

# The City Record

Official Publication of the Council of the City of Cleveland



---

December the Thirteenth, Two Thousand and Six

---

**Frank G. Jackson**  
Mayor

**Martin J. Sweeney**  
President of Council

**Emily Lipovan**  
City Clerk, Clerk of Council

Ward	Name
1	Nina Turner
2	Robert J. White
3	Zachary Reed
4	Kenneth L. Johnson
5	Phyllis E. Cleveland
6	Patricia J. Britt
7	Fannie M. Lewis
8	Sabra Pierce Scott
9	Kevin Conwell
10	Roosevelt Coats
11	Michael D. Polensek
12	Anthony Brancatelli
13	Joe Cimperman
14	Joseph Santiago
15	Brian J. Cummins
16	Kevin J. Kelley
17	Matthew Zone
18	Jay Westbrook
19	Dona Brady
20	Martin J. Sweeney
21	Michael A. Dolan

The City Record is available online at  
[www.clevelandcitycouncil.org](http://www.clevelandcitycouncil.org)

Containing	PAGE
City Council	3
The Calendar	69
Board of Control	69
Civil Service	71
Board of Zoning Appeals	71
Board of Building Standards and Building Appeals	72
Public Notice	72
Public Hearings	72
City of Cleveland Bids	72
Adopted Resolutions and Ordinances	73
Committee Meetings	78
Index	79

# DIRECTORY OF CITY OFFICIALS

## CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

Ward	Name	Residence	
1	Nina Turner.....	16204 Sunny Glen Avenue	44128
2	Robert J. White .....	9703 Cardwell Avenue	44105
3	Zachary Reed .....	3734 East 149th Street	44120
4	Kenneth L. Johnson.....	2948 Hampton Road	44120
5	Phyllis E. Cleveland.....	2369 East 36th Street	44105
6	Patricia J. Britt.....	12402 Britton Drive	44120
7	Fannie M. Lewis.....	7416 Star Avenue	44103
8	Sabra Pierce Scott.....	1136 East 98th Street	44108
9	Kevin Conwell.....	10647 Ashbury Avenue	44106
10	Roosevelt Coats.....	1775 Cliffview Road	44112
11	Michael D. Polensek.....	17855 Brian Avenue	44119
12	Anthony Brancatelli.....	6924 Ottawa Road	44105
13	Joe Cimperman.....	3053 West 12th Street	44113
14	Joseph Santiago.....	3169 West 14th Street	44109
15	Brian J. Cummins.....	3104 Mapledale Avenue	44109
16	Kevin J. Kelley.....	6608 Woodhaven Avenue	44144
17	Matthew Zone.....	1228 West 69th Street	44102
18	Jay Westbrook.....	1278 West 103rd Street	44102
19	Dona Brady.....	1272 West Boulevard	44102
20	Martin J. Sweeney.....	3632 West 133rd Street	44111
21	Michael A. Dolan.....	16519 West Park Road	44111

City Clerk, Clerk of Council – Emily Lipovan, 216 City Hall, 664–2840  
First Assistant Clerk – Sandra Franklin

**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  
Tracy Y. Martin, Executive Assistant to the Mayor, Chief of Education  
Maureen Harper, Executive Assistant to the Mayor, Chief of Communications  
\_\_\_\_\_, Executive Assistant to the Mayor, Press Secretary  
Debra Linn Talley, Director, Office of Equal Opportunity

**DEPT. OF LAW – Robert J. Triozzi, Director, Richard F. Horvath, Chief Corporate Counsel, Thomas J. Kaiser, Chief Trial Counsel, Barbara A. Langhenry, Chief Counsel, Rm. 106 Karen E. Martines, Law Librarian, Room 100**

**DEPT. OF FINANCE – Sharon Dumas, Director, Room 104;**  
Frank Badalamenti, Manager, Internal Audit  
DIVISIONS: Accounts – Richard W. Sensenbrenner, Commissioner, Room 19  
Assessments and Licenses – Dedrick Stephens, Commissioner, Room 122  
City Treasury – Algeron Walker, Treasurer, Room 115  
Financial Reporting and Control – James Gentile, Controller, Room 18  
Information Technology and Services – Douglas Divish, Commissioner, 205 W. St. Clair Avenue  
Purchases and Supplies – James E. Hardy, 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 – Julius Ciaccia, Director, 1201 Lakeside Avenue**  
DIVISIONS – 1201 Lakeside Avenue  
Cleveland Public Power – Ivan Henderson, Commissioner  
Street Lighting Bureau – \_\_\_\_\_, Acting Chief  
Utilities Fiscal Control – Dennis Nichols, Commissioner  
Water – John Christopher Nielson, Commissioner  
Water Pollution Control – Ollie Shaw, Commissioner

**DEPT. OF PORT CONTROL – Ricky D. Smith, Director**  
Cleveland Hopkins International Airport, 5300 Riverside Drive  
Burke Lakefront Airport – Khalid Bahhur, Commissioner  
Cleveland Hopkins International Airport – Fred Szabo, Commissioner

**DEPT. OF PUBLIC SERVICE – Jomarie Wasik, Director, Room 113**  
DIVISIONS: Architecture – Kurt Wiebusch, Commissioner, Room 517  
Engineering and Construction – Randall E. DeVaul, Commissioner, Room 518  
Motor Vehicle Maintenance, Daniel A. Novak, Commissioner, Harvard Yards Streets – Randall T. Scott, Commissioner, Room 25  
Traffic Engineering – Robert Mavec, Commissioner, 4150 East 49th Street, Building #1  
Waste Collection and Disposal – Ron Owens, Commissioner, 5600 Carnegie Avenue

**DEPT. OF PUBLIC HEALTH – Matt Carroll, Director, Mural Building, 1925 St. Clair Ave.**  
DIVISIONS: Air Quality – Richard L. Nemeth, Commissioner  
Correction – Robert Taskay, Commissioner, Cleveland House of Corrections, 4041 Northfield Rd.  
Environment – Willie Bess, Commissioner, Mural Building, 1925 St. Clair Ave.  
Health – Anjou Parekh, Commissioner, Mural Building, 1925 St. Clair Ave.

**DEPT. OF PUBLIC SAFETY – Martin Flask, Director, Room 230**  
DIVISIONS: Dog Pound – John Baird, Chief Dog Warden, 2690 West 7th Street  
Emergency Medical Service – Edward Eckart, Commissioner, 1708 South Pointe Drive  
Fire – Paul A. Stubbs, Chief, 1645 Superior Avenue  
Police – Michael C. McGrath, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street

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

**DEPT. OF COMMUNITY DEVELOPMENT – Daryl Rush, Director, 3rd Floor, City Hall**  
DIVISIONS: Administrative Services – Terrence Ross, Commissioner  
Neighborhood Services – Louise V. Jackson, Commissioner  
Neighborhood Development – Joseph A. Sidoti, Commissioner

**DEPT. OF BUILDING AND HOUSING – Edward W. Rybka, Director, Room 500**  
DIVISIONS: Code Enforcement – Tyrone L. Johnson, Commissioner  
Construction Permitting – Timothy R. Wolosz, Commissioner

**DEPT. OF PERSONNEL AND HUMAN RESOURCES – Trudy Hutchinson, Director, Room 121**

**DEPT. OF ECONOMIC DEVELOPMENT – Brian A. Reilly, Director, Room 210**

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

**DEPT. OF CONSUMER AFFAIRS – Angel Guzman, Director**

**COMMUNITY RELATIONS BOARD – Room 11, Blaine Griffin, Director; Mayor Frank G. Jackson, Chairman Ex-Officio; Rev. Charles Lucas, Jr., Vice-Chairman; Councilman Kevin Conwell, Councilman Brian J. Cummins, Councilman Joe Santiago, Councilman Matthew Zone, City Council Representatives; Charles L. Patton, Jr., Paula Castleberry, Emmett Saunders, John Banno, Kathryn M. Hall, Evangeline Hardaway, Janet Jankura, Gia Hoa Ryan, Rev. Jesse Harris, Magda Gomez, Fred J. Livingstone, Margot James Copeland.**

**CIVIL SERVICE COMMISSION – Room 119, Reynaldo Galindo, President; Rev. Earl Preston, Vice President; Lucille Ambroz, Secretary; Members: Diane M. Downing, Michael L. Nelson.**

**SINKING FUND COMMISSION – Frank G. Jackson, President; Council President Martin J. Sweeney; Betsy Hruby, Asst. Sec'y.; Sharon Dumas, Director.**

**BOARD OF ZONING APPEALS – Room 516, Carol A. Johnson, Chairman; Members: John Myers, Ozell Dobbins, Joan Shaver Washington, Tim Donovan, \_\_\_\_\_, Secretary.**

**BOARD OF BUILDING STANDARDS AND BUILDING APPEALS – Room 516, J. F. Denk, Chairman; \_\_\_\_\_, Arthur Saunders, Alternate Members – D. Cox, P. Frank, E. P. O'Brien, Richard Pace, J.S. Sullivan.**

**BOARD OF REVISION OF ASSESSMENTS – Law Director Robert J. Triozzi, President; Finance Director Sharon Dumas, Secretary; Council President Martin J. Sweeney.**

**BOARD OF SIDEWALK APPEALS – Service Director Jomarie Wasik, Law Director Robert J. Triozzi; Councilman \_\_\_\_\_.**

**BOARD OF REVIEW – (Municipal Income Tax) – Law Director Robert J. Triozzi; Utilities Director \_\_\_\_\_; Council President Martin J. Sweeney.**

**CITY PLANNING COMMISSION – Room 501 – Robert N. Brown, Director; Anthony J. Coyne, Chairman; David Bowen, Lillian Kuri, Lawrence A. Lumpkin, Gloria Jean Pinkney, Rev. Sam Edward Small, Council Member Joe Cimperman.**

**FAIR CAMPAIGN FINANCE COMMISSION – Chris Warren, C. Ellen Connolly, Hillary S. Taylor.**

**FAIR EMPLOYMENT WAGE BOARD – Room 210 – Gerald Meyer, Chair; Angela Caldwell, Vice Chair; Patrick Gallagher, Kathryn Jackson, Draydean McCaleb, Council Member \_\_\_\_\_, Ed Romero.**

**FAIR HOUSING BOARD – Charles See, Chair; \_\_\_\_\_, Vice Chair; Daniel Conway, Doris Honsa, Lisa Camacho.**

**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 Robert J. Triozzi; Chairman; Finance Director Sharon Dumas; Council President Martin J. Sweeney; Councilman Kevin Kelley; Councilman Nina Turner.**

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

**CLEVELAND LANDMARKS COMMISSION – Room 519 – India Pierce Lee, Chair; Laura M. Noble, Vice Chair; Robert Brown, Thomas Coffey, Jennifer Coleman, Lee, Michael Rastatter, Jr., John Torres, Ari Maron, N. Kurt Wiebusch, Council Member Joe Cimperman, Robert Jackimowicz; Robert Keiser, Secretary.**

**AUDIT COMMITTEE – Robert Rawson, Chairman; Yvette Ittu, Debra Janik, Bracy Lewis, Don Neebes, Council President Martin J. Sweeney; Law Director Robert J. Triozzi.**

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

Judge	Courtroom
Presiding and Administrative Judge Larry A. Jones	14B
Judge Ronald B. Adrine	15A
Judge Emanuella Groves	13A
Judge Kathleen Ann Keough	13D
Judge Anita Laster Mays	14C
Judge Lauren C. Moore	14A
Judge Charles Patton, Jr.	12B
Judge Raymond L. Pianka (Housing Court Judge)	13B
Judge Michael Ryan	12A
Judge Angela R. Stokes	15C
Judge Joan Synenberg	13C
Judge Pauline H. Tarver	12C
Judge Joseph J. Zone	14D

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

# The City Record



OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 93

WEDNESDAY, DECEMBER 13, 2006

No. 4853

## CITY COUNCIL

MONDAY, DECEMBER 11, 2006

### 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](http://www.clevelandcitycouncil.org)

Address all communications to

**EMILY LIPOVAN**

City Clerk, Clerk of Council  
216 City Hall

### PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2006-2009

#### MONDAY—Alternating

9:30 A.M. — **Public Parks, Property & Recreation Committee:** Johnson, Chair; White, Vice Chair; Brancatelli, Cummins, Kelley, Polensek, Turner.

9:30 A.M. — **Health & Human Services Committee:** Britt, Chair; Cleveland, Vice Chair; Conwell, Kelley, Reed, Santiago, Westbrook.

11:00 A.M. — **Public Service Committee:** Brady, Chair; Turner, Vice Chair; Cleveland, Cummins, Johnson, Polensek, Reed, Santiago, White.

11:00 A.M. — **Legislation Committee:** Cleveland, Chair; Dolan, Vice Chair; Cimperman, Lewis, Pierce Scott, Reed, White.

#### MONDAY

2:00 P.M. — **Finance Committee:** Sweeney, Chair; Cimperman, Vice Chair; Brady, Brancatelli, Britt, Coats, Conwell, Pierce Scott, Westbrook, White, Zone.

#### TUESDAY

9:30 A.M. — **Community and Economic Development Committee:** Pierce Scott, Chair; Brancatelli, Vice Chair; Brady, Cimperman, Cummins, Coats, Lewis, Westbrook, Zone.

1:30 P.M. — **Employment, Affirmative Action & Training Committee:** Lewis, Chair; Santiago, Vice Chair; Brancatelli, Coats, Conwell, Johnson, Turner.

#### WEDNESDAY—Alternating

10:00 A.M. — **Aviation & Transportation Committee:** Kelley, Chair; Westbrook, Vice Chair; Brancatelli, Britt, Cleveland, Dolan, Turner.

10:00 A.M. — **Public Safety Committee:** Conwell, Chair; Brady, Vice Chair; Britt, Coats, Cummins, Kelley, Polensek, Santiago, Turner.

#### WEDNESDAY—Alternating

1:30 P.M. — **Public Utilities Committee:** Zone, Chair; Reed, Vice Chair; Cleveland, Cummins, Dolan, Kelley, Polensek, Santiago, Westbrook.

1:30 P.M. — **City Planning Committee:** Cimperman, Chair; Westbrook, Vice Chair; Conwell, Dolan, Lewis, Reed, Zone.

The following Committees are subject to the Call of the Chair:

**Rules Committee:** Sweeney, Chair; Cleveland, Kelley, Pierce Scott, Polensek.

**Personnel and Operations Committee:** Sweeney, Chair; Britt, Kelley, Pierce Scott, Santiago, Westbrook, White.

**Mayor's Appointment Committee:** Coats, Chair; Pierce Scott, Kelley, Sweeney, Westbrook.

### OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, December 11, 2006

The meeting of the Council was called to order, The President, Martin J. Sweeney, in the Chair.

Council Members present: Brady, Brancatelli, Britt, Cimperman, Cleveland, Coats, Conwell, Cummins, Dolan, Johnson, Kelley, Lewis, Polensek, Reed, Santiago, Pierce Scott, Sweeney, Turner, Westbrook, White and Zone.

Also present were Mayor Frank G. Jackson; Ken Silliman, Chief of Staff; Darnell Brown, Chief Operating Officer; Valarie J. McCall, Chief of Governmental Affairs; Tracy Y. Martin, Chief of Education; Maureen Harper, Chief of Communications; Debra Linn Talley, Director of Equal Opportunity; Rebecca Schaltenbrand, Legislative Affairs; Directors Triozzi, Dumas, Wasik, Carroll, Flask, Cox, Rush, Hutchinson, Reilly, Fumich, Guzman, Griffin and Brown.

Pursuant to Ordinance No. 2926-76, prayer was offered by Council Member Robert White of Ward 2. Pledge of Allegiance.

#### MOTION

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

#### FROM THE DIRECTOR OF FINANCE

##### File No. 2070-06-A.

Bridges and Roadways Improvement Bonds Fiscal Officers Certificate. Seventeen Million Nine Hundred Thirty-Five Thousand Dollars (\$17,935,000). Received.

##### File No. 2071-06-A.

Public Facilities Improvement Bonds Fiscal Officers Certificate. Sixteen Million Three Hundred Fifty Thousand Dollars (\$16,350,000). Received.

##### File No. 2072-06-A.

Revitalization Improvement Bonds Fiscal Officers Certificate. Three Million Seventy-Five Thousand Dollars (\$3,075,000). Received.

##### File No. 2073-06-A.

Parks and Recreation Facilities Improvement Bonds Fiscal Officers Certificate. Two Million Eight Hundred Twenty-Five Thousand Dollars (\$2,825,000). Received.

##### File No. 2074-06-A.

Final Judgment Improvement Bonds Fiscal Officers Certificate. Two Million Fifty Thousand Dollars (\$2,050,000). Received.

##### File No. 2075-06-A.

Cemeteries Improvement Bonds Fiscal Officers Certificate. Five Hundred Fifteen Thousand Dollars (\$515,000). Received.

#### PLAT

##### File No. 2110-06.

A Residential Townhouse Development for Wade Park Townhouses. (Ward 9).

Approved by Committees on Public Service and City Planning.

Without objection, plat approved. Yeas 21. Nays 0.

#### CONDOLENCE RESOLUTIONS

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

**Res. No. 2111-06**—Jerome A. Brentar.

**Res. No. 2112-06**—Dr. Edward G. Vargo.

**Res. No. 2113-06**—Harry Gray.

**Res. No. 2114-06**—Robert Smith.

**Res. No. 2115-06**—Tom Kemer.

**Res. No. 2116-06** — Edythe Gwendolyn Johnson Coutts.

**Res. No. 2117-06**—Jerry Brentar.

**Res. No. 2118-06**—Donna Contorno.

**Res. No. 2119-06**—Andrew Knaus.

**Res. No. 2120-06**—Frank Fabrizi.

**CONGRATULATION RESOLUTIONS**

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

- Res. No. 2121-06**—Troy Smith.  
**Res. No. 2122-06**—Lanée Latina.  
**Res. No. 2123-06**—Rhoda Katzel.  
**Res. No. 2124-06** — Alfonso D'Emilia.  
**Res. No. 2125-06**—Peter C. Kole.  
**Res. No. 2126-06**—Dick Russ.  
**Res. No. 2127-06** — Della Skipper Ray.  
**Res. No. 2128-06**—Bridge Brigade.  
**Res. No. 2129-06**—Sr. Donna Hawk.

**RECOGNITION RESOLUTIONS**

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

- Res. No. 2130-06**—Capt. Wayne E. Bratton.  
**Res. No. 2131-06**—National City.

**FIRST READING EMERGENCY ORDINANCES REFERRED**

**Ord. No. 2070-06.**  
**By Council Member Sweeney (by departmental request).**

**An emergency ordinance authorizing the issuance and sale of Bonds in the maximum principal amount of \$17,935,000 for the purpose of providing funds to improve the Municipal Street System and related facilities and authorizing related matters.**

Whereas, this Council desires to issue bonds in an aggregate principal amount not to exceed Seventeen Million Nine Hundred Thirty-Five Thousand Dollars (\$17,935,000) (the "Bonds") to finance the costs of certain permanent improvements described in Section 1; and

Whereas, the Director of Finance, as fiscal officer of this City, has certified to this Council that the estimated life or usefulness of the improvements to be financed with the proceeds of the Bonds is at least five (5) years and the maximum maturity of the Bonds is twenty (20) years; and

Whereas, this Council passed Ordinance No. 1749-80 on October 8, 1980, and thereafter amended that ordinance by Ordinance No. 1112-83, passed on May 6, 1983, and Ordinance No. 944-96, passed on June 10, 1996 (Ordinance No. 1749-80, as so amended and as the same may further be amended from time to time in accordance with its provisions, is referred to as the "General Bond Ordinance"), providing the general terms and provisions for the issuance of unvoted general obligations of the City, with the specific terms of each series of Bonds to be contained in ordinances authorizing the issuance of Bonds in accordance with the provisions thereof (the "Series Bond Ordinances"); and

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

the usual daily operation of a municipal department; now, therefore,

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

**Section 1. Purpose.** It is deemed necessary to issue the Bonds in an aggregate principal amount not to exceed Seventeen Million Nine Hundred Thirty-Five Thousand Dollars (\$17,935,000) for the purpose of providing funds to improve the municipal street system and related facilities, including streets, expressways, roadways, driveways, underground vaults, sidewalks and pedestrian walkways, by acquiring, constructing, reconstructing, opening, extending, widening, grading, draining, paving, resurfacing, lighting and curbing, removing or reconstructing underground vaults to preserve the public right of way, installing gutters, sidewalks and related pedestrian improvements, constructing and improving culverts, resetting and constructing catch basins and other storm drainage facilities, constructing, reconstructing, replacing, renovating and rehabilitating bridges, acquiring any real estate and interests in real estate, including easements, necessary for such purpose, and installing signs, signals, markings and other devices for traffic control purposes, together with all necessary and incidental appurtenances, and to pay any capitalized interest and all expenses incurred in connection with the issuance of the securities, including all financing costs within the meaning of Section 133.01(K) of the Revised Code and such other costs of the foregoing permanent improvements that may be financed with the proceeds of securities as permitted by Section 133.15(B) of the Ohio Revised Code and as otherwise permitted by law.

**Section 2. Authority and Terms.** The Bonds shall be issued pursuant to the provisions of Article XVIII of the Constitution of Ohio, Sections 133.01 to 133.70, inclusive, and other applicable provisions of the Revised Code, the Charter of the City, the General Bond Ordinance and this Ordinance for the purpose stated in Section 1. The Bonds shall be designated "Bridges and Roadways Improvement Bonds" and may contain such further designation as provided in the Certificate of Award identified below. The Bonds shall be issued in one lot as fully registered Bonds in denominations of \$5,000 or any integral multiple thereof. The Bonds shall be numbered as determined by the Director of Finance.

The Bonds shall be dated as of March 1, 2007, or such other date, but in no event later than December 31, 2008, specified in the certificate of award providing for the final terms of the Bonds and the sale of the Bonds signed by the Director of Finance in accordance with this Ordinance (the "Certificate of Award"). The Bonds shall be issued in the principal amount specified in the Certificate of Award, which shall not exceed the amount stated in Section 1. The Bonds shall bear interest from their date until the principal amount is paid at the rate or rates per year specified in the Certificate of Award, provided that the weighted average of such rates

(taking into account the principal amount and maturity of each Bond to which a rate applies) shall not exceed six percent (6%) per year. Interest on the Bonds shall be payable semi-annually on May 15 and November 15 of each year, beginning November 15, 2007, or on such other dates specified in the Certificate of Award as the dates on which interest on the Bonds shall be payable (the "Interest Payment Dates").

The Bonds shall mature on November 15 in twenty (20) substantially equal annual installments, beginning November 15, 2007, or according to the schedule set forth in the Certificate of Award, provided that (i) each principal payment shall occur on an Interest Payment Date, (ii) the first principal payment on the Bonds shall be no earlier than November 15, 2007 and no later than December 31, 2009, (iii) the final maturity date of the Bonds shall be no later than twenty (20) years from that date which is twelve months prior to the first date on which provision for payment of principal is made, and (iv) the principal amount thereof shall be payable in annual installments such that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year.

The Bonds stated to mature in any year may be issued as term bonds (the "Term Bonds"), payable pursuant to Mandatory Sinking Fund Redemption Requirements as defined and further described below. The Director of Finance shall determine in the Certificate of Award whether any of the Bonds shall be issued as Term Bonds, any dates (the "Mandatory Redemption Dates") on which the principal amount of the Term Bonds shall be payable pursuant to mandatory sinking fund installments rather than at stated maturity and the amount of principal to be paid on each Mandatory Redemption Date (the "Mandatory Sinking Fund Redemption Requirements").

The Bonds shall be subject to redemption or purchase prior to stated maturity as follows:

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

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

The City shall have the option to deliver to the Registrar (as defined in Section 3) for cancellation Term

Bonds in any aggregate principal amount and to receive a credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City for any Term Bonds. That option shall be exercised by the City on or before the forty-fifth (45th) day preceding the applicable Mandatory Redemption Date, by furnishing the Escrow Agent a certificate, signed by the Registrar, setting forth the extent of the credit to be applied with respect to the then current Mandatory Sinking Fund Redemption Requirement. If the certificate is not timely furnished to the Escrow Agent, the Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Registrar, to the extent not applied theretofore as a credit against any mandatory redemption obligation.

