities

- OCCUPATIONAL SKILLS TRAINING
- ON-THE-JOB TRAINING
- CUSTOMIZED TRAINING
- COHORT TRAINING
- INCUMBENT WORKER TRAINING
- SPECIALIZED POPULATION SERVICES
- SUPPORTIVE SERVICES
- JOB READINESS TRAINING
- FOLLOW-UP
- JOB DEVELOPMENT AND EMPLOYER SERVICES

- JOB FAIRS, WDB MEETINGS, PROVIDER MEETINGS
- CAREER SERVICES
- INTENSIVE SERVICES
- ENTREPRENEURIAL ACTIVITIES
- EMPLOYEE AND EMPLOYER RECOGNITION EVENTS
- PRE-VOCATIONAL SERVICES AND ACTIVITIES
- WDB INITIATIVES AND SPECIAL PROJECTS

Dislocated Worker Activities

- OCCUPATIONAL SKILLS TRAINING
- ON-THE-JOB TRAINING
- CUSTOMIZED TRAINING
- COHORT TRAINING
- INCUMBENT WORKER TRAINING
- SPECIALIZED POPULATION SERVICES
- SUPPORTIVE SERVICES
- JOB READINESS TRAINING
- PRE-VOCATIONAL SERVICES AND ACTIVITIES
- FOLLOW-UP
- JOB DEVELOPMENT AND EMPLOYER SERVICES
- JOB FAIRS, WIB MEETINGS, PROVIDER MEETINGS
- RAPID RESPONSE
- CAREER SERVICES
- INTENSIVE SERVICES
- ENTREPRENEURIAL ACTIVITIES
- EMPLOYEE AND EMPLOYER RECOGNITION EVENTS
- WDB INITIATIVES AND SPECIAL PROJECTS
- SECTOR STRATEGIES AND CAREER PATHWAYS

Section 3. That the Director is authorized to enter into one or more memoranda of understanding ("MOU") with various entities, agencies, or individuals participating in the OhioMeansJobs Cleveland-Cuyahoga County One-Stop Service Center, activities and/or programs relating to cost-sharing contributions, for the purposes of implementing the Workforce Development programs as described in this ordinance. The Director is further authorized to enter into various agreements necessary to carry out the purposes of the MOUs. The Director is authorized to accept monies under the cost-sharing MOUs, and to deposit the cost sharing contributions with the County as the designated fiscal agent under the IGA.

Section 4. the Director is authorized to enter into one or more agreements with Cuyahoga County to accept monies from the County to implement the Workforce Innovation and Opportunity Act and other Workforce Development programs as described in this ordinance. Any funds accepted under this Section shall be used only for additional services or contracts under this program, and the funds are appropriated for that purpose.

Section 5. That the Director is authorized to enter into one or more grants or contracts with various entities, agencies, or individuals in order for the City of Cleveland to provide services under the Workforce Innovation and Opportunity Act, and Workforce Development programs authorized under this ordinance, and to receive payment for the services. The Director is authorized to accept monies under these grants and contracts to deposit the funds with the County as the designated fiscal agent. Any funds accepted under this Section shall be used only for additional services or contracts under this program, and the funds are appropriated for that purpose.

Section 6. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director is authorized to sublease various areas at the OhioMeansJobs Cleveland-Cuyahoga County One-Stop Service Center, located at 1910 Carnegie Avenue, to various entities, agencies, or individuals, to provide Workforce Development and Economic Development services authorized under this ordinance.

Section 7. That the term of the subleases authorized by this ordinance shall not exceed two years, subject to annual appropriation and to the provisions of the City's lease agreement.

Section 8. That the subleases may authorize the various entities, agencies, or individuals to make improvements to the subleased premises subject to the approval of appropriate City agencies and officials, and to authorize the sublessees to contribute a share of operating costs

Section 9. That the subleases shall be prepared by the Director of Law.

Section 10. That the Director of Workforce Development, the Director of Law, the Chief of Public Affairs and other appropriate City officials are authorized to execute any other documents and certificates, and take any other actions which may be necessary or appropriate to effect the subleases authorized by this ordinance.

Section 11. That the Director is authorized to accept monies under the subleases authorized above, and to deposit the rent collected, and other program income with the County as the designated fiscal agent. Any funds accepted under this Section shall be used only for additional services or contracts under this program, and the funds are appropriated for that purpose.

Section 12. That the Director is authorized to enter into one or more contracts with various entities, agencies, or individuals to provide business services and/or rental space at 1910 Carnegie Avenue, Cleveland, Ohio 44115, and to receive payment for the services. The Director is authorized to accept monies for the services, and to deposit the payments with the County as the designated fiscal agent. Any funds accepted under this Section shall be used only for additional services or contracts under this program, and the funds are appropriated for that purpose.

Section 13. That the cost of any contract or contracts authorized in this ordinance shall be paid from the WIOA and other Workforce Development grant or contract funds received.

Section 14. That the following amounts are estimated costs to be

reimbursed to the City for administration of the Workforce Development programs and activities during this Program Year:

I. Salaries and payroll related expenses of about \$1,000,000.

II. Operational and building related costs (Rent, Utilities, Security, Janitorial) at 1910 Carnegie Avenue, Cleveland, Ohio 44115, in an amount not to exceed \$1,000,000.

III. Other Workforce Development grants, MOU Agreements, programs and activities in an amount not to exceed \$300,000

IV. Miscellaneous costs (Indirect costs, chargebacks, supplies) in an amount not to exceed \$230,000.

Section 15. That the Mayor or the Director are authorized to enter into such other agreements as may be necessary to implement the City - County Workforce Development programs.

Section 16. That the contracts and agreements authorized by this ordinance shall be prepared by the Director of Law.

Section 17. 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 Workforce Development, Finance, Law; Committees on Workforce and Community Benefits, Finance.

Ord. No. 1440-17.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into an amendment to Contract No. CT PS 2017-025 with the City of Cleveland Heights to extend the transitional period for one additional year to cover costs associated with the conversion to direct service; and to amend Section 535.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 579-16, passed June 6, 2016, relating to water rates; and determining the method of making the public improvement of constructing improvements to the distribution system in Cleveland Heights; and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement.

Whereas, under Ordinance No. 579-16, passed June 6, 2016, this Council authorized the Director of Public Utilities to enter into Contract No. CT PS 2016-025 with the City of Cleveland Heights for the purpose of transitioning Cleveland Heights from a Master Meter Community to a Direct Service Community; and

Whereas, under the contract, the transitional time was estimated to be one year; and

Whereas, an additional year is needed for the transition to complete the AMR meter switch in Cleveland Heights; and

Whereas, the amendment to Section 535.04 will allow Cleveland Heights' customers who are enrolled in Cleveland's homestead or affordability programs to be charged a new discounted Transition rate during the extended transition period to offset Cleveland's Higher Fixed Charge for these customers; and

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

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

Section 1. That the Director of Public Utilities is authorized to enter into an amendment to Contract No. CT PS 2017-025 with the City of Cleveland Heights to extend the transition period for one year and to amend the transition rates charged for all former Cleveland Heights customers that are enrolled in Cleveland's homestead or affordability programs during that extended transition time. All other provisions of Ordinance No. 579-16 shall remain the same.

Section 2. That Section 535.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 579-16, passed June 6, 2016, is amended to read as follows:

Section 535.04 Water Rates

(a) *Water Rates.*

(1) *Quarterly Water Rate Schedule for Direct Service Accounts.*

Quarterly Fixed Charge*

Meter Size	2016	2017	2018	2019	2020
5/8 in. to 1 in. Meter	\$27.00	\$27.00	\$27.00	\$27.00	\$27.60
1-1/2 in. to 2 in. Meter	\$53.00	\$53.00	\$53.00	\$53.00	\$54.15
3 in. to 4 in. Meter	\$180.00	\$180.00	\$180.00	\$180.00	\$184.05
6 in. Meter	\$320.00	\$320.00	\$320.00	\$320.00	\$327.15
8 in. Meter	\$480.00	\$480.00	\$480.00	\$480.00	\$490.65
10 in. Meter	\$610.00	\$610.00	\$610.00	\$610.00	\$623.55
12 in. Meter	\$730.00	\$730.00	\$730.00	\$730.00	\$746.25
Homestead	\$17.00	\$17.00	\$17.00	\$17.00	\$17.40

* Fixed charge for compound meters is based upon the larger size. Also, fixed charges are not prorated but apply to all quarterly bills generated in a specific calendar year.

Quarterly Consumption Charge**

Meter Size	2016	2017	2018	2019	2020
City of Cleveland Regular Rates					
0 to .6 MCF	\$19.26	\$19.26	\$19.26	\$20.57	\$21.85
Additional MCFs	\$32.74	\$32.74	\$32.74	\$34.97	\$37.14
Homestead - All MCFs	\$12.52	\$12.52	\$12.52	\$13.37	\$14.20
Low and 1st High Service Suburbs					
0 to .6 MCF	\$25.04	\$25.04	\$25.04	\$26.74	\$28.41
Additional MCFs	\$42.56	\$42.56	\$42.56	\$45.45	\$48.28
Homestead - All MCFs	\$16.27	\$16.27	\$16.27	\$17.38	\$18.46
2nd High Service Suburbs					
0 to .6 MCF	\$30.82	\$30.82	\$30.82	\$32.92	\$34.96
Additional MCFs	\$52.39	\$52.39	\$52.39	\$55.95	\$59.44
Homestead - All MCFs	\$20.03	\$20.03	\$20.03	\$21.39	\$22.72
3rd High Service Suburbs***					
0 to .6 MCF	\$35.63	\$35.63	\$35.63	\$38.05	\$40.42
Additional MCFs	\$60.57	\$60.57	\$60.57	\$64.69	\$68.72
Homestead - All MCFs	\$23.16	\$23.16	\$23.16	\$24.74	\$26.27

** Water consumption charges are prorated if a billing cycle covers a multi-year period.

*** Including all direct service communities in Medina, Summit and Geauga Counties.

(2) *Monthly Water Rate Schedule for Direct Service Accounts.*

Monthly Fixed Charge*

Meter Size	2016	2017	2018	2019	2020
5/8 in. to 1 in. Meter	\$9.00	\$9.00	\$9.00	\$9.00	\$9.20
1-1/2 in. to 2 in. Meter	\$17.65	\$17.65	\$17.65	\$17.65	\$18.05
3 in. to 4 in. Meter	\$50.00	\$50.00	\$60.00	\$60.00	\$61.35
6 in. Meter	\$106.65	\$106.65	\$106.65	\$106.65	\$109.05
8 in. Meter	\$160.00	\$160.00	\$160.00	\$160.00	\$163.55
10 in. Meter	\$203.35	\$203.35	\$203.35	\$203.35	\$207.85
12 in. Meter	\$243.35	\$243.35	\$243.35	\$243.35	\$248.75
Homestead	\$5.65	\$5.65	\$5.65	\$5.65	\$5.80

* Fixed charge for compound meters is based upon the larger size. Also, fixed charges are not prorated but apply to all quarterly bills generated in a specific calendar year.

Monthly Consumption Charge**

Meter Size	2016	2017	2018	2019	2020
City of Cleveland					
0 to .2 MCF	\$19.26	\$19.26	\$19.26	\$20.57	\$21.85
Additional MCFs	\$32.74	\$32.74	\$32.74	\$34.97	\$37.14
Homestead - All MCFs	\$12.52	\$12.52	\$12.52	\$13.37	\$14.20

Low and 1st High Service Suburbs

0 to .2 MCF	\$25.04	\$25.04	\$25.04	\$26.74	\$28.41
Additional MCFs	\$42.56	\$42.56	\$42.56	\$45.45	\$48.28
Homestead - All MCFs	\$16.27	\$16.27	\$16.27	\$17.38	\$18.46

2nd High Service Suburbs

0 to .2 MCF	\$30.82	\$30.82	\$30.82	\$32.92	\$34.96
Additional MCFs	\$52.39	\$52.39	\$52.39	\$55.95	\$59.44
Homestead - All MCFs	\$20.03	\$20.03	\$20.03	\$21.39	\$22.72

3rd High Service Suburbs***

0 to .2 MCF	\$35.63	\$35.63	\$35.63	\$38.05	\$40.42
Additional MCFs	\$60.57	\$60.57	\$60.57	\$64.69	\$68.72
Homestead - All MCFs	\$23.16	\$23.16	\$23.16	\$24.74	\$26.27

** Water consumption charges are prorated if a billing cycle covers a multi-year period.

*** Includes all direct service communities in Medina, Summit and Geauga Counties.

(3) *Monthly Master Meter Water Rate Schedule.*

Master Meter Charge (per MCF)

Community	2016	2017	2018	2019	2020
Bedford	\$33.35	\$33.35	\$33.35	\$35.05	\$36.69
Chagrin Falls	\$38.56	\$38.56	\$38.56	\$40.53	\$42.42
Cleveland Heights	\$33.35	\$33.35	\$33.35	\$35.05	\$36.69
Lakewood	\$27.10	\$27.10	\$27.10	\$28.48	\$29.81
Gauga County	\$38.72	\$38.72	\$38.72	\$40.69	\$42.60

(4) *Additional Transition Rate to Be Charged to Customers of Cleveland Heights' Water System Converting to Cleveland Direct Service* (Customers will also be charged Cleveland's Suburban Direct Service First and Second High Rates, as appropriate):

Community	Regular Transition Rate		Homestead/Affordability Version of Transition Rate	
	Rate (\$/MCF)	Duration	Rate (\$/MCF)	Duration
Customers within Cleveland Heights Proper	\$38.91	2017-2021	\$15.56	2018-2021
Cleveland Heights' Customers in University Heights	\$11.81	2017-2026	\$4.72	2018-2026
All other Cleveland Heights' Customers	\$30.74	2017-2021	\$12.30	2018-2021

(5) *Emergency Stand By Water Rate Schedule.*

Emergency Stand By Charge (per MCF)

Community	2016	2017	2018	2019	2020
Berea	\$39.44	\$39.44	\$39.44	\$39.44	\$39.44
Lake County	\$38.36	\$38.36	\$38.36	\$38.36	\$38.36
North Ridgeville	\$31.41	\$31.41	\$31.41	\$31.41	\$31.41
Medina County	\$45.72	\$45.72	\$45.72	\$45.72	\$45.72
Hudson	\$45.72	\$45.72	\$45.72	\$45.72	\$45.72
Portage County	\$45.72	\$45.72	\$45.72	\$45.72	\$45.72

(b) *For Master Meter Communities.* All bills for water furnished shall be rendered monthly to the municipality or district to which water is so furnished, and if not paid within fifteen (15) days after the date of billing by the City of Cleveland, such bills shall be subject to a penalty of five percent (5%) added thereto. In the event that any monthly bill is not paid within four (4) months after written notice is given by the City of Cleveland, the City of Cleveland may, at its option, cease to furnish water to such municipality or district pending payment of any overdue amount.

(c) *Rates for Standby Emergency Water Service.* The rates to be charged for standby emergency water service shall consist of an annual standby fee of three thousand six hundred dollars (\$3,600.00) per year in addition to the charge for consumption provided in division (a) of this section. Standby fees for standby emergency water service shall be payable in advance. All bills for water furnished under this section shall be rendered upon the termination of customer's emergency period or, if the duration of the emergency is longer than thirty (30) days, in thirty (30) day intervals. In the event that any standby fee is not paid in advance or any consumption bill is not paid within four (4) months after written notice is given by the City of Cleveland, the City of Cleveland may at its option, cease to furnish standby emergency water service to such customer pending payment of any overdue amount.

(d) *Large Industrial Customers.* All water used in excess of sixty-two million five hundred thousand (62,500,000) cubic feet during a three (3) month billing period shall be charged at a rate of seventy-five percent (75%) of the rate prescribed in this section for water used in excess of one thousand (1,000) cubic feet.

(e) *Customers Supplied from More than One (1) Service District.* Customers with premises supplied with water from more than one (1) service district shall be billed at the rate for the service district from which the predominant quantity of water is supplied.

(f) Water rates shall be charged based on the location of the water meter when determining whether a water account is located within City of Cleveland or a suburban community, or whether it is located within Cuyahoga County.

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

Section 3. That existing Section 535.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 579-16, passed June 6, 2016, is repealed.

Section 4. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of modifying, removing, installing, replacing, and constructing improvements to the distribution system in Cleveland Heights, for the Division of Water, Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

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

Section 6. That the Director of Public Utilities is authorized to apply and pay for permits, licenses, or other authorizations required by any regulatory agency or public authority to permit performance of the work authorized by this ordinance.

Section 7. That the cost of the improvement and other expenditures and other expenditures authorized shall be paid from Fund No. 52 SF 001, RQS 2002, RL 2017-108.

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

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

**Ord. No. 1441-17.
By Council Members Brancatelli
and Kelley (by departmental
request).**

An emergency ordinance authorizing the Director of Community Development to consent to the assignment of Housing Trust Fund Loan No. 59770 from New Village Corporation to Ohio City, Inc.; and authorizing the director to enter into an Amendment to the assigned contract regarding certain terms.

Whereas, Council authorized the Director of Community Development to enter into Housing Trust Fund Loan No. 59770 with New Village Corporation ("New Village") to implement the Housing Trust Fund Program which include the eligible activities of new construction, rehabilitation, site preparation, site acquisition, predevelopment activities and financial assistance to home buyers; and

Whereas, under Ordinance No. 907-02, passed June 17, 2002, Contract No. 59770 was amended ("Contract No. 59770, as amended"); and

Whereas, New Village is willing to allow Ohio City, Inc. to assume the obligations of Contract No. 59770, as amended; and

Whereas, New Village has requested consent of the City to the assignment of Contract No. 59770, as amended, to Ohio City, Inc.; and

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

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

Section 1. That the Director of Community Development is authorized to consent to the request of New Village to assign the obligation of Contract No. 59770, as amended, to Ohio City, Inc.

Section 2. That the Director of Community Development is authorized to enter into an Amendment to Contract No. 59770, as amended, assigned to Ohio City, Inc. under

Section 1 of this ordinance ("Amendment"), containing the terms regarding the assignment, subordination, and restructuring of Contract No. 59770, as amended, which are placed in File No. 1441-17-A.

Section 3. That the Director of Community Development is authorized to execute all documents and do all things necessary and appropriate to effectuate the consent to the Assignment and Amendments authorized by this legislation. A copy of the Assignment shall be filed in the office of the Commissioner of Accounts.

Section 4. That the Amendment shall be prepared by the Director of Law and shall contain any additional provisions that he deems necessary to protect and benefit the public interest.

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 Community Development, Finance, Law; Committees on Development Planning and Sustainability, Finance.

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

Ord. No. 1430-17.

By Council Member Kelley.

An emergency ordinance authorizing the Director of the Department of Community Development to enter into agreement with Old Brooklyn Community Development Corporation for the Holiday Food Gift Card Program through the use of Ward 13 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 with the Old Brooklyn Community Development Corporation effective December 1, 2017 for the Holiday Food Gift Card Program for the public purpose of providing food gift cards for low to moderate income residents that reside in the city of Cleveland through the use of Ward 13 Casino Revenue Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$1,000 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.

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. 1427-17.

By Council Member Kazy.

An emergency resolution objecting to the transfer of location of a D2, D2X, D3, D3A and D6 Liquor Permit to 4625-29 West 130th Street.

Whereas, Council has been notified by the Division of Liquor Control of an application for the transfer of location of a D2, D2X, D3, D3A and D6 Liquor Permit from Quiet Bobs, Inc., DBA Quiet Bobs Bar & Grill, 4625-29 West 130th Street and patio, Cleveland, Ohio 44135, Permit Number 7140274 to Meet and Greet Bar & Grill, LLC, 4625-29 West 130th Street and patio, Cleveland, Ohio 44135, Permit Number 5870996; and

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

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

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

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

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

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

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

Be it resolved by the Council of the City of Cleveland

Section 1. That Council does hereby record its objection to the transfer of location of a D2, D2X, D3, D3A and D6 Liquor Permit from Quiet Bobs, Inc., DBA Quiet Bobs Bar & Grill, 4625-29 West 130th Street and patio, Cleveland, Ohio 44135, Permit Number 7140274 to Meet and Greet Bar & Grill, LLC, 4625-29 West 130th Street and patio, Cleveland, Ohio 44135, Permit Number 5870996; 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. 1428-17.

By Council Member Cleveland.

An emergency resolution objecting to the transfer of ownership of a C1 Liquor Permit to 2288 East 55th Street, 1st floor unit.

Whereas, Council has been notified by the Division of Liquor Control of an application for the transfer of ownership of a C1 Liquor Permit from Fifty Five Deli, Inc., DBA Fifty Five Deli Express, 2288 East 55th Street, 1st floor unit, Cleveland, Ohio 44103, Permit Number 2714519 to Pit Stop E55 Corp, 2288 East 55th Street, 1st floor unit, Cleveland, Ohio 44103, Permit Number 6934097; 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 C1 Liquor Permit from Fifty Five Deli, Inc., DBA Fifty Five Deli Express, 2288 East 55th Street, 1st floor unit, Cleveland, Ohio 44103, Permit Number 2714519 to Pit Stop E55 Corp, 2288 East 55th Street, 1st floor unit, Cleveland, Ohio 44103, Permit Number 6934097; 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. 1429-17.

By Council Member Kelley.

An emergency resolution objecting to the transfer of ownership of a D2, D2X, D3, D3A and D6 Liquor Permit to 4693 State Road, 1st floor and basement front.

Whereas, Council has been notified by the Division of Liquor Control of an application for the transfer of ownership of a D2, D2X, D3, D3A and D6 Liquor Permit from Nicetime, Inc., DBA Dirty Dog, 4693 State Road, 1st floor and basement front, Cleveland, Ohio 44109, Permit Number 6381965 to Celebrity Enterprises, LLC, DBA Dirty Dog, 4693 State Road, 1st floor and basement front, Cleveland, Ohio 44109, Permit Number 1351225; 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, D3, D3A and D6 Liquor Permit from Nicetime, Inc., DBA Dirty Dog, 4693 State Road, 1st floor and basement front, Cleveland, Ohio 44109, Permit Number 6381965 to Celebrity Enterprises, LLC, DBA Dirty Dog, 4693 State Road, 1st floor and basement front, Cleveland, Ohio 44109, Permit Number 1351225; 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. 1052-17.

By Council Member J. Johnson. An emergency ordinance designating the Brown Hoisting Machinery Office Building as a Cleveland Landmark.

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

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

Ord. No. 1053-17.

By Council Member Jeffrey D. Johnson. An emergency ordinance designating the Brown Hoisting Machinery Warehouse as a Cleveland Landmark.

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

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

Ord. No. 1054-17.

By Council Member J. Johnson. An emergency ordinance designating the International Savings and Loan Building (aka St. Clair Bank) as a Cleveland Landmark.

Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on

Development Planning and Sustainability.

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

Ord. No. 1354-17.

By Council Member Kelley. An emergency ordinance authorizing the Council President to enter into an agreement with Cobalt Group, Inc. to provide professional and project management services for the Clerk of Council.

Approved by Committee on Finance.

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

Ord. No. 1355-17.

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

Approved by Committee on Finance.

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

Ord. No. 1356-17.

By Council Member Kelley. An emergency ordinance authorizing the Clerk of Council to enter into an agreement with Western Reserve Land Conservancy d/b/a Thriving Communities Institute to provide professional services regarding the Vacant and Abandoned Property Action Council (VAPAC), reforestation, demolition funding, rehabilitation, code enforcement, green-space, and property information.

Approved by Committee on Finance.

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

Ord. No. 1357-17.

By Council Member Kelley. An emergency ordinance authorizing the Clerk of Council to enter into an agreement with The Batchelder Company for professional lobbying services for Cleveland City Council.

Approved by Committee on Finance.

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Passed. Yeas 14. Nays 1.

Those voting yea: Council Members Brady, Brancatelli, Cleveland, Conwell, Cummins, J. Johnson, K. Johnson, Kazy, Keane, Kelley, McCormack, Mitchell, Polensek, Zone.

Those voting nay: Council Member Reed.

Ord. No. 1358-17.

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

Approved by Committee on Finance.

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

Ord. No. 1359-17.

By Council Member Kelley. An emergency ordinance authorizing the Clerk of Council to enter into an agreement with On Technology Partners for the professional services necessary to advise and assist in the maintenance and performance of computer technology projects and to provide specific computer technology services for Cleveland City Council.

Approved by Committee on Finance.

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

Ord. No. 1360-17.

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

Approved by Committee on Finance.

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

Ord. No. 1410-17.

By Council Member Kelley (by departmental request).

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

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

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

Ord. No. 1417-17.

By Council Member Kelley (by departmental request).

An emergency ordinance to make additional appropriations of Ten Million (\$10,000,000) to the General Fund, Ten Thousand (\$10,000) to the Internal Service Funds and Four Hundred Thousand (\$400,000) to the Enterprise Funds.

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

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

Ord. No. 1418-17.

By Council Member Kelley (by departmental request).

An emergency ordinance to provide for the transfer and amendment to the General Fund appropriations in the amount of Twenty One Million Three Hundred Forty Thousand (\$21,340,000) and One Hundred Thousand (\$100,000) within the Enterprise Fund.

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

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

**SECOND READING
ORDINANCE PASSED**

Ord. No. 1256-17.

By Council Member Kelley.
An ordinance changing the Use, Height and Area Districts of parcels west of Pearl Road between Wildlife Way and Ardmore Avenue and adding an Urban Form Overlay and as identified on the attached map (Map Change No. 2570).

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

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

MOTION

On the motion of Council Member Polensek, the absences of Council Members TJ Dow and Terrell H. Pruitt, are hereby authorized. Seconded by Council Member Cummins.

MOTION

The Council Meeting adjourned at 8:05 p.m. to meet on Monday, December 4, 2017, at 7:00 p.m. in the Council Chamber.



Patricia J. Britt
City Clerk, Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

November 22, 2017

The Regular meeting of the Board of Control convened in the Mayor's office on Wednesday, November 22, 2017 at 10:33 a.m. with Director Langhenry presiding.

Present: Directors Langhenry, Davis, Kennedy, Acting Director Scott, Directors Gordon, McGrath, Cosgrove, West, Interim Director Ebersole, Director McNamara, and Interim Director Donald.

Absent: Mayor Jackson and Director Dumas.

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

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

Melissa Burrows, Director, Office of Equal Opportunity.

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

Resolution No. 582-17.

By Director Dumas.

Whereas, under the authority of Ordinance No. 714-17, passed by the Cleveland City Council on July 12, 2017, the City of Cleveland, through its 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 various medical billing services for the Division of Assessments and Licenses on behalf of the Division of Emergency Medical Services, including benefit eligibility verification, third party administration for prisoner medical claims, clearinghouse services, claims management, insurance carrier skip tracing, and other related services for the Department of Finance, for a period of two (2) years with three (3) one-year options to renew, the first and third of which would require additional legislative authority;

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 714-17, TriZetto Provider Solutions LLC is selected from a list of firms determined after a full and complete canvass by the Director of Finance as the firm to be employed by contract to supplement the regularly employed staff of several departments of the City of Cleveland to perform the professional services necessary to provide various medical billing services for the Division of Assessments and Licenses on behalf of the Division of Emergency Medical Services, for the Department of Finance; and

Be it further resolved that the Director of Finance is authorized to enter into contract with TriZetto Provider Solutions LLC, based on its proposal dated September 25, 2017, which contract shall be prepared by the Director of Law, shall provide for the furnishing of professional services as described in the proposal for a fee not to exceed one hundred fifty thousand dollars (\$150,000.00) for the first year, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Yeas: Directors Langhenry, Davis, Kennedy, Acting Director Scott, Directors Gordon, McGrath, Cosgrove, West, Interim Director Ebersole, Director McNamara, and Interim Director Donald.

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

Resolution No. 583-17.

By Director Dumas.

Whereas, under the authority of Ordinance No. 478-16, passed by the Cleveland City Council April 25, 2016, and Board of Control Resolution No. 181-17, adopted April 12, 2017 the Director of Finance ("Director") entered into City Contract No. PS2017-145 with TargetSolutions Learning, LLC ("Consultant") to provide professional services and necessary training to implement a Learning Management System for

the Department of Public Safety including but not limited to, Online Training Platform Licenses, Storage, Customized Website, Administration Tools, Software/Application upgrades and applications for Police, Fire, EMS, Animal Care and Control for a period of three years with three one-year options to renew, for an amount estimated to total approximately \$94,400.00 for each term and optional renewal year; and

Whereas, division (c) of Section 181.102 C.O. authorizes a director to execute one more license agreements for software needed to implement or maintain a previously acquired software system directly with software licensing firm; and

Whereas, division (d) of Section 181.102 C.O. authorizes a director to enter into an agreement with a software vendor for professional services necessary to implement or maintain the software products, including but not limited to maintenance, repair, upgrades, enhancements and technical support; and

Whereas, under the authority of Section 181.102 C.O., the City intends to enter into contract with TargetSolutions Learning, LLC, to obtain Online Training Platform licenses for a Fire Learning Management System module and the associated services and training for the Division of Fire for a one-year term with two one-year options to renew; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under Section 181.102(e) of the Codified Ordinances of Cleveland, Ohio, 1976, the compensation to be paid under the contract with TargetSolutions Learning, LLC, based on its proposal dated November 17, 2017, for the above-mentioned Online Training Platform licenses and associated services and training for a Fire Learning Management System module for the Division of Fire is fixed at \$89.00 per firefighter per year, presently estimated to total approximately \$69,730 for each year of the initial one-year term and any optional renewal year exercised.

Yeas: Directors Langhenry, Davis, Kennedy, Acting Director Scott, Directors Gordon, McGrath, Cosgrove, West, Interim Director Ebersole, Director McNamara, and Interim Director Donald.

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

Resolution No. 584-17.

By Director Davis.

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 668-17, passed by the Council of the City of Cleveland on June 5, 2017, Devore Technologies, Inc. is selected from a list of firms determined after a full and complete canvass by the Director of Public Utilities as the firm to provide professional consulting services for the redesign, development and implementation of its Cleveland Public Power website, for the Division of Cleveland Public Power, Department of Public Utilities.

Be it further resolved that the Director of Public Utilities is authorized to enter into a contract with Devore Technologies, Inc. based upon its proposal received, June 2,

2017, which contract shall be prepared by the Director of Law, shall provide for furnishing of professional services described in the proposal, for an aggregate fee not exceeding \$40,300.00, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Yeas: Directors Langhenry, Davis, Kennedy, Acting Director Scott, Directors Gordon, McGrath, Cosgrove, West, Interim Director Ebersole, Director McNamara, and Interim Director Donald.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

Resolution No. 585-17.

By Director Davis.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Terex Utilities, Inc. for an estimated quantity of Labor and Materials Necessary to Inspect, Test and Repair Bucket and Derrick Trucks, all items, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of one year starting upon execution of a contract or the day following expiration of the currently effective contract for the goods or services, received on August 31, 2017, under the authority of Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$249,650.00, is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the required goods and/or services necessary for the specified items.

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

Yeas: Directors Langhenry, Davis, Kennedy, Acting Director Scott, Directors Gordon, McGrath, Cosgrove, West, Interim Director Ebersole, Director McNamara, and Interim Director Donald.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

Resolution No. 586-17.

By Director Davis.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of United Survey, Inc. for the public improvement of rehabilitating and relining sewers at various locations citywide, base bid items including 10% contingency allowance, for the Division of Water Pollution Control, Department of Public Utilities, received on October 6, 2017, under the authority of Ordinance No. 543-17, passed by the Council of the City of Cleveland on June 5, 2017, upon a unit basis for the improvements to be performed as ordered during a period of two (2) years starting upon execution of a contract, at the unit prices set forth in the bid, which on the basis of the estimated work to be done would amount to \$3,423,530.00, is affirmed and approved as the lowest responsible bid, and the Director of Public Utilities is requested to

enter into a public improvement by requirement contract for the improvement.

The public improvement by requirement contract shall further provide that the contractor will perform all the City's requirements for the work as may be ordered under delivery orders separately certified against the public improvement by requirement contract, whether the same shall be more or less than the total estimate of work to be performed under the contract.

Be it further resolved by the Board of Control that the employment of the following subcontractors by United Survey, Inc. for the above-mentioned public improvement by requirement contract is approved:

SUBCONTRACTOR CSB/MBE/FBE
AMOUNT/PERCENTAGE

Broadway Excavating	CSB
	\$513,550.00 (15.00%)

Yeas: Directors Langhenry, Davis, Kennedy, Acting Director Scott, Directors Gordon, McGrath, Cosgrove, West, Interim Director Ebersole, Director McNamara, and Interim Director Donald.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

Resolution No. 587-17.

By Director Davis.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Terrace Construction Company, Inc. for the public improvement of East 103rd Street and Colonial Avenue Sewer Project (Base Bid All Items including the 10% contingency allowance) for the Division of Water Pollution Control, Department of Public Utilities, received on September 29, 2017, under the authority of Ordinance No. 1141-16, passed by the Council of the City of Cleveland on October 17, 2016, upon a unit basis for the improvement, in the aggregate amount of \$1,219,955.94, is affirmed and approved as the lowest responsible bid, and the Director of Public Utilities is authorized to enter into contract for the improvement with the bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Terrace Construction Company, Inc. for the above-mentioned public improvements is approved:

SUBCONTRACTOR CSB/MBE/FBE
WORK

Rockport Construction	CSB
	\$253,342.00 (20.766%)

The Vallejo Company	CSB
	\$83,687.00 (6.859%)

Cook Paving & Construction	CSB
	\$58,300.00 (4.778%)

D. Crawford Trucking, LLC	Non-Certified
	TBD

Yeas: Directors Langhenry, Davis, Kennedy, Acting Director Scott, Directors Gordon, McGrath, Cosgrove, West, Interim Director Ebersole,

Director McNamara, and Interim Director Donald.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

Resolution No. 588-17.

By Director Davis.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Bain Enterprises, LLC of an estimated quantity for the necessary items of various types of machines and equipment, and labor and materials to repair and/or replace parts or equipment to maintain various types of machines and equipment, Group B, Item 36 and Group C, Item 59 for the Department of Public Utilities, for a period of two years, starting upon the later of the execution of a contract or the day following expiration of the currently effective contract for the goods or services, with a one-year option to renew, received on August 31, 2017 under the authority of Ordinance No. 431-16, passed May 9, 2016, which on the basis of the estimated quantity would amount to \$17,550.00 (Net 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the goods and/or services necessary for the specified items.

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

Yeas: Directors Langhenry, Davis, Kennedy, Acting Director Scott, Directors Gordon, McGrath, Cosgrove, West, Interim Director Ebersole, Director McNamara, and Interim Director Donald.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

Resolution No. 589-17.

By Director Davis.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Southeastern Equipment Co., Inc. of an estimated quantity for the necessary items of various types of machines and equipment, and labor and materials to repair and/or replace parts or equipment to maintain various types of machines and equipment, Group B, Items 47 and 50 and Group C, Item 76 for the Department of Public Utilities, for a period of two years, starting upon the later of the execution of a contract or the day following expiration of the currently effective contract for the goods or services, with a one-year option to renew, received on August 31, 2017 under the authority of Ordinance No. 431-16, passed May 9, 2016, which on the basis of the estimated quantity would amount to \$167,721.00 (Net 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the goods and/or services necessary for the specified items.

The requirement contract shall further provide that the Contractor shall furnish all the City's requirements for such goods and/or services, whether more or less than the

estimated quantity, as may be ordered under delivery orders separately certified to the contract.

Yeas: Directors Langhenry, Davis, Kennedy, Acting Director Scott, Directors Gordon, McGrath, Cosgrove, West, Interim Director Ebersole, Director McNamara, and Interim Director Donald.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

Resolution No. 590-17.

By Director Spronz.

Whereas, under the authority of Ordinance No. 1024-16, passed by the Council of the City of Cleveland on November 14, 2016, and Board of Control Resolution No. 257-17, adopted May 17, 2017, the City, through its Director of Capital Projects, entered into Contract No. PS2017-144 with TRC Engineers, Inc. ("Engineer") for professional engineering consulting services necessary for the rehabilitation of Fulton Road/W. 28th St, between Clark Avenue and Detroit Avenue (the "Project"); and

Whereas, the City requires additional professional services necessary to design and produce the construction plans based on splitting the project into two separate construction phases; and

Whereas, Engineer has offered by its October 19, 2017 proposal to perform the above-mentioned additional services for an amount not to exceed \$153,525.00; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the Director of Capital Projects is authorized to enter into a first modification to Contract No. PS2017-144 with TRC Engineers, Inc., in accordance with its proposal dated October 19, 2017, for the additional professional services necessary to design and produce the construction plans based on splitting the project into two separate construction phases, for an additional amount not exceeding \$153,525.00, thereby increasing the total compensation under the contract to \$660,932.00.

Yeas: Directors Langhenry, Davis, Kennedy, Acting Director Scott, Directors Gordon, McGrath, Cosgrove, West, Interim Director Ebersole, Director McNamara, and Interim Director Donald.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

Resolution No. 591-17.

By Director Cox.

Whereas, the City desires to continue the availability of roller skating and food and beverages at the Zelma Watson George Recreation Center for a limited period after expiration of the current contract with United Skates of Cleveland, LLC, pending the City's determination of the optimal method of providing those services for an extended term at the Center; and

Whereas, United Skates of Cleveland, LLC ("Concessionaire"), is willing to provide roller skating rink management and skate rental and food and beverage concession services at the skating rink located within Zelma Watson George Recreation Center, for the Division of Recreation, Department of Public Works for a temporary term upon the same terms and conditions as the existing agreement with Concessionaire; and

Whereas, the City is willing to engage Concessionaire to provide above-mentioned management and concession services at the skating rink located within Zelma Watson George Recreation Center for a limited term under the terms and conditions of the currently effective contract for such services; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland, that under Section 183.04 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of the Department of Public Works is authorized to enter into an agreement (the "Agreement") with Concessionaire to provide roller skating rink management services and granting Concessionaire the privilege of offering skate rental and food and beverage concessions at the skating rink located within the Zelma Watson George Recreation Center for a period of 60 (sixty) days, effective January 15, 2018.

Be it further resolved that the fee to be paid to United Skates of Cleveland, LLC under the agreement authorized above shall consist of a fixed monthly amount of \$6,950.00 plus 7% of monthly gross revenues and an incentive fee of 3% of gross revenue when monthly expenses do not exceed 68% of monthly gross revenue, provided that the aggregate fee paid to United Skates of Cleveland, LLC shall not exceed \$18,000.00 for the term.

Be it further resolved that the Director of Law shall prepare the Agreement authorized and shall include such other provisions as the Director deems necessary to benefit and protect the public interest.

Yeas: Directors Langhenry, Davis, Kennedy, Acting Director Scott, Directors Gordon, McGrath, Cosgrove, West, Interim Director Ebersole, Director McNamara, and Interim Director Donald.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

Resolution No. 592-17.

By Director Cox.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of All-American Fire Equipment, Inc., for an estimated quantity of various fire apparatus equipment, parts and labor, all items, for the Division of Motor Vehicle Maintenance, Department of Public Works, for a period of two years, beginning with the date of execution of a contract, received on September 28, 2017 under the authority of Section No. 131.64 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$432,000.00 (Net), is affirmed and approved as the lowest and best bid, and the Director of Public Works is requested to enter into a requirement contract for the goods and/or services specified.

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

Yeas: Directors Langhenry, Davis, Kennedy, Acting Director Scott,

Directors Gordon, McGrath, Cosgrove, West, Interim Director Ebersole, Director McNamara, and Interim Director Donald.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

Resolution No. 593-17.

By Director Cosgrove.

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. 120-03-057 located at 1334 East 112th 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, Bruce A. Earle 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 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 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 Bruce A. Earle for the sale and development of Permanent Parcel No. 120-03-057 located at 1334 East 112th 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: Directors Langhenry, Davis, Kennedy, Acting Director Scott, Directors Gordon, McGrath, Cosgrove, West, Interim Director Ebersole, Director McNamara, and Interim Director Donald.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

Resolution No. 594-17.

By Director Cosgrove.

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. 105-24-049 located at 1091 East 67th 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, Donna M. Deaver 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 7 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 Donna M. Deaver for the sale and development of Permanent Parcel No. 105-24-049 located at 1091 East 67th 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 or uses according to the Program.

Yeas: Directors Langhenry, Davis, Kennedy, Acting Director Scott, Directors Gordon, McGrath, Cosgrove, West, Interim Director Ebersole, Director McNamara, and Interim Director Donald.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

Resolution No. 595-17.

By Director Cosgrove.

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. 131-31-031 located at 3577 Kimmel Road; and

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

Whereas, Anthony E. Williams 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 12 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 Anthony E. Williams for the sale and development of Permanent Parcel No. 131-31-031 located at 3577 Kimmel Road, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

Yeas: Directors Langhenry, Davis, Kennedy, Acting Director Scott, Directors Gordon, McGrath, Cosgrove, West, Interim Director Ebersole, Director McNamara, and Interim Director Donald.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

Resolution No. 596-17.

By Director Cosgrove.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 108-02-031 located at 692 East 93rd 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, Tommie L. Hall, Jr. 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 10 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 Tommie L. Hall, Jr. for the sale and development of Permanent Parcel No. 108-02-031

located at 692 East 93rd 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: Directors Langhenry, Davis, Kennedy, Acting Director Scott, Directors Gordon, McGrath, Cosgrove, West, Interim Director Ebersole, Director McNamara, and Interim Director Donald.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

Resolution No. 597-17.

By Director Cosgrove.