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

**(b) Optional Redemption.** The Bonds may be subject to redemption prior to maturity by and at the option of the City, in whole or in part on any date, in integral multiples of \$5,000, on the optional redemption dates and at the redemption prices (expressed as a percentage of the principal amount redeemed) specified in the Certificate of Award, plus, in each case, accrued interest to the redemption date. The first optional redemption date shall not be later than ten years from the first Interest Payment Date, and the highest redemption price shall not be greater than 102% of the principal amount redeemed plus accrued interest to the redemption date. Based on the written advice of a financial advisor, the Director of Finance may determine in the Certificate of Award that it is in the best interests of the City for some or all of the Bonds not to be callable prior to their stated maturity.

If optional redemption at a price exceeding 100% of the principal amount to be redeemed is to take place as of any applicable Mandatory Redemption Date, the Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the

Bonds to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements of paragraph (a). The Bonds shall be redeemed pursuant to this paragraph only upon written notice from the Director of Finance to the Registrar. That notice shall specify the redemption date and the principal amount of each maturity of Bonds to be redeemed, and shall be given at least forty-five (45) days prior to the redemption date or such shorter period as shall be acceptable to the Registrar. There shall be deposited with the Registrar on or prior to the redemption date funds sufficient to redeem at the redemption price all of the redeemable Bonds for which notice of redemption has been given.

**(c) Purchase in Lieu of Redemption.** If and to the extent provided in the Certificate of Award, the City may elect to purchase Bonds called for optional redemption in lieu of redeeming those Bonds. That election shall be exercised by written direction from the Director of Finance to the Registrar and the Escrow Agent. That written direction shall state whether all or less than all of the Bonds called for optional redemption are to be purchased by the City in lieu of redemption, shall identify the Bonds to be purchased by their maturity date and shall specify the principal amount of each maturity to be purchased in lieu of redemption. If less than all of the Bonds called for optional redemption are to be purchased in lieu of redemption, the amount of each maturity to be purchased shall be in amounts of \$5,000 or integral multiples of \$5,000. Any Bonds called for optional redemption that are not to be purchased shall be redeemed in accordance with their redemption provisions. The purchase price of the Bonds to be purchased in lieu of redemption shall be equal to the principal of, any accrued but unpaid interest on, and any premium that would have been payable on the Bonds on the redemption date if the Bonds had been optionally redeemed instead of being purchased. No notice of the purchase in lieu of redemption is required to be given to the owners of the Bonds in addition to the notice of redemption required by this Ordinance. The Escrow Agent or Registrar, as paying agent shall not purchase Bonds if sufficient moneys have not been deposited with the Escrow Agent or Registrar, as paying agent, by the City for the purpose. On or prior to the scheduled date for optional redemption, the City may rescind its direction to purchase the Bonds in lieu of redemption by written notice from the Director of Finance to the Registrar and the Escrow Agent. In the event that the direction to purchase is rescinded, the Bonds shall be redeemed on the redemption date set forth in the notice of redemption delivered to the owners of the Bonds and in accordance with the provisions of this Ordinance.

**(d) Partial Redemption or Purchase.** If fewer than all of the outstanding Bonds are called for redemption at one time (whether for redemption or purchase in lieu of redemption), they shall be called in the order of maturities directed by

the Director of Finance. If fewer than all Bonds of a single maturity are to be redeemed or purchase in lieu of redemption, the selection of Bonds to be redeemed or purchased, or portions thereof in amounts of \$5,000 or any integral multiple thereof, shall be made by the Registrar by lot in a manner determined by the Registrar. In the case of a partial redemption or purchase of Bonds by lot when Bonds of denominations greater than \$5,000 are then outstanding, each \$5,000 unit of principal thereof shall be treated as though it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all of the \$5,000 units of principal amount represented by a Bond are to be called for redemption, then upon notice of redemption of a \$5,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Registrar (i) for payment of the redemption or purchase price of the \$5,000 unit or units called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (ii) for issuance, without charge to the registered owner thereof, of a new Bond or Bonds of any authorized denomination or denominations in an aggregate principal amount equal to the unmatured portion of the Bond not redeemed or purchased and bearing interest at the same rate and maturing on the same date as the Bond surrendered.

**(e) Notice of Redemption.** The notice of the call for redemption of Bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Registrar on behalf of the City by mailing a copy of the redemption notice by first class mail, postage prepaid, at least thirty (30) days prior to the date fixed for redemption (or such period specified in the Certificate of Award), to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register maintained by the Registrar at the close of business on the fifteenth day preceding that mailing and to any municipal bond insurance company that has issued a policy insuring some or all of the Bonds. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond.

**(f) Payment of Redeemed Bonds.** Notice having been mailed in the manner provided in the preceding paragraph, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, upon presentation and surrender at the place or places specified in that notice, shall be paid. If money for the redemption of all of the Bonds and portions thereof to be redeemed, including interest accrued to the redemption date, is held by the Registrar on the redemption date, and, if notice of

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

The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Registrar or Escrow Agent as paying agent. Principal shall be payable when due upon presentation and surrender of the Bonds at the principal corporate trust office of the Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register (as defined in Section 3) at the close of business on the date provided in the Agreement authorized in Section 3 (the "Record Date"). Notwithstanding any contrary provision in the General Bond Ordinance, so long as the Bonds are held by a Depository in a book entry system (as described in Section 3), debt charges on the Bonds will be payable in lawful money of the United States by wire transfer to the Depository made by the Escrow Agent on each Interest Payment Date.

This Series Bond Ordinance is enacted pursuant to the General Bond Ordinance. The General Bond Ordinance, except for the third paragraph of Section 13(a) (pertaining generally to an adjustment of the interest rate in an event of default) and the third paragraph of Section 4 (pertaining generally to the periods during which the City is not required to make any transfers or exchanges of bonds issued under the General Bond Ordinance), will apply to the Bonds. Except for those provisions, the General Bond Ordinance is included as a part of this Ordinance as fully as if restated in this Ordinance. Words and terms not otherwise defined in this Ordinance shall have the same meaning as set forth in the General Bond Ordinance.

**Section 3. Execution, Authentication, Approval and Recording of the Bonds; Exchange and Transfer of the Bonds; Paying Agents.** The Bonds shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance. Pursuant to Section 4 of the General Bond Ordinance, each Bond shall be authenticated by the manual signature of an authorized officer of the Trustee (as defined therein). The Bonds shall be signed by the City's Mayor and by the City's Director of Finance. In accordance with Section 9.96 of the

Revised Code and the foregoing requirement that each Bond bear the manual signature of an authorized officer of the Trustee, either or both of the signatures of the City's Mayor or of its Director of Finance may be a facsimile. The Bonds shall bear the seal of the City, which seal may be a facsimile seal. Pursuant to Section 83 of the City's Charter, the Director of Law shall prepare the Bonds and shall endorse thereon his approval of the form and correctness thereof by his manual or facsimile signature.

U.S. Bank National Association is appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent for the Bonds (the "Registrar"). The Escrow Agent shall also act as paying agent for the Bonds so long as the Bonds are held in a book entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, an agreement among the City, the Registrar and the Escrow Agent (the "Agreement"), approved as to form and correctness by the Director of Law, providing for services relating to the registration, transfer, exchange and payment of the Bonds on terms that are approved by the Director of Finance on behalf of the City. That approval shall be conclusively evidenced by the signing of the Agreement by the Director of Finance. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Agreement from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Bonds remain outstanding, the City will cause the Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Bonds as provided in this Section (the "Bond Register"). The person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of this Ordinance. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

Any Bond may be exchanged for Bonds of any authorized denomination upon presentation and surrender at the principal corporate trust office of the Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the principal corporate trust office of the Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. Upon

exchange or transfer the Registrar shall complete, authenticate and deliver a new Bond or Bonds of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Registrar shall authenticate and deliver Bonds in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Bonds surrendered upon that exchange or transfer.

Notwithstanding any other provisions of this Ordinance, if it is determined by the Director of Finance to be advantageous to the City, the Bonds may be issued in book entry form in accordance with the provisions of this Section. As used in this Section and this Ordinance:

"Book entry form" or "book entry system" means a form or system under which (i) the ownership of beneficial interests in Bonds and the principal of and interest on the Bonds may be transferred only through a book entry, and (ii) physical Bond certificates in fully registered form are issued by the City only to a Depository or its nominee as registered owner, with the Bonds "immobilized" in the custody of the Depository. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in those Bonds and that principal and interest.

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

"Participant" means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Bonds may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized: (i) the Bonds may be issued in the form of a single, fully registered Bond representing each maturity and registered in the name of the Depository

or its nominee, as registered owner, and immobilized in the custody of the Depository; (ii) the beneficial owners in book entry form shall have no right to receive Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

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

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

**Section 4. Sale of Bonds.** The Bonds shall first be offered for purchase to the Trustees of the Sinking Fund and, if not purchased by them, shall be offered to the Treasury Investment Account for purchase and, if not purchased for that Account, shall be sold to one or more firms that have proposed to underwrite the Bonds and have been selected by the Director of Finance based on an evaluation of the qualifications of those firms (collectively, the "Original Purchaser").

The Bonds shall be awarded to the Original Purchaser in the Certificate of Award which shall specify the final terms of the Bonds in accordance with law, the provisions of this Ordinance, the written advice of a financial advisor retained under authority of Section 20 and the Original Purchaser's offer to purchase the Bonds, including: the principal amount of the Bonds, final purchase price (which shall be not less than 97% of the principal amount plus accrued interest to their date of delivery), interest rate or rates, the amounts and years in which principal installments are payable (at stated maturity or pursuant to Mandatory Sinking Fund Redemp-

tion Requirements), the Interest Payment Dates and the date of the Bonds (if different from those set forth in Section 2) and any other matters required in this Ordinance to be set forth in that Certificate. As appropriate under the Charter, the Mayor, Director of Finance, Director of Law, Clerk of Council and other appropriate officers of the City are, and each of them is, authorized to take such actions as are necessary, appropriate and in the best interest of the City to establish the terms and requirements for delivery of the Bonds and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, procedures, and conditions for the delivery of the Bonds to the Original Purchaser, to give all appropriate notices and certificates, to cause a true transcript of proceedings with reference to the issuance of the Bonds to be delivered to the Original Purchaser, to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance and to take all steps necessary to effect the due execution, authentication and delivery of the Bonds. The Director of Finance is authorized to sign and deliver on behalf of the City a bond purchase agreement between the City and the Original Purchaser (the "Bond Purchase Agreement"), approved as to form and correctness by the Director of Law, setting forth the terms and conditions on which the City agrees to sell the Bonds and the Original Purchaser agrees to buy the Bonds on terms consistent with this Ordinance and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement or amendments to the Bond Purchase Agreement by the Director of Finance. It is determined that the terms of the Bonds, as provided in this Ordinance and as may be provided in or pursuant to the Certificate of Award, are in the best interest of the City and in compliance with all legal requirements.

Pursuant to Section 133.30(B), Ohio Revised Code, the Director of Finance may combine the Bonds with other bonds into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bonds, Series 2007" or such other designation as may be set forth in the Certificate of Award. Such bonds shall contain a summary statement of purposes encompassing the purpose for which the Bonds are issued and shall state that they are issued pursuant to this Ordinance.

**Section 5. Provision for Levying and Collecting Tax.** For the purpose of providing the necessary funds to pay the interest on the Bonds promptly when and as the same falls due, and also to provide for the discharge of the Bonds at maturity, there shall be and is levied on all the taxable property in the City, in addition to all other taxes, a direct

tax annually during the period the Bonds are outstanding, in an amount sufficient to provide for the payment of that interest, when and as the same shall fall due, and also to discharge the principal of the Bonds at maturity, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Constitution of Ohio.

The tax shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, extended and collected. The tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from those tax levies shall be placed in the Unvoted Tax Supported Obligations Account of the Sinking Fund as required by the General Bond Ordinance, and those funds, together with the interest collected on them shall be irrevocably pledged for the payment of principal of and interest on the Bonds when and as the same fall due; provided, however, that, subject to the provisions of Section 8 of the General Bond Ordinance, in each year to the extent that revenues are available from other sources for the payment of the Bonds and are appropriated for such purpose, the amount of such tax shall be reduced by the amount of such revenues so available and appropriated.

This Council hereby covenants, on behalf of the City and its officials, pursuant to the authorization under Sections 133.25(B)(1) and 5705.51 of the Revised Code, and in accordance with the provisions of and to the extent required or permitted by the General Bond Ordinance, that the City will appropriate annually from the proceeds of the City's municipal income taxes an amount as is necessary to meet the annual debt charges for the Bonds.

**Section 6. Application of Proceeds.** The proceeds from the sale of the Bonds, except for accrued interest thereon and any premium, shall be expended and applied for the objects and purposes for which the Bonds are issued. Accrued interest and any premium received from the sale of the Bonds shall be deposited in the Unvoted Tax Supported Obligations Account of the Sinking Fund to be applied to the payment of the principal of and interest on the Bonds.

**Section 7. General Obligation.** The Bonds are secured by a pledge and lien on a parity with the pledges and liens authorized by the General Bond Ordinance and, in addition to the taxes and revenues specifically pledged pursuant to this Ordinance and the General Bond Ordinance and the other covenants, terms and agreements provided hereunder and in the General Bond Ordinance to secure payment of the principal of and interest on the Bonds, the City hereby determines, declares, warrants and covenants that the Bonds are general obligations of the City and that the full faith and credit of the City are hereby pledged for the payment of the principal of and



interest on the Bonds in accordance with the laws and Constitution of the State of Ohio, this Ordinance and the General Bond Ordinance.

**Section 8. Defeasance.**

**(a) Release of Ordinance.** If the City shall pay or cause to be paid and discharged all the outstanding Bonds, or there shall otherwise be paid to the holders of the outstanding Bonds all debt charges due or to become due thereon, and provision shall also be made for paying all other sums payable hereunder, then and in that event this Ordinance (except for Section 8(b) hereof) shall cease to be of further effect, and the covenants, agreements and other obligations of the City under this Ordinance shall be discharged and satisfied, and thereupon the Trustee shall at the request of the City execute and deliver to the City such instruments in writing as shall discharge the lien hereof and enter on the record such discharge of the lien and such other instruments as may be reasonably required by the City.

**(b) Payment and Discharge of Bonds.** Outstanding Bonds shall be deemed to have been paid and discharged within the meaning of this Ordinance, including without limitation, Section 8(a) hereof, if:

(i) the Escrow Agent or Paying Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, sufficient moneys; or

(ii) the Escrow Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, direct obligations of the United States certified by an independent public accounting firm of national reputation to be of such maturities and interest payment dates and to bear such interest, without further investment or reinvestment of either the principal amount thereof or the interest earnings therefrom (likewise to be held in trust and committed, except as hereinafter provided), as will be sufficient, together with moneys referred to in (i) above, for the payment, at their maturities or redemption dates, of all debt charges on the Bonds to their date of maturity or redemption, as the case may be, or if default in such payment shall have occurred on such date then to the date of the tender of such payment; provided, that if any Bonds are to be redeemed prior to the maturity thereof, notice of such redemption shall have been duly given or irrevocable provision satisfactory to the Trustee shall have been duly made for the giving of such notice. Any moneys held by the Escrow Agent in accordance with the provisions of this Section shall be invested by the Escrow Agent in direct obligations of the United States of America maturing, or redeemable at the option of the holder, at times and in amounts sufficient to meet payment of debt charges on the Bonds, as directed by the Director of Finance. Any income or interest earned by, or increment to, the investments held under this Section shall, to the extent determined from time to time by the Escrow Agent to be in excess of the amount required to be held by it for the purposes of this Section, be transferred at the time of such

determination as provided in Section 17(a) of the General Bond Ordinance for unclaimed funds held by a Paying Agent. In the event of nonpresentation of any Bond as described in Section 17(a) of the General Bond Ordinance, the moneys held pursuant to this Section shall be held and paid as provided in said Section 17(a) for unclaimed funds held by a Paying Agent.

**Section 9. Bond Anticipation Notes.**

For the purpose of raising money in anticipation of the issuance of the Bonds for the purpose set forth in Section 1 hereof, notes of the City may be issued in an aggregate principal amount not to exceed Seventeen Million Nine Hundred Thirty-Five Thousand Dollars (\$17,935,000) (the "Notes") upon the direction of the Director of Finance to be set forth in a certificate providing for the final terms of the Notes and the sale of the Notes and signed by the Director of Finance (the "Note Certificate of Award").

**Section 10. Term of the Notes.**

The Notes: shall bear interest at such rate, not exceeding six percent (6%) per year, as may be fixed by the Director of Finance of the City in the Note Certificate of Award; shall be dated their date of issuance; shall mature on the date set forth in the Note Certificate of Award, which shall be no later than five (5) years from such date of issuance; shall be subject to redemption by the City at any time prior to maturity without penalty, provided that, if the Director of Finance, based on the advice of a financial advisor, determines that it is in the best interest of the City in order to enhance the marketability of the Notes, the Director of Finance may cause the Notes to not be redeemable for a period which ends no later than the date which is two (2) years following the date of issuance of the Notes; shall be designated "Bridges and Roadways Improvement Bond Anticipation Notes"; shall be issued in such numbers and denominations as may be requested by the Note Purchaser (hereinafter defined); and shall be issued in fully registered form (which may be in a book entry only system) in denominations of \$5,000 or integral multiples thereof. Interest shall be payable semi-annually on the dates set forth in the Note Certificate of Award; provided that if the Notes mature on or before the end of the twelfth (12th) month following their date of issuance, interest on the Notes shall be payable at maturity.

U.S. Bank National Association is appointed to act as the authenticating agent, registrar, transfer agent and paying agent for the Notes (the "Note Registrar"). The Escrow Agent also shall act as paying agent for the Notes if the Notes are held in a book entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, an agreement among the City, the Note Registrar and the Escrow Agent (the "Note Registrar Agreement") providing for services relating to the registration, transfer, exchange and payment of Notes on terms that are approved by the Director of Finance on behalf of the City. That approval shall be conclu-

sively evidenced by the signing of the Note Registrar Agreement by the Director of Finance. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Note Registrar Agreement from the proceeds of the Notes to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Notes remain outstanding, the City will cause the Note Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Notes as provided in this Section (the "Note Register"). The person in whose name a Note is registered on the Note Register shall be regarded as the absolute owner of that Note for all purposes of this Ordinance. Payment of or on account of the debt charges on any Note shall be made only to or upon the order of that person; neither the City nor the Note Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Note, including interest, to the extent of the amount or amounts so paid.

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

If manual signatures on behalf of the City are required, the Note Registrar shall undertake the exchange or transfer of Notes only after the new Notes are signed by the authorized officers of the City. In all cases of Notes exchanged or transferred, the City shall sign and the Note Registrar shall authenticate and deliver Notes in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Note Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Note Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Notes issued and authenticated upon any exchange or transfer shall be valid



obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Notes surrendered upon that exchange or transfer.

Pursuant to Section 133.30(B), Revised Code, the Director of Finance may combine the Notes with other bond anticipation notes of the City for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bond Anticipation Notes." The Notes shall contain a summary statement of purposes encompassing the purpose for which the Notes are issued and shall state that they are issued pursuant to this Ordinance.

**Section 11. Execution and Payment of the Notes.** The Notes shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance. Each Note shall be authenticated by the manual signature of an authorized officer of the Trustee (as defined therein). The Notes shall be signed by the City's Mayor and by the City's Director of Finance. In accordance with Section 9.96 of the Revised Code and the foregoing requirement that each Note bear the manual signature of an authorized officer of the Trustee, either or both of the signatures of the City's Mayor or of its Director of Finance may be a facsimile. The Notes shall bear the seal of the City, which seal may be a facsimile seal. Pursuant to Section 83 of the City's Charter, the Director of Law shall prepare the Notes and shall endorse thereon his approval of the form and correctness thereof by his manual or facsimile signature.

**Section 12. Sale of the Notes.** The Notes shall first be offered for purchase to the Trustees of the Sinking Fund and, if not purchased by them, shall be offered to the Treasury Investment Account for purchase and, if not purchased for that Account, shall be sold to one or more firms that have proposed to underwrite the Notes and have been selected by the Director of Finance based on an evaluation of the qualifications of those firms (the "Note Purchaser") in the principal amount set forth in a certificate of award to be executed by the Director of Finance (the "Note Certificate of Award") at not less than par and accrued interest and at a rate not exceeding that set forth in Section 10 hereof. The proceeds of such sale shall be paid into the proper fund and used for the purpose for which the Notes are being issued under the provisions of this Ordinance.

**Section 13. Security for the Notes.** The Notes shall be the full general obligations of the City, and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the Notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used for the retirement of the Notes at maturity, together with the interest thereon, and are hereby pledged for such purpose.

**Section 14. Provision for Levying and Collecting Tax.** During the year or years while the Notes are out-

standing there shall be levied on all the taxable property in the City, in addition to all other taxes but within tax limitations, a direct tax annually not less than that which would have been levied if bonds had been issued therefor without the prior issue of the Notes. That tax shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each year are certified, extended and collected. That tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the tax levies required by this Ordinance shall be placed in the Unvoted Tax Supported Obligations Account, and those funds, together with the interest collected on them, shall be irrevocably pledged for the payment of the principal and interest of the Notes or the Bonds in anticipation of which they are issued, when and as the same falls due; provided, however, that in each year to the extent that revenues are available from other sources for the payment of the Notes and Bonds and are appropriated for such purpose, the amount of such direct tax upon all of the taxable property in the City may be reduced by the amount of such revenues so available and appropriated.

**Section 15. Official Statement; Continuing Disclosure.** If, in the judgment of the Director of Finance, a disclosure document (each, an "Official Statement") is appropriate or necessary in connection with the sale of the Notes or the Bonds, the Director of Finance is authorized to prepare or cause to be prepared on behalf of the City an Official Statement with respect to the Notes or the Bonds, as the case may be, and any necessary supplements and to authorize the use and distribution of each Official Statement and any supplements. The Mayor and the Director of Finance are authorized to sign on behalf of the City and in their official capacities each Official Statement and any supplements approved by them. Those officers are, and each of them is, authorized to sign and deliver on behalf of the City and in their official capacities such certificates in connection with the accuracy of each Official Statement and any supplements as may, in their judgment, be necessary or appropriate. Those officers are also authorized to determine and certify on behalf of the City that such disclosure document is "deemed final" by the City within the meaning of Securities and Exchange Commission Rule 15c2-12 the "SEC Rule.") The Director of Finance is authorized to contract for services for the production and distribution of preliminary and final Official Statements, including by printed and electronic means.

For the benefit of the holders and beneficial owners from time to time of the Notes or the Bonds, the City agrees, in accordance with, and as the only obligated person with respect to the Notes and the Bonds under the SEC Rule, to provide or cause to be provided such financial information and operating data and notices, in such manner as may be required for purposes of the SEC

Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Director of Finance is authorized and directed to prepare, or cause to be prepared, and to sign and deliver, in the name and on behalf of the City, a continuing disclosure agreement or certificate, which shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and beneficial owners of the Notes or the Bonds, as the case may be, in accordance with the SEC Rule. The performance of that agreement shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform it. The Director of Finance is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices.

**Section 16. Miscellaneous.**

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

(b) All covenants, terms and provisions of the General Bond Ordinance are fully applicable to the Bonds and the Notes authorized herein, and nothing in this Ordinance shall be deemed to alter or restrict such full application of the General Bond Ordinance, except for the exclusion from application to the Bonds and the Notes authorized herein of the provisions of the third paragraph of Section 13(a) and the third paragraph of Section 4 of the General Bond Ordinance pursuant to Section 2 of this Ordinance.

**Section 17. Captions.** The captions or headings in this Ordinance are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Ordinance.

**Section 18. Federal Tax Covenants.** The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes and the Bonds in such manner and to such extent as may be necessary so that (a) the Notes and the Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest thereon will not be treated as an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes and the Bonds to be and to remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts

of compliance, (i) apply the proceeds of the Notes and the Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property acquired with those proceeds, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

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

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes and the Bonds is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes and the Bonds as the City is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes and the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes and the Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes and the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes and the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes and the Bonds.

**Section 19. Bond Insurance and Ratings.** If the Director of Finance determines it to be in the best interests of the City, based on the written advice of a financial advisor, the Director of Finance may obtain a commitment for municipal bond insurance issued by a nationally recognized municipal bond insurance company insuring the payment when due of the principal of and interest on all or any portion of the Bonds, request a rating on the Bonds from one or more nationally recognized rating organizations, and do any and all things and take any and all actions required to secure a policy of municipal bond insurance and/or a rating or ratings on the Bonds including, but not limited to, the entering into of agreements on behalf of the City necessary to secure a policy of municipal bond insurance. Those agreements may be in separate documents or included in a Bond Purchase Agreement, a registrar agreement or a Certificate of Award, or any combination, and contain terms not materially inconsistent with this Ordinance. The expenditure of the amounts necessary to secure that insurance or obtain those ratings is authorized and approved, and the Director of Finance is authorized to provide for the payment of any such amounts from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

**Section 20. Financial Advisor.** The Director of Finance may obtain the services of one or more financial advisors, from time to time, to assist the Director of Finance in making any of the determinations required by this Ordinance to be determined by the Director of Finance. The Director of Finance may rely on the written advice of any financial advisor so retained. Any financial advisor employed under the authority of this Ordinance shall be disinterested in the transaction and be independent of the Original Purchasers any other party interested in the transaction.

**Section 21. Open Meeting Determination.** It is found and determined that all formal actions of this Council and of any of its committees concerning and relating to the passage of this Ordinance were taken, and any of its committees and that all deliberations of this Council that resulted in these formal actions were held, in meetings open to the public in compliance with all legal requirements, including, without limitation, Section 121.22 of the Revised Code.

**Section 22. Findings and Recitals of Validity.** It is hereby determined, represented and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Bonds and the Notes in order to make them legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of the Bonds or the Notes. It is further found and determined,

and is represented and recited, that the provisions of Sections 28, 29, 32, 33 (including the provisions of Section 33 with respect to readings on three separate days or dispensing with such readings by a two-thirds vote of all members of the Council), 36, 37, 48 and all other applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this Ordinance was passed in conformity therewith.

**Section 23. Delivery to County Auditor.** The Director of Finance is directed to forward a certified copy of this Ordinance and of the Certificate of Award for the Bonds and any Note Certificate of Award to the County Auditor of Cuyahoga County and to secure a receipt therefor.

**Section 24. Severability.** Each section and each part of each section of this Ordinance is declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is declared to be the controlling legislative intent that if any such section or part of a section or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstance, other than those as to which it is held invalid, shall not be affected thereby, and it is declared to be the legislative intent that the other provisions of this Ordinance would have been passed independently of such section, or parts of a section, so held to be invalid.

**Section 25. Legislative Intent.** All terms, conditions, pledges, covenants or agreements on the part of the City provided for in this Ordinance are made by the voluntary act of the City under its lawful authority, including its authority under its Charter and Article XVIII of the Constitution of Ohio.

Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding bonds, notes, certificates of indebtedness, other obligations, trust indentures, trust agreements, or other agreements or contracts made or entered into by the City and for which consideration was duly received by the City prior to the passage of this Ordinance or the General Bond Ordinance.

**Section 26. Emergency Measure.** This Ordinance is declared to be an emergency measure for the immediate preservation of the public peace, property, health and safety of the City by providing funds to pay the costs of certain permanent improvements which are urgently needed for the benefit of the City and for the usual daily operation of a municipal department, and, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest date allowed by law.

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

**Ord. No. 2071-06.  
By Council Member Sweeney (by  
departmental request).**

**An emergency ordinance authorizing the issuance and sale of Bonds in the maximum principal amount of \$16,350,000 for the purpose of providing funds for improving buildings and structures housing and providing for the discharge of governmental functions and services otherwise benefiting the Public Safety, Health and Welfare and authorizing related matters.**

Whereas, this Council desires to issue bonds in an aggregate principal amount not to exceed Sixteen Million Three Hundred Fifty Thousand Dollars (\$16,350,000) (the "Bonds") to finance the costs of certain permanent improvements described in Section 1; and

Whereas, the Director of Finance, as fiscal officer of this City, has certified to this Council that the estimated life or usefulness of the improvements to be financed with the proceeds of the Bonds is at least five (5) years and the maximum maturity of the Bonds is seventeen (17) years; and

Whereas, this Council passed Ordinance No. 1749-80 on October 8, 1980, and thereafter amended that ordinance by Ordinance No. 1112-83, passed on May 6, 1983, and Ordinance No. 944-96, passed on June 10, 1996 (Ordinance No. 1749-80, as so amended and as the same may further be amended from time to time in accordance with its provisions, is referred to as the "General Bond Ordinance"), providing the general terms and provisions for the issuance of unvoted general obligations of the City, with the specific terms of each series of Bonds to be contained in ordinances authorizing the issuance of Bonds in accordance with the provisions thereof (the "Series Bond Ordinances"); and

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

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

**Section 1. Purpose.** It is deemed necessary to issue the Bonds in an aggregate principal amount not to exceed Sixteen Million Three Hundred Fifty Thousand Dollars (\$16,350,000) for the purpose of providing funds constructing, reconstructing, rehabilitating, installing, renovating, enlarging and otherwise improving buildings and structures housing and providing for the discharge of governmental functions and services otherwise benefiting the public safety, health and welfare, including facilities in, of and for the City Hall, police stations, fire stations, service stations, centers and facilities, waste collection, West Side Market facilities, transfer and disposal facilities, correctional

facilities, and health and other facilities, and the provision of necessary fixtures, furnishings, equipment, appurtenances, utilities, and site improvements for the purpose, and to pay any capitalized interest and all expenses incurred in connection with the issuance of the securities, including all financing costs within the meaning of Section 133.01(K) of the Revised Code and such other costs of the foregoing permanent improvements that may be financed with the proceeds of securities as permitted by Section 133.15(B) of the Ohio Revised Code and as otherwise permitted by law.

**Section 2. Authority and Terms.** The Bonds shall be issued pursuant to the provisions of Article XVIII of the Constitution of Ohio, Sections 133.01 to 133.70, inclusive, and other applicable provisions of the Revised Code, the Charter of the City, the General Bond Ordinance and this Ordinance for the purpose stated in Section 1. The Bonds shall be designated "Public Facilities Improvement Bonds" and may contain such further designation as provided in the Certificate of Award identified below. The Bonds shall be issued in one lot as fully registered Bonds in denominations of \$5,000 or any integral multiple thereof. The Bonds shall be numbered as determined by the Director of Finance.

The Bonds shall be dated as of March 1, 2007, or such other date, but in no event later than December 31, 2008, specified in the certificate of award providing for the final terms of the Bonds and the sale of the Bonds signed by the Director of Finance in accordance with this Ordinance (the "Certificate of Award"). The Bonds shall be issued in the principal amount specified in the Certificate of Award, which shall not exceed the amount stated in Section 1. The Bonds shall bear interest from their date until the principal amount is paid at the rate or rates per year specified in the Certificate of Award, provided that the weighted average of such rates (taking into account the principal amount and maturity of each Bond to which a rate applies) shall not exceed six percent (6%) per year. Interest on the Bonds shall be payable semi-annually on May 15 and November 15 of each year, beginning November 15, 2007, or on such other dates specified in the Certificate of Award as the dates on which interest on the Bonds shall be payable (the "Interest Payment Dates").

The Bonds shall mature on November 15 in seventeen (17) substantially equal annual installments, beginning November 15, 2007, or according to the schedule set forth in the Certificate of Award, provided that (i) each principal payment shall occur on an Interest Payment Date, (ii) the first principal payment on the Bonds shall be no earlier than November 15, 2007 and no later than December 31, 2009, (iii) the final maturity date of the Bonds shall be no later than seventeen (17) years from that date which is twelve months prior to the first date on which provision for payment of principal is made, and (iv) the prin-

cipal amount thereof shall be payable in annual installments such that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year.

The Bonds stated to mature in any year may be issued as term bonds (the "Term Bonds"), payable pursuant to Mandatory Sinking Fund Redemption Requirements as defined and further described below. The Director of Finance shall determine in the Certificate of Award whether any of the Bonds shall be issued as Term Bonds, any dates (the "Mandatory Redemption Dates") on which the principal amount of the Term Bonds shall be payable pursuant to mandatory sinking fund installments rather than at stated maturity and the amount of principal to be paid on each Mandatory Redemption Date (the "Mandatory Sinking Fund Redemption Requirements").

The Bonds shall be subject to redemption or purchase prior to stated maturity as follows:

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

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

The City shall have the option to deliver to the Registrar (as defined in Section 3) for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City for any Term Bonds. That option shall be exercised by the City on or before the forty-fifth (45th) day preceding the applicable Mandatory Redemption Date, by furnishing the Escrow Agent a certificate, signed by the Registrar, setting forth the extent of the credit to be applied with respect to the then current Mandatory Sinking Fund Redemption Requirement. If the certificate is not timely furnished to the Escrow Agent, the Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) also shall be received by the City for any Term Bonds which prior thereto have been redeemed

(other than through the operation of the Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Registrar, to the extent not applied theretofore as a credit against any mandatory redemption obligation.

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

**(b) Optional Redemption.** The Bonds may be subject to redemption prior to maturity by and at the option of the City, in whole or in part on any date, in integral multiples of \$5,000, on the optional redemption dates and at the redemption prices (expressed as a percentage of the principal amount redeemed) specified in the Certificate of Award, plus, in each case, accrued interest to the redemption date. The first optional redemption date shall not be later than ten years from the first Interest Payment Date, and the highest redemption price shall not be greater than 102% of the principal amount redeemed plus accrued interest to the redemption date. Based on the written advice of a financial advisor, the Director of Finance may determine in the Certificate of Award that it is in the best interests of the City for some or all of the Bonds not to be callable prior to their stated maturity.

If optional redemption at a price exceeding 100% of the principal amount to be redeemed is to take place as of any applicable Mandatory Redemption Date, the Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Bonds to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements of paragraph (a). The Bonds shall be redeemed pursuant to this paragraph only upon written notice from the Director of Finance to the Registrar. That notice shall specify the redemption date and the principal amount of each maturity of Bonds to be redeemed, and shall be given at least forty-five (45) days prior to the redemption date or such shorter period as shall be acceptable to the Registrar. There shall be deposited with the Registrar on or prior to the redemption date funds sufficient to redeem at the redemption price all of the redeemable Bonds for which notice of redemption has been given.

**(c) Purchase in Lieu of Redemption.** If and to the extent provided in the Certificate of Award, the City may elect to purchase Bonds called for optional redemption in lieu of redeeming those Bonds. That election shall be exercised by written direction from the Director of

Finance to the Registrar and the Escrow Agent. That written direction shall state whether all or less than all of the Bonds called for optional redemption are to be purchased by the City in lieu of redemption, shall identify the Bonds to be purchased by their maturity date and shall specify the principal amount of each maturity to be purchased in lieu of redemption. If less than all of the Bonds called for optional redemption are to be purchased in lieu of redemption, the amount of each maturity to be purchased shall be in amounts of \$5,000 or integral multiples of \$5,000. Any Bonds called for optional redemption that are not to be purchased shall be redeemed in accordance with their redemption provisions. The purchase price of the Bonds to be purchased in lieu of redemption shall be equal to the principal of, any accrued but unpaid interest on, and any premium that would have been payable on the Bonds on the redemption date if the Bonds had been optionally redeemed instead of being purchased. No notice of the purchase in lieu of redemption is required to be given to the owners of the Bonds in addition to the notice of redemption required by this Ordinance. The Escrow Agent or Registrar, as paying agent shall not purchase Bonds if sufficient moneys have not been deposited with the Escrow Agent or Registrar, as paying agent, by the City for the purpose. On or prior to the scheduled date for optional redemption, the City may rescind its direction to purchase the Bonds in lieu of redemption by written notice from the Director of Finance to the Registrar and the Escrow Agent. In the event that the direction to purchase is rescinded, the Bonds shall be redeemed on the redemption date set forth in the notice of redemption delivered to the owners of the Bonds and in accordance with the provisions of this Ordinance.

**(d) Partial Redemption or Purchase.** If fewer than all of the outstanding Bonds are called for redemption at one time (whether for redemption or purchase in lieu of redemption), they shall be called in the order of maturities directed by the Director of Finance. If fewer than all Bonds of a single maturity are to be redeemed or purchase in lieu of redemption, the selection of Bonds to be redeemed or purchased, or portions thereof in amounts of \$5,000 or any integral multiple thereof, shall be made by the Registrar by lot in a manner determined by the Registrar. In the case of a partial redemption or purchase of Bonds by lot when Bonds of denominations greater than \$5,000 are then outstanding, each \$5,000 unit of principal thereof shall be treated as though it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all of the \$5,000 units of principal amount represented by a Bond are to be called for redemption, then upon notice of redemption of a \$5,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Registrar (i) for payment of the redemption or purchase price of the \$5,000 unit or

units called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (ii) for issuance, without charge to the registered owner thereof, of a new Bond or Bonds of any authorized denomination or denominations in an aggregate principal amount equal to the unmatured portion of the Bond not redeemed or purchased and bearing interest at the same rate and maturing on the same date as the Bond surrendered.

**(e) Notice of Redemption.** The notice of the call for redemption of Bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Registrar on behalf of the City by mailing a copy of the redemption notice by first class mail, postage prepaid, at least thirty (30) days prior to the date fixed for redemption (or such period specified in the Certificate of Award), to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register maintained by the Registrar at the close of business on the fifteenth day preceding that mailing and to any municipal bond insurance company that has issued a policy insuring some or all of the Bonds. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond.

**(f) Payment of Redeemed Bonds.** Notice having been mailed in the manner provided in the preceding paragraph, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, upon presentation and surrender at the place or places specified in that notice, shall be paid. If money for the redemption of all of the Bonds and portions thereof to be redeemed, including interest accrued to the redemption date, is held by the Registrar on the redemption date, and, if notice of redemption has been deposited in the mail, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If that money shall not be so available on the redemption date, or that notice shall not have been deposited in the mail, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All money held by the Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners and shall be paid to them, respectively, upon presentation and surrender of those Bonds.

The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the

Registrar or Escrow Agent as paying agent. Principal shall be payable when due upon presentation and surrender of the Bonds at the principal corporate trust office of the Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register (as defined in Section 3) at the close of business on the date provided in the Agreement authorized in Section 3 (the "Record Date"). Notwithstanding any contrary provision in the General Bond Ordinance, so long as the Bonds are held by a Depository in a book entry system (as described in Section 3), debt charges on the Bonds will be payable in lawful money of the United States by wire transfer to the Depository made by the Escrow Agent on each Interest Payment Date.

This Series Bond Ordinance is enacted pursuant to the General Bond Ordinance. The General Bond Ordinance, except for the third paragraph of Section 13(a) (pertaining generally to an adjustment of the interest rate in an event of default) and the third paragraph of Section 4 (pertaining generally to the periods during which the City is not required to make any transfers or exchanges of bonds issued under the General Bond Ordinance), will apply to the Bonds. Except for those provisions, the General Bond Ordinance is included as a part of this Ordinance as fully as if restated in this Ordinance. Words and terms not otherwise defined in this Ordinance shall have the same meaning as set forth in the General Bond Ordinance.

**Section 3. Execution, Authentication, Approval and Recording of the Bonds; Exchange and Transfer of the Bonds; Paying Agents.** The Bonds shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance. Pursuant to Section 4 of the General Bond Ordinance, each Bond shall be authenticated by the manual signature of an authorized officer of the Trustee (as defined therein). The Bonds shall be signed by the City's Mayor and by the City's Director of Finance. In accordance with Section 9.96 of the Revised Code and the foregoing requirement that each Bond bear the manual signature of an authorized officer of the Trustee, either or both of the signatures of the City's Mayor or of its Director of Finance may be a facsimile. The Bonds shall bear the seal of the City, which seal may be a facsimile seal. Pursuant to Section 83 of the City's Charter, the Director of Law shall prepare the Bonds and shall endorse thereon his approval of the form and correctness thereof by his manual or facsimile signature.

U.S. Bank National Association is appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent for the Bonds (the "Registrar"). The Escrow Agent shall also act as paying agent for the Bonds so long as the Bonds are held in a book entry sys-

tem. The Director of Finance shall sign and deliver, in the name and on behalf of the City, an agreement among the City, the Registrar and the Escrow Agent (the "Agreement"), approved as to form and correctness by the Director of Law, providing for services relating to the registration, transfer, exchange and payment of the Bonds on terms that are approved by the Director of Finance on behalf of the City. That approval shall be conclusively evidenced by the signing of the Agreement by the Director of Finance. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Agreement from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Bonds remain outstanding, the City will cause the Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Bonds as provided in this Section (the "Bond Register"). The person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of this Ordinance. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

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

If manual signatures on behalf of the City are required, the Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Registrar shall authenticate and deliver Bonds in accordance with the provisions of

this Ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Bonds surrendered upon that exchange or transfer.

Notwithstanding any other provisions of this Ordinance, if it is determined by the Director of Finance to be advantageous to the City, the Bonds may be issued in book entry form in accordance with the provisions of this Section. As used in this Section and this Ordinance:

"Book entry form" or "book entry system" means a form or system under which (i) the ownership of beneficial interests in Bonds and the principal of and interest on the Bonds may be transferred only through a book entry, and (ii) physical Bond certificates in fully registered form are issued by the City only to a Depository or its nominee as registered owner, with the Bonds "immobilized" in the custody of the Depository. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in those Bonds and that principal and interest.

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

"Participant" means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Bonds may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized: (i) the Bonds may be issued in the form of a single, fully registered Bond representing each maturity and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (ii) the beneficial owners in book entry form shall have no right to receive Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Bonds as such shall not be transferable or exchangeable, except for

transfer to another Depository or to another nominee of a Depository, without further action by the City.

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

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

**Section 4. Sale of Bonds.** The Bonds shall first be offered for purchase to the Trustees of the Sinking Fund and, if not purchased by them, shall be offered to the Treasury Investment Account for purchase and, if not purchased for that Account, shall be sold to one or more firms that have proposed to underwrite the Bonds and have been selected by the Director of Finance based on an evaluation of the qualifications of those firms (collectively, the "Original Purchaser").

The Bonds shall be awarded to the Original Purchaser in the Certificate of Award which shall specify the final terms of the Bonds in accordance with law, the provisions of this Ordinance, the written advice of a financial advisor retained under authority of Section 20 and the Original Purchaser's offer to purchase the Bonds, including: the principal amount of the Bonds, final purchase price (which shall be not less than 97% of the principal amount plus accrued interest to their date of delivery), interest rate or rates, the amounts and years in which principal installments are payable (at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements), the Interest Payment Dates and the date of the Bonds (if different from those set forth in Section 2) and any other matters required in this Ordinance to be set forth in that Certificate. As appropriate under the Charter, the Mayor, Director of Finance, Director of Law, Clerk of Council and other appropriate officers of the City are, and each of them is, authorized to take such actions as are necessary, appropriate and in the best interest of the City to establish the terms and requirements for delivery of the Bonds and to make such arrangements as are necessary with the

Original Purchaser in order to establish the date, location, procedures, and conditions for the delivery of the Bonds to the Original Purchaser, to give all appropriate notices and certificates, to cause a true transcript of proceedings with reference to the issuance of the Bonds to be delivered to the Original Purchaser, to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance and to take all steps necessary to effect the due execution, authentication and delivery of the Bonds. The Director of Finance is authorized to sign and deliver on behalf of the City a bond purchase agreement between the City and the Original Purchaser (the "Bond Purchase Agreement"), approved as to form and correctness by the Director of Law, setting forth the terms and conditions on which the City agrees to sell the Bonds and the Original Purchaser agrees to buy the Bonds on terms consistent with this Ordinance and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement or amendments to the Bond Purchase Agreement by the Director of Finance. It is determined that the terms of the Bonds, as provided in this Ordinance and as may be provided in or pursuant to the Certificate of Award, are in the best interest of the City and in compliance with all legal requirements.

Pursuant to Section 133.30(B), Ohio Revised Code, the Director of Finance may combine the Bonds with other bonds into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bonds, Series 2007" or such other designation as may be set forth in the Certificate of Award. Such bonds shall contain a summary statement of purposes encompassing the purpose for which the Bonds are issued and shall state that they are issued pursuant to this Ordinance.

**Section 5. Provision for Levying and Collecting Tax.** For the purpose of providing the necessary funds to pay the interest on the Bonds promptly when and as the same falls due, and also to provide for the discharge of the Bonds at maturity, there shall be and is levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding, in an amount sufficient to provide for the payment of that interest, when and as the same shall fall due, and also to discharge the principal of the Bonds at maturity, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Constitution of Ohio.

The tax shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for

each of those years are certified, extended and collected. The tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from those tax levies shall be placed in the Unvoted Tax Supported Obligations Account of the Sinking Fund as required by the General Bond Ordinance, and those funds, together with the interest collected on them shall be irrevocably pledged for the payment of principal of and interest on the Bonds when and as the same fall due; provided, however, that, subject to the provisions of Section 8 of the General Bond Ordinance, in each year to the extent that revenues are available from other sources for the payment of the Bonds and are appropriated for such purpose, the amount of such tax shall be reduced by the amount of such revenues so available and appropriated.

This Council hereby covenants, on behalf of the City and its officials, pursuant to the authorization under Sections 133.25(B)(1) and 5705.51 of the Revised Code, and in accordance with the provisions of and to the extent required or permitted by the General Bond Ordinance, that the City will appropriate annually from the proceeds of the City's municipal income taxes an amount as is necessary to meet the annual debt charges for the Bonds.

**Section 6. Application of Proceeds.** The proceeds from the sale of the Bonds, except for accrued interest thereon and any premium, shall be expended and applied for the objects and purposes for which the Bonds are issued. Accrued interest and any premium received from the sale of the Bonds shall be deposited in the Unvoted Tax Supported Obligations Account of the Sinking Fund to be applied to the payment of the principal of and interest on the Bonds.

**Section 7. General Obligation.** The Bonds are secured by a pledge and lien on a parity with the pledges and liens authorized by the General Bond Ordinance and, in addition to the taxes and revenues specifically pledged pursuant to this Ordinance and the General Bond Ordinance and the other covenants, terms and agreements provided hereunder and in the General Bond Ordinance to secure payment of the principal of and interest on the Bonds, the City hereby determines, declares, warrants and covenants that the Bonds are general obligations of the City and that the full faith and credit of the City are hereby pledged for the payment of the principal of and interest on the Bonds in accordance with the laws and Constitution of the State of Ohio, this Ordinance and the General Bond Ordinance.

**Section 8. Defeasance.**

**(a) Release of Ordinance.** If the City shall pay or cause to be paid and discharged all the outstanding Bonds, or there shall otherwise be paid to the holders of the outstanding Bonds all debt charges due or to become due thereon, and provision shall also be made for paying all other sums payable hereunder, then and in that event this Ordinance (except for Section 8(b) here-

of) shall cease to be of further effect, and the covenants, agreements and other obligations of the City under this Ordinance shall be discharged and satisfied, and thereupon the Trustee shall at the request of the City execute and deliver to the City such instruments in writing as shall discharge the lien hereof and enter on the record such discharge of the lien and such other instruments as may be reasonably required by the City.

**(b) Payment and Discharge of Bonds.** Outstanding Bonds shall be deemed to have been paid and discharged within the meaning of this Ordinance, including without limitation, Section 8(a) hereof, if:

(i) the Escrow Agent or Paying Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, sufficient moneys; or

(ii) the Escrow Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, direct obligations of the United States certified by an independent public accounting firm of national reputation to be of such maturities and interest payment dates and to bear such interest, without further investment or reinvestment of either the principal amount thereof or the interest earnings therefrom (likewise to be held in trust and committed, except as hereinafter provided), as will be sufficient, together with moneys referred to in (i) above, for the payment, at their maturities or redemption dates, of all debt charges on the Bonds to their date of maturity or redemption, as the case may be, or if default in such payment shall have occurred on such date then to the date of the tender of such payment; provided, that if any Bonds are to be redeemed prior to the maturity thereof, notice of such redemption shall have been duly given or irrevocable provision satisfactory to the Trustee shall have been duly made for the giving of such notice. Any moneys held by the Escrow Agent in accordance with the provisions of this Section shall be invested by the Escrow Agent in direct obligations of the United States of America maturing, or redeemable at the option of the holder, at times and in amounts sufficient to meet payment of debt charges on the Bonds, as directed by the Director of Finance. Any income or interest earned by, or increment to, the investments held under this Section shall, to the extent determined from time to time by the Escrow Agent to be in excess of the amount required to be held by it for the purposes of this Section, be transferred at the time of such determination as provided in Section 17(a) of the General Bond Ordinance for unclaimed funds held by a Paying Agent. In the event of nonpresentation of any Bond as described in Section 17(a) of the General Bond Ordinance, the moneys held pursuant to this Section shall be held and paid as provided in said Section 17(a) for unclaimed funds held by a Paying Agent.