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. 116-20-117 located at 16601 Kipling Avenue, Cleveland, Ohio, 44110; 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, Rodney P. Taylor has proposed to the City to purchase the parcel for side yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 8 has approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland with Rodney P. Taylor for the sale of Permanent Parcel No. 116-20-117, 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: Directors Langhenry, Davis, Kennedy, Acting Director Scott, Directors Gordon, McGrath, Cosgrove, West, Interim Director Ebersole, Director McNamara, and Interim Director Donald.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

Resolution No. 598-17.

By Director Cosgrove.

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. 115-03-011 located at 11314 Nell 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, Ameer Washington has proposed to the City to purchase the parcel for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 10 has approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland with Ameer Washington for the sale of Permanent Parcel No. 115-03-011, 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: Directors Langhenry, Davis, Kennedy, Acting Director Scott, Directors Gordon, McGrath, Cosgrove, West, Interim Director Ebersole, Director McNamara, and Interim Director Donald.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

Resolution No. 599-17.

By Director Cosgrove.

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. 109-23-109 located at 1179 East 11th 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, Saiyдах Weems-Sholanke has proposed to the City to purchase the parcel for yard expansion; and

Whereas, the following conditions exist:

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

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland with Saiyдах Weems-Sholanke for the sale of Permanent Parcel No. 109-23-109, 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: Directors Langhenry, Davis, Kennedy, Acting Director Scott, Directors Gordon, McGrath, Cosgrove, West, Interim Director Ebersole, Director McNamara, and Interim Director Donald.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

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 DECEMBER 11, 2017

9:30 A.M.

Calendar No. 17-336: 518 Jefferson Avenue (Ward 3)

518 Jefferson LLC., owner, proposes to erect a 1,629 square foot dwelling unit on a 1,525 square foot lot in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 355.04(b) which states that in a "B" area district, a minimum 4,800 square foot lot is required and in this case a 1,525 square foot lot is proposed. This section also states that the Gross floor area is limited to one half the size of the lot, or in this case 762.5 square feet and the appellant is proposing 1,629 square feet.

2. Section 357.09(b)(2)(B) which states that the required interior side yards must be equal to 1/4 the height of the building or in this case 8.75 feet and no side yards are provided.

3. Section 357.08(b) which states that in the Two Family District, the depth of a rear yard shall be not less than the height of the main building, therefore, a 35 foot rear yard is required and no rear yard is proposed. (Filed November 1, 2017)

Calendar No. 17-337: 2401 West 6th Street (Ward 3)

518 Jefferson LLC., owner, proposes to erect a 1,348 square foot dwelling unit on a 750 square foot lot in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 355.04(b) which states that in a "B" area district, a minimum 4,800 square foot lot is required and in this case a 750 square foot lot is proposed. This section also states that the Gross floor area is limited to one half the size of the lot, or in this case 375 square feet and the appellant is proposing 1,348 square feet. And, a 40 foot minimum lot width is required and a 25 foot width is proposed.

2. Section 357.09(b)(2)(B) which states that the required interior side yards must be equal to 1/4 the height of the building or in this case 8.75 feet and no side yards are provided. This section also states that no building shall be erected within 10 feet from of another building on an adjoining lot; proposed building will be 0 feet from building on adjoining lot.

3. Section 357.08(b) which states that in the Two Family District, the depth of a rear yard shall be not less than the height of the main building therefore 35 feet foot rear yard is required and a 3 foot rear yard is proposed. (Filed November 1, 2017)

Calendar No. 17-338: 2407 West 6th Street (Ward 3)

518 Jefferson LLC., owner, proposes to erect a 1,348 square foot dwelling unit on a 750 square foot

lot in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 355.04(b) which states that in a "B" area district, a minimum 4,800 square foot lot is required and in this case a 750 square foot lot is proposed. This section also states that the Gross floor area is limited to one half the size of the lot, or in this case 375 square feet and the appellant is proposing 1,348 square feet. And, a 40 foot minimum lot width is required and a 25 foot width is proposed.

2. Section 357.09(b)(2)(B) which states that the required Interior side yards must be equal to 1/4 the height of the building or in this case 8.75 feet and no side yard is provided. This section also stated that no building shall be erected within 10 feet from of another building on an adjoining lot: proposed building will be 0 feet from building on adjoining lot.

3. Section 357.08(b) which states that in the Two Family District, the depth of a rear yard shall be not less than the height of the main building therefore 35 feet foot rear yard is required and a 3 foot rear yard is proposed. (Filed November 1, 2017)

Calendar No. 17-339: 2395 West 6th Street (Ward 3)

518 Jefferson LLC., owner, proposes to erect a 1,592 square foot dwelling unit on a 945 square foot lot in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 355.04(b) which states that in a "B" area district, a minimum 4,800 square foot lot is required and in this case a 945 square foot lot is proposed. This section also states that the Gross floor area is limited to one half the size of the lot, or in this case 472.5 square feet and the appellant is proposing 1,592 square feet. And, a 40 foot minimum lot width is required and a 31.5 foot width is proposed.

2. Section 357.09(b)(2)(B) which states that the required Interior side yards must be equal to 1/4 the height of the building or in this case 8.75 feet and no side yard is provided. This section also stated that no building shall be erected within 10 feet from of another building on an adjoining lot: proposed building will be 0 feet from building on adjoining lot.

3. Section 357.08(b) which states that in the Two Family District, the depth of a rear yard shall be not less than the height of the main building therefore 35 feet foot rear yard is required and a 3 foot rear yard is proposed. (Filed November 1, 2017)

Calendar No. 17-342: 7819 Cedar Avenue (Ward 6)

2132 E. 79 LLC., owner, proposes to change use from store to tire repair and sales shop in a C2 Local Retail Business District. The owner appeals for relief from the strict application of Section 343.01 of the Cleveland Codified Ordinances which states that Minor Auto Repair as defined in Section 325.483 is not

permitted in Local Retail but first permitted in General Retail Business District. (Filed November 3, 2017)

Calendar No. 17-344: 598 East 185th Street (Ward 8)

Joe Zawatski, owner, proposes to add use of motor vehicle service or repair garage and motor vehicle sales facility to existing, nonconforming car wash in a C1 Local Retail Business District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 343.01 which states that Motor vehicle service garage and motor vehicle sales facility are not permitted in Local Retail Business District but first permitted in General Retail Business District and must meet the requirements of Section 343.14. To perform major repairs is first permitted in a Semi-Industry District, and must be at least 100 feet from a Residential District.

2. Section 352.07(b) which states that nonconformities in landscaping may continue only if approved by the Board of Zoning Appeals. Property is nonconforming in landscaping due to the absence of a 6 foot wide frontage landscape strip screening parking lot from street, and a 10 foot wide landscape transition strip providing 75% year round opacity where use abuts a residential district, per Sections 352.08 through 352.12. (Filed November 8, 2017)

POSTPONED FROM OCTOBER 23, 2017

Calendar No. 17-247: 8606 Denison Avenue (Ward 14)

WHS Realty, owner, proposes to change use from gas station to car rental facility in a C1 Local Retail Business District. The applicant appeals for relief from the strict application of Section 343.01 which states that Car rental is not permitted in the Local Retail Business District but first permitted in General Retail District. (Filed August 14, 2017 - No Testimony)

Second postponement made at the request of the Councilman to allow for time for further review. First postponement made at the request of the appellant due to a scheduling conflict.

POSTPONED FROM NOVEMBER 6, 2017

Appeal from Assessments and Licenses

Calendar No. 17-295: Cease and Desist Notice at 1212 & 1260 Sumner Court (Ward 5)

USA Parking Systems appeals under the authority of Section 76-6(b) of the Charter of the City of Cleveland and Section 329.02(d) Cleveland Codified Ordinances from the decision of the Division of Assessments and Licenses to issue a Cease and Desist Notice on September 21, 2017 on properties located at 1212 and 1260 Sumner Court in accordance with Section 457.01 of the Cleveland Codified Ordinances which states that no person, firm or corporation shall engage in the business of storing motor vehicles for hire in a building or a lot within the

City unless and until licensed. (Filed September 28, 2016 - No Testimony)

First postponement made at the request of the city's law department.

THE FOLLOWING 4 CASES WERE POSTPONED FROM NOVEMBER 20, 2017 DUE TO AN ERROR ON THE APPLICATION AND NO TESTIMONY WAS TAKEN:

Calendar No. 17-313: 1769 West 52nd Street (Ward 15)

Triban Investments, LLC., owner, proposes to erect a 15' x 20' two story frame fee simple single family residence with an attached garage in an Residential Attached 3 Townhouse District (RA3). The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.031(g) which states that the Required Interior Side yard is 10 feet and the appellant is proposing 5 feet.

2. Section 337.031(g) which states that the Required Rear Yard is 20 feet and the appellant is proposing 5 feet. (Filed October 13, 2017)

Calendar No. 17-314: 1767 West 52nd Street (Ward 15)

Triban Investments, LLC., owner, proposes to erect a 15' x 20' two story frame fee simple single family residence with an attached garage in an Residential Attached 3 Townhouse District (RA3). The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.031(g) which states that the Required Interior Side yard is 10 feet and the appellant is proposing 5 feet.

2. Section 337.031(g) which states that the Required Rear Yard is 20 feet and the appellant is proposing 5 feet. (Filed October 13, 2017)

Calendar No. 17-321: 5105 Franklin Avenue (Ward 15)

Triban Investments, LLC., owner, proposes to erect a 12.29' x 87' three story frame fee simple single family residence with an attached garage in an Residential Attached 3 Townhouse District (RA3). The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.031(g) which states that the Required Interior Side yard is 10 feet and the appellant is proposing 3 feet. (Filed October 13, 2017)

Calendar No. 17-322: 1765 West 52nd Street (Ward 15)

Triban Investments, LLC., owner, proposes to erect a 15' x 20' two story frame fee simple single family residence with an attached garage in an Residential Attached 3 Townhouse District (RA3). The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.031(g) which states that the Required Interior Side yard is 10 feet and the appellant is proposing 5 feet. (Filed October 13, 2017)

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, NOVEMBER 27, 2017

At the meeting of the Board of Zoning Appeals on Monday, November 27, 2017 the following appeals were scheduled for hearing before the Board and;

The following appeals were **APPROVED:**

Calendar No. 17-294: 1810 West 48th Street

Harstone Electric, owner, proposes to build a two story 22' x 22' (approximately 968 square feet) wood frame garage on a 3,720 square foot lot in a B1 Two-Family Residential District.

Calendar No. 17-309: 2702 Bridge Avenue

Connor Sweeney, owner, proposes to build a 756 square foot addition to an existing single family residence located on a 1,406 square foot lot.

The following appeals were **DENIED:**

None.

The following appeals were **WITHDRAWN:**

None.

The following appeals were **DISMISSED:**

None.

The following cases were **POSTPONED:**

Violation Notice

Calendar No. 17-285: 9033 Holton Avenue
Omens MC. Inc. Postponed to December 18, 2017.

Calendar No. 17-313: 1769 West 52nd Street
Triban Investments, LLC. Postponed to December 11, 2017.

Calendar No. 17-314: 1767 West 52nd Street
Triban Investments, LLC. Postponed to December 11, 2017.

Calendar No. 17-321: 5110 Franklin Avenue (AKA 5105)
Triban Investments, LLC. Postponed to December 11, 2017.

Calendar No. 17-322: 1769 West 52nd Street
Triban Investments, LLC. Postponed to December 11, 2017.

Calendar No. 17-324: 5437 Broadway Avenue
4 Ever Social Club. Postponed to January 29, 2018.

Calendar No. 17-334: 9202 Kinsman Avenue
Burten, Bell, Carr Development. Postponed to December 18, 2017.

The following cases were heard by the Board of Zoning Appeals on Monday, November 20, 2017 and the

decisions were adopted and approved on Monday, November 27, 2017:

The following appeals were **APPROVED:**

Calendar No. 17-277: 4607 Clinton Avenue

Clinton Suites, LLC., owner, proposes to erect a 68 square foot addition to a single family residence located in a B1 Two-Family Residential District.

Calendar No. 17-288: 2707 Barber Avenue

Beta Propco LLC., owner, proposes to change use of an industrial building to 69 dwelling units in a C1 Semi-Industry District.

Calendar No. 17-312: 6815 Euclid Avenue

Little Buddy Properties LLC., owner, proposes to construct a parking lot in the Midtown Mixed Use District 2 (MMUD2).

Calendar No. 17-330: 1286 West 76th Street

Aaron Taylor, owner, proposes to build a 1,264 square foot addition to existing single family residence located on a 4,400 square foot lot in a B1 Two Family Residential District.

The following appeal was **DENIED:**

Violation Notice

Calendar No. 17-271: 4115 Howlett Avenue

Anna Jiminian, tenant, 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 Notice of Violation Number V17031844.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

NO MEETING

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

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

Mercedes Cotner Committee Room 217 City Hall, Cleveland, Ohio On Monday, December 4, 2017 9:00 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 Monday, December 4, 2017, at 9:00 a.m., to consider the following ordinances now pending in the Council:

Ord. No. 1257-17.

By Council Member Kelley. An ordinance changing the Use, Height and Area District of a parcel east of Ridge Road between I-71 and Associate Avenue as identified on the attached map (Map Change No. 2574).

Ord. No. 1420-17.

By Council Member Conwell. An ordinance changing the Use, Area, and Height Districts of parcels along Superior Avenue Between E. 105th Street and E. 125th Street and adding an Urban Form Overlay District.

Anthony Brancatelli, Chair Committee on Development, Planning and Sustainability

November 22, 2017 and November 29, 2017

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."

FRIDAY, DECEMBER 15, 2017

File No. 169-17 — Wood Poles, Crossarms and Accessories, for the Division of Cleveland Public Power,

Department of Public Utilities, as authorized by Section 129.26 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, WEDNESDAY, DECEMBER 6, 2017 AT 10:30 A.M. LOCATED AT CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114, CONFERENCE ROOM A.

NOTE: BID MUST BE DELIVERED AT THE OFFICE OF THE COMMISSIONER OF PURCHASES AND SUPPLIES, CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, ROOM 128, CLEVELAND, OHIO 44114 BEFORE 12 O'CLOCK NOON (EASTERN TIME).

November 22, 2017 and November 29, 2017

THURSDAY, DECEMBER 21, 2017

File No. 168-17 — Potassium Permanganate, for the Division of Water, Department of Public Utilities, as authorized by Section 129.26 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, FRIDAY, DECEMBER 8, 2017 AT 9:00 A.M. LOCATED AT CARL B. STOKES PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114, 4TH FLOOR ATRIUM CONFERENCE ROOM.

NOTE: BID MUST BE DELIVERED AT THE OFFICE OF THE COMMISSIONER OF PURCHASES AND SUPPLIES, CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, ROOM 128, CLEVELAND, OHIO 44114 BEFORE 12 O'CLOCK NOON (EASTERN TIME).

File No. 170-17 — Pipe Repair Clamps and Couplings, for the Division of Water, Department of Public Utilities, as authorized by Section 129.26 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, THURSDAY, NOVEMBER 30, 2017 AT 10:30 A.M. LOCATED AT DISTRIBUTION AND MAINTENANCE FACILITY, 4600 HARVARD AVENUE, CLEVELAND, OHIO 44105, PIPE REPAIR CONFERENCE ROOM.

NOTE: BID MUST BE DELIVERED AT THE OFFICE OF THE COMMISSIONER OF PURCHASES AND SUPPLIES, CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, ROOM 128, CLEVELAND, OHIO 44114 BEFORE 12 O'CLOCK NOON (EASTERN TIME).

File No. 171-17 — Constructing and Repairing Catch Basins and Manholes at Various Locations, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 543-17, passed by the Council of the City of Cleveland, June 5, 2017.

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. ALL PLANS AND SPECIFICATIONS MUST BE PURCHASED DIRECTLY FROM THE DIVISION OF PURCHASES AND SUPPLIES.)

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, THURSDAY, NOVEMBER 30, 2017 AT 10:00 A.M. LOCATED AT DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

NOTE: BID MUST BE DELIVERED AT THE OFFICE OF THE COMMISSIONER OF PURCHASES AND SUPPLIES, CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, ROOM 128, CLEVELAND, OHIO 44114 BEFORE 12 O'CLOCK NOON (EASTERN TIME).

November 22, 2017 and November 29, 2017

FRIDAY, DECEMBER 15, 2017

File No. 173-17 — 2017 Safety Surface Repairs (Re-Bid), for the Division of Architecture and Site Development, Office of Capital Projects, as authorized by Ordinance Nos. 646-16 and 549-17, passed by the Council of the City of Cleveland, July 17, 2016 and July 7, 2017 respectively.

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. ALL PLANS AND SPECIFICATIONS MUST BE PURCHASED DIRECTLY FROM THE DIVISION OF PURCHASES AND SUPPLIES.)

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, THURSDAY, DECEMBER 7, 2017 AT 10:00 A.M. CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114 ROOM 517A.

NOTE: BID MUST BE DELIVERED AT THE OFFICE OF THE COMMISSIONER OF PURCHASES AND SUPPLIES, CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, ROOM 128, CLEVELAND, OHIO 44114 BEFORE 12 O'CLOCK NOON (EASTERN TIME).

November 29, 2017 and December 6, 2017

WEDNESDAY, JANUARY 3, 2017

File No. 172-17 — Pearl Road Station Pavement Improvements, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1276-16, passed by the Council of the City of Cleveland, November 28, 2016.

THERE WILL BE A **NON-REFUNDABLE FEE** FOR PLANS AND SPECIFICATIONS IN THE AMOUNT OF TWENTY FIVE DOLLARS (\$25.00) ONLY IN THE FORM OF A CASHIER'S CHECK OR MONEY ORDER (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED TO PURCHASE PLANS. ALL PLANS AND SPECIFICATIONS MUST BE PURCHASED DIRECTLY FROM THE DIVISION OF PURCHASES AND SUPPLIES.)

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, THURSDAY, DECEMBER 7, 2017 AT 10:00 A.M. CARL B. STOKES PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114, 4TH FLOOR ATRIUM CONFERENCE ROOM.

NOTE: BID MUST BE DELIVERED AT THE OFFICE OF THE COMMISSIONER OF PURCHASES AND SUPPLIES, CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, ROOM 128, CLEVELAND, OHIO 44114 BEFORE 12 O'CLOCK NOON (EASTERN TIME).

November 29, 2017 and December 6, 2017

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 1377-17.

By Council Members Zone, McCormack, and Griffin.

An emergency resolution supporting efforts to shop locally this holiday season, and declaring November 25 through December 25, 2017, Shop Local and Handmade Month in the City of Cleveland.

Whereas, the City of Cleveland is home to many local shops, markets and events that sell handmade gifts by local makers this holiday season; and

Whereas, the latest National Retail Federation survey estimates that the average American consumer will spend \$935.58 during the holiday season on gifts, food, and other seasonal items; and

Whereas, the majority of holiday shoppers plan to spend their cash at large department stores, big-name discount shops, or online, and only twenty-three percent of respondents said they planned to shop at a local or small business; and

Whereas, efforts to shop small and locally are especially critical because they bolster the local economy; and

Whereas, since local sales taxes are often not collected for online purchases, encouraging residents to shop at local brick-and-mortar establishments is also a fiscal win for cities; and

Whereas, this Council wants to ensure that local businesses and makers are reaping the benefits of the season of gift-giving and celebrating by encouraging Clevelanders to shop local especially during November 25 through December 25, 2017, Shop Local and Handmade Month; 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 efforts to shop locally this holiday season, and declares November 25 through December 25, 2017, Shop Local and Handmade Month in the City of Cleveland.

Section 2. That the Clerk of Council is directed to transmit a copy of this resolution to Shannon Okey, at Cooperative Press, and Cleveland Bazaar.

Section 3. That this resolution is hereby declared to be an emergency

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

Adopted November 20, 2017.
Effective November 21, 2017.

Res. No. 1416-17.
By Council Member Reed.
An emergency resolution objecting to a New C1 Liquor Permit at 11113 Nelson Avenue.

Whereas, Council has been notified by the Division of Liquor Control of an application for a New C1 Liquor Permit at Hatties Deli, LLC, 11113 Nelson Avenue, Cleveland, Ohio 44105, Permit Number 3664219; 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 Hatties Deli, LLC, 11113 Nelson Avenue, Cleveland, Ohio 44105, Permit Number 3664219; and requests the Superintendent of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted November 20, 2017.
Effective November 21, 2017.

Ord. No. 854-17.
By Council Member Kelley.

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Chapter 110A, Circulation of Initiative or Referendum Petition Regulation, Sections 110A.01, 110A.02 and 110A.99 to require filing an itemized statement including all moneys or things of value paid, given, or promised for circulating petitions, and prohibit certain practices relative to petitions.