**Section 9. Bond Anticipation Notes.** For the purpose of raising money in anticipation of the issuance of the Bonds for the purpose set forth in

Section 1 hereof, notes of the City may be issued in an aggregate principal amount not to exceed Sixteen Million Three Hundred Fifty Thousand Dollars (\$16,350,000) (the "Notes") upon the direction of the Director of Finance to be set forth in a certificate providing for the final terms of the Notes and the sale of the Notes and signed by the Director of Finance (the "Note Certificate of Award").

**Section 10. Term of the Notes.**

The Notes: shall bear interest at such rate, not exceeding six percent (6%) per year, as may be fixed by the Director of Finance of the City in the Note Certificate of Award; shall be dated their date of issuance; shall mature on the date set forth in the Note Certificate of Award, which shall be no later than five (5) years from such date of issuance; shall be subject to redemption by the City at any time prior to maturity without penalty, provided that, if the Director of Finance, based on the advice of a financial advisor, determines that it is in the best interest of the City in order to enhance the marketability of the Notes, the Director of Finance may cause the Notes to not be redeemable for a period which ends no later than the date which is two (2) years following the date of issuance of the Notes; shall be designated "Public Facilities Improvement Bond Anticipation Notes"; shall be issued in such numbers and denominations as may be requested by the Note Purchaser (hereinafter defined); and shall be issued in fully registered form (which may be in a book entry only system) in denominations of \$5,000 or integral multiples thereof. Interest shall be payable semi-annually on the dates set forth in the Note Certificate of Award; provided that if the Notes mature on or before the end of the twelfth (12th) month following their date of issuance, interest on the Notes shall be payable at maturity.

U.S. Bank National Association is appointed to act as the authenticating agent, registrar, transfer agent and paying agent for the Notes (the "Note Registrar"). The Escrow Agent also shall act as paying agent for the Notes if the Notes are held in a book entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, an agreement among the City, the Note Registrar and the Escrow Agent (the "Note Registrar Agreement") providing for services relating to the registration, transfer, exchange and payment of Notes on terms that are approved by the Director of Finance on behalf of the City. That approval shall be conclusively evidenced by the signing of the Note Registrar Agreement by the Director of Finance. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Note Registrar Agreement from the proceeds of the Notes to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Notes remain outstanding, the City will cause the Note Registrar to main-

tain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Notes as provided in this Section (the "Note Register"). The person in whose name a Note is registered on the Note Register shall be regarded as the absolute owner of that Note for all purposes of this Ordinance. Payment of or on account of the debt charges on any Note shall be made only to or upon the order of that person; neither the City nor the Note Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Note, including interest, to the extent of the amount or amounts so paid.

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

If manual signatures on behalf of the City are required, the Note Registrar shall undertake the exchange or transfer of Notes only after the new Notes are signed by the authorized officers of the City. In all cases of Notes exchanged or transferred, the City shall sign and the Note Registrar shall authenticate and deliver Notes in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Note Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Note Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Notes issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Notes surrendered upon that exchange or transfer.

Pursuant to Section 133.30(B), Revised Code, the Director of Finance may combine the Notes with other bond anticipation notes of the City for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bond



Anticipation Notes." The Notes shall contain a summary statement of purposes encompassing the purpose for which the Notes are issued and shall state that they are issued pursuant to this Ordinance.

**Section 11. Execution and Payment of the Notes.** The Notes shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance. Each Note shall be authenticated by the manual signature of an authorized officer of the Trustee (as defined therein). The Notes shall be signed by the City's Mayor and by the City's Director of Finance. In accordance with Section 9.96 of the Revised Code and the foregoing requirement that each Note bear the manual signature of an authorized officer of the Trustee, either or both of the signatures of the City's Mayor or of its Director of Finance may be a facsimile. The Notes shall bear the seal of the City, which seal may be a facsimile seal. Pursuant to Section 83 of the City's Charter, the Director of Law shall prepare the Notes and shall endorse thereon his approval of the form and correctness thereof by his manual or facsimile signature.

**Section 12. Sale of the Notes.** The Notes shall first be offered for purchase to the Trustees of the Sinking Fund and, if not purchased by them, shall be offered to the Treasury Investment Account for purchase and, if not purchased for that Account, shall be sold to one or more firms that have proposed to underwrite the Notes and have been selected by the Director of Finance based on an evaluation of the qualifications of those firms (the "Note Purchaser") in the principal amount set forth in a certificate of award to be executed by the Director of Finance (the "Note Certificate of Award") at not less than par and accrued interest and at a rate not exceeding that set forth in Section 10 hereof. The proceeds of such sale shall be paid into the proper fund and used for the purpose for which the Notes are being issued under the provisions of this Ordinance.

**Section 13. Security for the Notes.** The Notes shall be the full general obligations of the City, and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the Notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used for the retirement of the Notes at maturity, together with the interest thereon, and are hereby pledged for such purpose.

**Section 14. Provision for Levying and Collecting Tax.** During the year or years while the Notes are outstanding there shall be levied on all the taxable property in the City, in addition to all other taxes but within tax limitations, a direct tax annually not less than that which would have been levied if bonds had been issued therefor without the prior issue of the Notes. That tax shall be and is ordered computed, certified,

levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each year are certified, extended and collected. That tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the tax levies required by this Ordinance shall be placed in the Unvoted Tax Supported Obligations Account, and those funds, together with the interest collected on them, shall be irrevocably pledged for the payment of the principal and interest of the Notes or the Bonds in anticipation of which they are issued, when and as the same falls due; provided, however, that in each year to the extent that revenues are available from other sources for the payment of the Notes and Bonds and are appropriated for such purpose, the amount of such direct tax upon all of the taxable property in the City may be reduced by the amount of such revenues so available and appropriated.

**Section 15. Official Statement; Continuing Disclosure.** If, in the judgment of the Director of Finance, a disclosure document (each, an "Official Statement") is appropriate or necessary in connection with the sale of the Notes or the Bonds, the Director of Finance is authorized to prepare or cause to be prepared on behalf of the City an Official Statement with respect to the Notes or the Bonds, as the case may be, and any necessary supplements and to authorize the use and distribution of each Official Statement and any supplements. The Mayor and the Director of Finance are authorized to sign on behalf of the City and in their official capacities each Official Statement and any supplements approved by them. Those officers are, and each of them is, authorized to sign and deliver on behalf of the City and in their official capacities such certificates in connection with the accuracy of each Official Statement and any supplements as may, in their judgment, be necessary or appropriate. Those officers are also authorized to determine and certify on behalf of the City that such disclosure document is "deemed final" by the City within the meaning of Securities and Exchange Commission Rule 15c2-12 the "SEC Rule.") The Director of Finance is authorized to contract for services for the production and distribution of preliminary and final Official Statements, including by printed and electronic means.

For the benefit of the holders and beneficial owners from time to time of the Notes or the Bonds, the City agrees, in accordance with, and as the only obligated person with respect to the Notes and the Bonds under the SEC Rule, to provide or cause to be provided such financial information and operating data and notices, in such manner as may be required for purposes of the SEC Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment

and termination, the Director of Finance is authorized and directed to prepare, or cause to be prepared, and to sign and deliver, in the name and on behalf of the City, a continuing disclosure agreement or certificate, which shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and beneficial owners of the Notes or the Bonds, as the case may be, in accordance with the SEC Rule. The performance of that agreement shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform it. The Director of Finance is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices.

**Section 16. Miscellaneous.**

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

(b) All covenants, terms and provisions of the General Bond Ordinance are fully applicable to the Bonds and the Notes authorized herein, and nothing in this Ordinance shall be deemed to alter or restrict such full application of the General Bond Ordinance, except for the exclusion from application to the Bonds and the Notes authorized herein of the provisions of the third paragraph of Section 13(a) and the third paragraph of Section 4 of the General Bond Ordinance pursuant to Section 2 of this Ordinance.

**Section 17. Captions.** The captions or headings in this Ordinance are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Ordinance.

**Section 18. Federal Tax Covenants.** The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes and the Bonds in such manner and to such extent as may be necessary so that (a) the Notes and the Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest thereon will not be treated as an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes and the Bonds to be and to remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes and the Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on

investment property acquired with those proceeds, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports, and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

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

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes and the Bonds is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes and the Bonds as the City is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes and the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes and the Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes and the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes and the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes and the Bonds.

**Section 19. Bond Insurance and Ratings.** If the Director of Finance determines it to be in the best inter-

ests of the City, based on the written advice of a financial advisor, the Director of Finance may obtain a commitment for municipal bond insurance issued by a nationally recognized municipal bond insurance company insuring the payment when due of the principal of and interest on all or any portion of the Bonds, request a rating on the Bonds from one or more nationally recognized rating organizations, and do any and all things and take any and all actions required to secure a policy of municipal bond insurance and/or a rating or ratings on the Bonds including, but not limited to, the entering into of agreements on behalf of the City necessary to secure a policy of municipal bond insurance. Those agreements may be in separate documents or included in a Bond Purchase Agreement, a registrar agreement or a Certificate of Award, or any combination, and contain terms not materially inconsistent with this Ordinance. The expenditure of the amounts necessary to secure that insurance or obtain those ratings is authorized and approved, and the Director of Finance is authorized to provide for the payment of any such amounts from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

**Section 20. Financial Advisor.** The Director of Finance may obtain the services of one or more financial advisors, from time to time, to assist the Director of Finance in making any of the determinations required by this Ordinance to be determined by the Director of Finance. The Director of Finance may rely on the written advice of any financial advisor so retained. Any financial advisor employed under the authority of this Ordinance shall be disinterested in the transaction and be independent of the Original Purchasers any other party interested in the transaction.

**Section 21. Open Meeting Determination.** It is found and determined that all formal actions of this Council and of any of its committees concerning and relating to the passage of this Ordinance were taken, and any of its committees and that all deliberations of this Council that resulted in these formal actions were held, in meetings open to the public in compliance with all legal requirements, including, without limitation, Section 121.22 of the Revised Code.

**Section 22. Findings and Recitals of Validity.** It is hereby determined, represented and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Bonds and the Notes in order to make them legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of the Bonds or the Notes. It is further found and determined, and is represented and recited, that the provisions of Sections 28, 29, 32,

33 (including the provisions of Section 33 with respect to readings on three separate days or dispensing with such readings by a two-thirds vote of all members of the Council), 36, 37, 48 and all other applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this Ordinance was passed in conformity therewith.

**Section 23. Delivery to County Auditor.** The Director of Finance is directed to forward a certified copy of this Ordinance and of the Certificate of Award for the Bonds and any Note Certificate of Award to the County Auditor of Cuyahoga County and to secure a receipt therefor.

**Section 24. Severability.** Each section and each part of each section of this Ordinance is declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is declared to be the controlling legislative intent that if any such section or part of a section or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstance, other than those as to which it is held invalid, shall not be affected thereby, and it is declared to be the legislative intent that the other provisions of this Ordinance would have been passed independently of such section, or parts of a section, so held to be invalid.

**Section 25. Legislative Intent.** All terms, conditions, pledges, covenants or agreements on the part of the City provided for in this Ordinance are made by the voluntary act of the City under its lawful authority, including its authority under its Charter and Article XVIII of the Constitution of Ohio.

Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding bonds, notes, certificates of indebtedness, other obligations, trust indentures, trust agreements, or other agreements or contracts made or entered into by the City and for which consideration was duly received by the City prior to the passage of this Ordinance or the General Bond Ordinance.

**Section 26. Emergency Measure.** This Ordinance is declared to be an emergency measure for the immediate preservation of the public peace, property, health and safety of the City by providing funds to pay the costs of certain permanent improvements which are urgently needed for the benefit of the City and for the usual daily operation of a municipal department, and, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest date allowed by law.

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

**Ord. No. 2072-06.  
By Council Member Sweeney (by  
departmental request).**

**An emergency ordinance authorizing the issuance and sale of Bonds in the maximum principal amount of \$3,075,000 for the purpose of providing funds to revitalize lands and authorizing related matters.**

Whereas, Article VIII, Section 20 of the Constitution of the State of Ohio, enacted November 7, 2000, provides that revitalization purposes and provisions for them are proper public purposes of municipalities and are necessary and appropriate means to improve the quality of life and the general and economic-well being of the people of the State; and

Whereas, revitalization purposes are defined in Article VIII, Section 20 as meaning providing for and enabling the environmentally safe and productive development and use or reuse of publicly and privately owned lands, including those within urban areas, by the remediation or clean up, or planning and assessment for remediation or clean up, of contamination, or addressing, by clearance, land acquisition or assembly, infrastructure, or otherwise, that or other property conditions or circumstances that may be deleterious to the public health and safety and the environment and water and other natural resources, or that preclude or inhibit environmentally sound or economic use or reuse of the property; and

Whereas, this Council desires to issue bonds in an aggregate principal amount not to exceed Three Million Seventy-Five Thousand Dollars (\$3,075,000) (the "Bonds") to provide funds for the revitalization purposes in Section 1; and

Whereas, the Director of Finance, as fiscal officer of this City, has certified to this Council that the estimated life or usefulness of the improvements to be financed with the proceeds of the Bonds is at least five (5) years and the maximum maturity of the Bonds is twenty-five (25) years; and

Whereas, this Council passed Ordinance No. 1749-80 on October 8, 1980, and thereafter amended that ordinance by Ordinance No. 1112-83, passed on May 6, 1983, and Ordinance No. 944-96, passed on June 10, 1996 (Ordinance No. 1749-80, as so amended and as the same may further be amended from time to time in accordance with its provisions, is referred to as the "General Bond Ordinance"), providing the general terms and provisions for the issuance of unvoted general obligations of the City, with the specific terms of each series of Bonds to be contained in ordinances authorizing the issuance of Bonds in accordance with the provisions thereof (the "Series Bond Ordinances"); and

Whereas, the authorization for issuance of the Bonds is necessary to provide funds to pay the costs described in Section 1 for revitalization projects that are urgently needed for the benefit of the City, and as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property,

health and safety, and for the usual daily operation of a municipal department; now, therefore,

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

**Section 1. Purpose.** It is deemed necessary to issue the Bonds in an aggregate principal amount not to exceed Three Million Seventy-Five Thousand Dollars (\$3,075,000) for the purpose of providing funds for the demolition of structures on publicly and privately owned lands in the City and the clearance, remediation and clean up of those lands to enable the environmentally safe and productive development and use or reuse of those lands, including planning and assessment, land acquisition or assembly, and infrastructure, and to pay all expenses incurred in connection with the issuance of the securities, including all financing costs within the meaning of Section 133.01(K) of the Revised Code and such other costs that may be financed with the proceeds of securities as permitted by law.

**Section 2. Authority and Terms.** The Bonds shall be issued pursuant to the provisions of Article XVIII of the Constitution of Ohio, Sections 133.01 to 133.70, inclusive, and other applicable provisions of the Revised Code, the Charter of the City, the General Bond Ordinance and this Ordinance for the purpose stated in Section 1. The Bonds shall be designated "Revitalization Improvement Bonds" and may contain such further designation as provided in the Certificate of Award identified below. The Bonds shall be issued in one lot as fully registered Bonds in denominations of \$5,000 or any integral multiple thereof. The Bonds shall be numbered as determined by the Director of Finance.

The Bonds shall be dated as of March 1, 2007, or such other date, but in no event later than December 31, 2008, specified in the certificate of award providing for the final terms of the Bonds and the sale of the Bonds signed by the Director of Finance in accordance with this Ordinance (the "Certificate of Award"). The Bonds shall be issued in the principal amount specified in the Certificate of Award, which shall not exceed the amount stated in Section 1. The Bonds shall bear interest from their date until the principal amount is paid at the rate or rates per year specified in the Certificate of Award, provided that the weighted average of such rates (taking into account the principal amount and maturity of each Bond to which a rate applies) shall not exceed six percent (6%) per year. Interest on the Bonds shall be payable semi-annually on May 15 and November 15 of each year, beginning November 15, 2007, or on such other dates specified in the Certificate of Award as the dates on which interest on the Bonds shall be payable (the "Interest Payment Dates").

The Bonds shall mature on November 15 in twenty-five (25) substantially equal annual installments, beginning November 15, 2007, or according to the schedule set forth in the Certificate of Award, provided that (i) each principal payment shall occur on an Interest Payment

Date, (ii) the first principal payment on the Bonds shall be no earlier than November 15, 2007 and no later than December 31, 2009, (iii) the final maturity date of the Bonds shall be no later than twenty-five (25) years from that date which is twelve months prior to the first date on which provision for payment of principal is made, and (iv) the principal amount thereof shall be payable in annual installments such that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year.

The Bonds stated to mature in any year may be issued as term bonds (the "Term Bonds"), payable pursuant to Mandatory Sinking Fund Redemption Requirements as defined and further described below. The Director of Finance shall determine in the Certificate of Award whether any of the Bonds shall be issued as Term Bonds, any dates (the "Mandatory Redemption Dates") on which the principal amount of the Term Bonds shall be payable pursuant to mandatory sinking fund installments rather than at stated maturity and the amount of principal to be paid on each Mandatory Redemption Date (the "Mandatory Sinking Fund Redemption Requirements").

The Bonds shall be subject to redemption or purchase prior to stated maturity as follows:

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

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

The City shall have the option to deliver to the Registrar (as defined in Section 3) for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City for any Term Bonds. That option shall be exercised by the City on or before the forty-fifth (45th) day preceding the applicable Mandatory Redemption Date, by furnishing the Escrow Agent a certificate, signed by the Registrar, setting forth the extent of the credit to be applied with respect to the then current Mandatory Sinking Fund Redemption Requirement. If the certificate is not timely furnished to the Escrow Agent, the Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory re-

demption obligation) shall not be reduced. A credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Registrar, to the extent not applied theretofore as a credit against any mandatory redemption obligation.

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

**(b) Optional Redemption.** The Bonds may be subject to redemption prior to maturity by and at the option of the City, in whole or in part on any date, in integral multiples of \$5,000, on the optional redemption dates and at the redemption prices (expressed as a percentage of the principal amount redeemed) specified in the Certificate of Award, plus, in each case, accrued interest to the redemption date. The first optional redemption date shall not be later than ten years from the first Interest Payment Date, and the highest redemption price shall not be greater than 102% of the principal amount redeemed plus accrued interest to the redemption date. Based on the written advice of a financial advisor, the Director of Finance may determine in the Certificate of Award that it is in the best interests of the City for some or all of the Bonds not to be callable prior to their stated maturity.

If optional redemption at a price exceeding 100% of the principal amount to be redeemed is to take place as of any applicable Mandatory Redemption Date, the Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Bonds to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements of paragraph (a). The Bonds shall be redeemed pursuant to this paragraph only upon written notice from the Director of Finance to the Registrar. That notice shall specify the redemption date and the principal amount of each maturity of Bonds to be redeemed, and shall be given at least forty-five (45) days prior to the redemption date or such shorter period as shall be acceptable to the Registrar. There shall be deposited with the Registrar on or prior to the redemption date funds sufficient to redeem at the redemption price all of the redeemable Bonds for which notice of redemption has been given.

**(c) Purchase in Lieu of Redemption.** If and to the extent provided in the Certificate of Award, the City may elect to purchase Bonds called for optional redemption in lieu of redeeming those Bonds. That election shall be exercised by written direction from the Director of Finance to the Registrar and the Escrow Agent. That written direction shall state whether all or less than all of the Bonds called for optional redemption are to be purchased by the City in lieu of redemption, shall identify the Bonds to be purchased by their maturity date and shall specify the principal amount of each maturity to be purchased in lieu of redemption. If less than all of the Bonds called for optional redemption are to be purchased in lieu of redemption, the amount of each maturity to be purchased shall be in amounts of \$5,000 or integral multiples of \$5,000. Any Bonds called for optional redemption that are not to be purchased shall be redeemed in accordance with their redemption provisions. The purchase price of the Bonds to be purchased in lieu of redemption shall be equal to the principal of, any accrued but unpaid interest on, and any premium that would have been payable on the Bonds on the redemption date if the Bonds had been optionally redeemed instead of being purchased. No notice of the purchase in lieu of redemption is required to be given to the owners of the Bonds in addition to the notice of redemption required by this Ordinance. The Escrow Agent or Registrar, as paying agent shall not purchase Bonds if sufficient moneys have not been deposited with the Escrow Agent or Registrar, as paying agent, by the City for the purpose. On or prior to the scheduled date for optional redemption, the City may rescind its direction to purchase the Bonds in lieu of redemption by written notice from the Director of Finance to the Registrar and the Escrow Agent. In the event that the direction to purchase is rescinded, the Bonds shall be redeemed on the redemption date set forth in the notice of redemption delivered to the owners of the Bonds and in accordance with the provisions of this Ordinance.

**(d) Partial Redemption or Purchase.** If fewer than all of the outstanding Bonds are called for redemption at one time (whether for redemption or purchase in lieu of redemption), they shall be called in the order of maturities directed by the Director of Finance. If fewer than all Bonds of a single maturity are to be redeemed or purchase in lieu of redemption, the selection of Bonds to be redeemed or purchased, or portions thereof in amounts of \$5,000 or any integral multiple thereof, shall be made by the Registrar by lot in a manner determined by the Registrar. In the case of a partial redemption or purchase of Bonds by lot when Bonds of denominations greater than \$5,000 are then outstanding, each \$5,000 unit of principal thereof shall be treated as though it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all of the \$5,000 units of principal amount represented by a Bond are to be called for redemption, then

upon notice of redemption of a \$5,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Registrar (i) for payment of the redemption or purchase price of the \$5,000 unit or units called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (ii) for issuance, without charge to the registered owner thereof, of a new Bond or Bonds of any authorized denomination or denominations in an aggregate principal amount equal to the unmatured portion of the Bond not redeemed or purchased and bearing interest at the same rate and maturing on the same date as the Bond surrendered.

**(e) Notice of Redemption.** The notice of the call for redemption of Bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Registrar on behalf of the City by mailing a copy of the redemption notice by first class mail, postage prepaid, at least thirty (30) days prior to the date fixed for redemption (or such period specified in the Certificate of Award), to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register maintained by the Registrar at the close of business on the fifteenth day preceding that mailing and to any municipal bond insurance company that has issued a policy insuring some or all of the Bonds. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond.

**(f) Payment of Redeemed Bonds.** Notice having been mailed in the manner provided in the preceding paragraph, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, upon presentation and surrender at the place or places specified in that notice, shall be paid. If money for the redemption of all of the Bonds and portions thereof to be redeemed, including interest accrued to the redemption date, is held by the Registrar on the redemption date, and, if notice of redemption has been deposited in the mail, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If that money shall not be so available on the redemption date, or that notice shall not have been deposited in the mail, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All money held by the Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners and shall be paid to them, respectively, upon presentation and surrender of those Bonds.

The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Registrar or Escrow Agent as paying agent. Principal shall be payable when due upon presentation and surrender of the Bonds at the principal corporate trust office of the Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register (as defined in Section 3) at the close of business on the date provided in the Agreement authorized in Section 3 (the "Record Date"). Notwithstanding any contrary provision in the General Bond Ordinance, so long as the Bonds are held by a Depository in a book entry system (as described in Section 3), debt charges on the Bonds will be payable in lawful money of the United States by wire transfer to the Depository made by the Escrow Agent on each Interest Payment Date.

This Series Bond Ordinance is enacted pursuant to the General Bond Ordinance. The General Bond Ordinance, except for the third paragraph of Section 13(a) (pertaining generally to an adjustment of the interest rate in an event of default) and the third paragraph of Section 4 (pertaining generally to the periods during which the City is not required to make any transfers or exchanges of bonds issued under the General Bond Ordinance), will apply to the Bonds. Except for those provisions, the General Bond Ordinance is included as a part of this Ordinance as fully as if restated in this Ordinance. Words and terms not otherwise defined in this Ordinance shall have the same meaning as set forth in the General Bond Ordinance.

**Section 3. Execution, Authentication, Approval and Recording of the Bonds; Exchange and Transfer of the Bonds; Paying Agents.** The Bonds shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance. Pursuant to Section 4 of the General Bond Ordinance, each Bond shall be authenticated by the manual signature of an authorized officer of the Trustee (as defined therein). The Bonds shall be signed by the City's Mayor and by the City's Director of Finance. In accordance with Section 9.96 of the Revised Code and the foregoing requirement that each Bond bear the manual signature of an authorized officer of the Trustee, either or both of the signatures of the City's Mayor or of its Director of Finance may be a facsimile. The Bonds shall bear the seal of the City, which seal may be a facsimile seal. Pursuant to Section 83 of the City's Charter, the Director of Law shall prepare the Bonds and shall endorse thereon his approval of the form and correctness thereof by his manual or facsimile signature.

U.S. Bank National Association is appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent for the Bonds (the "Registrar"). The Escrow Agent shall also act as paying

agent for the Bonds so long as the Bonds are held in a book entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, an agreement among the City, the Registrar and the Escrow Agent (the "Agreement"), approved as to form and correctness by the Director of Law, providing for services relating to the registration, transfer, exchange and payment of the Bonds on terms that are approved by the Director of Finance on behalf of the City. That approval shall be conclusively evidenced by the signing of the Agreement by the Director of Finance. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Agreement from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Bonds remain outstanding, the City will cause the Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Bonds as provided in this Section (the "Bond Register"). The person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of this Ordinance. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

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

If manual signatures on behalf of the City are required, the Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Registrar shall authenticate and

deliver Bonds in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Bonds surrendered upon that exchange or transfer.

Notwithstanding any other provisions of this Ordinance, if it is determined by the Director of Finance to be advantageous to the City, the Bonds may be issued in book entry form in accordance with the provisions of this Section. As used in this Section and this Ordinance:

"Book entry form" or "book entry system" means a form or system under which (i) the ownership of beneficial interests in Bonds and the principal of and interest on the Bonds may be transferred only through a book entry, and (ii) physical Bond certificates in fully registered form are issued by the City only to a Depository or its nominee as registered owner, with the Bonds "immobilized" in the custody of the Depository. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in those Bonds and that principal and interest.

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

"Participant" means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Bonds may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized: (i) the Bonds may be issued in the form of a single, fully registered Bond representing each maturity and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (ii) the beneficial owners in book entry form shall have no right to receive Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Bonds as such shall not be trans-

ferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

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

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

**Section 4. Sale of Bonds.** The Bonds shall first be offered for purchase to the Trustees of the Sinking Fund and, if not purchased by them, shall be offered to the Treasury Investment Account for purchase and, if not purchased for that Account, shall be sold to one or more firms that have proposed to underwrite the Bonds and have been selected by the Director of Finance based on an evaluation of the qualifications of those firms (collectively, the "Original Purchaser").

The Bonds shall be awarded to the Original Purchaser in the Certificate of Award which shall specify the final terms of the Bonds in accordance with law, the provisions of this Ordinance, the written advice of a financial advisor retained under authority of Section 20 and the Original Purchaser's offer to purchase the Bonds, including: the principal amount of the Bonds, final purchase price (which shall be not less than 97% of the principal amount plus accrued interest to their date of delivery), interest rate or rates, the amounts and years in which principal installments are payable (at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements), the Interest Payment Dates and the date of the Bonds (if different from those set forth in Section 2) and any other matters required in this Ordinance to be set forth in that Certificate. As appropriate under the Charter, the Mayor, Director of Finance, Director of Law, Clerk of Council and other appropriate officers of the City are, and each of them is, authorized to take such actions as are necessary, appropriate and in the best interest of the City to establish the terms and requirements for delivery of the Bonds and to make such arrange-

ments as are necessary with the Original Purchaser in order to establish the date, location, procedures, and conditions for the delivery of the Bonds to the Original Purchaser, to give all appropriate notices and certificates, to cause a true transcript of proceedings with reference to the issuance of the Bonds to be delivered to the Original Purchaser, to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance and to take all steps necessary to effect the due execution, authentication and delivery of the Bonds. The Director of Finance is authorized to sign and deliver on behalf of the City a bond purchase agreement between the City and the Original Purchaser (the "Bond Purchase Agreement"), approved as to form and correctness by the Director of Law, setting forth the terms and conditions on which the City agrees to sell the Bonds and the Original Purchaser agrees to buy the Bonds on terms consistent with this Ordinance and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement or amendments to the Bond Purchase Agreement by the Director of Finance. It is determined that the terms of the Bonds, as provided in this Ordinance and as may be provided in or pursuant to the Certificate of Award, are in the best interest of the City and in compliance with all legal requirements.

Pursuant to Section 133.30(B), Ohio Revised Code, the Director of Finance may combine the Bonds with other bonds into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bonds, Series 2007" or such other designation as may be set forth in the Certificate of Award. Such bonds shall contain a summary statement of purposes encompassing the purpose for which the Bonds are issued and shall state that they are issued pursuant to this Ordinance.

**Section 5. Provision for Levying and Collecting Tax.** For the purpose of providing the necessary funds to pay the interest on the Bonds promptly when and as the same falls due, and also to provide for the discharge of the Bonds at maturity, there shall be and is levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding, in an amount sufficient to provide for the payment of that interest, when and as the same shall fall due, and also to discharge the principal of the Bonds at maturity, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Constitution of Ohio.

The tax shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time

that taxes for general purposes for each of those years are certified, extended and collected. The tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from those tax levies shall be placed in the Unvoted Tax Supported Obligations Account of the Sinking Fund as required by the General Bond Ordinance, and those funds, together with the interest collected on them shall be irrevocably pledged for the payment of principal of and interest on the Bonds when and as the same fall due; provided, however, that, subject to the provisions of Section 8 of the General Bond Ordinance, in each year to the extent that revenues are available from other sources for the payment of the Bonds and are appropriated for such purpose, the amount of such tax shall be reduced by the amount of such revenues so available and appropriated.

This Council hereby covenants, on behalf of the City and its officials, pursuant to the authorization under Sections 133.25(B)(1) and 5705.51 of the Revised Code, and in accordance with the provisions of and to the extent required or permitted by the General Bond Ordinance, that the City will appropriate annually from the proceeds of the City's municipal income taxes an amount as is necessary to meet the annual debt charges for the Bonds.

**Section 6. Application of Proceeds.** The proceeds from the sale of the Bonds, except for accrued interest thereon and any premium, shall be expended and applied for the objects and purposes for which the Bonds are issued. Accrued interest and any premium received from the sale of the Bonds shall be deposited in the Unvoted Tax Supported Obligations Account of the Sinking Fund to be applied to the payment of the principal of and interest on the Bonds.

**Section 7. General Obligation.** The Bonds are secured by a pledge and lien on a parity with the pledges and liens authorized by the General Bond Ordinance and, in addition to the taxes and revenues specifically pledged pursuant to this Ordinance and the General Bond Ordinance and the other covenants, terms and agreements provided hereunder and in the General Bond Ordinance to secure payment of the principal of and interest on the Bonds, the City hereby determines, declares, warrants and covenants that the Bonds are general obligations of the City and that the full faith and credit of the City are hereby pledged for the payment of the principal of and interest on the Bonds in accordance with the laws and Constitution of the State of Ohio, this Ordinance and the General Bond Ordinance.

**Section 8. Defeasance.**  
**(a) Release of Ordinance.** If the City shall pay or cause to be paid and discharged all the outstanding Bonds, or there shall otherwise be paid to the holders of the outstanding Bonds all debt charges due or to become due thereon, and provision shall also be made for paying all other sums payable hereunder, then and in that event this Ordinance shall be deemed to be repealed and the City shall be released from all obligations under this Ordinance.

nance (except for Section 8(b) hereof) shall cease to be of further effect, and the covenants, agreements and other obligations of the City under this Ordinance shall be discharged and satisfied, and thereupon the Trustee shall at the request of the City execute and deliver to the City such instruments in writing as shall discharge the lien hereof and enter on the record such discharge of the lien and such other instruments as may be reasonably required by the City.

**(b) Payment and Discharge of Bonds.** Outstanding Bonds shall be deemed to have been paid and discharged within the meaning of this Ordinance, including without limitation, Section 8(a) hereof, if:

(i) the Escrow Agent or Paying Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, sufficient moneys; or

(ii) the Escrow Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, direct obligations of the United States certified by an independent public accounting firm of national reputation to be of such maturities and interest payment dates and to bear such interest, without further investment or reinvestment of either the principal amount thereof or the interest earnings therefrom (likewise to be held in trust and committed, except as hereinafter provided), as will be sufficient, together with moneys referred to in (i) above, for the payment, at their maturities or redemption dates, of all debt charges on the Bonds to their date of maturity or redemption, as the case may be, or if default in such payment shall have occurred on such date then to the date of the tender of such payment; provided, that if any Bonds are to be redeemed prior to the maturity thereof, notice of such redemption shall have been duly given or irrevocable provision satisfactory to the Trustee shall have been duly made for the giving of such notice. Any moneys held by the Escrow Agent in accordance with the provisions of this Section shall be invested by the Escrow Agent in direct obligations of the United States of America maturing, or redeemable at the option of the holder, at times and in amounts sufficient to meet payment of debt charges on the Bonds, as directed by the Director of Finance. Any income or interest earned by, or increment to, the investments held under this Section shall, to the extent determined from time to time by the Escrow Agent to be in excess of the amount required to be held by it for the purposes of this Section, be transferred at the time of such determination as provided in Section 17(a) of the General Bond Ordinance for unclaimed funds held by a Paying Agent. In the event of nonpresentation of any Bond as described in Section 17(a) of the General Bond Ordinance, the moneys held pursuant to this Section shall be held and paid as provided in said Section 17(a) for unclaimed funds held by a Paying Agent.

**Section 9. Bond Anticipation Notes.** For the purpose of raising money in anticipation of the issuance of the

Bonds for the purpose set forth in Section 1 hereof, notes of the City may be issued in an aggregate principal amount not to exceed Three Million Seventy-Five Thousand Dollars (\$3,075,000) (the "Notes") upon the direction of the Director of Finance to be set forth in a certificate providing for the final terms of the Notes and the sale of the Notes and signed by the Director of Finance (the "Note Certificate of Award").

**Section 10. Term of the Notes.**

The Notes: shall bear interest at such rate, not exceeding six percent (6%) per year, as may be fixed by the Director of Finance of the City in the Note Certificate of Award; shall be dated their date of issuance; shall mature on the date set forth in the Note Certificate of Award, which shall be no later than five (5) years from such date of issuance; shall be subject to redemption by the City at any time prior to maturity without penalty, provided that, if the Director of Finance, based on the advice of a financial advisor, determines that it is in the best interest of the City in order to enhance the marketability of the Notes, the Director of Finance may cause the Notes to not be redeemable for a period which ends no later than the date which is two (2) years following the date of issuance of the Notes; shall be designated "Revitalization Improvement Bond Anticipation Notes"; shall be issued in such numbers and denominations as may be requested by the Note Purchaser (hereinafter defined); and shall be issued in fully registered form (which may be in a book entry only system) in denominations of \$5,000 or integral multiples thereof. Interest shall be payable semi-annually on the dates set forth in the Note Certificate of Award; provided that if the Notes mature on or before the end of the twelfth (12th) month following their date of issuance, interest on the Notes shall be payable at maturity.

U.S. Bank National Association is appointed to act as the authenticating agent, registrar, transfer agent and paying agent for the Notes (the "Note Registrar"). The Escrow Agent also shall act as paying agent for the Notes if the Notes are held in a book entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, an agreement among the City, the Note Registrar and the Escrow Agent (the "Note Registrar Agreement") providing for services relating to the registration, transfer, exchange and payment of Notes on terms that are approved by the Director of Finance on behalf of the City. That approval shall be conclusively evidenced by the signing of the Note Registrar Agreement by the Director of Finance. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Note Registrar Agreement from the proceeds of the Notes to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Notes remain outstanding, the City will cause the Note Registrar to main-

tain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Notes as provided in this Section (the "Note Register"). The person in whose name a Note is registered on the Note Register shall be regarded as the absolute owner of that Note for all purposes of this Ordinance. Payment of or on account of the debt charges on any Note shall be made only to or upon the order of that person; neither the City nor the Note Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Note, including interest, to the extent of the amount or amounts so paid.

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

If manual signatures on behalf of the City are required, the Note Registrar shall undertake the exchange or transfer of Notes only after the new Notes are signed by the authorized officers of the City. In all cases of Notes exchanged or transferred, the City shall sign and the Note Registrar shall authenticate and deliver Notes in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Note Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Note Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Notes issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Notes surrendered upon that exchange or transfer.

Pursuant to Section 133.30(B), Revised Code, the Director of Finance may combine the Notes with other bond anticipation notes of the City for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bond Anticipation Notes." The Notes shall contain a summary statement



of purposes encompassing the purpose for which the Notes are issued and shall state that they are issued pursuant to this Ordinance.

**Section 11. Execution and Payment of the Notes.** The Notes shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance. Each Note shall be authenticated by the manual signature of an authorized officer of the Trustee (as defined therein). The Notes shall be signed by the City's Mayor and by the City's Director of Finance. In accordance with Section 9.96 of the Revised Code and the foregoing requirement that each Note bear the manual signature of an authorized officer of the Trustee, either or both of the signatures of the City's Mayor or of its Director of Finance may be a facsimile. The Notes shall bear the seal of the City, which seal may be a facsimile seal. Pursuant to Section 83 of the City's Charter, the Director of Law shall prepare the Notes and shall endorse thereon his approval of the form and correctness thereof by his manual or facsimile signature.

**Section 12. Sale of the Notes.** The Notes shall first be offered for purchase to the Trustees of the Sinking Fund and, if not purchased by them, shall be offered to the Treasury Investment Account for purchase and, if not purchased for that Account, shall be sold to one or more firms that have proposed to underwrite the Notes and have been selected by the Director of Finance based on an evaluation of the qualifications of those firms (the "Note Purchaser") in the principal amount set forth in a certificate of award to be executed by the Director of Finance (the "Note Certificate of Award") at not less than par and accrued interest and at a rate not exceeding that set forth in Section 10 hereof. The proceeds of such sale shall be paid into the proper fund and used for the purpose for which the Notes are being issued under the provisions of this Ordinance.

**Section 13. Security for the Notes.** The Notes shall be the full general obligations of the City, and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the Notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used for the retirement of the Notes at maturity, together with the interest thereon, and are hereby pledged for such purpose.

**Section 14. Provision for Levying and Collecting Tax.** During the year or years while the Notes are outstanding there shall be levied on all the taxable property in the City, in addition to all other taxes but within tax limitations, a direct tax annually not less than that which would have been levied if bonds had been issued therefor without the prior issue of the Notes. That tax shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for gener-

al purposes for each year are certified, extended and collected. That tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the tax levies required by this Ordinance shall be placed in the Unvoted Tax Supported Obligations Account, and those funds, together with the interest collected on them, shall be irrevocably pledged for the payment of the principal and interest of the Notes or the Bonds in anticipation of which they are issued, when and as the same falls due; provided, however, that in each year to the extent that revenues are available from other sources for the payment of the Notes and Bonds and are appropriated for such purpose, the amount of such direct tax upon all of the taxable property in the City may be reduced by the amount of such revenues so available and appropriated.

**Section 15. Official Statement; Continuing Disclosure.** If, in the judgment of the Director of Finance, a disclosure document (each, an "Official Statement") is appropriate or necessary in connection with the sale of the Notes or the Bonds, the Director of Finance is authorized to prepare or cause to be prepared on behalf of the City an Official Statement with respect to the Notes or the Bonds, as the case may be, and any necessary supplements and to authorize the use and distribution of each Official Statement and any supplements. The Mayor and the Director of Finance are authorized to sign on behalf of the City and in their official capacities each Official Statement and any supplements approved by them. Those officers are, and each of them is, authorized to sign and deliver on behalf of the City and in their official capacities such certificates in connection with the accuracy of each Official Statement and any supplements as may, in their judgment, be necessary or appropriate. Those officers are also authorized to determine and certify on behalf of the City that such disclosure document is "deemed final" by the City within the meaning of Securities and Exchange Commission Rule 15c2-12 the "SEC Rule.") The Director of Finance is authorized to contract for services for the production and distribution of preliminary and final Official Statements, including by printed and electronic means.

For the benefit of the holders and beneficial owners from time to time of the Notes or the Bonds, the City agrees, in accordance with, and as the only obligated person with respect to the Notes and the Bonds under the SEC Rule, to provide or cause to be provided such financial information and operating data and notices, in such manner as may be required for purposes of the SEC Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Director of Finance is authorized and directed to prepare, or cause to be prepared, and to sign and deliver, in the name and on behalf of the City, a contin-

uing disclosure agreement or certificate, which shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and beneficial owners of the Notes or the Bonds, as the case may be, in accordance with the SEC Rule. The performance of that agreement shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform it. The Director of Finance is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices.

**Section 16. Miscellaneous.**

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

(b) All covenants, terms and provisions of the General Bond Ordinance are fully applicable to the Bonds and the Notes authorized herein, and nothing in this Ordinance shall be deemed to alter or restrict such full application of the General Bond Ordinance, except for the exclusion from application to the Bonds and the Notes authorized herein of the provisions of the third paragraph of Section 13(a) and the third paragraph of Section 4 of the General Bond Ordinance pursuant to Section 2 of this Ordinance.

**Section 17. Captions.** The captions or headings in this Ordinance are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Ordinance.

**Section 18. Federal Tax Covenants.** The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes and the Bonds in such manner and to such extent as may be necessary so that (a) the Notes and the Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest thereon will not be treated as an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes and the Bonds to be and to remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes and the Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property acquired with those proceeds, (iii) make timely and adequate payments to the federal government, (iv)

maintain books and records and make calculations and reports, and (v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

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

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes and the Bonds is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes and the Bonds as the City is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes and the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes and the Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes and the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes and the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes and the Bonds.

**Section 19. Bond Insurance and Ratings.** If the Director of Finance determines it to be in the best interests of the City, based on the written advice of a financial advisor, the

Director of Finance may obtain a commitment for municipal bond insurance issued by a nationally recognized municipal bond insurance company insuring the payment when due of the principal of and interest on all or any portion of the Bonds, request a rating on the Bonds from one or more nationally recognized rating organizations, and do any and all things and take any and all actions required to secure a policy of municipal bond insurance and/or a rating or ratings on the Bonds including, but not limited to, the entering into of agreements on behalf of the City necessary to secure a policy of municipal bond insurance. Those agreements may be in separate documents or included in a Bond Purchase Agreement, a registrar agreement or a Certificate of Award, or any combination, and contain terms not materially inconsistent with this Ordinance. The expenditure of the amounts necessary to secure that insurance or obtain those ratings is authorized and approved, and the Director of Finance is authorized to provide for the payment of any such amounts from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

**Section 20. Financial Advisor.** The Director of Finance may obtain the services of one or more financial advisors, from time to time, to assist the Director of Finance in making any of the determinations required by this Ordinance to be determined by the Director of Finance. The Director of Finance may rely on the written advice of any financial advisor so retained. Any financial advisor employed under the authority of this Ordinance shall be disinterested in the transaction and be independent of the Original Purchasers any other party interested in the transaction.

**Section 21. Open Meeting Determination.** It is found and determined that all formal actions of this Council and of any of its committees concerning and relating to the passage of this Ordinance were taken, and any of its committees and that all deliberations of this Council that resulted in these formal actions were held, in meetings open to the public in compliance with all legal requirements, including, without limitation, Section 121.22 of the Revised Code.

**Section 22. Findings and Recitals of Validity.** It is hereby determined, represented and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Bonds and the Notes in order to make them legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of the Bonds or the Notes. It is further found and determined, and is represented and recited, that the provisions of Sections 28, 29, 32, 33 (including the provisions of Sec-

tion 33 with respect to readings on three separate days or dispensing with such readings by a two-thirds vote of all members of the Council), 36, 37, 48 and all other applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this Ordinance was passed in conformity therewith.

**Section 23. Delivery to County Auditor.** The Director of Finance is directed to forward a certified copy of this Ordinance and of the Certificate of Award for the Bonds and any Note Certificate of Award to the County Auditor of Cuyahoga County and to secure a receipt therefor.

**Section 24. Severability.** Each section and each part of each section of this Ordinance is declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is declared to be the controlling legislative intent that if any such section or part of a section or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstance, other than those as to which it is held invalid, shall not be affected thereby, and it is declared to be the legislative intent that the other provisions of this Ordinance would have been passed independently of such section, or parts of a section, so held to be invalid.

**Section 25. Legislative Intent.** All terms, conditions, pledges, covenants or agreements on the part of the City provided for in this Ordinance are made by the voluntary act of the City under its lawful authority, including its authority under its Charter and Article XVIII of the Constitution of Ohio.

Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding bonds, notes, certificates of indebtedness, other obligations, trust indentures, trust agreements, or other agreements or contracts made or entered into by the City and for which consideration was duly received by the City prior to the passage of this Ordinance or the General Bond Ordinance.

**Section 26. Emergency Measure.** This Ordinance is declared to be an emergency measure for the immediate preservation of the public peace, property, health and safety of the City by providing funds to pay the costs of certain revitalization projects which are urgently needed for the benefit of the City and for the usual daily operation of a municipal department, and, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest date allowed by law.

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

**Ord. No. 2073-06.  
By Council Member Sweeney (by  
departmental request).**

**An emergency ordinance authorizing the issuance and sale of Bonds in the maximum principal amount of \$2,825,000 for the purpose of providing funds to improve municipal parks and recreation facilities and authorizing related matters.**

Whereas, this Council desires to issue bonds in an aggregate principal amount not to exceed Two Million Eight Hundred Twenty-Five Thousand Dollars (\$2,825,000) (the "Bonds") to finance the costs of certain permanent improvements described in Section 1; and

Whereas, the Director of Finance, as fiscal officer of this City, has certified to this Council that the estimated life or usefulness of the improvements to be financed with the proceeds of the Bonds is at least five (5) years and the maximum maturity of the Bonds is nineteen (19) years; and

Whereas, this Council passed Ordinance No. 1749-80 on October 8, 1980, and thereafter amended that ordinance by Ordinance No. 1112-83, passed on May 6, 1983, and Ordinance No. 944-96, passed on June 10, 1996 (Ordinance No. 1749-80, as so amended and as the same may further be amended from time to time in accordance with its provisions, is referred to as the "General Bond Ordinance"), providing the general terms and provisions for the issuance of unvoted general obligations of the City, with the specific terms of each series of Bonds to be contained in ordinances authorizing the issuance of Bonds in accordance with the provisions thereof (the "Series Bond Ordinances"); and

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

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

**Section 1. Purpose.** It is deemed necessary to issue the Bonds in an aggregate principal amount not to exceed Two Million Eight Hundred Twenty-Five Thousand Dollars (\$2,825,000) for the purpose of providing funds to improve municipal parks and recreation facilities by constructing, reconstructing, rehabilitating, installing, renovating, enlarging and otherwise improving parks and recreation centers and areas, pools, skating rinks, greenhouses, bicycle paths, playgrounds, playfields, tracks, fields and related buildings, structures, walkways, pavement and facilities, and providing necessary water systems, drainage, lighting, signage, fixtures, furnishings, equipment, safety modifications and site improvements, together with all necessary and incidental appurtenances and the acquisition of any required real estate

and interests in real estate and the demolition of any existing buildings, structures, walkways and facilities, and to pay any capitalized interest and all expenses incurred in connection with the issuance of the securities, including all financing costs within the meaning of Section 133.01(K) of the Revised Code and such other costs of the foregoing permanent improvements that may be financed with the proceeds of securities as permitted by Section 133.15(B) of the Ohio Revised Code and as otherwise permitted by law.

**Section 2. Authority and Terms.** The Bonds shall be issued pursuant to the provisions of Article XVIII of the Constitution of Ohio, Sections 133.01 to 133.70, inclusive, and other applicable provisions of the Revised Code, the Charter of the City, the General Bond Ordinance and this Ordinance for the purpose stated in Section 1. The Bonds shall be designated "Parks and Recreation Facilities Improvement Bonds" and may contain such further designation as provided in the Certificate of Award identified below. The Bonds shall be issued in one lot as fully registered Bonds in denominations of \$5,000 or any integral multiple thereof. The Bonds shall be numbered as determined by the Director of Finance.