Whereas, Ohio Revised Code Sections 731.28 to 731.41 regulate the initiative and referendum petition process, but requirements do not apply to any municipality which adopts its own charter containing an initiative and referendum provision for its own ordinances and other legislative measures; and

Whereas, Ohio Revised Code Sections 731.35, 36, 38, and 40 require the circulator of an initiative or referendum petition to file an itemized statement of all money or things of value paid, given, or promised, for circulating such petition, and prohibit certain practices relative to petitions; and

Whereas, in order to preserve transparency and integrity in the initiative or referendum petition process this Council enacts new Chapter 110A to adopt state requirements governing the circulation of petitions; and

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

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

Section 1. That the Codified Ordinances of Cleveland, Ohio 1976, are supplemented by enacting new Chapter 110A, Sections 110A.01, 110A.02 and 110A.99 as follows:

CHAPTER 110A. CIRCULATION OF INITIATIVE OR REFERENDUM PETITION REGULATION

Section 110A.01 Itemized statement by circulator of petition

(a) The circulator of an initiative or referendum petition, or his agent, shall, within five days after such petition is filed with the Clerk of Council, file an itemized statement, made under penalty of election falsification, showing in detail:

(1) All moneys or things of value paid, given, or promised for circulating such petition;

(2) Full names and addresses of all persons to whom such payments or promises were made;

(3) Full names and addresses of all persons who contributed anything of value to be used in circulating such petitions; and

(4) Time spent and salaries earned while circulating or soliciting signatures to petitions by persons who were regular salaried employees of some person who authorized them to solicit signatures for or circulate the petition as a part of their regular duties.

(b) The statement provided for in division (a) of this section shall not be required from persons who take no other part in circulating a petition than signing declarations to parts of the petition and soliciting signatures to them.

(c) Such statement shall be open to public inspection for a period of one year.

Section 110A.02 Prohibited practices relative to petitions

No person shall, directly or indirectly:

(a) Willfully misrepresent the contents of any initiative or referendum petition;

(b) Pay or offer to pay any elector anything of value for signing an initiative or referendum petition;

(c) Promise to help another person to obtain appointment to any office provided for by the constitution or laws of the State of Ohio or by the ordinances of the City of Cleveland or any municipal corporation, or to any position or employment in the service of the State of Ohio or any political subdivision thereof, including the City of Cleveland, as a consideration for obtaining signatures to an initiative or referendum petition;

(d) Obtain signatures to any initiative or referendum petition as a consideration for the assistance or promise of assistance of another person in securing an appointment to any office or position provided for by the constitution or laws of the State of Ohio or by the ordinances of any municipal corporation therein, including the City of Cleveland, or employment in the service of the State of Ohio or any subdivision thereof, including the City of Cleveland;

(e) Alter, add to, or erase any signatures or names on the parts of a petition after such parts have been filed with the Clerk of Council;

(f) Fail to file the sworn itemized statement required in section 110A.01;

(g) Accept anything of value for signing an initiative or referendum petition; or

(h) By intimidation or threats, influence or seek to influence any person to sign or abstain from signing, or to solicit signatures to or abstain from soliciting signatures to an initiative or referendum petition.

Section 110A.99 Penalty

(a) Whoever violates Section 110A.02 (a) through (f) shall be fined not less than one hundred nor more than five hundred dollars.

(b) Whoever violates Section 110A.02 (g) shall be fined not more than twenty-five dollars.

(c) Whoever violates Section 110A.02 (h) is guilty of a minor misdemeanor.

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

and after the earliest period allowed by law.

Passed November 20, 2017.
Effective November 21, 2017.

Ord. No. 1279-17.

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

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from Cuyahoga County Office of Early Childhood for the 2018-22 Invest in Children Partnership Program; and authorizing the Director to enter into one or more contracts with various agencies, entities, or individuals to implement the grant.

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

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

Section 1. That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$341,138, for each year of the grant, and any other funds that may become available during the grant term, from Cuyahoga County Office of Early Childhood to conduct the 2018-22 Invest in Children Partnership Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, File No. 1279-17-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

Section 3. That the Director of Public Health shall have the authority to extend the term of the grant during the grant term.

Section 4. That the Director of Public Health shall deposit the grant accepted under this ordinance into a fund or funds designated by the Director of Finance to implement the program as described in the file and appropriated for that purpose.

Section 5. That the Director of Public Health is authorized to enter into one or more contracts with agencies, entities, or individuals to implement the grant as described in the file, including but not limited to conducting MomsFirst Project services.

Section 6. That the cost of the contract or contracts shall be paid from the fund or funds to which are credited the grant proceeds accepted under this ordinance.

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

Passed November 20, 2017.
Effective November 21, 2017.

Ord. No. 1280-17.

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

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the 2018-21 STD Control Prevention Program.

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

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

Section 1. That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$137,172, for each year of the grant, and any other funds as they become available during the grant term, from the Ohio Department of Health, to conduct the 2018-21 STD Control Prevention Program, for the purposes in the summary and according thereto; that the Director of Public Health is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes in the summary for the grant.

Section 2. That the summary for the grant, File No. 1280-17-A, made a part of this ordinance as if fully rewritten, is approved in all respects and shall not be changed without additional legislative authority.

Section 3. That the Director of Public Health shall have the authority to extend the term of the grant during the grant term.

Section 4. That in addition, the approximate sum of \$31,332 is appropriated to the Department of Public Health for administrative costs of implementing this program.

Section 5. That the Director of Public Health shall deposit the grant accepted under this ordinance into a fund or funds designated by the Director of Finance to implement the program as described in the file and appropriated for that purpose.

Section 6. That, unless expressly prohibited by the grant agreement, under Section 108(b) of the Charter, purchases made under the grant agreement may be made through cooperative arrangements with other governmental agencies. The Director of Public Health may sign all documents and do all things that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 7. That the costs of the contract or contracts authorized by this ordinance shall be paid from the fund or funds to which are credited the grant proceeds.

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

Passed November 20, 2017.
Effective November 21, 2017.

Ord. No. 1281-17.

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

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health and the Academy of Educational Development for the 2018-21 Federal AIDS Prevention Program; and to enter into contracts with various agencies to implement the program.

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

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

Section 1. That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$871,300, for each year of the grant, and any other funds as they become available during the grant term, from the Ohio Department of Health and the Academy of Educational Development, to conduct the 2018-21 Federal AIDS Prevention Program, for the purposes in the summary and according thereto; that the Director of Public Health is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and the funds are appropriated for the purposes in the executive summary for the grant.

Section 2. That the executive summary for the grant, File No. 1281-17-A, made a part of this ordinance as if fully rewritten, is approved in all respects and shall not be changed without additional legislative authority.

Section 3. That the Director of Public Health is authorized to enter into one or more contracts to implement the program as described in the summary contained in the file with the following agencies, in the following approximate amounts:

Agency	Amount
AIDS Taskforce of Greater Cleveland	\$ 62,000
Circle Health Services	65,000
Cleveland Treatment Center	100,000
MetroHealth Medical Center	132,000
Northeast Ohio Neighborhood Health Services, Inc. ("NEON")	50,000
Planned Parenthood of Greater Ohio	75,000
Cleveland PRIDE	1,500
TOTAL	\$485,500

In addition, the approximate sum of \$385,800 is appropriated to the Department of Public Health for administrative costs of implementing this program.

Section 4. That the Director of Public Health shall have the authority to extend the term of the grant during the grant term and shall have the authority to enter into one or more contracts with additional agencies or entities as approved by the grantors.

Section 5. That the Director of Public Health shall deposit the grant accepted under this ordinance into a fund or funds designated by the Director of Finance to implement the program as described in the file and appropriated for that purpose.

Section 6. That, unless expressly prohibited by the grant agreement, under Section 108(b) of the Charter, purchases made under the grant agreement may be made through cooperative arrangements with other governmental agencies. The Director of Public Health may sign all documents and do all things that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 7. That the cost of the contracts authorized in this ordinance shall be paid from the fund or funds to which are credited the grant proceeds accepted under this ordinance.

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

Passed November 20, 2017.
Effective November 21, 2017.

Ord. No. 1282-17.

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

An emergency ordinance authorizing the Director of Public Health to enter into one or more contracts with Harvard Community Services Center and Merrick House to provide services to high-risk residents needed to decrease infant mortality, for a period of one year.

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

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

Section 1. That the Director of Public Health is authorized to enter into one or more contracts with Harvard Community Services Center and Merrick House to provide services to high-risk residents needed to decrease infant mortality, for a period of one year. The services shall include but not be limited to, face-to-face visits and phone calls to provide high-risk pregnant women enrolled in the program with health education, case management, inter-conceptual care, screenings, referrals, and other services.

Section 2. That the aggregate costs of these contracts shall not exceed \$242,864 and shall be paid from Fund No. 01-5005-6320, RQS 5005, RLA 2017-42.

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

Passed November 20, 2017.
Effective November 21, 2017.

Ord. No. 1362-17.

By Council Member Kelley (by departmental request).

An emergency ordinance authorizing supplemental lease-purchase agreements, and other agreements relating to the lease-purchase of the Cleveland Stadium, now known as FirstEnergy Stadium; approving the issuance of refunding certificates of participation or conversion and remarketing of variable rate certificates of participation and related supplemental trust agreements; and authorizing and approving related matters.

Whereas, pursuant to Ordinance No. 305-96 passed by the Council of the City on March 8, 1996, and for the purpose of acquiring by lease-purchase the Cleveland Stadium, now known as FirstEnergy Stadium (the "Cleveland Stadium"), the City signed and delivered a Lease-Purchase Agreement dated as of June 1, 1997 (as amended and supplemented, the "Facility Lease") between the Cleveland-Cuyahoga County Port Authority (the "Authority"), as lessor, and the City, as lessee, and approved a Trust Agreement dated as of June 1, 1997 (as amended and supplemented, the "Trust Agreement"), between the Authority and U.S. Bank National Association, as trustee (the "Trustee"), pursuant to which the Trustee signed and delivered various series of Certificates (as defined in the Trust Agreement), each such series of Certificates evidencing proportionate interests in Base Rent (as defined in the Facility Lease) to be paid by the City pursuant to the Facility Lease; and

Whereas, under the Trust Agreement, Additional Certificates (as defined in the Trust Agreement) may, with the approval of the City, be issued to pay the cost of refunding Outstanding Certificates (as defined in Section 1); and

Whereas, this Council has determined to authorize the issuance of Additional Certificates ("Refunding Certificates") under the Trust Agreement, or the conversion of the interest rate on and remarketing of Outstanding Certificates, to refund or restructure Outstanding Certificates and corresponding Base Rent payments, as provided in this Ordinance; and

Whereas, this Ordinance constitutes an emergency measure providing for the refinancing of securities of the City and providing for the immediate preservation of the public peace, property, health or safety in that authorizing the refunding and restructuring of Outstanding Certificates and related credit support, hedging arrangements and other agreements is necessary to enable the City to respond to changeable market conditions on a timely basis to obtain debt service savings or to stabilize interest rates or to minimize risks of increased interest expense or increased risks, burdens, or other costs associated with hedging arrangements or credit support instruments in connection with the lease-purchase of the Cleveland Stadium, to mitigate burdensome Certificate Payments and corresponding Base Rent payments or to remove, avoid or mitigate unduly restrictive covenants or costs of funding or maintaining reserves; 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 Existing Trust Agreement and Existing Facility Lease (as defined in this Section), the following words and terms shall have the following meanings unless the context or use indicates a contrary meaning or intention:

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

"Existing Facility Lease" means the Lease-Purchase Agreement dated as of June 1, 1997, as supplemented and amended by the First Supplemental Lease-Purchase Agreement dated as of September 15, 1999, the Second Supplemental Lease Purchase Agreement dated as of December 1, 2001, the Amended and Restated Third Supplemental Lease-Purchase Agreement dated as of October 1, 2007, the Fourth Supplemental Lease-Purchase Agreement dated May 29, 2008, and the Fifth Supplemental Lease-Purchase Agreement dated as of April 1, 2010, each between the Authority, as lessor, and the City, as lessee.

"Existing Ground Lease" means the Ground Lease dated as of June 1, 1997, as supplemented and amended by the First Supplemental Ground Lease dated as of September 15, 1999, the Second Supplemental Ground Lease dated as of December 1, 2001, and the Third Supplemental Ground Lease dated as of April 1, 2010, each between the City, as lessor, and the Authority, as lessee.

"Existing Trust Agreement" means the Trust Agreement dated as of June 1, 1997, as supplemented and amended by the First Supplemental Trust Agreement dated as of September 15, 1999, the Second Supplemental Trust Agreement dated as of October 1, 2007, the Third Supplemental Trust Agreement dated May 29, 2008, the Fourth Supplemental Trust Agreement dated as of April 1, 2010 and the Fifth Supplemental Trust Agreement dated as of March 21, 2013, each between the Authority and the Trustee.

"Facility Lease" means the Existing Facility Lease as supplemented and amended from time to time by a Supplemental Lease.

"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 any Certificates or any Hedge Agreements.

"Ground Lease" means the Existing Ground Lease as supplemented and amended from time to time by a Supplemental Ground Lease.

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

"Original Purchaser" means, with respect to each series of Refunding Certificates, the party or, collectively, parties identified as such in the Purchase Agreement for that series.

"Outstanding Certificates" means Certificates issued and outstanding at any time under the Trust Agreement. On the date of introduction of this Ordinance, the Outstanding Certificates (and the respective principal amounts then currently outstanding) consisted of the following

series of Certificates: Series 2010 (\$99,100,000).

"Purchase Agreement" means, with respect to the issuance of Refunding Certificates, the purchase agreement, commitment or other written agreement between the City and the Original Purchaser or a representative of that Original Purchaser setting forth the terms for the purchase by the Original Purchaser of those Refunding Certificates.

"Purchase Price" means, with respect to a series of Refunding Certificates, the amount specified in the Purchase Agreement for that series to be paid by the Original Purchaser for the purchase of those Refunding Certificates, provided that amount shall be not less than (i) 97% of the amount determined by adding to the aggregate principal amount of the Refunding Certificates any aggregate original issue premium and subtracting from that amount any aggregate original issue discount and any premium or other costs of any Credit Support Instrument purchased from the proceeds of the Refunding Certificates, plus (ii) any accrued interest on the Refunding Certificates from their date to the date of their delivery to the Original Purchaser.

"Refunded Certificates" means the Outstanding Certificates identified in a Supplemental Trust Agreement as the Certificates to be refunded with the proceeds of Refunding Certificates.

"Refunding Certificates" means the Certificates authorized by this Ordinance to be issued as Additional Certificates under the Trust Agreement in one or more series for the purpose of refunding one or more series of Outstanding Certificates or designated portions thereof.

"Series 1999 Certificates" means the Certificates of Participation, Series 1999 (Cleveland Stadium Project), issued under the Trust Agreement on September 29, 1999.

"Series 2010 Certificates" means the Refunding Certificates of Participation, Series 2010 (Cleveland Stadium Project), issued under the Trust Agreement on April 22, 2010.

"Supplemental Ground Lease" means each Supplemental Ground Lease, and any Amended and Restated Supplemental Ground Lease or Amended and Restated Ground Lease between the City and the Authority, delivered to supplement and amend the Ground Lease, in connection with the issuance of one or more series of Additional Certificates or the conversion and/or remarketing of any Outstanding Certificates or the contracting for or termination or replacement of any Hedge Agreement or Credit Support Instrument relating to any Certificates or for any other purpose permitted for a Supplemental Ground Lease under the Ground Lease.

"Supplemental Lease" means each Supplemental Lease-Purchase Agreement, Amended and Restated Supplemental Lease-Purchase Agreement, or Amended and Restated Lease-Purchase Agreement between the Authority and the City, delivered to supplement and amend the Facility Lease, in connection with the issuance of one or more series of Additional Certificates or the conversion and/or remarketing of any

Outstanding Certificates or the contracting for or termination or replacement of any Hedge Agreement or Credit Support Instrument relating to any Certificates or for any other purpose permitted for a Supplemental Lease under the Facility Lease.

"Supplemental Trust Agreement" means each Supplemental Trust Agreement, Amended and Restated Supplemental Trust Agreement, or Amended and Restated Trust Agreement between the Authority and the Trustee, delivered to supplement and amend the Trust Agreement, to provide for the security and terms of one or more series of Additional Certificates or the conversion and/or remarketing of any Outstanding Certificates or the contracting for or termination or replacement of any Hedge Agreement or Credit Support Instrument relating to any Certificates or for any other purpose permitted for a Supplemental Trust Agreement under the Trust Agreement.

"Trust Agreement" means the Existing Trust Agreement as supplemented and amended from time to time by a Supplemental Trust Agreement.

"Trustee" means the bank or trust company at the time serving as Trustee under the Trust Agreement, currently U.S. Bank National Association.

Section 2. Determinations by Council. This Council finds and determines as follows:

(a) Public Purpose. The acquisition, financing and refinancing by the City of the Cleveland Stadium pursuant to the Ground Lease, the Facility Lease and the Trust Agreement and the use of the Cleveland Stadium as a source of public relaxation and entertainment served and serves a proper public municipal purpose.

(b) Supplemental Ground Lease, Supplemental Lease, Supplemental Trust Agreement and Refunding Certificates. It is necessary, proper and in the best interest of the City to authorize one or more Supplemental Ground Leases, Supplemental Leases and Purchase Agreements and approve one or more Supplemental Trust Agreements and the issuance of Refunding Certificates in one or more series for the purpose of refunding one or more series of the Outstanding Certificates or designated portions thereof, (i) to obtain aggregate net present value savings in Certificate Payments and corresponding Base Rent payments of at least three percent (3%), (ii) to avoid or mitigate undesirably high rates of interest or undesirable fluctuations in rates of interest in Certificate Payments and corresponding Base Rent payments of Outstanding Certificates that are short-term or variable-rate obligations, or risks or expenses associated with hedging arrangements or credit support instruments of those short-term or variable-rate obligations, or (iii) to eliminate or modify covenants that are unduly restrictive, or to obtain a more favorable Base Rent payment schedule or more favorable terms under credit support instruments.

Separate series of Refunding Certificates may be issued at the same or different times. A Purchase Agreement, Supplemental Lease and

Supplemental Trust Agreement shall be delivered for each series and may be delivered for multiple series. A Supplemental Ground Lease shall be delivered for any series of Refunding Certificates with a final maturity later than the final maturity of the then Outstanding Certificates.

This Council finds and determines that the issuance of the Refunding Certificates and signing and delivery of Supplemental Ground Leases, Supplemental Leases and Purchase Agreements and approval of Supplemental Trust Agreements in connection with such issuance for the purpose provided in this Ordinance serves a proper, public, municipal purpose by reducing or stabilizing or minimizing risks of increasing the costs to the City of the lease-purchase of the Cleveland Stadium, which is a source of public relaxation and entertainment for the people of the City of Cleveland.

Section 3. Authorization of Hedging Arrangements. This Council finds that by engaging in interest rate hedging arrangements with respect to the Facility Lease and Certificates the City may reduce its financing costs by optimizing the relative amounts of fixed and variable rate obligations, or minimizing the risk of variations in its financing costs, or minimizing any risks, burdens or costs associated with existing hedging arrangements, or obtaining savings by confirming rates of interest on Certificates in advance of their issuance. To permit the City to have the flexibility to undertake, with respect to the Facility Lease and Certificates, 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 terms of those Hedge Agreements may vary from the terms of any existing Hedge Agreements. The authorizations in this Section are supplemental to and not in derogation of any authority provided by any other ordinance of this Council concerning hedging arrangements.

The City's obligations under any Hedge Agreement shall be subject to appropriation and certification as provided in the Facility Lease. Those payments may be secured by the Facility Lease, to the extent permitted by the Trust Agreement, 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 shall give 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.

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 the Facility Lease or any Certificates issued or to be issued under the Trust Agreement, 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 Certificates 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, are fair value for the Hedge Agreement, considering, among other things, the credit of the City, 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 rates to be paid by the counterparty to the City or by the City to the counterparty under the Hedge Agreement, 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, and whether the obligations of the City under the Hedge Agreement shall be secured by a Credit Support Instrument and, if so, the terms and conditions of such Credit Support Instrument. 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 further authorized to enter into amendments or modifications or novations of or to terminate in whole or in part any Hedge Agreement or any Credit Support Instrument securing a Hedge Agreement 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, modification, novation or termination. Any payments owed by the City upon such amendment, modification, novation or termination may be paid from the proceeds of Refunding Certificates or from Fund Nos. 11 SF 600, 11 SF 601 and 01 SF 001 or from other money lawfully available and appropriated or to be appropriated for that purpose.

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 Facility Lease or the Trust Agreement 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 Lease and to signify approval of the Supplemental Trust Agreement, approved as to form and correctness by the Director of Law. The Director of Finance is further authorized to develop, adopt and revise such policies and procedures as the Director of Finance reasonably concludes are necessary for the evaluation, incurrence, maintenance, monitoring,

administration, legal compliance and reporting of any Hedge Agreements.