The Bonds shall be dated as of March 1, 2007, or such other date, but in no event later than December 31, 2008, specified in the certificate of award providing for the final terms of the Bonds and the sale of the Bonds signed by the Director of Finance in accordance with this Ordinance (the "Certificate of Award"). The Bonds shall be issued in the principal amount specified in the Certificate of Award, which shall not exceed the amount stated in Section 1. The Bonds shall bear interest from their date until the principal amount is paid at the rate or rates per year specified in the Certificate of Award, provided that the weighted average of such rates (taking into account the principal amount and maturity of each Bond to which a rate applies) shall not exceed six percent (6%) per year. Interest on the Bonds shall be payable semi-annually on May 15 and November 15 of each year, beginning November 15, 2007, or on such other dates specified in the Certificate of Award as the dates on which interest on the Bonds shall be payable (the "Interest Payment Dates").

The Bonds shall mature on November 15 in nineteen (19) substantially equal annual installments, beginning November 15, 2007, or according to the schedule set forth in the Certificate of Award, provided that (i) each principal payment shall occur on an Interest Payment Date, (ii) the first principal payment on the Bonds shall be no earlier than November 15, 2007 and no later than December 31, 2009, (iii) the final maturity date of the Bonds shall be no later than nineteen (19) years from that date which is twelve months prior to the first date on which provision for payment of principal is made, and (iv) the principal amount thereof shall be

payable in annual installments such that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year.

The Bonds stated to mature in any year may be issued as term bonds (the "Term Bonds"), payable pursuant to Mandatory Sinking Fund Redemption Requirements as defined and further described below. The Director of Finance shall determine in the Certificate of Award whether any of the Bonds shall be issued as Term Bonds, any dates (the "Mandatory Redemption Dates") on which the principal amount of the Term Bonds shall be payable pursuant to mandatory sinking fund installments rather than at stated maturity and the amount of principal to be paid on each Mandatory Redemption Date (the "Mandatory Sinking Fund Redemption Requirements").

The Bonds shall be subject to redemption or purchase prior to stated maturity as follows:

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

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

The City shall have the option to deliver to the Registrar (as defined in Section 3) for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City for any Term Bonds. That option shall be exercised by the City on or before the forty-fifth (45th) day preceding the applicable Mandatory Redemption Date, by furnishing the Escrow Agent a certificate, signed by the Registrar, setting forth the extent of the credit to be applied with respect to the then current Mandatory Sinking Fund Redemption Requirement. If the certificate is not timely furnished to the Escrow Agent, the Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of

the Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Registrar, to the extent not applied theretofore as a credit against any mandatory redemption obligation.

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

**(b) Optional Redemption.** The Bonds may be subject to redemption prior to maturity by and at the option of the City, in whole or in part on any date, in integral multiples of \$5,000, on the optional redemption dates and at the redemption prices (expressed as a percentage of the principal amount redeemed) specified in the Certificate of Award, plus, in each case, accrued interest to the redemption date. The first optional redemption date shall not be later than ten years from the first Interest Payment Date, and the highest redemption price shall not be greater than 102% of the principal amount redeemed plus accrued interest to the redemption date. Based on the written advice of a financial advisor, the Director of Finance may determine in the Certificate of Award that it is in the best interests of the City for some or all of the Bonds not to be callable prior to their stated maturity.

If optional redemption at a price exceeding 100% of the principal amount to be redeemed is to take place as of any applicable Mandatory Redemption Date, the Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Bonds to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements of paragraph (a). The Bonds shall be redeemed pursuant to this paragraph only upon written notice from the Director of Finance to the Registrar. That notice shall specify the redemption date and the principal amount of each maturity of Bonds to be redeemed, and shall be given at least forty-five (45) days prior to the redemption date or such shorter period as shall be acceptable to the Registrar. There shall be deposited with the Registrar on or prior to the redemption date funds sufficient to redeem at the redemption price all of the redeemable Bonds for which notice of redemption has been given.

**(c) Purchase in Lieu of Redemption.** If and to the extent provided in the Certificate of Award, the City may elect to purchase Bonds called for optional redemption in lieu of redeeming those Bonds. That election shall be exercised by written direction from the Director of Finance to the Registrar and the Escrow Agent. That written direc-

tion shall state whether all or less than all of the Bonds called for optional redemption are to be purchased by the City in lieu of redemption, shall identify the Bonds to be purchased by their maturity date and shall specify the principal amount of each maturity to be purchased in lieu of redemption. If less than all of the Bonds called for optional redemption are to be purchased in lieu of redemption, the amount of each maturity to be purchased shall be in amounts of \$5,000 or integral multiples of \$5,000. Any Bonds called for optional redemption that are not to be purchased shall be redeemed in accordance with their redemption provisions. The purchase price of the Bonds to be purchased in lieu of redemption shall be equal to the principal of, any accrued but unpaid interest on, and any premium that would have been payable on the Bonds on the redemption date if the Bonds had been optionally redeemed instead of being purchased. No notice of the purchase in lieu of redemption is required to be given to the owners of the Bonds in addition to the notice of redemption required by this Ordinance. The Escrow Agent or Registrar, as paying agent shall not purchase Bonds if sufficient moneys have not been deposited with the Escrow Agent or Registrar, as paying agent, by the City for the purpose. On or prior to the scheduled date for optional redemption, the City may rescind its direction to purchase the Bonds in lieu of redemption by written notice from the Director of Finance to the Registrar and the Escrow Agent. In the event that the direction to purchase is rescinded, the Bonds shall be redeemed on the redemption date set forth in the notice of redemption delivered to the owners of the Bonds and in accordance with the provisions of this Ordinance.

**(d) Partial Redemption or Purchase.** If fewer than all of the outstanding Bonds are called for redemption at one time (whether for redemption or purchase in lieu of redemption), they shall be called in the order of maturities directed by the Director of Finance. If fewer than all Bonds of a single maturity are to be redeemed or purchase in lieu of redemption, the selection of Bonds to be redeemed or purchased, or portions thereof in amounts of \$5,000 or any integral multiple thereof, shall be made by the Registrar by lot in a manner determined by the Registrar. In the case of a partial redemption or purchase of Bonds by lot when Bonds of denominations greater than \$5,000 are then outstanding, each \$5,000 unit of principal thereof shall be treated as though it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all of the \$5,000 units of principal amount represented by a Bond are to be called for redemption, then upon notice of redemption of a \$5,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Registrar (i) for payment of the redemption or purchase price of the \$5,000 unit or units called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and

(ii) for issuance, without charge to the registered owner thereof, of a new Bond or Bonds of any authorized denomination or denominations in an aggregate principal amount equal to the unmatured portion of the Bond not redeemed or purchased and bearing interest at the same rate and maturing on the same date as the Bond surrendered.

**(e) Notice of Redemption.** The notice of the call for redemption of Bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Registrar on behalf of the City by mailing a copy of the redemption notice by first class mail, postage prepaid, at least thirty (30) days prior to the date fixed for redemption (or such period specified in the Certificate of Award), to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register maintained by the Registrar at the close of business on the fifteenth day preceding that mailing and to any municipal bond insurance company that has issued a policy insuring some or all of the Bonds. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond.

**(f) Payment of Redeemed Bonds.** Notice having been mailed in the manner provided in the preceding paragraph, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, upon presentation and surrender at the place or places specified in that notice, shall be paid. If money for the redemption of all of the Bonds and portions thereof to be redeemed, including interest accrued to the redemption date, is held by the Registrar on the redemption date, and, if notice of redemption has been deposited in the mail, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If that money shall not be so available on the redemption date, or that notice shall not have been deposited in the mail, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All money held by the Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners and shall be paid to them, respectively, upon presentation and surrender of those Bonds.

The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Registrar or Escrow Agent as paying agent. Principal shall be payable when due upon presentation and surrender of the Bonds at the principal corporate trust office of

the Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register (as defined in Section 3) at the close of business on the date provided in the Agreement authorized in Section 3 (the "Record Date"). Notwithstanding any contrary provision in the General Bond Ordinance, so long as the Bonds are held by a Depository in a book entry system (as described in Section 3), debt charges on the Bonds will be payable in lawful money of the United States by wire transfer to the Depository made by the Escrow Agent on each Interest Payment Date.

This Series Bond Ordinance is enacted pursuant to the General Bond Ordinance. The General Bond Ordinance, except for the third paragraph of Section 13(a) (pertaining generally to an adjustment of the interest rate in an event of default) and the third paragraph of Section 4 (pertaining generally to the periods during which the City is not required to make any transfers or exchanges of bonds issued under the General Bond Ordinance), will apply to the Bonds. Except for those provisions, the General Bond Ordinance is included as a part of this Ordinance as fully as if restated in this Ordinance. Words and terms not otherwise defined in this Ordinance shall have the same meaning as set forth in the General Bond Ordinance.

**Section 3. Execution, Authentication, Approval and Recording of the Bonds; Exchange and Transfer of the Bonds; Paying Agents.** The Bonds shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance. Pursuant to Section 4 of the General Bond Ordinance, each Bond shall be authenticated by the manual signature of an authorized officer of the Trustee (as defined therein). The Bonds shall be signed by the City's Mayor and by the City's Director of Finance. In accordance with Section 9.96 of the Revised Code and the foregoing requirement that each Bond bear the manual signature of an authorized officer of the Trustee, either or both of the signatures of the City's Mayor or of its Director of Finance may be a facsimile. The Bonds shall bear the seal of the City, which seal may be a facsimile seal. Pursuant to Section 83 of the City's Charter, the Director of Law shall prepare the Bonds and shall endorse thereon his approval of the form and correctness thereof by his manual or facsimile signature.

U.S. Bank National Association is appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent for the Bonds (the "Registrar"). The Escrow Agent shall also act as paying agent for the Bonds so long as the Bonds are held in a book entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, an agreement among the City, the Registrar and the Escrow Agent (the "Agreement"), approved as to form and correctness by the Director of Law, pro-

viding for services relating to the registration, transfer, exchange and payment of the Bonds on terms that are approved by the Director of Finance on behalf of the City. That approval shall be conclusively evidenced by the signing of the Agreement by the Director of Finance. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Agreement from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Bonds remain outstanding, the City will cause the Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Bonds as provided in this Section (the "Bond Register"). The person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of this Ordinance. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

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

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

those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Bonds surrendered upon that exchange or transfer.

Notwithstanding any other provisions of this Ordinance, if it is determined by the Director of Finance to be advantageous to the City, the Bonds may be issued in book entry form in accordance with the provisions of this Section. As used in this Section and this Ordinance:

"Book entry form" or "book entry system" means a form or system under which (i) the ownership of beneficial interests in Bonds and the principal of and interest on the Bonds may be transferred only through a book entry, and (ii) physical Bond certificates in fully registered form are issued by the City only to a Depository or its nominee as registered owner, with the Bonds "immobilized" in the custody of the Depository. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in those Bonds and that principal and interest.

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

"Participant" means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

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

If any Depository determines not to continue to act as a Depository for the Bonds for use in a book entry system, the Director of Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of

Finance does not or is unable to do so, the Registrar, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Bonds from the Depository, and the Trustee and Registrar shall authenticate and deliver bond certificates in registered form to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

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

**Section 4. Sale of Bonds.** The Bonds shall first be offered for purchase to the Trustees of the Sinking Fund and, if not purchased by them, shall be offered to the Treasury Investment Account for purchase and, if not purchased for that Account, shall be sold to one or more firms that have proposed to underwrite the Bonds and have been selected by the Director of Finance based on an evaluation of the qualifications of those firms (collectively, the "Original Purchaser").

The Bonds shall be awarded to the Original Purchaser in the Certificate of Award which shall specify the final terms of the Bonds in accordance with law, the provisions of this Ordinance, the written advice of a financial advisor retained under authority of Section 20 and the Original Purchaser's offer to purchase the Bonds, including: the principal amount of the Bonds, final purchase price (which shall be not less than 97% of the principal amount plus accrued interest to their date of delivery), interest rate or rates, the amounts and years in which principal installments are payable (at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements), the Interest Payment Dates and the date of the Bonds (if different from those set forth in Section 2) and any other matters required in this Ordinance to be set forth in that Certificate. As appropriate under the Charter, the Mayor, Director of Finance, Director of Law, Clerk of Council and other appropriate officers of the City are, and each of them is, authorized to take such actions as are necessary, appropriate and in the best interest of the City to establish the terms and requirements for delivery of the Bonds and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, procedures, and conditions for the delivery of the Bonds to the Original Purchaser, to give all appropriate notices and certificates, to cause a true transcript of proceedings with reference to the issuance of the Bonds to be delivered to the Original Purchaser, to sign any transcript certificates, financial statements and

other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance and to take all steps necessary to effect the due execution, authentication and delivery of the Bonds. The Director of Finance is authorized to sign and deliver on behalf of the City a bond purchase agreement between the City and the Original Purchaser (the "Bond Purchase Agreement"), approved as to form and correctness by the Director of Law, setting forth the terms and conditions on which the City agrees to sell the Bonds and the Original Purchaser agrees to buy the Bonds on terms consistent with this Ordinance and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement or amendments to the Bond Purchase Agreement by the Director of Finance. It is determined that the terms of the Bonds, as provided in this Ordinance and as may be provided in or pursuant to the Certificate of Award, are in the best interest of the City and in compliance with all legal requirements.

Pursuant to Section 133.30(B), Ohio Revised Code, the Director of Finance may combine the Bonds with other bonds into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bonds, Series 2007" or such other designation as may be set forth in the Certificate of Award. Such bonds shall contain a summary statement of purposes encompassing the purpose for which the Bonds are issued and shall state that they are issued pursuant to this Ordinance.

**Section 5. Provision for Levying and Collecting Tax.** For the purpose of providing the necessary funds to pay the interest on the Bonds promptly when and as the same falls due, and also to provide for the discharge of the Bonds at maturity, there shall be and is levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding, in an amount sufficient to provide for the payment of that interest, when and as the same shall fall due, and also to discharge the principal of the Bonds at maturity, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Constitution of Ohio.

The tax shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, extended and collected. The tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from those tax levies shall be placed in the Unvoted Tax Supported Obligations Account of the Sinking Fund as required by the General Bond Ordinance, and those funds, together with the interest col-

lected on them shall be irrevocably pledged for the payment of principal of and interest on the Bonds when and as the same fall due; provided, however, that, subject to the provisions of Section 8 of the General Bond Ordinance, in each year to the extent that revenues are available from other sources for the payment of the Bonds and are appropriated for such purpose, the amount of such tax shall be reduced by the amount of such revenues so available and appropriated.

This Council hereby covenants, on behalf of the City and its officials, pursuant to the authorization under Sections 133.25(B)(1) and 5705.51 of the Revised Code, and in accordance with the provisions of and to the extent required or permitted by the General Bond Ordinance, that the City will appropriate annually from the proceeds of the City's municipal income taxes an amount as is necessary to meet the annual debt charges for the Bonds.

**Section 6. Application of Proceeds.** The proceeds from the sale of the Bonds, except for accrued interest thereon and any premium, shall be expended and applied for the objects and purposes for which the Bonds are issued. Accrued interest and any premium received from the sale of the Bonds shall be deposited in the Unvoted Tax Supported Obligations Account of the Sinking Fund to be applied to the payment of the principal of and interest on the Bonds.

**Section 7. General Obligation.** The Bonds are secured by a pledge and lien on a parity with the pledges and liens authorized by the General Bond Ordinance and, in addition to the taxes and revenues specifically pledged pursuant to this Ordinance and the General Bond Ordinance and the other covenants, terms and agreements provided hereunder and in the General Bond Ordinance to secure payment of the principal of and interest on the Bonds, the City hereby determines, declares, warrants and covenants that the Bonds are general obligations of the City and that the full faith and credit of the City are hereby pledged for the payment of the principal of and interest on the Bonds in accordance with the laws and Constitution of the State of Ohio, this Ordinance and the General Bond Ordinance.

**Section 8. Defeasance.**

**(a) Release of Ordinance.** If the City shall pay or cause to be paid and discharged all the outstanding Bonds, or there shall otherwise be paid to the holders of the outstanding Bonds all debt charges due or to become due thereon, and provision shall also be made for paying all other sums payable hereunder, then and in that event this Ordinance (except for Section 8(b) hereof) shall cease to be of further effect, and the covenants, agreements and other obligations of the City under this Ordinance shall be discharged and satisfied, and thereupon the Trustee shall at the request of the City execute and deliver to the City such instruments in writing as shall discharge the lien hereof and enter on the record

such discharge of the lien and such other instruments as may be reasonably required by the City.

**(b) Payment and Discharge of Bonds.** Outstanding Bonds shall be deemed to have been paid and discharged within the meaning of this Ordinance, including without limitation, Section 8(a) hereof, if:

(i) the Escrow Agent or Paying Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, sufficient moneys; or

(ii) the Escrow Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, direct obligations of the United States certified by an independent public accounting firm of national reputation to be of such maturities and interest payment dates and to bear such interest, without further investment or reinvestment of either the principal amount thereof or the interest earnings therefrom (likewise to be held in trust and committed, except as hereinafter provided), as will be sufficient, together with moneys referred to in (i) above, for the payment, at their maturities or redemption dates, of all debt charges on the Bonds to their date of maturity or redemption, as the case may be, or if default in such payment shall have occurred on such date then to the date of the tender of such payment; provided, that if any Bonds are to be redeemed prior to the maturity thereof, notice of such redemption shall have been duly given or irrevocable provision satisfactory to the Trustee shall have been duly made for the giving of such notice. Any moneys held by the Escrow Agent in accordance with the provisions of this Section shall be invested by the Escrow Agent in direct obligations of the United States of America maturing, or redeemable at the option of the holder, at times and in amounts sufficient to meet payment of debt charges on the Bonds, as directed by the Director of Finance. Any income or interest earned by, or increment to, the investments held under this Section shall, to the extent determined from time to time by the Escrow Agent to be in excess of the amount required to be held by it for the purposes of this Section, be transferred at the time of such determination as provided in Section 17(a) of the General Bond Ordinance for unclaimed funds held by a Paying Agent. In the event of nonpresentation of any Bond as described in Section 17(a) of the General Bond Ordinance, the moneys held pursuant to this Section shall be held and paid as provided in said Section 17(a) for unclaimed funds held by a Paying Agent.

**Section 9. Bond Anticipation Notes.**

For the purpose of raising money in anticipation of the issuance of the Bonds for the purpose set forth in Section 1 hereof, notes of the City may be issued in an aggregate principal amount not to exceed Two Million Eight Hundred Twenty-Five Thousand Dollars (\$2,825,000) (the "Notes") upon the direction of the Director of Finance to be set forth in a certificate providing for the

final terms of the Notes and the sale of the Notes and signed by the Director of Finance (the "Note Certificate of Award").

**Section 10. Term of the Notes.**

The Notes shall bear interest at such rate, not exceeding six percent (6%) per year, as may be fixed by the Director of Finance of the City in the Note Certificate of Award; shall be dated their date of issuance; shall mature on the date set forth in the Note Certificate of Award, which shall be no later than five (5) years from such date of issuance; shall be subject to redemption by the City at any time prior to maturity without penalty, provided that, if the Director of Finance, based on the advice of a financial advisor, determines that it is in the best interest of the City in order to enhance the marketability of the Notes, the Director of Finance may cause the Notes to not be redeemable for a period which ends no later than the date which is two (2) years following the date of issuance of the Notes; shall be designated "Parks and Recreation Facilities Improvement Bond Anticipation Notes"; shall be issued in such numbers and denominations as may be requested by the Note Purchaser (hereinafter defined); and shall be issued in fully registered form (which may be in a book entry only system) in denominations of \$5,000 or integral multiples thereof. Interest shall be payable semi-annually on the dates set forth in the Note Certificate of Award; provided that if the Notes mature on or before the end of the twelfth (12th) month following their date of issuance, interest on the Notes shall be payable at maturity.

U.S. Bank National Association is appointed to act as the authenticating agent, registrar, transfer agent and paying agent for the Notes (the "Note Registrar"). The Escrow Agent also shall act as paying agent for the Notes if the Notes are held in a book entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, an agreement among the City, the Note Registrar and the Escrow Agent (the "Note Registrar Agreement") providing for services relating to the registration, transfer, exchange and payment of Notes on terms that are approved by the Director of Finance on behalf of the City. That approval shall be conclusively evidenced by the signing of the Note Registrar Agreement by the Director of Finance. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Note Registrar Agreement from the proceeds of the Notes to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Notes remain outstanding, the City will cause the Note Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Notes as provided in this Section (the "Note Register"). The person in

whose name a Note is registered on the Note Register shall be regarded as the absolute owner of that Note for all purposes of this Ordinance. Payment of or on account of the debt charges on any Note shall be made only to or upon the order of that person; neither the City nor the Note Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Note, including interest, to the extent of the amount or amounts so paid.

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

If manual signatures on behalf of the City are required, the Note Registrar shall undertake the exchange or transfer of Notes only after the new Notes are signed by the authorized officers of the City. In all cases of Notes exchanged or transferred, the City shall sign and the Note Registrar shall authenticate and deliver Notes in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Note Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Note Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Notes issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Notes surrendered upon that exchange or transfer.

Pursuant to Section 133.30(B), Revised Code, the Director of Finance may combine the Notes with other bond anticipation notes of the City for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bond Anticipation Notes." The Notes shall contain a summary statement of purposes encompassing the purpose for which the Notes are issued and shall state that they are issued pursuant to this Ordinance.



**Section 11. Execution and Payment of the Notes.** The Notes shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance. Each Note shall be authenticated by the manual signature of an authorized officer of the Trustee (as defined therein). The Notes shall be signed by the City's Mayor and by the City's Director of Finance. In accordance with Section 9.96 of the Revised Code and the foregoing requirement that each Note bear the manual signature of an authorized officer of the Trustee, either or both of the signatures of the City's Mayor or of its Director of Finance may be a facsimile. The Notes shall bear the seal of the City, which seal may be a facsimile seal. Pursuant to Section 83 of the City's Charter, the Director of Law shall prepare the Notes and shall endorse thereon his approval of the form and correctness thereof by his manual or facsimile signature.

**Section 12. Sale of the Notes.** The Notes shall first be offered for purchase to the Trustees of the Sinking Fund and, if not purchased by them, shall be offered to the Treasury Investment Account for purchase and, if not purchased for that Account, shall be sold to one or more firms that have proposed to underwrite the Notes and have been selected by the Director of Finance based on an evaluation of the qualifications of those firms (the "Note Purchaser") in the principal amount set forth in a certificate of award to be executed by the Director of Finance (the "Note Certificate of Award") at not less than par and accrued interest and at a rate not exceeding that set forth in Section 10 hereof. The proceeds of such sale shall be paid into the proper fund and used for the purpose for which the Notes are being issued under the provisions of this Ordinance.

**Section 13. Security for the Notes.** The Notes shall be the full general obligations of the City, and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the Notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used for the retirement of the Notes at maturity, together with the interest thereon, and are hereby pledged for such purpose.

**Section 14. Provision for Levying and Collecting Tax.** During the year or years while the Notes are outstanding there shall be levied on all the taxable property in the City, in addition to all other taxes but within tax limitations, a direct tax annually not less than that which would have been levied if bonds had been issued therefor without the prior issue of the Notes. That tax shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each year are certified, extended and collected. That tax shall be placed before and in

preference to all other items and for the full amount thereof. The funds derived from the tax levies required by this Ordinance shall be placed in the Unvoted Tax Supported Obligations Account, and those funds, together with the interest collected on them, shall be irrevocably pledged for the payment of the principal and interest of the Notes or the Bonds in anticipation of which they are issued, when and as the same falls due; provided, however, that in each year to the extent that revenues are available from other sources for the payment of the Notes and Bonds and are appropriated for such purpose, the amount of such direct tax upon all of the taxable property in the City may be reduced by the amount of such revenues so available and appropriated.

**Section 15. Official Statement; Continuing Disclosure.** If, in the judgment of the Director of Finance, a disclosure document (each, an "Official Statement") is appropriate or necessary in connection with the sale of the Notes or the Bonds, the Director of Finance is authorized to prepare or cause to be prepared on behalf of the City an Official Statement with respect to the Notes or the Bonds, as the case may be, and any necessary supplements and to authorize the use and distribution of each Official Statement and any supplements. The Mayor and the Director of Finance are authorized to sign on behalf of the City and in their official capacities each Official Statement and any supplements approved by them. Those officers are, and each of them is, authorized to sign and deliver on behalf of the City and in their official capacities such certificates in connection with the accuracy of each Official Statement and any supplements as may, in their judgment, be necessary or appropriate. Those officers are also authorized to determine and certify on behalf of the City that such disclosure document is "deemed final" by the City within the meaning of Securities and Exchange Commission Rule 15c2-12 the "SEC Rule.") The Director of Finance is authorized to contract for services for the production and distribution of preliminary and final Official Statements, including by printed and electronic means.