Section 4. 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 Outstanding Certificates 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 reserve requirements relating to those Certificates. The Director of Finance is further authorized to agree to the amendment, replacement, assignment or termination of any such contract 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 that it is necessary to supplement or amend the Ground Lease, Facility Lease or the Trust Agreement 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 Ground Lease or a Supplemental Lease or both and to signify approval of the Supplemental Trust Agreement, approved as to form and correctness by the Director of Law. The cost of obtaining, amending, replacing, assigning or terminating each Credit Support Instrument, except to the extent paid by the Original Purchaser in accordance with the Purchase Agreement or the remarketing agent in accordance with a remarketing agreement, shall be paid from the proceeds of Refunding Certificates or the proceeds of remarketing or from Fund Nos. 11 SF 600, 11 SF 601 and 01 SF 001 or from other money lawfully available and appropriated or to be appropriated for that purpose.

Section 5. Refunding of Certificates; 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 Refunding Certificates to be applied to the refunding of Refunded Certificates; the application of the moneys derived from those investments to the payment of the Certificate Payments on Refunded Certificates, and the irrevocable call for redemption of Refunded Certificates 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 each escrow agreement from proceeds of Refunding Certificates to the extent available and then from Fund Nos. 11 SF 600, 11 SF 601 and 01 SF 001 or from other money lawfully available and appropriated or to be appropriated for that purpose, as determined by the Director of

Finance. Provision shall be made in each escrow agreement to give the Trustee any written notice of redemption required under the Trust Agreement. 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 each such refunding in accordance with the Trust Agreement and to cause the Refunded Certificates to be deemed paid and discharged, including without limitation, the retention of an independent public accounting firm to verify the mathematical accuracy of the calculations relating to the escrow. Upon the issuance and delivery of a series of Refunding Certificates, the Trustee and the City are authorized to disburse from the Funds established and maintained under the Trust Agreement such amounts of moneys as are in excess of the balances required by the Trust Agreement to then be maintained in those Funds. The Director of Finance is authorized to give written notice to the Trustee of the call for redemption of the Refunded Certificates on the earliest redemption date following the issuance of the Refunding Certificates, pursuant to the Trust Agreement and the applicable escrow agreement.

Section 6. Determination of Base Rent and Terms of Refunding Certificates; Application of Proceeds.

(a) Principal Components and Term. Upon the determination of the Director of Finance, based on the written advice of a Financial Advisor, that it is in furtherance of one or more of the purposes set forth in Section 2(b) of this Ordinance that one or more series of Refunding Certificates be issued to refund Outstanding Certificates, the Director of Finance is authorized to negotiate and provide for the terms of the Refunding Certificates and the Base Rent, as amended pursuant to a Supplemental Lease, including the final Lease Term, and the annual and aggregate principal components of Base Rent. The principal amount of each series of Refunding Certificates and the corresponding principal component of Base Rent is to be the amount set forth in the Purchase Agreement for that series and shall be the amount determined by the Director of Finance, based on the written advice of a Financial Advisor, to be necessary (i) to pay the costs of refunding the Refunded Certificates, (ii) to fund any reserves required under the Trust Agreement, (iii) to pay costs of any Credit Support Instruments, (iv) to pay identified amounts owed under Hedge Agreements, (v) to pay interest on the Refunding Certificates, and (vi) to pay costs of issuing the Refunding Certificates. The Refunding Certificates of each series shall mature on the dates and in the respective principal amounts set forth in the Purchase Agreement for that series, consistent with this Ordinance and the Trust Agreement.

(b) Interest. The Refunding Certificates may be issued as obligations bearing interest at fixed or variable interest rates, based on the determination of the Director of Finance, based on the written advice of a Financial Advisor, as to the financial advantage to, and best

interests of, the City, as specified in the Purchase Agreement. If the Director of Finance so determines that Refunding Certificates shall be issued as obligations bearing interest at variable rates, then the method and procedure by which the variable rate of interest to be borne by the Refunding Certificates are to be determined (whether by reference to a market index, by a remarketing agent or otherwise) shall be set forth in the applicable Supplemental Trust Agreement; provided that no Refunding Certificates shall bear interest at a rate in excess of twenty-five percent (25%) per year (including any Refunding Certificate 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 Certificates may or may not permit the holders to tender their variable rate Refunding Certificates for purchase by the City. If the Director of Finance designates any series of Refunding Certificates as variable rate Certificates, and if the holders of that series of Refunding Certificates are to be entitled to tender those Certificates for purchase, then the Director of Finance shall also designate in the Purchase Agreement for those variable rate Certificates (and may designate others, from time to time, in substitution therefor), the tender agent or agents (which may be the Trustee) and the remarketing agent or agents (which may be an Original Purchaser), 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 Certificates, and from time to time thereafter so long as the Refunding Certificates 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 Certificates, 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 Certificates are outstanding, supplementing or amending the applicable Supplemental Trust Agreement for a series of Refunding Certificates as provided in Section 9. The Director of Finance is authorized to pay any fees associated with agreements entered into or terminated pursuant

to this Section from proceeds of Refunding Certificates, to the extent permitted by the Trust Agreement or from Fund Nos. 11 SF 600, 11 SF 601 and 01 SF 001 or from other money lawfully available and appropriated or to be appropriated for that purpose.

(c) Optional and Mandatory Redemption. The Refunding Certificates of each series, and the corresponding principal component of Base Rent, may be subject to redemption prior to maturity at the option of the City, if and to the extent set forth in the Purchase Agreement for that series. Any Refunding Certificates 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 set forth in the Purchase Agreement and in accordance with the applicable Supplemental Trust Agreement. Refunding Certificates that are subject to optional redemption may be subject to purchase by the City in lieu of optional redemption to the extent provided in the applicable Supplemental Trust Agreement. The Refunding Certificates designated in the Purchase Agreement as term Certificates subject to mandatory sinking fund redemption shall be redeemed prior to maturity on each mandatory redemption date designated in the Purchase Agreement in the aggregate amount of the sinking fund installment to be paid on such mandatory redemption date, all as provided in the Purchase Agreement and in accordance with the Supplemental Trust Agreement.

(d) Credit Support and Other Instruments. The Director of Finance, regardless of whether a series of Refunding Certificates bears interest at variable or fixed rates, is authorized to contract for one or more Credit Support Instruments, if the Director of Finance determines, based on the written advice of a Financial Advisor, that the Credit Support Instruments will result in a savings in the cost of the financing to the City. The costs of such Credit Support Instruments may be paid from proceeds of Refunding Certificates or from Fund Nos. 11 SF 600, 11 SF 601 and 01 SF 001 or from other money lawfully available and appropriated or to be appropriated for that purpose, as determined by the Director of Finance.

(e) Base Rent. The City acknowledges that the aggregate principal amount of Base Rent under the Facility Lease shall be based on the aggregate principal component of Outstanding Certificates and that the interest on the Base Rent shall be based on the interest components of the Outstanding Certificates. The Base Rent to be payable under and in accordance with the Facility Lease during any Lease Term shall be an amount sufficient to cover the amount of Certificate Payments on the Outstanding Certificates that are due and payable during that Lease Term, and such Base Rent shall be specified or determined in

an exhibit to the Facility Lease; provided, however, that the City's payment of Base Rent and Additional Rent is Subject to Appropriation and Certification as provided in the Facility Lease and nothing in the Facility Lease, the Certificates, the Trust Agreement, or any Hedge Agreement constitutes or shall constitute a pledge by the City, or an obligation of the City, of any taxes or other moneys to the payments due thereunder.

(f) Primary Offering Disclosure. If, in the judgment of the Director of Finance after consultation with the Original Purchaser, a disclosure document is appropriate relating to the initial offering of one or more series of Refunding Certificates, the Director of Finance, on behalf of the City and in that officer's official capacity, is authorized to (i) cooperate with the Original Purchaser in the preparation of, and the making of modifications, completions or changes of or supplements to, such a disclosure document, (ii) determine, and certify or otherwise represent when the disclosure document is to be deemed final or is final, (iii) authorize the use and distribution of that disclosure document and any supplements thereto in connection with the initial offering of the applicable series of Refunding Certificates, and (iv) sign certificates, statements or other documents in connection with the finality, accuracy and completeness of that disclosure document. The Director of Finance is authorized to contract for services for the production and distribution of any disclosure statements, including by printed and electronic means.

(g) Continuing Disclosure. If and to the extent required by Rule 15c2-12 promulgated by the Securities and Exchange Commission ("SEC") or by a Purchase Agreement in connection with the sale of one or more series of Refunding Certificates or by a remarketing agreement in connection with remarketed Certificates, then, for the benefit of the holders and beneficial owners from time to time of the Refunding Certificates, the City agrees to provide or cause to be provided such financial information and operating data, audited financial statements and notices of the occurrence of certain events, in such manner as may be required for purposes of Securities and Exchange Commission Rule 15c2-12 (the "Rule"). For that purpose, the Director of Finance is authorized on behalf of the City to sign and deliver continuing disclosure agreements, approved as to form and correctness by the Director of Law, between the City and the Trustee. The Director of Finance is authorized to sign and deliver any related agreements, certificates and other instruments, and to establish procedures in order to ensure compliance by the City with its continuing disclosure agreements, including timely provision of information and notices as described above. 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.

(h) Application for Ratings. If, in the judgment of the Director of Finance, the filing of applications

for one or more ratings on Refunding Certificates by one or more nationally-recognized rating agencies is necessary or desirable for marketing purposes, the Director of Finance is authorized to prepare and submit those applications, and to provide information as may be required in support of those applications for the purpose. The cost of obtaining each such rating, except to the extent paid by the Original Purchaser in accordance with the Purchase Agreement, shall be paid from the proceeds of the Refunding Certificates to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

(i) Application of Proceeds; Costs of Issuance. The proceeds from the sale of the Refunding Certificates shall be deposited and applied as provided in the Supplemental Indenture and for the purposes stated in this Ordinance and are appropriated for those purposes. Costs of issuing the Refunding Certificates that are not paid from those proceeds may be paid from Fund Nos. 11 SF 600, 11 SF 601 and 01 SF 001 or from other money lawfully available and appropriated or to be appropriated for that purpose, as determined by the Director of Finance.

Section 7. Sale of the Refunding Certificates; Purchase Agreements. The Director of Finance may sign and deliver one or more Purchase Agreements for Refunding Certificates setting forth the conditions for delivery of the Refunding Certificates that are consistent with this Ordinance and the Trust Agreement and that are determined by the Director of Finance, based on the written advice of a Financial Advisor, to be customary for lease certificates of participation issued by governmental entities, including, without limitation, representations as to the accuracy and completeness of information contained in the disclosure document described in Section 6 of this Ordinance. The Purchase Agreement shall provide for the sale of the applicable series of Refunding Certificates to the Original Purchaser selected by the Director of Finance and identified in the Purchase Agreement, based on an evaluation of the qualifications of firms that have proposed to underwrite the Refunding Certificates or the terms upon which the Original Purchaser has agreed to purchase the Refunding Certificates.

Each Purchase Agreement shall set forth the following, based on the written advice of a Financial Advisor, consistent with this Ordinance and the Trust Agreement:

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

(b) the Purchase Price for the Refunding Certificates;

(c) whether any Refunding Certificates are to be subject to optional redemption prior to maturity, and, if so, the earliest optional redemption date for those Refunding Certificates subject to prior redemption, which shall be not later than ten years from the first interest payment date of the applicable series, and the applicable redemption price, which shall be not greater than 102% of the principal amount redeemed;

(d) the dates on which principal of the Refunding Certificates is to be paid, which shall be not later than thirty-five (35) 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 Certificates of a particular maturity;

(e) the interest rates to be borne by Refunding Certificates bearing interest at a fixed rate, the weighted average of which shall not exceed six percent (6%) as to Refunding Certificates of any series, and the method by which the interest rate is to be determined for Refunding Certificates bearing interest at variable rates, consistent with Section 6;

(f) the particular Outstanding Certificates or portions thereof to be Refunded Certificates;

(g) the title and series designation for the Refunding Certificates;

(h) the amount, if any, and source of any money to be deposited in the Reserve Account in order to cause the balance therein to equal the Reserve Requirement, if and to the extent required by the applicable Supplemental Trust Agreement, and any determination as to whether there shall be a special reserve fund for the Refunding Certificates of any series, separate from the common Reserve Account, or a surety or insurance policy, bank letter or line of credit, or other form of credit or liquidity facility enhancing the security for Refunding Certificates of that series in lieu of a funded reserve fund;

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

In the event that the Director of Finance, based on the written advice of a Financial Advisor, determines that the City's best interests will be served by causing a series of Refunding Certificates to be Capital Appreciation Certificates, then the Director of Finance is authorized to so specify in the Purchase Agreement. If the Director of Finance so determines, then the authorizations and limitations in this Section 7 and Section 6 shall be interpreted and applied in a manner that the Director of Finance determines to be consistent with the character of Capital Appreciation Certificates.

It is determined that the terms of the Refunding Certificates and the corresponding terms of Base Rent as so determined within the limitations set forth in this Ordinance and as so specified and set forth in the Purchase Agreement will be in the best interest of the City and consistent with all legal requirements.

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 Certificates 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 Certificates or Refunding Certificates 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 Certificates under the Trust Agreement (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 of those Certificates in accordance with the Trust Agreement. In connection with any remarketing of Certificates, the Director of Finance is authorized to take such actions as the Director determines, based on the written advice of a Financial Advisor, will facilitate the remarketing of the Certificates 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 Certificates in lieu of a public offering of the Refunding Certificates by a remarketing agent. In the event the Director of Finance determines that it is necessary in connection with the remarketing to supplement or amend the Facility Lease, the Ground Lease or the Trust Agreement in order to address current market conditions or to permit the use of or to terminate a Credit Support Instrument or to otherwise obtain financing arrangements advantageous to the City, the Mayor and the Director of Finance are authorized to sign and deliver a Supplemental Lease and a Supplemental Ground Lease and to signify approval of the Supplemental Trust Agreement, approved as to form and correctness by the Director of Law.

The Director of Finance is further authorized to satisfy any special reserve fund requirement for any series of Certificates then Outstanding under the Trust Agreement by the deposit of a Credit Support Instrument in lieu of cash, as permitted and more specifically provided in the Trust Agreement, and to apply cash released from such special reserve fund to the payment of costs of remarketing. To the extent the costs of remarketing are not paid from any cash released from such special reserve fund, those costs may be paid, as determined by the Director of Finance, from the proceeds of remarketing or from Fund Nos. 11 SF 600, 11 SF 601 and 01 SF 001 or from other money lawfully available and appropriated or to be appropriated for that purpose.

The Director of Finance is authorized to prepare one or more disclosure documents in connection with any remarketing under the same terms and conditions as set forth in Section 6 of this Ordinance with respect to the issuance of Refunding Certificates. The Director of Finance or other officer of the City, as appropriate under the Charter, is authorized to take such actions or cause to be taken such actions as are necessary to obtain and maintain the desired tax status of any Outstanding Certificates, and the covenants and authorizations in Section 10 of this Ordinance shall apply to any converted Certificates. The Director of Finance 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 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 remarketing of Certificates and to take all actions necessary to effect the remarketing of Certificates under the terms of this Ordinance, the Facility Lease and the Trust Agreement. The Clerk of Council or other official of the City, as appropriate under the Charter, shall furnish the Trustee a true transcript of proceedings certified by the Clerk or other official, of all proceedings had with reference to the remarketing of Certificates along with such information for the records as is necessary to determine the validity of the remarketing.

Section 9. Authorization of Supplemental Ground Leases, Supplemental Leases and Supplemental Trust Agreements; Additional Documents. In connection with the issuance of any series of Refunding Certificates, the Mayor and the Director of Finance are authorized, in the name and on behalf of the City, to sign and deliver one or more Supplemental Leases and, if necessary or appropriate in connection with that issuance, one or more Supplemental Ground Leases, and to signify approval of one or more Supplemental Trust Agreements, approved as to form and correctness by the Director of Law, and not inconsistent with this Ordinance and the Purchase Agreement. The determination by those officers that a Supplemental Lease, Supplemental Ground Lease or Supplemental Trust Agreement is not inconsistent with this Ordinance shall be conclusively evidenced by the signing and delivery of that Supplemental Lease, Supplemental Ground Lease or Supplemental Trust Agreement by those officers. Subject to the Facility Lease as theretofore amended, any Supplemental Lease may contain amendments to the Facility Lease, as theretofore amended, and, subject to the Trust Agreement as theretofore amended, any Supplemental Trust Agreement may contain amendments to the Trust Agreement, as theretofore amended, 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. The Director of Finance is authorized to sign and deliver a continuing covenant agreement or similar agreement with an Original Purchaser in connection with its direct purchase of Refunding Certificates in lieu of a public offering of Refunding Certificates, based on the written advice of a Financial Advisor that entering into such agreement is in the best interests of the City.

The Mayor, the Director of Finance, the Clerk, the Director of Law 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

Purchase Agreements, the Supplemental Ground Leases, the Supplemental Leases, the Supplemental Trust Agreements, the Ground Lease, the Facility Lease, the Trust Agreement, the escrow agreements and the Hedge Agreements.

The Mayor, the Director of Finance, 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 Certificates to the Original Purchaser and to take all actions necessary to effect due signing, authentication and delivery of each series of Refunding Certificates under the terms of this Ordinance, the Supplemental Leases, the Supplemental Ground Leases, the Supplemental Trust Agreements, the Purchase Agreements and the Trust Agreement. The Clerk of Council or other official of the City, as appropriate under the Charter, shall furnish the Original Purchaser a true transcript of proceedings certified by the Clerk or other official, of all proceedings had with reference to the issuance of the Refunding Certificates along with such information for the records as is necessary to determine the regularity and validity of the issuance of the Refunding Certificates.

Section 10. Tax Covenants. 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 all or a portion of a series of Refunding Certificates or remarketed Certificates be issued or remarketed as obligations the interest on which is excluded from gross income for federal income tax purposes or as obligations that provide for federal tax credits to the holders or issuers thereof, the Director of Finance, as the fiscal officer, or any other officer having responsibility for the issuance of Refunding Certificates or remarketing of Certificates, is, alone or in conjunction with any of the foregoing or with any other officer or employee of the City, authorized to cooperate with the Original Purchaser or remarketing agent and the Trustee by making, on behalf of the City, such covenants and representations in the Facility Lease as are appropriate and necessary to achieve and maintain the desired tax treatment or status of the Facility Lease and the Certificates.

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for the issuance of Refunding Certificates or remarketing of Certificates 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 Facility Lease and the Certificates as the City is permitted to or required to make or give under the federal income tax laws for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Facility Lease and the Certificates or the interest components thereof or assisting compliance with requirements for that purpose, reducing the burden or

expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the intended tax status of the Facility Lease and the Certificates, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript for the Certificates, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds from the sale of the Certificates, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax status of the Facility Lease and the Certificates.

The City hereby covenants it will take or cause to be taken such actions that may be required of it for the interest components of Base Rent and interest on the Certificates to achieve and maintain the intended treatment and status for federal income tax purposes and that it will not take or authorize to be taken any actions that would adversely affect that treatment and status.

Each covenant made pursuant to this Section with respect to a series of Certificates is also made with respect to all issues any portion of the principal of or interest on which is paid from proceeds of that series of Certificates (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure the tax status of the Certificates of that series, 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 Certificates of that series.

Section 11. Financial Advisor. The Director of Finance may obtain the services of one or more Financial Advisors, from time to time, to assist the Director of Finance in making any of the determinations required by this Ordinance to be determined by the Director of Finance or to negotiate any Hedge Agreements. The Director of Finance may rely on the written advice of any Financial Advisor so retained. 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 12. Appointment of Successor Trustee. The Director of Finance is authorized to appoint a successor Trustee in the event that the current Trustee, U.S. Bank, National Association, shall resign or be removed, or be dissolved or otherwise become incapable of acting as Trustee under the Trust Agreement, 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 Trust Agreement.

Section 13. Captions, Headings, and Section References. The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit, or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs, or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

Section 14. Interpretation. Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance shall not apply to the Certificates or matters authorized herein. Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding bonds, certificates of indebtedness, other obligations, indentures, or other agreements or contracts made or entered into by the City.

Section 15. Validity. This Council finds and determines that this Ordinance was passed in compliance with all applicable provisions of the City's Charter and the rules of this Council.

Section 16. Severability. Each section of this Ordinance and each subdivision or paragraph of any section is hereby declared to be independent, and the finding or holding of any section or any subdivision or paragraph of any section to be invalid or void shall not be deemed or held to affect the validity of any other section, subdivision or paragraph of this Ordinance.

Section 17. Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

Section 18. Sunset of Authorization. The authority granted by this Ordinance shall expire three years from the effective date of this Ordinance. If a Purchase Agreement for Refunding Certificates or agreement for the purchase of remarketed Certificates is entered into or a preliminary disclosure document is distributed with respect to Refunding Certificates or remarketed Certificates 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 those Refunding Certificates or remarketed Certificates. 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 Certificates or conversion and remarketing of Certificates under the authority of this Ordinance.

Section 19. Refinancing. This Council finds and determines that this is an Ordinance providing for the refinancing of bonds, notes or other securities of the City within the meaning of Section 64 of the City Charter.

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

Passed November 20, 2017.

Effective November 21, 2017.

**Ord. No. 1363-17.
By Council Member Kelley (by departmental request).**

An emergency ordinance authorizing the issuance of bonds by the city for the purpose of refunding a portion of the city's currently outstanding public power system revenue bonds; authorizing hedge agreements; authorizing supplemental indentures and certain other documents related thereto; and authorizing and approving related matters.

Whereas, the City of Cleveland, Ohio (the "City"), a municipal corporation and political subdivision in and of the State of Ohio, is authorized and empowered pursuant to Article XVIII of the Constitution of the State of Ohio and the Charter of the City, among other things: (a) to own and operate the public utility hereinafter defined and referred to as "Cleveland Public Power"; (b) to make, from time to time, such additions, extensions, improvements, replacements and alterations to Cleveland Public Power as it may deem advisable; (c) to borrow money for the purpose of providing funds for such additions, extensions, improvements, replacements and alterations and to refund obligations issued for such purpose; (d) to issue its bonds and notes in anticipation thereof, in evidence of money borrowed for such purpose in the manner and on the terms set forth in the Indenture, as hereinafter defined, and to issue Public Power System Revenue Refunding Bonds ("Refunding Bonds") to refund, in advance or otherwise, such bonds or notes; and (e) to secure any bonds, or notes issued in anticipation thereof, by a pledge of and lien on the Net Revenues, as hereinafter defined, of Cleveland Public Power; and

Whereas, this Council has determined that the City may achieve benefits by refunding certain Outstanding Bonds through the issuance and sale of Refunding Bonds to obtain debt service savings, 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 Bonds to refund Outstanding Bonds is necessary to enable the City to respond to changeable market conditions on a timely basis for the benefit of Cleveland Public Power; 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 Amended and Restated Indenture as previously amended and supplemented, which shall have the same meaning herein as therein unless otherwise defined herein or unless the context or use otherwise indicates, the following words and terms as used in this Ordinance, the Indenture and the Refunding Bonds (each as hereinafter defined) shall have the following meanings unless the context or use otherwise indicates. Words importing the singular number shall include the plural number, and vice versa, and the terms "hereof," "herein," "hereby," "hereto," and "hereunder" and similar terms refer to this Refunding Bond Legislation and the Indenture, unless the context otherwise indicates.

"Amended and Restated Indenture" means the Amended and Restated Trust Indenture (Sixth Supplemental Indenture), dated as of August 17, 2006, between the City and the Trustee, supplementing, amending, restating and superseding the Original Indenture as previously amended and supplemented, as the same has been and may further be duly supplemented, amended or modified from time to time in accordance with the provisions thereof.

"Bond Purchase Agreement" means one or more Bond Purchase Agreements between the City and the Original Purchaser of the Refunding Bonds, authorized in Section 6 hereof.

"Certificate of Award" means the one or more certificates authorized pursuant to Section 6 hereof.

"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 Refunding Bonds or any Hedge Agreements in accordance with the Indenture.

"Escrow Agreement" means the escrow agreement (which may consist of multiple escrow agreements with appropriate distinguishing definitions if the Refunding Bonds are issued in more than one series) between the City and the Escrow Agent authorized pursuant to Section 7 hereof.

"Escrow Agent" means the Trustee, acting as escrow agent under the Escrow Agreement with respect to the Refunded Bonds.

"Escrow Fund" means the escrow fund established in the Escrow Agreement.

"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 Refunding Bonds or any Hedge Agreement.

"Hedge Agreement" has the meaning given in Section 4 of this Refunding Bond Legislation.

"Indenture" means the Amended and Restated Indenture as previously amended and supplemented and as the same may be further supplemented, amended or modified by Supplemental Indentures from time to time in accordance with the provisions thereof.

"Outstanding Bonds" as used in this Ordinance, means Additional Bonds issued and outstanding, from

time to time, under the Indenture. On the date of introduction of this Ordinance, the Outstanding Bonds (and the respective principal amounts then currently outstanding including the original principal amount of any outstanding Capital Appreciation Bonds) consisted of the following series of Public Power System Revenue Bonds: Series 2008A (\$19,040,000), Series 2008B (\$67,637,880.25), Series 2010 (\$5,370,000), Series 2014 (\$76,885,000) and Series 2016 (\$42,025,000).

"Refunding Bond Legislation" means this Ordinance, constituting part of the Supplemental Indenture.

"Refunded Bonds" means those Outstanding Bonds designated in the Certificate of Award to be refunded from proceeds of the Refunding Bonds.

"Refunding Bonds" means the City's Public Power System Refunding Revenue Bonds authorized pursuant to Section 3 hereof.

"Supplemental Indenture" means the Supplemental Indenture (which may consist of more than one Supplemental Indenture with appropriate distinguishing designations if the Refunding Bonds are issued in more than one series) delivered to supplement the Amended and Restated Indenture, provided for in Section 8 hereof between the City and the Trustee, including this Refunding Bond Legislation as part thereof, as the same may be duly supplemented, amended or modified from time to time in accordance with the provisions hereof.

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

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

Section 2. Authority. This Refunding Bond Legislation is adopted pursuant to Sections 3, 4 and 12 of Article XVIII of the Constitution of the State, and the City's Charter.

Section 3. Authorization of Refunding Bonds. This Council finds and determines it is necessary and proper and in the best interest of the City to authorize the issuance of the Refunding Bonds for the purpose of refunding one or more series of Outstanding Bonds, or designated maturities 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. The Refunding Bonds may be issued in one or more separate series so long as the one or more series issued in the aggregate meet the requirements of the preceding sentence. The principal amount of each series of Refunding Bonds is to be the amount set forth in the Certificate of Award authorized in Section 6 and shall be the amount determined by the Director of Finance, based on the written advice of a Financial Advisor, to be necessary (i) to refund the Refunded Bonds, (ii) to fund any deposit to the Bond Service Reserve Fund or the Renewal and Replacement Fund required under the Indenture, (iv) to pay costs of any Credit Support Instruments, (v) to pay identified amounts owed under any Hedge

Agreements, and (vi) to pay costs of issuing the Refunding Bonds and refunding the Refunded Bonds. The proceeds from the sale of each series of Refunding Bonds shall be allocated, deposited and applied as provided in Section 7 of this Ordinance.

The Refunding Bonds may be issued in one or more separate series, each bearing a distinctive designation, provided that the Refunding Bonds of each series satisfy the requirements of this Refunding Bond Legislation and the Indenture. 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. Costs of issuance of the Refunding Bonds and any required deposit to the Bond Service Reserve Fund attributable to the Refunding Bonds shall, in each case, be included in the costs funded from the proceeds of the Refunding Bonds. The Refunding Bonds shall constitute Bonds for all purposes of the 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 the cost at which Cleveland Public Power can provide electric power.

Section 4. Authorization of Hedging Arrangements. This Council finds that by engaging in interest rate hedging arrangements from time to time, the City may reduce its cost of borrowing by optimizing the relative amounts of fixed and variable rate obligations and minimizing the risk of variations in its debt service costs. Certain types of hedging arrangements (referred to in this Refunding Bond Legislation as "swaptions") may enable the City to obtain savings prior to the issuance of Refunding Bonds by providing for an upfront payment to the City by a financial institution or other organization that is the counterparty to the hedge arrangement in consideration of the City's giving the counterparty the option to make effective at a future date an interest rate exchange transaction with the City. 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 are supplemental to and not in derogation of any authority provided by any other ordinance of this Council concerning hedging arrangements, and are all subject to the requirements and restrictions of the Indenture.

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 Bonds issued or to be issued under the 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 Bonds to which the hedge relates or (in the case of an option) will relate.

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 upfront payment or the periodic payments, as the case may be, to be made by the counterparty to the City, or by the City to the counterparty, shall be fair value for the Hedge Agreement, given 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 its 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 Bonds, those amounts shall be paid from Fund No. 58-001, as determined by the Director of Finance after consultation with the Director of Public Utilities.

The City's obligations under any Hedge Agreement shall be payable from the Net Revenues and the Pledged Funds as permitted by the 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 the Net Revenues and the Pledged Funds to the extent permitted by the 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 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 5. Terms of Refunding Bonds. The Refunding Bonds shall contain the terms provided in or determined pursuant to, the Indenture, this Refunding Bond Legislation, the Certificate of Award and the Supplemental Indenture.

(a) **General.** In the event that the Director of Finance, based on the written advice of a Financial Advisor, determines that the City's best interests will be served by causing a series of Refunding Bonds to be Variable Rate Bonds, then the Director of Finance is authorized to so specify in the Certificate of Award. If the Director of Finance so determines, then the method and procedure by which the variable rate of interest to be borne by the Refunding Bonds of that series shall be determined as provided in the Supplemental Indenture, 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 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 therefor) the tender agent or agents and the remarketing agent or agents, which designations shall be based on the determination of the Director of Finance, based on the written advice of a Financial Advisor, that the parties so designated possess

the requisite resources and experience to provide the services required of them and that the terms on which the designated parties have agreed to provide such services are fair and commercially reasonable. The Director of Finance is authorized to enter into agreements in connection with the delivery of the Refunding Bonds, and from time to time thereafter so long as the Refunding Bonds are outstanding, with providers of Credit Support Instruments, tender agents (which may be the Trustee), remarketing agents (which may be any of the Original Purchasers) and others as may be determined by the Director of Finance to be necessary or appropriate to provide for the method of determining the variable interest rates, permitting holders the right of tender and providing for payment of the purchase price of, or debt service on, the variable rate Refunding Bonds.

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

In the event that the Director of Finance, based on the written advice of a Financial Advisor, determines that the City's best interests will be served by causing a series of Refunding Bonds to be Capital Appreciation Bonds, then the Director of Finance is authorized to so specify in the Certificate of Award. If the Director of Finance so determines, then the authorizations and limitations in this Section 5 and Section 6 shall be interpreted and applied in a manner that the Director of Finance determines to be consistent with the character of Capital Appreciation Bonds.

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 Bonds, those fees and expenses shall be paid from Fund No. 58-001, as determined by the Director of Finance after consultation with the Director of Public Utilities.

(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 Supplemental Indenture. No Refunding Bonds shall be exchanged for or transferable into a coupon Revenue Bond or Bonds except to the extent that the Indenture permits such exchanges or transfers.

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.

(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. 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 Principal Retirement Dates and in accordance with the Principal Retirement Schedule specified in the Certificate of Award, consistent with this Refunding Bond Legislation and the Indenture and subject to any provisions for their optional or mandatory redemption specified in the Certificate of Award pursuant to this Refunding Bond Legislation.

(f) Optional and Mandatory 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 Indenture. The Refunding Bonds designated in the Certificate of Award as Term Bonds subject to mandatory sinking fund redemption shall be redeemed prior to maturity on each Mandatory Redemption Date designated in the Certificate of Award in the aggregate amount of the Mandatory Sinking Fund Installment to be paid on such Mandatory Redemption Date, all as provided in the Certificate of Award and in accordance with the Indenture.

(g) 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.

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

Section 6. Award and Sale of Refunding Bonds. The Director of Finance is authorized to 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. Each series of Refunding Bonds shall bear such designation as the Director of Finance determines to be appropriate. The sale of the Refunding Bonds shall be awarded to the firm or firms (collectively, the "Original Purchaser") selected by the Director of Finance, based on an evaluation of the qualifications of firms that have proposed to underwrite the 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 Refunding Bond Legislation and the Indenture:

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

(b) the Purchase Price to be paid to the City by the Original Purchaser, 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 Purchaser;

(c) whether any Refunding Bonds are to be subject to optional redemption prior to maturity, and, if so, the earliest optional redemption date for those Refunding Bonds that are subject to prior redemption, which shall be not later than ten years from the first interest payment date of the applicable series, and the applicable Optional Redemption Price, which shall be not greater than 102% of the principal amount redeemed;

(d) the Principal Retirement Dates, the Term Maturity Dates (if any), and the Mandatory Redemption Dates (if any) 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;

(e) whether the Refunding Bonds are Tax-Exempt Bonds or Taxable Bonds;

(f) the specified 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 6 (Refunding Bonds of the same series and same maturity may bear interest at different interest rates);

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

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

(i) the amount, if any, of proceeds of the sale of the Refunding Bonds to be deposited in the Bond Service Reserve Fund in order to cause the balance therein to equal the Bond Reserve Requirement, 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 Credit Facility from a Qualified Credit Facility Provider, or any other instrument in lieu of a funded reserve fund, all as may be permitted by the Indenture;

(j) the Paying Agent; and

(k) 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 and specified in the Certificate of Award within the limitations set forth in this Refunding Bond Legislation and as permitted or required by the Indenture will be in the best interest of the City and consistent with all legal requirements.

The Director of Finance is authorized to enter into one or more Bond Purchase Agreements with the Original Purchaser of Refunding Bonds setting forth the conditions for delivery of the Refunding Bonds that are consistent with this Refunding Bond Legislation, the Certificate of Award, and the Indenture and that are determined by the Director of Finance, based on the written advice of a Financial Advisor, to be customary for comparable 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 11.

Section 7. Allocation of Purchase Price for the Refunding Bonds; Refunding of Refunded Bonds; Escrow Agreements. The net proceeds from the sale of the Refunding Bonds (consisting of the Purchase Price less bond insurance premiums and other costs of Credit Support Instruments) shall be received and receipted for by the Director of Finance or by the Trustee on the City's behalf and shall be allocated, deposited and credited as follows, all pursuant to and in accordance with the Indenture: (a) to the Interest Payment Account in the Bond Service Fund, that portion, if any, representing accrued interest on the Refunding Bonds from their date to the date of their delivery; (b) to the Bond Service Reserve Fund, the amount, if any, necessary to cause the balance therein to equal the Bond Reserve Requirement; (c) to the Renewal and Replacement Fund, the amount, if any, necessary to cause the balance therein to equal the Renewal and Replacement Fund Required Balance; (d) to the Escrow Fund, the amount necessary to provide for the defeasance of the Refunded Bonds; (e) 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 Bonds; and (f) to an account to be created under the Indenture for the payment of costs of issuance, 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 purposes for which the Refunding Bonds are issued as provided in this Refunding Bond Legislation.

The Director of Finance is authorized to sign and deliver, in the name and on behalf of the City, an Escrow Agreement between the City and the Trustee, as Escrow Agent, 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 monies derived from those investments to the payment of the Bond Service Charges on those Refunded Bonds; and the irrevocable call for redemption of the 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 Article III of the Original Indenture. The Director of Finance, the Director of Public Utilities and other appropriate City officials 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 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. Supplemental Indenture. In order to secure the payment of Bond Service Charges as and when due and payable, the Director of Finance and the Director of Public Utilities are hereby authorized, in the name and on behalf of the City, to make, execute, acknowledge and deliver to the Trustee, a Supplemental Indenture, approved as to form and correctness by the Director of Law, not inconsistent with this Refunding Bond Legislation, the Certificate of Award and the Indenture and not substantially adverse to the City as may be approved by the officers executing the same on behalf of the City. The determination by such officers that the Supplemental Indenture is not substantially adverse to the City shall be conclusively evidenced by the execution of the Supplemental Indenture by such officers. This Refunding Bond Legislation shall constitute a part of the Supplemental Indenture as therein provided and for all purposes thereof, including, without limitation, the application to this Refunding Bond Legislation of the provisions of the Supplemental Indenture relating to amendment, modification, supplementation and severability.

Section 9. Tax Covenants. With respect to Refunding Bonds that are to be issued and sold as Tax-Exempt Bonds, the City covenants that 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.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the 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, (i) apply the proceeds of the Tax-Exempt Bonds to the governmental purposes of the borrowing, (ii) restrict the yield on investment property, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of those proceeds and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Director of Finance, or any other officer of the City having responsibility for issuance of the Tax-Exempt 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 Tax-Exempt Bonds as the City is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting the favorable tax treatment or status of the Tax-Exempt Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments 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 Tax-Exempt Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Tax-Exempt Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Tax-Exempt 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 Tax-Exempt Bonds.

Each covenant made in this Section 9 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 10. Additional Documents. The Director of Finance, the Director of Public Utilities and other City officials, as appropriate, are authorized to sign and deliver such instruments, certificates and documents as are necessary or appropriate to consummate the transactions authorized by this Refunding Bond Legislation, the Bond Purchase Agreement, the Supplemental Indenture, the Indenture, the Escrow Agreement and any Hedge Agreements.

The Director of Finance, the Director of Public Utilities, the Director of Law and other City officials, as appropriate, 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 Purchaser and to take all actions necessary to effect due signing, authentication and delivery of each series of Refunding Bonds under the terms of this Refunding Bond Legislation, the Supplemental Indenture, the Bond Purchase Agreement and the Indenture. The Clerk of Council or other appropriate official of the City shall furnish the Original Purchaser 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 11. Official Statements; Continuing Disclosure. The Director of Finance, the Director of Public Utilities and other City officials as deemed appropriate, are each authorized, on behalf of the City and in their official capacities, 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 distribution 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 is authorized to prepare, or cause to be prepared, and to sign and deliver, in the name and on behalf of the City, a continuing disclosure agreement or certificate, which shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and beneficial owners of the Refunding Bonds in accordance with 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 12. Lien of Pledge. The Net Revenues are subject to the lien of the pledge under the Indenture without any physical delivery of the Net 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 Net Revenues or for the filing or recording of the 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 Net Revenues under the 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 13. 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 Refunding Bond Legislation 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 Public Utilities and Director of Finance 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 Cleveland Public Power, debt service coverage, rates and charges or other matters. Any Financial Advisor or consultant employed under the authority of this Refunding Bond Legislation shall be disinterested in the transaction and be independent of the underwriters or counterparties and any other party interested in the transaction.

Section 14. Appointment of Successor Trustee. The Director of Finance is hereby authorized to appoint a successor Trustee on behalf of the City in the event that the current Trustee shall resign or be removed, or be dissolved or otherwise become incapable of acting as Trustee under the 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 6.08 of the Original Indenture.

Section 15. Open Meeting Determination. It is found and determined that all formal actions of the Council concerning and relating to the adoption of this Refunding Bond Legislation 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 16. Separability. Each section of this Refunding Bond Legislation 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 Refunding Bond Legislation.

Section 17. 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 limitation of indebtedness or taxation, either statutory or constitutional, is applicable to the issuance of the Refunding Bonds.

Section 18. Sunset of Authorization. This Ordinance shall remain in effect for the authorization of Refunding Bonds issued hereunder for three years from its date of adoption. 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.

Section 19. Emergency. This Ordinance is declared to be an emergency measure and, provided it

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

Passed November 20, 2017.
Effective November 21, 2017.

Ord. No. 1364-17.
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, as previously amended and supplemented and as the same may be further supplemented, amended or modified from time to time in accordance with the provisions thereof (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, in the case of Outstanding Revenue Bonds bearing interest at variable rates, to obtain debt service savings by converting the interest rate mode or changing the Credit Support Instrument, 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 changeable 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 2006A (\$41,210,000), Series 2007B (\$6,635,000), Series 2008D (\$5,975,000), Series 2009C (\$98,660,000), Series 2009D (\$26,950,000), Series 2011A (\$42,325,000), Series 2012A (\$235,150,000), Series 2013A (\$56,205,000), Series 2014A (\$22,125,000), Series 2014B (\$5,020,000), Series 2016A (\$108,120,000) and Series 2016B (\$36,235,000).

"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, and all are subject to the requirements and restrictions of the Trust Indenture.

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 therefor), 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.

In the event that the Director of Finance, based on the written advice of a Financial Advisor, determines that the City's best interests will be served by causing a series of Refunding Bonds to be Capital Appreciation Bonds, then the Director of Finance is authorized to so specify in the Certificate of Award. If the Director of Finance so determines, then the authorizations and limitations in this Section 4 and Section 5 shall be interpreted and applied in a manner that the Director of Finance determines to be consistent with the character of Capital Appreciation Bonds.

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 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 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 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 distribution 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 limitation 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.

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 adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed November 20, 2017.

Effective November 21, 2017.

Ord. No. 1368-17.**By Council Members Cummins and Kelley (by departmental request).****An emergency ordinance to amend Sections 241.05 and 241.35 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1298-16, passed November 21, 2016, relating to food shops.**

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

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

Section 1. That Sections 241.05 and 241.35 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1298-16, passed November 21, 2016, are amended to read as follows:

Section 241.05 Food Shop Licenses and Fees

(a) No food shop shall be operated without the person, firm, association, or corporation conducting the business first applying for and obtaining an annual license. All fees and charges assessed under this section shall be paid to the Commissioner of Assessments and Licenses.

(b) The provisions of RC Chapters 3715 and 3717 pertaining to the licensing, administration and enforcement of food safety programs by the local licensing authority are adopted and incorporated herein by the City of Cleveland.