For the benefit of the holders and beneficial owners from time to time of the Notes or the Bonds, the City agrees, in accordance with, and as the only obligated person with respect to the Notes and the Bonds under the SEC Rule, to provide or cause to be provided such financial information and operating data and notices, in such manner as may be required for purposes of the SEC Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Director of Finance is authorized and directed to prepare, or cause to be prepared, and to sign and deliver, in the name and on behalf of the City, a continuing disclosure agreement or certificate, which shall constitute the

continuing disclosure agreement made by the City for the benefit of the holders and beneficial owners of the Notes or the Bonds, as the case may be, in accordance with the SEC Rule. The performance of that agreement shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform it. The Director of Finance is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices.

**Section 16. Miscellaneous.**

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

(b) All covenants, terms and provisions of the General Bond Ordinance are fully applicable to the Bonds and the Notes authorized herein, and nothing in this Ordinance shall be deemed to alter or restrict such full application of the General Bond Ordinance, except for the exclusion from application to the Bonds and the Notes authorized herein of the provisions of the third paragraph of Section 13(a) and the third paragraph of Section 4 of the General Bond Ordinance pursuant to Section 2 of this Ordinance.

**Section 17. Captions.** The captions or headings in this Ordinance are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Ordinance.

**Section 18. Federal Tax Covenants.** The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes and the Bonds in such manner and to such extent as may be necessary so that (a) the Notes and the Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest thereon will not be treated as an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required of it for the interest on the Notes and the Bonds to be and to remain excluded from gross income for federal income tax purposes, (b) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (c) it, or persons acting for it, will, among other acts of compliance, (i) apply the proceeds of the Notes and the Bonds to the governmental purpose of the borrowing, (ii) restrict the yield on investment property acquired with those proceeds, (iii) make timely and adequate payments to the federal government, (iv) maintain books and records and make calculations and reports, and

(v) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

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

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes and the Bonds is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes and the Bonds as the City is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes and the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes and the Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes and the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes and the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes and the Bonds.

**Section 19. Bond Insurance and Ratings.** If the Director of Finance determines it to be in the best interests of the City, based on the written advice of a financial advisor, the Director of Finance may obtain a commitment for municipal bond

insurance issued by a nationally recognized municipal bond insurance company insuring the payment when due of the principal of and interest on all or any portion of the Bonds, request a rating on the Bonds from one or more nationally recognized rating organizations, and do any and all things and take any and all actions required to secure a policy of municipal bond insurance and/or a rating or ratings on the Bonds including, but not limited to, the entering into of agreements on behalf of the City necessary to secure a policy of municipal bond insurance. Those agreements may be in separate documents or included in a Bond Purchase Agreement, a registrar agreement or a Certificate of Award, or any combination, and contain terms not materially inconsistent with this Ordinance. The expenditure of the amounts necessary to secure that insurance or obtain those ratings is authorized and approved, and the Director of Finance is authorized to provide for the payment of any such amounts from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

**Section 20. Financial Advisor.** The Director of Finance may obtain the services of one or more financial advisors, from time to time, to assist the Director of Finance in making any of the determinations required by this Ordinance to be determined by the Director of Finance. The Director of Finance may rely on the written advice of any financial advisor so retained. Any financial advisor employed under the authority of this Ordinance shall be disinterested in the transaction and be independent of the Original Purchasers any other party interested in the transaction.

**Section 21. Open Meeting Determination.** It is found and determined that all formal actions of this Council and of any of its committees concerning and relating to the passage of this Ordinance were taken, and any of its committees and that all deliberations of this Council that resulted in these formal actions were held, in meetings open to the public in compliance with all legal requirements, including, without limitation, Section 121.22 of the Revised Code.

**Section 22. Findings and Recitals of Validity.** It is hereby determined, represented and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Bonds and the Notes in order to make them legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of the Bonds or the Notes. It is further found and determined, and is represented and recited, that the provisions of Sections 28, 29, 32, 33 (including the provisions of Section 33 with respect to readings on

three separate days or dispensing with such readings by a two-thirds vote of all members of the Council), 36, 37, 48 and all other applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this Ordinance was passed in conformity therewith.

**Section 23. Delivery to County Auditor.** The Director of Finance is directed to forward a certified copy of this Ordinance and of the Certificate of Award for the Bonds and any Note Certificate of Award to the County Auditor of Cuyahoga County and to secure a receipt therefor.

**Section 24. Severability.** Each section and each part of each section of this Ordinance is declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is declared to be the controlling legislative intent that if any such section or part of a section or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstance, other than those as to which it is held invalid, shall not be affected thereby, and it is declared to be the legislative intent that the other provisions of this Ordinance would have been passed independently of such section, or parts of a section, so held to be invalid.

**Section 25. Legislative Intent.** All terms, conditions, pledges, covenants or agreements on the part of the City provided for in this Ordinance are made by the voluntary act of the City under its lawful authority, including its authority under its Charter and Article XVIII of the Constitution of Ohio.

Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding bonds, notes, certificates of indebtedness, other obligations, trust indentures, trust agreements, or other agreements or contracts made or entered into by the City and for which consideration was duly received by the City prior to the passage of this Ordinance or the General Bond Ordinance.

**Section 26. Emergency Measure.** This Ordinance is declared to be an emergency measure for the immediate preservation of the public peace, property, health and safety of the City by providing funds to pay the costs of certain permanent improvements which are urgently needed for the benefit of the City and for the usual daily operation of a municipal department, and, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest date allowed by law.

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

**Ord. No. 2074-06.  
By Council Member Sweeney (by  
departmental request).**

**An emergency ordinance authorizing the issuance and sale of Bonds in the maximum principal amount of \$2,050,000 for the purpose of providing funds to pay final judgments, including court-approved settlements, and authorizing related matters.**

Whereas, this Council desires to issue bonds in an aggregate principal amount not to exceed Two Million Fifty Thousand Dollars (\$2,050,000) (the "Bonds") to provide funds to pay final judgments, including court-approved settlements of claims; and

Whereas, the Director of Finance, as fiscal officer of the City, has certified to this Council that the City is unable, within the limits of its other funds that have been appropriated and are available for the purpose, to pay the final judgments for which the Bonds are to be issued, that the maximum maturity of the Bonds is December 31, 2031; and

Whereas, this Council passed Ordinance No. 1749-80 on October 8, 1980, and thereafter amended that ordinance by Ordinance No. 1112-83, passed on May 6, 1983, and Ordinance No. 944-96, passed on June 10, 1996 (Ordinance No. 1749-80, as so amended and as the same may further be amended from time to time in accordance with its provisions, is referred to as the "General Bond Ordinance"), providing the general terms and provisions for the issuance of unvoted general obligations of the City, with the specific terms of each series of Bonds to be contained in ordinances authorizing the issuance of Bonds in accordance with the provisions thereof (the "Series Bond Ordinances"); and

Whereas, the authorization for issuance of the Bonds is necessary to provide funds to pay the costs of certain final judgments, including court-approved settlements, that are urgently needed for the benefit of the City, and as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health and safety, and for the usual daily operation of a municipal department; now, therefore,

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

**Section 1. Purpose.** It is deemed necessary to issue the Bonds in an aggregate principal amount not to exceed Two Million Fifty Thousand Dollars (\$2,050,000) for the purpose of providing funds to pay final judgments, including settlements of claims approved by a court, and to pay any capitalized interest and all expenses incurred in connection with the issuance of the securities, including all financing costs within the meaning of Section 133.01(K) of the Revised Code.

**Section 2. Authority and Terms.** The Bonds shall be issued pursuant to the provisions of Article XVIII of the Constitution of Ohio, Sections 133.01 to 133.70, inclusive, and other

applicable provisions of the Revised Code, the Charter of the City, the General Bond Ordinance and this Ordinance for the purpose stated in Section 1. The Bonds shall be designated "Final Judgment Bonds" and may contain such further designation as provided in the Certificate of Award identified below. The Bonds shall be issued in one lot as fully registered Bonds in denominations of \$5,000 or any integral multiple thereof. The Bonds shall be numbered as determined by the Director of Finance.

The Bonds shall be dated as of March 1, 2007, or such other date, but in no event later than December 31, 2008, specified in the certificate of award providing for the final terms of the Bonds and the sale of the Bonds signed by the Director of Finance in accordance with this Ordinance (the "Certificate of Award"). The Bonds shall be issued in the principal amount specified in the Certificate of Award, which shall not exceed the amount stated in Section 1. The Bonds shall bear interest from their date until the principal amount is paid at the rate or rates per year specified in the Certificate of Award, provided that the weighted average of such rates (taking into account the principal amount and maturity of each Bond to which a rate applies) shall not exceed six percent (6%) per year. Interest on the Bonds shall be payable semi-annually on May 15 and November 15 of each year, beginning November 15, 2007, or on such other dates specified in the Certificate of Award as the dates on which interest on the Bonds shall be payable (the "Interest Payment Dates").

The Bonds shall mature on November 15 in twenty-five (25) substantially equal annual installments, beginning November 15, 2007, or according to the schedule set forth in the Certificate of Award, provided that (i) each principal payment shall occur on an Interest Payment Date, (ii) the first principal payment on the Bonds shall be no earlier than November 15, 2007 and no later than December 31, 2009, (iii) the final maturity date of the Bonds shall be no later than twenty-five (25) years from that date which is twelve months prior to the first date on which provision for payment of principal is made, and (iv) the principal amount thereof shall be payable in annual installments such that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year.

The Bonds stated to mature in any year may be issued as term bonds (the "Term Bonds"), payable pursuant to Mandatory Sinking Fund Redemption Requirements as defined and further described below. The Director of Finance shall determine in the Certificate of Award whether any of the Bonds shall be issued as Term Bonds, any dates (the "Mandatory Redemption Dates") on which the principal amount of the Term Bonds shall be

payable pursuant to mandatory sinking fund installments rather than at stated maturity and the amount of principal to be paid on each Mandatory Redemption Date (the "Mandatory Sinking Fund Redemption Requirements").

The Bonds shall be subject to redemption or purchase prior to stated maturity as follows:

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

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

The City shall have the option to deliver to the Registrar (as defined in Section 3) for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City for any Term Bonds. That option shall be exercised by the City on or before the forty-fifth (45th) day preceding the applicable Mandatory Redemption Date, by furnishing the Escrow Agent a certificate, signed by the Registrar, setting forth the extent of the credit to be applied with respect to the then current Mandatory Sinking Fund Redemption Requirement. If the certificate is not timely furnished to the Escrow Agent, the Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Registrar, to the extent not applied theretofore as a credit against any mandatory redemption obligation.

Each Term Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Escrow Agent at 100 percent of the principal amount thereof against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation). Any excess of that amount over the then current Mandatory Sinking Fund Redemption Requirement shall be

credited against subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations) in the order directed by the Director of Finance.

**(b) Optional Redemption.** The Bonds may be subject to redemption prior to maturity by and at the option of the City, in whole or in part on any date, in integral multiples of \$5,000, on the optional redemption dates and at the redemption prices (expressed as a percentage of the principal amount redeemed) specified in the Certificate of Award, plus, in each case, accrued interest to the redemption date. The first optional redemption date shall not be later than ten years from the first Interest Payment Date, and the highest redemption price shall not be greater than 102% of the principal amount redeemed plus accrued interest to the redemption date. Based on the written advice of a financial advisor, the Director of Finance may determine in the Certificate of Award that it is in the best interests of the City for some or all of the Bonds not to be callable prior to their stated maturity.

If optional redemption at a price exceeding 100% of the principal amount to be redeemed is to take place as of any applicable Mandatory Redemption Date, the Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Bonds to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements of paragraph (a). The Bonds shall be redeemed pursuant to this paragraph only upon written notice from the Director of Finance to the Registrar. That notice shall specify the redemption date and the principal amount of each maturity of Bonds to be redeemed, and shall be given at least forty-five (45) days prior to the redemption date or such shorter period as shall be acceptable to the Registrar. There shall be deposited with the Registrar on or prior to the redemption date funds sufficient to redeem at the redemption price all of the redeemable Bonds for which notice of redemption has been given.

**(c) Purchase in Lieu of Redemption.** If and to the extent provided in the Certificate of Award, the City may elect to purchase Bonds called for optional redemption in lieu of redeeming those Bonds. That election shall be exercised by written direction from the Director of Finance to the Registrar and the Escrow Agent. That written direction shall state whether all or less than all of the Bonds called for optional redemption are to be purchased by the City in lieu of redemption, shall identify the Bonds to be purchased by their maturity date and shall specify the principal amount of each maturity to be purchased in lieu of redemption. If less than all of the Bonds called for optional redemption are to be purchased in lieu of redemption, the amount of each maturity to be purchased shall be in amounts of \$5,000 or integral multiples of

\$5,000. Any Bonds called for optional redemption that are not to be purchased shall be redeemed in accordance with their redemption provisions. The purchase price of the Bonds to be purchased in lieu of redemption shall be equal to the principal of, any accrued but unpaid interest on, and any premium that would have been payable on the Bonds on the redemption date if the Bonds had been optionally redeemed instead of being purchased. No notice of the purchase in lieu of redemption is required to be given to the owners of the Bonds in addition to the notice of redemption required by this Ordinance. The Escrow Agent or Registrar, as paying agent shall not purchase Bonds if sufficient moneys have not been deposited with the Escrow Agent or Registrar, as paying agent, by the City for the purpose. On or prior to the scheduled date for optional redemption, the City may rescind its direction to purchase the Bonds in lieu of redemption by written notice from the Director of Finance to the Registrar and the Escrow Agent. In the event that the direction to purchase is rescinded, the Bonds shall be redeemed on the redemption date set forth in the notice of redemption delivered to the owners of the Bonds and in accordance with the provisions of this Ordinance.

**(d) Partial Redemption or Purchase.** If fewer than all of the outstanding Bonds are called for redemption at one time (whether for redemption or purchase in lieu of redemption), they shall be called in the order of maturities directed by the Director of Finance. If fewer than all Bonds of a single maturity are to be redeemed or purchase in lieu of redemption, the selection of Bonds to be redeemed or purchased, or portions thereof in amounts of \$5,000 or any integral multiple thereof, shall be made by the Registrar by lot in a manner determined by the Registrar. In the case of a partial redemption or purchase of Bonds by lot when Bonds of denominations greater than \$5,000 are then outstanding, each \$5,000 unit of principal thereof shall be treated as though it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all of the \$5,000 units of principal amount represented by a Bond are to be called for redemption, then upon notice of redemption of a \$5,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Registrar (i) for payment of the redemption or purchase price of the \$5,000 unit or units called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (ii) for issuance, without charge to the registered owner thereof, of a new Bond or Bonds of any authorized denomination or denominations in an aggregate principal amount equal to the unmaturing portion of the Bond not redeemed or purchased and bearing interest at the same rate and maturing on the same date as the Bond surrendered.

**(e) Notice of Redemption.** The notice of the call for redemption of Bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Registrar on behalf of the City by mailing a copy of the redemption notice by first class mail, postage prepaid, at least thirty (30) days prior to the date fixed for redemption (or such period specified in the Certificate of Award), to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register maintained by the Registrar at the close of business on the fifteenth day preceding that mailing and to any municipal bond insurance company that has issued a policy insuring some or all of the Bonds. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond.

**(f) Payment of Redeemed Bonds.** Notice having been mailed in the manner provided in the preceding paragraph, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, upon presentation and surrender at the place or places specified in that notice, shall be paid. If money for the redemption of all of the Bonds and portions thereof to be redeemed, including interest accrued to the redemption date, is held by the Registrar on the redemption date, and, if notice of redemption has been deposited in the mail, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If that money shall not be so available on the redemption date, or that notice shall not have been deposited in the mail, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All money held by the Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners and shall be paid to them, respectively, upon presentation and surrender of those Bonds.

The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Registrar or Escrow Agent as paying agent. Principal shall be payable when due upon presentation and surrender of the Bonds at the principal corporate trust office of the Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing on the Bond Register (as defined in Section

3) at the close of business on the date provided in the Agreement authorized in Section 3 (the "Record Date"). Notwithstanding any contrary provision in the General Bond Ordinance, so long as the Bonds are held by a Depository in a book entry system (as described in Section 3), debt charges on the Bonds will be payable in lawful money of the United States by wire transfer to the Depository made by the Escrow Agent on each Interest Payment Date.

This Series Bond Ordinance is enacted pursuant to the General Bond Ordinance. The General Bond Ordinance, except for the third paragraph of Section 13(a) (pertaining generally to an adjustment of the interest rate in an event of default) and the third paragraph of Section 4 (pertaining generally to the periods during which the City is not required to make any transfers or exchanges of bonds issued under the General Bond Ordinance), will apply to the Bonds. Except for those provisions, the General Bond Ordinance is included as a part of this Ordinance as fully as if restated in this Ordinance. Words and terms not otherwise defined in this Ordinance shall have the same meaning as set forth in the General Bond Ordinance.

**Section 3. Execution, Authentication, Approval and Recording of the Bonds; Exchange and Transfer of the Bonds; Paying Agents.** The Bonds shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance. Pursuant to Section 4 of the General Bond Ordinance, each Bond shall be authenticated by the manual signature of an authorized officer of the Trustee (as defined therein). The Bonds shall be signed by the City's Mayor and by the City's Director of Finance. In accordance with Section 9.96 of the Revised Code and the foregoing requirement that each Bond bear the manual signature of an authorized officer of the Trustee, either or both of the signatures of the City's Mayor or of its Director of Finance may be a facsimile. The Bonds shall bear the seal of the City, which seal may be a facsimile seal. Pursuant to Section 83 of the City's Charter, the Director of Law shall prepare the Bonds and shall endorse thereon his approval of the form and correctness thereof by his manual or facsimile signature.

U.S. Bank National Association is appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent for the Bonds (the "Registrar"). The Escrow Agent shall also act as paying agent for the Bonds so long as the Bonds are held in a book entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, an agreement among the City, the Registrar and the Escrow Agent (the "Agreement"), approved as to form and correctness by the Director of Law, providing for services relating to the registration, transfer, exchange and payment of the Bonds on terms that are approved by the Director of

Finance on behalf of the City. That approval shall be conclusively evidenced by the signing of the Agreement by the Director of Finance. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Agreement from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Bonds remain outstanding, the City will cause the Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Bonds as provided in this Section (the "Bond Register"). The person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of this Ordinance. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

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

If manual signatures on behalf of the City are required, the Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Registrar shall authenticate and deliver Bonds in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Registrar may require that those charges, if any, be paid before

the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Bonds surrendered upon that exchange or transfer.

Notwithstanding any other provisions of this Ordinance, if it is determined by the Director of Finance to be advantageous to the City, the Bonds may be issued in book entry form in accordance with the provisions of this Section. As used in this Section and this Ordinance:

"Book entry form" or "book entry system" means a form or system under which (i) the ownership of beneficial interests in Bonds and the principal of and interest on the Bonds may be transferred only through a book entry, and (ii) physical Bond certificates in fully registered form are issued by the City only to a Depository or its nominee as registered owner, with the Bonds "immobilized" in the custody of the Depository. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in those Bonds and that principal and interest.

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

"Participant" means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

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

If any Depository determines not to continue to act as a Depository for the Bonds for use in a book entry system, the Director of Finance may attempt to establish a

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

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

**Section 4. Sale of Bonds.** The Bonds shall first be offered for purchase to the Trustees of the Sinking Fund and, if not purchased by them, shall be offered to the Treasury Investment Account for purchase and, if not purchased for that Account, shall be sold to one or more firms that have proposed to underwrite the Bonds and have been selected by the Director of Finance based on an evaluation of the qualifications of those firms (collectively, the "Original Purchaser").

The Bonds shall be awarded to the Original Purchaser in the Certificate of Award which shall specify the final terms of the Bonds in accordance with law, the provisions of this Ordinance, the written advice of a financial advisor retained under authority of Section 20 and the Original Purchaser's offer to purchase the Bonds, including: the principal amount of the Bonds, final purchase price (which shall be not less than 97% of the principal amount plus accrued interest to their date of delivery), interest rate or rates, the amounts and years in which principal installments are payable (at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements), the Interest Payment Dates and the date of the Bonds (if different from those set forth in Section 2) and any other matters required in this Ordinance to be set forth in that Certificate. As appropriate under the Charter, the Mayor, Director of Finance, Director of Law, Clerk of Council and other appropriate officers of the City are, and each of them is, authorized to take such actions as are necessary, appropriate and in the best interest of the City to establish the terms and requirements for delivery of the Bonds and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, procedures, and conditions for the delivery of the Bonds to the Original Purchaser, to give all appropriate notices

and certificates, to cause a true transcript of proceedings with reference to the issuance of the Bonds to be delivered to the Original Purchaser, to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance and to take all steps necessary to effect the due execution, authentication and delivery of the Bonds. The Director of Finance is authorized to sign and deliver on behalf of the City a bond purchase agreement between the City and the Original Purchaser (the "Bond Purchase Agreement"), approved as to form and correctness by the Director of Law, setting forth the terms and conditions on which the City agrees to sell the Bonds and the Original Purchaser agrees to buy the Bonds on terms consistent with this Ordinance and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement or amendments to the Bond Purchase Agreement by the Director of Finance. It is determined that the terms of the Bonds, as provided in this Ordinance and as may be provided in or pursuant to the Certificate of Award, are in the best interest of the City and in compliance with all legal requirements.

**Section 5. Provision for Levying and Collecting Tax.** For the purpose of providing the necessary funds to pay the interest on the Bonds promptly when and as the same falls due, and also to provide for the discharge of the Bonds at maturity, there shall be and is levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding, in an amount sufficient to provide for the payment of that interest, when and as the same shall fall due, and also to discharge the principal of the Bonds at maturity, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Constitution of Ohio.

The tax shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, extended and collected. The tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from those tax levies shall be placed in the Unvoted Tax Supported Obligations Account of the Sinking Fund as required by the General Bond Ordinance, and those funds, together with the interest collected on them shall be irrevocably pledged for the payment of principal of and interest on the Bonds when and as the same fall due; provided, however, that, subject to the provisions of Section 8 of the General Bond Ordinance,

in each year to the extent that revenues are available from other sources for the payment of the Bonds and are appropriated for such purpose, the amount of such tax shall be reduced by the amount of such revenues so available and appropriated.

This Council hereby covenants, on behalf of the City and its officials, pursuant to the authorization under Sections 133.25(B)(1) and 5705.51 of the Revised Code, and in accordance with the provisions of and to the extent required or permitted by the General Bond Ordinance, that the City will appropriate annually from the proceeds of the City's municipal income taxes an amount as is necessary to meet the annual debt charges for the Bonds.

**Section 6. Application of Proceeds.** The proceeds from the sale of the Bonds, except for accrued interest thereon and any premium, shall be expended and applied for the objects and purposes for which the Bonds are issued. Accrued interest and any premium received from the sale of the Bonds shall be deposited in the Unvoted Tax Supported Obligations Account of the Sinking Fund to be applied to the payment of the principal of and interest on the Bonds.

**Section 7. General Obligation.** The Bonds are secured by a pledge and lien on a parity with the pledges and liens authorized by the General Bond Ordinance and, in addition to the taxes and revenues specifically pledged pursuant to this Ordinance and the General Bond Ordinance and the other covenants, terms and agreements provided hereunder and in the General Bond Ordinance to secure payment of the principal of and interest on the Bonds, the City hereby determines, declares, warrants and covenants that the Bonds are general obligations of the City and that the full faith and credit of the City are hereby pledged for the payment of the principal of and interest on the Bonds in accordance with the laws and Constitution of the State of Ohio, this Ordinance and the General Bond Ordinance.

**Section 8. Defeasance.**

**(a) Release of Ordinance.** If the City shall pay or cause to be paid and discharged all the outstanding Bonds, or there shall otherwise be paid to the holders of the outstanding Bonds all debt charges due or to become due thereon, and provision shall also be made for paying all other sums payable hereunder, then and in that event this Ordinance (except for Section 8(b) hereof) shall cease to be of further effect, and the covenants, agreements and other obligations of the City under this Ordinance shall be discharged and satisfied, and thereupon the Trustee shall at the request of the City execute and deliver to the City such instruments in writing as shall discharge the lien hereof and enter on the record such discharge of the lien and such other instruments as may be reasonably required by the City.