(c) The holder of a food service operation license as defined by state law shall not be required to obtain a retail food establishment license except when the activities of a retail food establishment and a food service operation are carried on within the same facility by the same person or entity, then the determination of what license applies shall be made according to the primary business of the person or entity as determined by the licensor, the City of Cleveland Director of Public Health, as described in RC 3717.44.

(d) Each application to the Commissioner of Assessments and Licenses for a mobile food service operation license required under RC 3717.43 shall be accompanied by a combined license and inspection fee as follows:

	2017	
Risk Level		Fee
Mobile		\$147.00
Risk Level	2018	Fee
Mobile		\$200.00

(e) Each application to the Commissioner of Assessments and Licenses for a vending food service operation license required under RC 3717.43 shall be accompanied by a combined license and inspection fee as follows:

	2017	
Risk Level		Fee
Vending		\$14.20
Risk Level	2018	Fee
Vending		\$14.20

(f) Each application to the Commissioner of Assessments and Licenses for a temporary commercial food service operation and temporary non-commercial food service operation license required under RC 3717.43 shall be accompanied by a combined license and inspection fee as follows:

	2017	
Risk Level		Fee
5-day temporary		\$58.00
5-day temporary (non-commercial)		\$29.00
Risk Level	2018	Fee
5-day temporary		\$74.00
5-day temporary (non-commercial)		\$37.00

(g) The Commissioner of Assessments and Licenses may also collect fees for collection and bacteriological examination of samples taken from a food shop in an amount equal to the cost of such collection and examination as determined by the Director of Public Health.

(h) Except for plans pertaining to mobile or temporary food service operations or vending devices, the Commissioner of Assessments and Licenses shall collect fees in the amounts stated below, for plan reviews of food shops prior to submission of plans to the Department of Public Health:

Plan Review Fee	Commercial	Non-Commercial
New Operations, less than 25,000 sq. feet	\$225.00	\$112.50
New Operations, greater than 25,000 sq. feet	\$300.00	\$150.00
Extensive Alteration, less than 25,000 sq. feet	\$ 75.00	\$ 37.50
Extensive Alteration, greater than 25,000 sq. feet	\$100.00	\$ 50.00

(i) The Commissioner of Assessments and Licenses shall submit all applications for a food shop license to the Director of Public Health for approval or disapproval of the application.

(j) The Commissioner of Assessments and Licenses is authorized to collect license fees for retail food establishments and food service operations and deposit the fees into a fund created under RC 3717.25 and 3717.45.

(k) For purposes of this section, non-commercial organizations are defined as organizations such as churches, or non-profit organizations operated exclusively for charitable purposes as defined in RC 5739.02(B)(12), provided that displayed foods are not displayed for more than seven (7) consecutive days or more than fifty-two (52) separate days per year.

(l) For a food service operation, a penalty of twenty five percent (25%) of any license fee required by this section must be paid before the issuance of the license if the required license fee is not paid on or before the date it is due.

Section 241.35 Categories and Fees

(a) Each application to the Commissioner of Assessments and Licenses for a food service operation license required under RC 3717.43, or for a retail food establishment license required under RC 3717.23 shall be accompanied by a combined license and inspection fee as follows:

(1) Food service operations and retail food establishments less than twenty-five thousand (25,000) square feet of floor space:

	2017	
Risk Level		Fee
Level I		\$242.50
Level II		\$267.00
Level III		\$469.00
Level IV		\$582.00

	2018	
Risk Level		Fee
Level I		\$250.00
Level II		\$276.00
Level III		\$484.00
Level IV		\$602.00

(2) Food service operations and retail food establishments greater than twenty-five thousand (25,000) square feet of floor space:

	2017	
Risk Level		Fee
Level I		\$330.00
Level II		\$344.50
Level III		\$1,104.50
Level IV		\$1,168.00

	2018	
Risk Level		Fee
Level I		\$342.00
Level II		\$356.00
Level III		\$1,140.00
Level IV		\$1,204.00

(3) Non-commercial food service operations and non-commercial retail food establishments less than twenty-five thousand (25,000) square feet of floor space:

	2017	
Risk Level		Fee
Level I		\$121.25
Level II		\$133.50
Level III		\$234.50
Level IV		\$291.00

	2018	
Risk Level		Fee
Level I		\$125.00
Level II		\$138.00
Level III		\$242.00
Level IV		\$301.00

(4) Non-commercial food service operations and non-commercial retail food establishments greater than twenty-five thousand (25,000) square feet of floor space:

	2017	
Risk Level		Fee
Level I		\$165.00
Level II		\$172.25
Level III		\$552.25
Level IV		\$584.00

	2018	
Risk Level		Fee
Level I		\$171.00
Level II		\$178.00
Level III		\$570.00
Level IV		\$602.00

(b) The risk level categories described herein shall have the meaning established in any rules promulgated under RC Chapters 3715 and 3717.

Section 2. That existing Sections 241.05 and 241.35 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1298-16, passed November 21, 2016, are repealed.

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

Passed November 20, 2017.
Effective November 21, 2017.

**Ord. No. 1369-17.
By Council Members Cummins and Kelley (by departmental request).**

An emergency ordinance authorizing the Director of Public Health to enter into one or more agreements with the Ohio Department of Health to reimburse Cleveland for monitoring radiation levels in the vicinity of the Burke Lakefront Airport, for a period of two years.

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

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

Section 1. That the Director of Public Health is authorized to enter into one or more agreements with the Ohio Department of Health to reimburse Cleveland for monitoring radiation levels in the vicinity of the Burke Lakefront Airport, for a period of two years, and the funds are appropriated for this purpose. The Director of Public Health is authorized to file all papers and execute all documents necessary to receive the funds under this ordinance.

Section 2. That funds received under this ordinance shall be deposited into Fund 10 SF 812, and shall be used for operation of the Division of Air Quality.

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

Passed November 20, 2017.
Effective November 21, 2017.

**Ord. No. 1408-17.
By Council Members Dow, Brancatelli and Kelley (by departmental request).**

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to acquire and re-convey properties presently owned by Health Tech Hospitality, LLC, or its designee, located at 6975 Euclid Avenue for the purpose of entering into the chain-of-title prior to the adoption of tax increment financing legislation authorized under Section 5709.41 of the Revised Code.

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the

Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to acquire from and re-convey to, Health Tech Hospitality, LLC, or its designee, for a price of one dollar and other valuable consideration determined to be fair market value, the following property for the purpose of entering into the chain-of-title prior to the adoption of tax increment financing legislation authorized under Section 5709.41 of the Revised Code and more fully described as follows:

**LEGAL DESCRIPTION OF
PARCEL "A"
1.5531 ACRES**

CITY OF CLEVELAND, OHIO
Situating in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being 1.5531 acre Consolidated Parcel "A" in a Lot Split and Consolidation Plat for Health Tech Hospitality, LLC, of part of Original 100 Acre Lot Number 338 as shown by the plat recorded in AFN 201708280541 of Cuyahoga County Map Records.

Be the same more or less, but subject to all legal highways and easements of record.

Section 2. That the Director of Economic Development is authorized to execute on behalf of the City of Cleveland all necessary documents to acquire and to convey the properties and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits, and all other costs necessary for the acquisition and sale of the properties.

Section 3. That this Council finds that the conveyances constitute a public purpose.

Section 4. That the conveyance shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland.

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

Passed November 20, 2017.
Effective November 21, 2017.

**Ord. No. 1413-17.
By Council Members K. Johnson, Polensek and Conwell.**

An emergency ordinance authorizing the Director of the Department of Community Development to enter into agreement with Famicos Foundation for the Holiday Food Gift Card Program through the use of

Wards 4, 8 and 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 November 14, 2017 with Famicos Foundation for the Holiday Food Gift Card Program for the public purpose of providing food gift cards to low-to-moderate income residents residing in the city of Cleveland through the use of Wards 4, 8 and 9 Casino revenue Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$67,500 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 November 20, 2017.
Effective November 21, 2017.

**Ord. No. 1414-17.
By Council Member J. Johnson.**

An emergency ordinance authorizing the Director of the Department of Community Development with the St. Clair Superior Development Corporation for the Holiday Food Gift Card Program through the use of Ward 10 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 an agreement effective November 17, 2017 with the St. Clair Superior Development Corporation for the Holiday Food Gift Card Program for the public purpose of providing food gift cards to needy low to moderate income residents residing in the city of Cleveland through the use of Ward 10 Casino Revenue Funds.

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

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

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

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

Passed November 20, 2017.
Effective November 21, 2017.

Ord. No. 1415-17.
By Council Member Dow.
An emergency ordinance amending Section 2 of Ordinance No. 1372-17 passed November 13, 2017 as it pertains to the New Eastside Market Project through the use of Wards 7 Casino Revenue Funds.

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

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

Section 1. That Section 2 of Ordinance No. 1372-17 passed November 13, 2017 is hereby amended to read as follows:

Section 2. That the cost of said contract shall be in an amount not to exceed \$180,615 and shall be paid from Fund No. 10 SF 188.

Section 2. That Section 2 of Ordinance No. 1372-17 passed November 13, 2017 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.

Passed November 20, 2017.
Effective November 21, 2017.

COUNCIL COMMITTEE MEETINGS

Monday, November 27, 2017
9:30 a.m.

Municipal Services and Properties Committee: Present: K. Johnson,

Chair; Cummins, J. Johnson, Kazy. *Authorized Absence:* Dow, Vice Chair; Brancatelli, Reed. *Pro tempore:* Kelley.

2:00 p.m.

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

Tuesday, November 28, 2017
9:30 a.m.

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

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

Wednesday, November 29, 2017
10:00 a.m.

Transportation Committee: Present: Keane, Chair; Conwell, K. Johnson, Kazy. *Authorized Absence:* Dow, Vice Chair; J. Johnson, Reed. *Pro tempore:* Kelley, McCormack.

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O—Ordinance; R—Resolution; F—File
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Authorizing the Clerk of Council to enter into an agreement with Guy Gadowski, CPA to provide professional financial consulting and auditing services necessary for Cleveland City Council. (O 1358-17)2075

Authorizing the Clerk of Council to enter into an agreement with Mita Marketing LLC for the professional services necessary to assist Cleveland City Council with communications and public relations. (O 1355-17)2075

Authorizing the Clerk of Council to enter into an agreement with On Technology Partners for the professional services necessary to advise and assist in the maintenance and performance of computer technology projects and to provide specific computer technology services for Cleveland City Council. (O 1359-17)2075

Authorizing the Clerk of Council to enter into an agreement with The Batchelder Company for professional lobbying services for Cleveland City Council. (O 1357-17)2075

Authorizing the Clerk of Council to enter into an agreement with The Project Group for professional assistance in investigating utility related matters pertaining to the Divisions of Cleveland Public Power, Water and Water Pollution Control for Cleveland City Council. (O 1360-17)2075

Authorizing the Clerk of Council to enter into an agreement with Western Reserve Land Conservancy d/b/a Thriving Communities Institute to provide professional services regarding the Vacant and Abandoned Property Action Council (VAPAC), reforestation, demolition funding, rehabilitation, code enforcement, greenspace, and property information. (O 1356-17)2075

Authorizing the Council President to enter into an agreement with Cobalt Group, Inc. to provide professional and project management services for the Clerk of Council. (O 1354-17)2075

Cleveland Housing Network

From Robert S. Curry, Executive Director, CHN Housing Partners. Notice of receipt of an award from Ohio Housing Finance Agency for multifamily funding programs for the development known as International Village, single family homes to be built on several sites including on Sackett Avenue, West 38th Street, West 41st Street, West 43rd Street, West 50th Street, West 38th Street, West 52nd Street, West 54th Street, and West 56th Street, in Cleveland, Ohio; with other sites to be determined in the future. (F 1438-17)2059

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Authorizing the Director of Economic Development to enter into a Tax Increment Financing Agreement with Health Tech Hospitality, LLC, or its designee, to support debt service related to the development of a Hilton Tru Hotel located at 6975 Euclid Avenue; to provide for payments to the Cleveland City School District; and to declare certain improvements to real property to be a public purpose. (O 1431-17)2059

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To amend Sections 241.05 and 241.35 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1298-16, passed November 21, 2016, relating to food shops. (O 1368-17)**2104**
 To supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Chapter 110A, Circulation of Initiative or Referendum Petition Regulation, Sections 110A.01 through 110A.03, to require filing an itemized statement including all moneys or things of value paid, given, or promised for circulating petitions, and prohibit certain practices relative to petitions. (O 854-17)**2084**

Communications

Dedication Plat for Brock Court and West 19th Place Widening, between Smith Court and West 18th Street. Approved by Committees on Municipal Services and Properties, and Development Planning and Sustainability. Without objection, Plat approved. (F 1425-17)2059
 Dedication Plat for Clinton Court Townhomes Subdivision, between West 45th Street and West 48th Street. Approved by Committees on Municipal Services and Properties, and Development Planning and Sustainability. Without objection, Plat approved. (F 1426-17)2059
 From Robert S. Curry, Executive Director, CHN Housing Partners. Notice of receipt of an award from Ohio Housing Finance Agency for multifamily funding programs for the development known as International Village, single family homes to be built on several sites including on Sackett Avenue, West 38th Street, West 41st Street, West 43rd Street, West 50th Street, West 38th Street, West 52nd Street, West 54th Street, and West 56th Street, in Cleveland, Ohio; with other sites to be determined in the future. (F 1438-17)2059

Community Development

Authorizing the Director of Community Development to consent to the assignment of Housing Trust Fund Loan No. 59770 from New Village Corporation to Ohio City, Inc.; and authorizing the director to enter into an Amendment to the assigned contract regarding certain terms. (O 1441-17)2073
 Authorizing the Director of the Department of Community Development to enter into agreement with Famicos Foundation for the Holiday Food Gift Card Program through the use of Wards 4, 8 and 9 Casino Revenue Funds. (O 1413-17)**2106**
 Authorizing the Director of the Department of Community Development with the St. Clair Superior Development Corporation for the Holiday Food Gift Card Program through the use of Ward 10 Casino Revenue Funds. (O 1414-17)**2106**

Contracts

Authorizing the Director of Community Development to consent to the assignment of Housing Trust Fund Loan No. 59770 from New Village Corporation to Ohio City, Inc.; and authorizing the director to enter into an Amendment to the assigned contract regarding certain terms. (O 1441-17)2073
 Authorizing the Director of Public Health to enter into one or more contracts with Harvard Community Services Center and Merrick House to provide services to high risk residents needed to decrease infant mortality, for a period of one year. (O 1282-17)**2086**
 Authorizing the Director of Public Safety to enter into an amendment to Contract No. CT 6001 PS 2016 165 with Intergraph Corporation dba Hexagon Safety & Infrastructure to provide additional services needed to implement the Computer Aided Dispatch System Upgrade Project; and authorizing contracts to implement the Computer Aided Dispatch system Upgrade as required by the Department of Justice Consent Decree. (O 1434-17)2061
 Authorizing the Director of Public Utilities to employ one or more professional consultants to perform a rate study for the Divisions of Water, Cleveland Public Power, and Water Pollution Control, Department of Public Utilities. (O 1436-17)2062
 Authorizing the Director of Public Utilities to enter into an amendment to Contract No. CT PS 2017-025 with the City of Cleveland Heights to extend the transitional period for one additional year to cover costs associated with the conversion to direct service; and to amend Section 535.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 579-16, passed June 6, 2016, relating to water rates; and determining the method of making the public improvement of constructing improvements to the distribution system in Cleveland Heights; and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement. (O 1440-17)2070
 Authorizing the Director of Workforce Development to apply for, accept and expend funds and resources from the Ohio Department of Job and Family Services, or other fiscal agents, for the 2017 Workforce Innovation and Opportunity Act and Workforce Development Program grants; to enter into contracts and memoranda of understanding with various entities necessary to administer and implement the Workforce Development programs;

to enter into one or more agreements with Cuyahoga County, or other fiscal agents, to accept monies for implementation of the programs; and to sublease areas at OhioMeans Jobs Cleveland Cuyahoga County One Stop Service Center, located at 1910 Carnegie Avenue. (O 1439-17)	2069
To amend Section 2 of Ordinance No. 109-17, passed February 1, 2017, relating to written standard and requirement contracts of labor and materials necessary to inspect, test, maintain, repair, and upgrade elevators, escalators, and moving or speed walks for the various divisions of City government, for a period of five years. (O 1435-17)	2061

Cuyahoga County

Authorizing the Director of Public Health to apply for and accept a grant from Cuyahoga County Office of Early Childhood for the 2018-22 Invest in Children Partnership Program; and authorizing the Director to enter into one or more contracts with various agencies, entities, or individuals to implement the grant. (O 1279-17)	2085
Authorizing the Director of Workforce Development to apply for, accept and expend funds and resources from the Ohio Department of Job and Family Services, or other fiscal agents, for the 2017 Workforce Innovation and Opportunity Act and Workforce Development Program grants; to enter into contracts and memoranda of understanding with various entities necessary to administer and implement the Workforce Development programs; to enter into one or more agreements with Cuyahoga County, or other fiscal agents, to accept monies for implementation of the programs; and to sublease areas at OhioMeansJobs Cleveland Cuyahoga County One Stop Service Center, located at 1910 Carnegie Avenue. (O 1439-17)	2069

East Side Market Project

Amending Section 2 of Ordinance No. 1372-17 passed November 13, 2017 as it pertains to the New Eastside Market Project through the use of Wards 7 Casino Revenue Funds. (O 1415-17)	2107
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Economic Development Department

Authorizing the Commissioner of Purchases and Supplies to acquire and re convey properties presently owned by Health Tech Hospitality, LLC, or its designee, located at 6975 Euclid Avenue for the purpose of entering into the chain of title prior to the adoption of tax increment financing legislation authorized under Section 5709.41 of the Revised Code. (O 1408-17)	2106
Authorizing the Director of Economic Development to enter into a Tax Increment Financing Agreement with Health Tech Hospitality, LLC, or its designee, to support debt service related to the development of a Hilton Tru Hotel located at 6975 Euclid Avenue; to provide for payments to the Cleveland City School District; and to declare certain improvements to real property to be a public purpose. (O 1431-17)	2059

Enterprise Funds

To make additional appropriations of Ten Million (\$10,000,000) to the General Fund, Ten Thousand (\$10,000) to the Internal Service Funds and Four Hundred Thousand (\$400,000) to the Enterprise Funds. (O 1417-17)	2075
To provide for the transfer and amendment to the General Fund appropriations in the amount of Twenty One Million Three Hundred Forty Thousand (\$21,340,000) and One Hundred Thousand (\$100,000) within the Enterprise Fund. (O 1418-17)	2075

Famicos Foundation

Authorizing the Director of the Department of Community Development to enter into agreement with Famicos Foundation for the Holiday Food Gift Card Program through the use of Wards 4, 8 and 9 Casino Revenue Funds. (O 1413-17)	2106
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Finance Department

Approving the Tax Incentive Review Council's Year 2016 recommendations. (O 1432-17)	2060
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 1364-17)	2097
Authorizing supplemental lease purchase agreements, and other agreements relating to the lease purchase of the Cleveland Stadium, now known as FirstEnergy Stadium; approving the issuance of refunding certificates of participation or conversion and remarketing of variable rate certificates of participation and related supplemental trust agreements; and authorizing and approving related matters. (O 1362-17)	2086
Authorizing the Director of Finance to pay as Moral Claims the sums opposite the names of the claimants. (O 1410-17)	2075
Authorizing the issuance of bonds by the city for the purpose of refunding a portion of the city's currently outstanding public power system revenue bonds; authorizing hedge agreements; authorizing supplemental indentures and certain other documents related thereto; and authorizing and approving related matters. (O 1363-17)	2092

To amend Section 2 of Ordinance No. 109-17, passed February 1, 2017, relating to written standard and requirement contracts of labor and materials necessary to inspect, test, maintain, repair, and upgrade elevators, escalators, and moving or speed walks for the various divisions of City government, for a period of five years. (O 1435-17)	2061
To make additional appropriations of Ten Million (\$10,000,000) to the General Fund, Ten Thousand (\$10,000) to the Internal Service Funds and Four Hundred Thousand (\$400,000) to the Enterprise Funds. (O 1417-17)	2075
To make temporary appropriations for the current payrolls and other ordinary expenses of the City of Cleveland from the period from January 1, 2018 until the effective date of the annual appropriation ordinance for the fiscal year ending December 31, 2018. (O 1437-17)	2062
To provide for the transfer and amendment to the General Fund appropriations in the amount of Twenty One Million Three Hundred Forty Thousand (\$21,340,000) and One Hundred Thousand (\$100,000) within the Enterprise Fund. (O 1418-17)	2075

FirstEnergy Stadium

Authorizing supplemental lease purchase agreements, and other agreements relating to the lease purchase of the Cleveland Stadium, now known as FirstEnergy Stadium; approving the issuance of refunding certificates of participation or conversion and remarketing of variable rate certificates of participation and related supplemental trust agreements; and authorizing and approving related matters. (O 1362-17)	2086
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General Fund

To make additional appropriations of Ten Million (\$10,000,000) to the General Fund, Ten Thousand (\$10,000) to the Internal Service Funds and Four Hundred Thousand (\$400,000) to the Enterprise Funds. (O 1417-17)	2075
To provide for the transfer and amendment to the General Fund appropriations in the amount of Twenty One Million Three Hundred Forty Thousand (\$21,340,000) and One Hundred Thousand (\$100,000) within the Enterprise Fund. (O 1418-17)	2075

Grants

Authorizing the Director of Public Health to apply for and accept a grant from Cuyahoga County Office of Early Childhood for the 2018-22 Invest in Children Partnership Program; and authorizing the Director to enter into one or more contracts with various agencies, entities, or individuals to implement the grant. (O 1279-17)	2085
Authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the 2018-21 STD Control Prevention Program. (O 1280-17)	2085
Authorizing the Director of Public Safety to apply for and accept a grant from PetSmart Charities to assist with financing the cost of the construction of a new City Kennel. (O 1433-17)	2061

Health Department

Authorizing the Director of Public Health to apply for and accept a grant from Cuyahoga County Office of Early Childhood for the 2018-22 Invest in Children Partnership Program; and authorizing the Director to enter into one or more contracts with various agencies, entities, or individuals to implement the grant. (O 1279-17)	2085
Authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the 2018-21 STD Control Prevention Program. (O 1280-17)	2085
Authorizing the Director of Public Health to enter into one or more agreements with the Ohio Department of Health to reimburse Cleveland for monitoring radiation levels in the vicinity of the Burke Lakefront Airport, for a period of two years. (O 1369-17)	2106
Authorizing the Director of Public Health to enter into one or more contracts with Harvard Community Services Center and Merrick House to provide services to high risk residents needed to decrease infant mortality, for a period of one year. (O 1282-17)	2086
To amend Sections 241.05 and 241.35 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1298-16, passed November 21, 2016, relating to food shops. (O 1368-17)	2104

Holiday Food Gift Card Program

Authorizing the Director of the Department of Community Development to enter into agreement with Famicos Foundation for the Holiday Food Gift Card Program through the use of Wards 4, 8 and 9 Casino Revenue Funds. (O 1413-17)	2106
Authorizing the Director of the Department of Community Development with the St. Clair Superior Development Corporation for the Holiday Food Gift Card Program through the use of Ward 10 Casino Revenue Funds. (O 1414-17)	2106

Holidays

Supporting efforts to shop locally this holiday season, and declaring November 25 through December 25, 2017, Shop Local and Handmade Month in the City of Cleveland. (R 1377-17)	2083
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Infant Mortality

Authorizing the Director of Public Health to enter into one or more contracts with Harvard Community Services Center and Merrick House to provide services to high risk residents needed to decrease infant mortality, for a period of one year. (O 1282-17)2086

Internal Service Funds

To make additional appropriations of Ten Million (\$10,000,000) to the General Fund, Ten Thousand (\$10,000) to the Internal Service Funds and Four Hundred Thousand (\$400,000) to the Enterprise Funds. (O 1417-17)2075

Landmark Commission

Designating the Brown Hoisting Machinery Office Building as a Cleveland Landmark. (O 1052-17)2075
 Designating the Brown Hoisting Machinery Warehouse as a Cleveland Landmark. (O 1053-17)2075
 Designating the International Savings and Loan Building (aka St. Clair Bank) as a Cleveland Landmark. (O 1054-17)2075

Lease Purchase Agreements

Authorizing supplemental lease purchase agreements, and other agreements relating to the lease purchase of the Cleveland Stadium, now known as FirstEnergy Stadium; approving the issuance of refunding certificates of participation or conversion and remarketing of variable rate certificates of participation and related supplemental trust agreements; and authorizing and approving related matters. (O 1362-17)2086

Liquor Permits

Objecting to a New C1 Liquor Permit at 11113 Nelson Avenue. (R 1416-17)2084
 Objecting to the transfer of location of a D2, D2X, D3, D3A and D6 Liquor Permit to 4625 29 West 130th Street. (R 1427-17)2073
 Objecting to the transfer of ownership of a C1 Liquor Permit to 2288 East 55th Street, 1st floor unit. (R 1428-17)2074
 Objecting to the transfer of ownership of a D2, D2X, D3, D3A and D6 Liquor Permit to 4693 State Road, 1st floor and basement front. (R 1429-17)2074

Memoranda of Understanding (M.O.U)

Authorizing the Director of Workforce Development to apply for, accept and expend funds and resources from the Ohio Department of Job and Family Services, or other fiscal agents, for the 2017 Workforce Innovation and Opportunity Act and Workforce Development Program grants; to enter into contracts and memoranda of understanding with various entities necessary to administer and implement the Workforce Development programs; to enter into one or more agreements with Cuyahoga County, or other fiscal agents, to accept monies for implementation of the programs; and to sublease areas at OhioMeans Jobs Cleveland Cuyahoga County One Stop Service Center, located at 1910 Carnegie Avenue. (O 1439-17)2069

Moral Claims

Authorizing the Director of Finance to pay as Moral Claims the sums opposite the names of the claimants. (O 1410-17)2075

Ohio Department of Job and Family Services

Authorizing the Director of Workforce Development to apply for, accept and expend funds and resources from the Ohio Department of Job and Family Services, or other fiscal agents, for the 2017 Workforce Innovation and Opportunity Act and Workforce Development Program grants; to enter into contracts and memoranda of understanding with various entities necessary to administer and implement the Workforce Development programs; to enter into one or more agreements with Cuyahoga County, or other fiscal agents, to accept monies for implementation of the programs; and to sublease areas at OhioMeansJobs Cleveland Cuyahoga County One Stop Service Center, located at 1910 Carnegie Avenue. (O 1439-17)2069

Ohio Department of Public Health

Authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the 2018-21 STD Control Prevention Program. (O 1280-17)2085
 Authorizing the Director of Public Health to enter into one or more agreements with the Ohio Department of Health to reimburse Cleveland for monitoring radiation levels in the vicinity of the Burke Lakefront Airport, for a period of two years. (O 1369-17)2106

Ohio House Finance Agency (OHFA)

From Robert S. Curry, Executive Director, CHN Housing Partners. Notice of receipt of an award from Ohio Housing Finance Agency for multifamily funding programs for the development known as International Village, single family homes to be built on several sites including on Sackett Avenue, West 38th Street, West 41st Street, West 43rd Street, West 50th Street, West 38th Street, West 52nd Street, West 54th Street, and West 56th Street, in Cleveland, Ohio; with other sites to be determined in the future. (F 1438-17)2059

Ohio Revised Code

To supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Chapter 110A, Circulation of Initiative or Referendum Petition Regulation, Sections 110A.01 through 110A.03, to require filing an itemized statement including all moneys or things of value paid, given, or promised for circulating petitions, and prohibit certain practices relative to petitions. (O 854-17)2084

Petitions

To supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Chapter 110A, Circulation of Initiative or Referendum Petition Regulation, Sections 110A.01 through 110A.03, to require filing an itemized statement including all moneys or things of value paid, given, or promised for circulating petitions, and prohibit certain practices relative to petitions. (O 854-17)2084

Plats

Dedication Plat for Brock Court and West 19th Place Widening, between Smith Court and West 18th Street. Approved by Committees on Municipal Services and Properties, and Development Planning and Sustainability. Without objection, Plat approved. (F 1425-17)2059
 Dedication Plat for Clinton Court Townhomes Subdivision, between West 45th Street and West 48th Street. Approved by Committees on Municipal Services and Properties, and Development Planning and Sustainability. Without objection, Plat approved. (F 1426-17)2059

Professional Services

Authorizing the Clerk of Council to enter into an agreement with Guy Gadowski, CPA to provide professional financial consulting and auditing services necessary for Cleveland City Council. (O 1358-17)2075
 Authorizing the Clerk of Council to enter into an agreement with Mita Marketing LLC for the professional services necessary to assist Cleveland City Council with communications and public relations. (O 1355-17)2075
 Authorizing the Clerk of Council to enter into an agreement with On Technology Partners for the professional services necessary to advise and assist in the maintenance and performance of computer technology projects and to provide specific computer technology services for Cleveland City Council. (O 1359-17)2075
 Authorizing the Clerk of Council to enter into an agreement with The Batchelder Company for professional lobbying services for Cleveland City Council. (O 1357-17)2075
 Authorizing the Clerk of Council to enter into an agreement with The Project Group for professional assistance in investigating utility related matters pertaining to the Divisions of Cleveland Public Power, Water and Water Pollution Control for Cleveland City Council. (O 1360-17)2075
 Authorizing the Clerk of Council to enter into an agreement with Western Reserve Land Conservancy d/b/a Thriving Communities Institute to provide professional services regarding the Vacant and Abandoned Property Action Council (VAPAC), reforestation, demolition funding, rehabilitation, code enforcement, greenspace, and property information. (O 1356-17)2075
 Authorizing the Council President to enter into an agreement with Cobalt Group, Inc. to provide professional and project management services for the Clerk of Council. (O 1354-17)2075
 Authorizing the Director of Public Safety to enter into an amendment to Contract No. CT 6001 PS 2016 165 with Intergraph Corporation dba Hexagon Safety & Infrastructure to provide additional services needed to implement the Computer Aided Dispatch System Upgrade Project; and authorizing contracts to implement the Computer Aided Dispatch system Upgrade as required by the Department of Justice Consent Decree. (O 1434-17)2061
 Authorizing the Director of Public Utilities to employ one or more professional consultants to perform a rate study for the Divisions of Water, Cleveland Public Power, and Water Pollution Control, Department of Public Utilities. (O 1436-17)2062

Public Hearings (Notices)

Changing the Use, Area, and Height Districts of parcels along Superior Avenue Between E. 105th Street and E. 125th Street and adding an Urban Form Overlay District. (O 1420-17)2082
 Changing the Use, Height and Area District of a parcel east of Ridge Road between I 71 and Associate Avenue as identified on the attached map (Map Change No. 2574). (O 1257-17)2082

Public Improvements

Authorizing the Director of Public Utilities to enter into an amendment to Contract No. CT PS 2017-025 with the City of Cleveland Heights to extend the transitional period for one additional year to cover costs associated with the conversion to direct service; and to amend Section 535.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 579-16, passed June 6, 2016, relating to water rates; and determining the method of making the public improvement of constructing improvements to the distribution system in Cleveland Heights; and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement. (O 1440-17)2070

Purchases and Supplies Division

Authorizing the Commissioner of Purchases and Supplies to acquire and re convey properties presently owned by Health Tech Hospitality, LLC, or its designee, located at 6975 Euclid Avenue for the purpose of entering into the chain of title prior to the adoption of tax increment financing legislation authorized under Section 5709.41 of the Revised Code. (O 1408-17)2106

Resolution of Support

Supporting efforts to shop locally this holiday season, and declaring November 25 through December 25, 2017, Shop Local and Handmade Month in the City of Cleveland. (R 1377-17)2083

Safety Department

Authorizing the Director of Public Safety to apply for and accept a grant from PetSmart Charities to assist with financing the cost of the construction of a new City Kennel. (O 1433-17)2061

Authorizing the Director of Public Safety to enter into an amendment to Contract No. CT 6001 PS 2016 165 with Intergraph Corporation dba Hexagon Safety & Infrastructure to provide additional services needed to implement the Computer Aided Dispatch System Upgrade Project; and authorizing contracts to implement the Computer Aided Dispatch system Upgrade as required by the Department of Justice Consent Decree. (O 1434-17)2061

To amend Section 2 of Ordinance No. 109-17, passed February 1, 2017, relating to written standard and requirement contracts of labor and materials necessary to inspect, test, maintain, repair, and upgrade elevators, escalators, and moving or speed walks for the various divisions of City government, for a period of five years. (O 1435-17)2061

Tax Incentive Review Council

Approving the Tax Incentive Review Council’s Year 2016 recommendations. (O 1432-17)2060

Tax Increment Financing (TIF)

Authorizing the Commissioner of Purchases and Supplies to acquire and re convey properties presently owned by Health Tech Hospitality, LLC, or its designee, located at 6975 Euclid Avenue for the purpose of entering into the chain of title prior to the adoption of tax increment financing legislation authorized under Section 5709.41 of the Revised Code. (O 1408-17)2106

Authorizing the Director of Economic Development to enter into a Tax Increment Financing Agreement with Health Tech Hospitality, LLC, or its designee, to support debt service related to the development of a Hilton Tru Hotel located at 6975 Euclid Avenue; to provide for payments to the Cleveland City School District; and to declare certain improvements to real property to be a public purpose. (O 1431-17)2059

Taxes

Approving the Tax Incentive Review Council’s Year 2016 recommendations. (O 1432-17)2060

Utilities Department

Authorizing the Director of Public Utilities to employ one or more professional consultants to perform a rate study for the Divisions of Water, Cleveland Public Power, and Water Pollution Control, Department of Public Utilities. (O 1436-17)2062

Authorizing the Director of Public Utilities to enter into an amendment to Contract No. CT PS 2017-025 with the City of Cleveland Heights to extend the transitional period for one additional year to cover costs associated with the conversion to direct service; and to amend Section 535.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 579-16, passed June 6, 2016, relating to water rates; and determining the method of making the public improvement of constructing improvements to the distribution system in Cleveland Heights; and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement. (O 1440-17)2070

Ward 02

Objecting to a New C1 Liquor Permit at 11113 Nelson Avenue. (R 1416-17)2084

Ward 03

Dedication Plat for Brock Court and West 19th Place Widening, between Smith Court and West 18th Street. Approved by Committees on Municipal Services and Properties, and Development Planning and Sustainability. Without objection, Plat approved. (F 1425-17)2059

Dedication Plat for Clinton Court Townhomes Subdivision, between West 45th Street and West 48th Street. Approved by Committees on Municipal Services and Properties, and Development Planning and Sustainability. Without objection, Plat approved. (F 1426-17)2059

From Robert S. Curry, Executive Director, CHN Housing Partners. Notice of receipt of an award from Ohio Housing Finance Agency for multifamily funding programs for the development known as International Village, single family homes to be built on several sites including on Sackett Avenue, West 38th Street, West 41st Street, West 43rd Street, West 50th Street, West 38th Street, West 52nd Street, West 54th Street, and West 56th Street, in Cleveland, Ohio; with other sites to be determined in the future. (F 1438-17)2059

Ward 04

Authorizing the Director of the Department of Community Development to enter into agreement with Famicos Foundation for the Holiday Food Gift Card Program through the use of Wards 4, 8 and 9 Casino Revenue Funds. (O 1413-17)2106

Ward 05

Objecting to the transfer of ownership of a C1 Liquor Permit to 2288 East 55th Street, 1st floor unit. (R 1428-17)2074

Ward 07

Amending Section 2 of Ordinance No. 1372-17 passed November 13, 2017 as it pertains to the New Eastside Market Project through the use of Wards 7 Casino Revenue Funds. (O 1415-17)2107

Authorizing the Commissioner of Purchases and Supplies to acquire and re convey properties presently owned by Health Tech Hospitality, LLC, or its designee, located at 6975 Euclid Avenue for the purpose of entering into the chain of title prior to the adoption of tax increment financing legislation authorized under Section 5709.41 of the Revised Code. (O 1408-17)2106

Authorizing the Director of Economic Development to enter into a Tax Increment Financing Agreement with Health Tech Hospitality, LLC, or its designee, to support debt service related to the development of a Hilton Tru Hotel located at 6975 Euclid Avenue; to provide for payments to the Cleveland City School District; and to declare certain improvements to real property to be a public purpose. (O 1431-17)2059

Ward 08

Authorizing the Director of the Department of Community Development to enter into agreement with Famicos Foundation for the Holiday Food Gift Card Program through the use of Wards 4, 8 and 9 Casino Revenue Funds. (O 1413-17)2106

Ward 09

Authorizing the Director of the Department of Community Development to enter into agreement with Famicos Foundation for the Holiday Food Gift Card Program through the use of Wards 4, 8 and 9 Casino Revenue Funds. (O 1413-17)2106

Changing the Use, Area, and Height Districts of parcels along Superior Avenue Between E. 105th Street and E. 125th Street and adding an Urban Form Overlay District. (O 1420-17)2082

Ward 10

Authorizing the Director of the Department of Community Development with the St. Clair Superior Development Corporation for the Holiday Food Gift Card Program through the use of Ward 10 Casino Revenue Funds. (O 1414-17)2106

Designating the Brown Hoisting Machinery Office Building as a Cleveland Landmark. (O 1052-17)2075

Designating the Brown Hoisting Machinery Warehouse as a Cleveland Landmark. (O 1053-17)2075

Designating the International Savings and Loan Building (aka St. Clair Bank) as a Cleveland Landmark. (O 1054-17)2075

Ward 13

Authorizing the Director of the Department of Community Development to enter into agreement with Old Brooklyn Community Development Corporation for the Holiday Food Gift Card Program through the use of Ward 13 Casino Revenue Funds. (O 1430-17)2073

Changing the Use, Height and Area District of a parcel east of Ridge Road between I 71 and Associate Avenue as identified on the attached map (Map Change No. 2574). (O 1257-17)	2082
Changing the Use, Height and Area Districts of parcels west of Pearl Road between Wildlife Way and Ardmore Avenue and adding an Urban Form Overlay and as identified on the attached map (Map Change No. 2570). (O 1256-17)	2076
From Robert S. Curry, Executive Director, CHN Housing Partners. Notice of receipt of an award from Ohio Housing Finance Agency for multifamily funding programs for the development known as International Village, single family homes to be built on several sites including on Sackett Avenue, West 38th Street, West 41st Street, West 43rd Street, West 50th Street, West 38th Street, West 52nd Street, West 54th Street, and West 56th Street, in Cleveland, Ohio; with other sites to be determined in the future. (F 1438-17)	2059
Objecting to the transfer of ownership of a D2, D2X, D3, D3A and D6 Liquor Permit to 4693 State Road, 1st floor and basement front. (R 1429-17)	2074

Ward 14

From Robert S. Curry, Executive Director, CHN Housing Partners. Notice of receipt of an award from Ohio Housing Finance Agency for multifamily funding programs for the development known as International Village, single family homes to be built on several sites including on Sackett Avenue, West 38th Street, West 41st Street, West 43rd Street, West 50th Street, West 38th Street, West 52nd Street, West 54th Street, and West 56th Street, in Cleveland, Ohio; with other sites to be determined in the future. (F 1438-17)	2059
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Ward 15

Authorizing the Director of Public Safety to apply for and accept a grant from PetSmart Charities to assist with financing the cost of the construction of a new City Kennel. (O 1433-17)	2061
From Robert S. Curry, Executive Director, CHN Housing Partners. Notice of receipt of an award from Ohio Housing Finance Agency for multifamily funding programs for the development known as International Village, single family homes to be built on several sites including on Sackett Avenue, West 38th Street, West 41st Street, West 43rd Street, West 50th Street, West 38th Street, West 52nd Street, West 54th Street, and West 56th Street, in Cleveland, Ohio; with other sites to be determined in the future. (F 1438-17)	2059

Ward 16

Objecting to the transfer of location of a D2, D2X, D3, D3A and D6 Liquor Permit to 4625 29 West 130th Street. (R 1427-17)	2073
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Water Division

Authorizing the Clerk of Council to enter into an agreement with The Project Group for professional assistance in investigating utility related matters pertaining to the Divisions of Cleveland Public Power, Water and Water Pollution Control for Cleveland City Council. (O 1360-17)	2075
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Water Pollution Control Division (WPC Division)

Authorizing the Clerk of Council to enter into an agreement with The Project Group for professional assistance in investigating utility related matters pertaining to the Divisions of Cleveland Public Power, Water and Water Pollution Control for Cleveland City Council. (O 1360-17)	2075
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Water Rates

Authorizing the Director of Public Utilities to enter into an amendment to Contract No. CT PS 2017-025 with the City of Cleveland Heights to extend the transitional period for one additional year to cover costs associated with the conversion to direct service; and to amend Section 535.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 579-16, passed June 6, 2016, relating to water rates; and determining the method of making the public improvement of constructing improvements to the distribution system in Cleveland Heights; and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement. (O 1440-17)	2070
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Zoning

Changing the Use, Area, and Height Districts of parcels along Superior Avenue Between E. 105th Street and E. 125th Street and adding an Urban Form Overlay District. (O 1420-17)	2082
Changing the Use, Height and Area District of a parcel east of Ridge Road between I 71 and Associate Avenue as identified on the attached map (Map Change No. 2574). (O 1257-17)	2082
Changing the Use, Height and Area Districts of parcels west of Pearl Road between Wildlife Way and Ardmore Avenue and adding an Urban Form Overlay and as identified on the attached map (Map Change No. 2570). (O 1256-17)	2076