**(b) Payment and Discharge of Bonds.** Outstanding Bonds shall be deemed to have been paid and discharged within the meaning of this Ordinance, including without limitation, Section 8(a) hereof, if:

(i) the Escrow Agent or Paying Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, sufficient moneys; or

(ii) the Escrow Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, direct obligations of the United States certified by an independent public accounting firm of national reputation to be of such maturities and interest payment dates and to bear such interest, without further investment or reinvestment of either the principal amount thereof or the interest earnings therefrom (likewise to be held in trust and committed, except as hereinafter provided), as will be sufficient, together with moneys referred to in (i) above, for the payment, at their maturities or redemption dates, of all debt charges on the Bonds to their date of maturity or redemption, as the case may be, or if default in such payment shall have occurred on such date then to the date of the tender of such payment; provided, that if any Bonds are to be redeemed prior to the maturity thereof, notice of such redemption shall have been duly given or irrevocable provision satisfactory to the Trustee shall have been duly made for the giving of such notice. Any moneys held by the Escrow Agent in accordance with the provisions of this Section shall be invested by the Escrow Agent in direct obligations of the United States of America maturing, or redeemable at the option of the holder, at times and in amounts sufficient to meet payment of debt charges on the Bonds, as directed by the Director of Finance. Any income or interest earned by, or increment to, the investments held under this Section shall, to the extent determined from time to time by the Escrow Agent to be in excess of the amount required to be held by it for the purposes of this Section, be transferred at the time of such determination as provided in Section 17(a) of the General Bond Ordinance for unclaimed funds held by a Paying Agent. In the event of nonpresentation of any Bond as described in Section 17(a) of the General Bond Ordinance, the moneys held pursuant to this Section shall be held and paid as provided in said Section 17(a) for unclaimed funds held by a Paying Agent.

**Section 9. Bond Anticipation Notes.** For the purpose of raising money in anticipation of the issuance of the Bonds for the purpose set forth in Section 1 hereof, notes of the City may be issued in an aggregate principal amount not to exceed Two Million Fifty Thousand Dollars (\$2,050,000) (the "Notes") upon the direction of the Director of Finance to be set forth in a certificate providing for the final terms of the Notes and the

sale of the Notes and signed by the Director of Finance (the "Note Certificate of Award").

**Section 10. Term of the Notes.** The Notes: shall bear interest at such rate, not exceeding six percent (6%) per year, as may be fixed by the Director of Finance of the City in the Note Certificate of Award; shall be dated their date of issuance; shall mature on the date set forth in the Note Certificate of Award, which shall be no later than five (5) years from such date of issuance; shall be subject to redemption by the City at any time prior to maturity without penalty, provided that, if the Director of Finance, based on the advice of a financial advisor, determines that it is in the best interest of the City in order to enhance the marketability of the Notes, the Director of Finance may cause the Notes to not be redeemable for a period which ends no later than the date which is two (2) years following the date of issuance of the Notes; shall be designated "Final Judgment Bond Anticipation Notes"; shall be issued in such numbers and denominations as may be requested by the Note Purchaser (hereinafter defined); and shall be issued in fully registered form (which may be in a book entry only system) in denominations of \$5,000 or integral multiples thereof. Interest shall be payable semi-annually on the dates set forth in the Note Certificate of Award; provided that if the Notes mature on or before the end of the twelfth (12th) month following their date of issuance, interest on the Notes shall be payable at maturity.

U.S. Bank National Association is appointed to act as the authenticating agent, registrar, transfer agent and paying agent for the Notes (the "Note Registrar"). The Escrow Agent also shall act as paying agent for the Notes if the Notes are held in a book entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, an agreement among the City, the Note Registrar and the Escrow Agent (the "Note Registrar Agreement") providing for services relating to the registration, transfer, exchange and payment of Notes on terms that are approved by the Director of Finance on behalf of the City. That approval shall be conclusively evidenced by the signing of the Note Registrar Agreement by the Director of Finance. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Note Registrar Agreement from the proceeds of the Notes to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Notes remain outstanding, the City will cause the Note Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Notes as provided in this Section (the "Note Register"). The person in whose name a Note is registered on

the Note Register shall be regarded as the absolute owner of that Note for all purposes of this Ordinance. Payment of or on account of the debt charges on any Note shall be made only to or upon the order of that person; neither the City nor the Note Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Note, including interest, to the extent of the amount or amounts so paid.

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

If manual signatures on behalf of the City are required, the Note Registrar shall undertake the exchange or transfer of Notes only after the new Notes are signed by the authorized officers of the City. In all cases of Notes exchanged or transferred, the City shall sign and the Note Registrar shall authenticate and deliver Notes in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Note Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Note Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Notes issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Notes surrendered upon that exchange or transfer.

**Section 11. Execution and Payment of the Notes.** The Notes shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance. Each Note shall be authenticated by the manual signature of an authorized officer of the Trustee (as defined therein). The Notes shall be signed by the City's Mayor and by the City's Director of Finance. In accordance with Section

9.96 of the Revised Code and the foregoing requirement that each Note bear the manual signature of an authorized officer of the Trustee, either or both of the signatures of the City's Mayor or of its Director of Finance may be a facsimile. The Notes shall bear the seal of the City, which seal may be a facsimile seal. Pursuant to Section 83 of the City's Charter, the Director of Law shall prepare the Notes and shall endorse thereon his approval of the form and correctness thereof by his manual or facsimile signature.

**Section 12. Sale of the Notes.** The Notes shall first be offered for purchase to the Trustees of the Sinking Fund and, if not purchased by them, shall be offered to the Treasury Investment Account for purchase and, if not purchased for that Account, shall be sold to one or more firms that have proposed to underwrite the Notes and have been selected by the Director of Finance based on an evaluation of the qualifications of those firms (the "Note Purchaser") in the principal amount set forth in a certificate of award to be executed by the Director of Finance (the "Note Certificate of Award") at not less than par and accrued interest and at a rate not exceeding that set forth in Section 10 hereof. The proceeds of such sale shall be paid into the proper fund and used for the purpose for which the Notes are being issued under the provisions of this Ordinance.

**Section 13. Security for the Notes.** The Notes shall be the full general obligations of the City, and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the Notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used for the retirement of the Notes at maturity, together with the interest thereon, and are hereby pledged for such purpose.

**Section 14. Provision for Levying and Collecting Tax.** During the year or years while the Notes are outstanding there shall be levied on all the taxable property in the City, in addition to all other taxes but within tax limitations, a direct tax annually not less than that which would have been levied if bonds had been issued therefor without the prior issue of the Notes. That tax shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each year are certified, extended and collected. That tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the tax levies required by this Ordinance shall be placed in the Unvoted Tax Supported Obligations Account, and those funds, together with the interest collected on them, shall be irrevocably pledged for the payment of the principal and interest of the Notes or the Bonds in anticipation of which they

are issued, when and as the same falls due; provided, however, that in each year to the extent that revenues are available from other sources for the payment of the Notes and Bonds and are appropriated for such purpose, the amount of such direct tax upon all of the taxable property in the City may be reduced by the amount of such revenues so available and appropriated.

**Section 15. Official Statement; Continuing Disclosure.** If, in the judgment of the Director of Finance, a disclosure document (each, an "Official Statement") is appropriate or necessary in connection with the sale of the Notes or the Bonds, the Director of Finance is authorized to prepare or cause to be prepared on behalf of the City an Official Statement with respect to the Notes or the Bonds, as the case may be, and any necessary supplements and to authorize the use and distribution of each Official Statement and any supplements. The Mayor and the Director of Finance are authorized to sign on behalf of the City and in their official capacities each Official Statement and any supplements approved by them. Those officers are, and each of them is, authorized to sign and deliver on behalf of the City and in their official capacities such certificates in connection with the accuracy of each Official Statement and any supplements as may, in their judgment, be necessary or appropriate. Those officers are also authorized to determine and certify on behalf of the City that such disclosure document is "deemed final" by the City within the meaning of Securities and Exchange Commission Rule 15c2-12 the "SEC Rule.") The Director of Finance is authorized to contract for services for the production and distribution of preliminary and final Official Statements, including by printed and electronic means.

For the benefit of the holders and beneficial owners from time to time of the Notes or the Bonds, the City agrees, in accordance with, and as the only obligated person with respect to the Notes and the Bonds under the SEC Rule, to provide or cause to be provided such financial information and operating data and notices, in such manner as may be required for purposes of the SEC Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Director of Finance is authorized and directed to prepare, or cause to be prepared, and to sign and deliver, in the name and on behalf of the City, a continuing disclosure agreement or certificate, which shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and beneficial owners of the Notes or the Bonds, as the case may be, in accordance with the SEC Rule. The performance of that agreement shall be subject to the availability of funds and their annual appropriation to meet costs the City would be

required to incur to perform it. The Director of Finance is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices.

**Section 16. Miscellaneous.**

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

(b) All covenants, terms and provisions of the General Bond Ordinance are fully applicable to the Bonds and the Notes authorized herein, and nothing in this Ordinance shall be deemed to alter or restrict such full application of the General Bond Ordinance, except for the exclusion from application to the Bonds and the Notes authorized herein of the provisions of the third paragraph of Section 13(a) and the third paragraph of Section 4 of the General Bond Ordinance pursuant to Section 2 of this Ordinance.

**Section 17. Captions.** The captions or headings in this Ordinance are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Ordinance.

**Section 18. Federal Tax Covenants.** The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes and the Bonds in such manner and to such extent as may be necessary so that (a) the Notes and the Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest thereon will not be treated as an item of tax preference under Section 57 of the Code.

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



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

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes and the Bonds is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes and the Bonds as the City is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes and the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes and the Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes and the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes and the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes and the Bonds.

**Section 19. Bond Insurance and Ratings.** If the Director of Finance determines it to be in the best interests of the City, based on the written advice of a financial advisor, the Director of Finance may obtain a commitment for municipal bond insurance issued by a nationally recognized municipal bond insurance company insuring the payment when due of the principal of

and interest on all or any portion of the Bonds, request a rating on the Bonds from one or more nationally recognized rating organizations, and do any and all things and take any and all actions required to secure a policy of municipal bond insurance and/or a rating or ratings on the Bonds including, but not limited to, the entering into of agreements on behalf of the City necessary to secure a policy of municipal bond insurance. Those agreements may be in separate documents or included in a Bond Purchase Agreement, a registrar agreement or a Certificate of Award, or any combination, and contain terms not materially inconsistent with this Ordinance. The expenditure of the amounts necessary to secure that insurance or obtain those ratings is authorized and approved, and the Director of Finance is authorized to provide for the payment of any such amounts from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

**Section 20. Financial Advisor.** The Director of Finance may obtain the services of one or more financial advisors, from time to time, to assist the Director of Finance in making any of the determinations required by this Ordinance to be determined by the Director of Finance. The Director of Finance may rely on the written advice of any financial advisor so retained. Any financial advisor employed under the authority of this Ordinance shall be disinterested in the transaction and be independent of the Original Purchasers any other party interested in the transaction.

**Section 21. Open Meeting Determination.** It is found and determined that all formal actions of this Council and of any of its committees concerning and relating to the passage of this Ordinance were taken, and any of its committees and that all deliberations of this Council that resulted in these formal actions were held, in meetings open to the public in compliance with all legal requirements, including, without limitation, Section 121.22 of the Revised Code.

**Section 22. Findings and Recitals of Validity.** It is hereby determined, represented and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Bonds and the Notes in order to make them legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of the Bonds or the Notes. It is further found and determined, and is represented and recited, that the provisions of Sections 28, 29, 32, 33 (including the provisions of Section 33 with respect to readings on three separate days or dispensing

with such readings by a two-thirds vote of all members of the Council), 36, 37, 48 and all other applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this Ordinance was passed in conformity therewith.

**Section 23. Delivery to County Auditor.** The Director of Finance is directed to forward a certified copy of this Ordinance and of the Certificate of Award for the Bonds and any Note Certificate of Award to the County Auditor of Cuyahoga County and to secure a receipt therefor.

**Section 24. Severability.** Each section and each part of each section of this Ordinance is declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is declared to be the controlling legislative intent that if any such section or part of a section or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstance, other than those as to which it is held invalid, shall not be affected thereby, and it is declared to be the legislative intent that the other provisions of this Ordinance would have been passed independently of such section, or parts of a section, so held to be invalid.

**Section 25. Legislative Intent.** All terms, conditions, pledges, covenants or agreements on the part of the City provided for in this Ordinance are made by the voluntary act of the City under its lawful authority, including its authority under its Charter and Article XVIII of the Constitution of Ohio.

Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding bonds, notes, certificates of indebtedness, other obligations, trust indentures, trust agreements, or other agreements or contracts made or entered into by the City and for which consideration was duly received by the City prior to the passage of this Ordinance or the General Bond Ordinance.

**Section 26. Emergency Measure.** This Ordinance is declared to be an emergency measure for the immediate preservation of the public peace, property, health and safety of the City by providing funds to pay the costs of final judgments, including court-approved settlements, which are urgently needed for the benefit of the City and, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest date allowed by law.

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

**Ord. No. 2075-06.  
By Council Member Sweeney (by  
departmental request).**

**An emergency ordinance authorizing the issuance and sale of Bonds in the maximum principal amount of \$515,000 for the purpose of providing funds for improving municipal cemetery facilities, buildings, structures and grounds and authorizing related matters.**

Whereas, this Council desires to issue bonds in an aggregate principal amount not to exceed Five Hundred Fifteen Thousand Dollars (\$515,000) (the "Bonds") to finance the costs of certain permanent improvements described in Section 1; and

Whereas, the Director of Finance, as fiscal officer of this City, has certified to this Council that the estimated life or usefulness of the improvements to be financed with the proceeds of the Bonds is at least five (5) years and the maximum maturity of the Bonds is twenty (20) years; and

Whereas, this Council passed Ordinance No. 1749-80 on October 8, 1980, and thereafter amended that ordinance by Ordinance No. 1112-83, passed on May 6, 1983, and Ordinance No. 944-96, passed on June 10, 1996 (Ordinance No. 1749-80, as so amended and as the same may further be amended from time to time in accordance with its provisions, is referred to as the "General Bond Ordinance"), providing the general terms and provisions for the issuance of unvoted general obligations of the City, with the specific terms of each series of Bonds to be contained in ordinances authorizing the issuance of Bonds in accordance with the provisions thereof (the "Series Bond Ordinances"); and

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

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

**Section 1. Purpose.** It is deemed necessary to issue the Bonds in an aggregate principal amount not to exceed Five Hundred Fifteen Thousand Dollars (\$515,000) for the purpose of providing funds for improving municipal cemetery facilities, buildings, structures and grounds by constructing, reconstructing, installing, enlarging, renovating, and rehabilitating buildings, structures and grounds, including clearing, grading and excavating land, reconstructing, installing, renovating, and rehabilitating septic system, drainage and sewer facilities, installing access roadways including any necessary bridges and culverts, installing utility lines, laying out and numbering burial plots, and planting and landscaping, together with all necessary and incidental appurtenances and the acquisition

of any required real estate and interests in real estate, and to pay any capitalized interest and all expenses incurred in connection with the issuance of the securities, including all financing costs within the meaning of Section 133.01(K) of the Revised Code and such other costs of the foregoing permanent improvements that may be financed with the proceeds of securities as permitted by Section 133.15(B) of the Ohio Revised Code and as otherwise permitted by law.

**Section 2. Authority and Terms.** The Bonds shall be issued pursuant to the provisions of Article XVIII of the Constitution of Ohio, Sections 133.01 to 133.70, inclusive, and other applicable provisions of the Revised Code, the Charter of the City, the General Bond Ordinance and this Ordinance for the purpose stated in Section 1. The Bonds shall be designated "Cemeteries Improvement Bonds" and may contain such further designation as provided in the Certificate of Award identified below. The Bonds shall be issued in one lot as fully registered Bonds in denominations of \$5,000 or any integral multiple thereof. The Bonds shall be numbered as determined by the Director of Finance.

The Bonds shall be dated as of March 1, 2007, or such other date, but in no event later than December 31, 2008, specified in the certificate of award providing for the final terms of the Bonds and the sale of the Bonds signed by the Director of Finance in accordance with this Ordinance (the "Certificate of Award"). The Bonds shall be issued in the principal amount specified in the Certificate of Award, which shall not exceed the amount stated in Section 1. The Bonds shall bear interest from their date until the principal amount is paid at the rate or rates per year specified in the Certificate of Award, provided that the weighted average of such rates (taking into account the principal amount and maturity of each Bond to which a rate applies) shall not exceed six percent (6%) per year. Interest on the Bonds shall be payable semi-annually on May 15 and November 15 of each year, beginning November 15, 2007, or on such other dates specified in the Certificate of Award as the dates on which interest on the Bonds shall be payable (the "Interest Payment Dates").

The Bonds shall mature on November 15 in twenty (20) substantially equal annual installments, beginning November 15, 2007, or according to the schedule set forth in the Certificate of Award, provided that (i) each principal payment shall occur on an Interest Payment Date, (ii) the first principal payment on the Bonds shall be no earlier than November 15, 2007 and no later than December 31, 2009, (iii) the final maturity date of the Bonds shall be no later than twenty (20) years from that date which is twelve months prior to the first date on which provision for payment of principal is made, and (iv) the principal amount thereof shall be payable in annual installments such that the total principal and interest

payments on the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year.

The Bonds stated to mature in any year may be issued as term bonds (the "Term Bonds"), payable pursuant to Mandatory Sinking Fund Redemption Requirements as defined and further described below. The Director of Finance shall determine in the Certificate of Award whether any of the Bonds shall be issued as Term Bonds, any dates (the "Mandatory Redemption Dates") on which the principal amount of the Term Bonds shall be payable pursuant to mandatory sinking fund installments rather than at stated maturity and the amount of principal to be paid on each Mandatory Redemption Date (the "Mandatory Sinking Fund Redemption Requirements").

The Bonds shall be subject to redemption or purchase prior to stated maturity as follows:

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

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

The City shall have the option to deliver to the Registrar (as defined in Section 3) for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City for any Term Bonds. That option shall be exercised by the City on or before the forty-fifth (45th) day preceding the applicable Mandatory Redemption Date, by furnishing the Escrow Agent a certificate, signed by the Registrar, setting forth the extent of the credit to be applied with respect to the then current Mandatory Sinking Fund Redemption Requirement. If the certificate is not timely furnished to the Escrow Agent, the Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) also shall be received by the City for any Term Bonds which prior thereto have been redeemed (other than through the operation of the Mandatory Sinking Fund Redemption Requirements) or pur-

chased for cancellation and canceled by the Registrar, to the extent not applied theretofore as a credit against any mandatory redemption obligation.

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

**(b) Optional Redemption.** The Bonds may be subject to redemption prior to maturity by and at the option of the City, in whole or in part on any date, in integral multiples of \$5,000, on the optional redemption dates and at the redemption prices (expressed as a percentage of the principal amount redeemed) specified in the Certificate of Award, plus, in each case, accrued interest to the redemption date. The first optional redemption date shall not be later than ten years from the first Interest Payment Date, and the highest redemption price shall not be greater than 102% of the principal amount redeemed plus accrued interest to the redemption date. Based on the written advice of a financial advisor, the Director of Finance may determine in the Certificate of Award that it is in the best interests of the City for some or all of the Bonds not to be callable prior to their stated maturity.

If optional redemption at a price exceeding 100% of the principal amount to be redeemed is to take place as of any applicable Mandatory Redemption Date, the Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Bonds to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements of paragraph (a). The Bonds shall be redeemed pursuant to this paragraph only upon written notice from the Director of Finance to the Registrar. That notice shall specify the redemption date and the principal amount of each maturity of Bonds to be redeemed, and shall be given at least forty-five (45) days prior to the redemption date or such shorter period as shall be acceptable to the Registrar. There shall be deposited with the Registrar on or prior to the redemption date funds sufficient to redeem at the redemption price all of the redeemable Bonds for which notice of redemption has been given.

**(c) Purchase in Lieu of Redemption.** If and to the extent provided in the Certificate of Award, the City may elect to purchase Bonds called for optional redemption in lieu of redeeming those Bonds. That election shall be exercised by written direction from the Director of Finance to the Registrar and the Escrow Agent. That written direction shall state whether all or less than all of the Bonds called for

optional redemption are to be purchased by the City in lieu of redemption, shall identify the Bonds to be purchased by their maturity date and shall specify the principal amount of each maturity to be purchased in lieu of redemption. If less than all of the Bonds called for optional redemption are to be purchased in lieu of redemption, the amount of each maturity to be purchased shall be in amounts of \$5,000 or integral multiples of \$5,000. Any Bonds called for optional redemption that are not to be purchased shall be redeemed in accordance with their redemption provisions. The purchase price of the Bonds to be purchased in lieu of redemption shall be equal to the principal of, any accrued but unpaid interest on, and any premium that would have been payable on the Bonds on the redemption date if the Bonds had been optionally redeemed instead of being purchased. No notice of the purchase in lieu of redemption is required to be given to the owners of the Bonds in addition to the notice of redemption required by this Ordinance. The Escrow Agent or Registrar, as paying agent shall not purchase Bonds if sufficient moneys have not been deposited with the Escrow Agent or Registrar, as paying agent, by the City for the purpose. On or prior to the scheduled date for optional redemption, the City may rescind its direction to purchase the Bonds in lieu of redemption by written notice from the Director of Finance to the Registrar and the Escrow Agent. In the event that the direction to purchase is rescinded, the Bonds shall be redeemed on the redemption date set forth in the notice of redemption delivered to the owners of the Bonds and in accordance with the provisions of this Ordinance.

**(d) Partial Redemption or Purchase.** If fewer than all of the outstanding Bonds are called for redemption at one time (whether for redemption or purchase in lieu of redemption), they shall be called in the order of maturities directed by the Director of Finance. If fewer than all Bonds of a single maturity are to be redeemed or purchase in lieu of redemption, the selection of Bonds to be redeemed or purchased, or portions thereof in amounts of \$5,000 or any integral multiple thereof, shall be made by the Registrar by lot in a manner determined by the Registrar. In the case of a partial redemption or purchase of Bonds by lot when Bonds of denominations greater than \$5,000 are then outstanding, each \$5,000 unit of principal thereof shall be treated as though it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all of the \$5,000 units of principal amount represented by a Bond are to be called for redemption, then upon notice of redemption of a \$5,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Registrar (i) for payment of the redemption or purchase price of the \$5,000 unit or units called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (ii) for issuance, without charge to the registered owner thereof, of a

new Bond or Bonds of any authorized denomination or denominations in an aggregate principal amount equal to the unmatured portion of the Bond not redeemed or purchased and bearing interest at the same rate and maturing on the same date as the Bond surrendered.

**(e) Notice of Redemption.** The notice of the call for redemption of Bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Registrar on behalf of the City by mailing a copy of the redemption notice by first class mail, postage prepaid, at least thirty (30) days prior to the date fixed for redemption (or such period specified in the Certificate of Award), to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register maintained by the Registrar at the close of business on the fifteenth day preceding that mailing and to any municipal bond insurance company that has issued a policy insuring some or all of the Bonds. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond.

**(f) Payment of Redeemed Bonds.** Notice having been mailed in the manner provided in the preceding paragraph, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, upon presentation and surrender at the place or places specified in that notice, shall be paid. If money for the redemption of all of the Bonds and portions thereof to be redeemed, including interest accrued to the redemption date, is held by the Registrar on the redemption date, and, if notice of redemption has been deposited in the mail, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If that money shall not be so available on the redemption date, or that notice shall not have been deposited in the mail, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All money held by the Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners and shall be paid to them, respectively, upon presentation and surrender of those Bonds.

The debt charges on the Bonds shall be payable in lawful money of the United States of America with-out deduction for the services of the Registrar or Escrow Agent as paying agent. Principal shall be payable when due upon presentation and surrender of the Bonds at the principal corporate trust office of the Registrar. Interest on a Bond shall be paid on each Interest Pay-

ment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register (as defined in Section 3) at the close of business on the date provided in the Agreement authorized in Section 3 (the "Record Date"). Notwithstanding any contrary provision in the General Bond Ordinance, so long as the Bonds are held by a Depository in a book entry system (as described in Section 3), debt charges on the Bonds will be payable in lawful money of the United States by wire transfer to the Depository made by the Escrow Agent on each Interest Payment Date.

This Series Bond Ordinance is enacted pursuant to the General Bond Ordinance. The General Bond Ordinance, except for the third paragraph of Section 13(a) (pertaining generally to an adjustment of the interest rate in an event of default) and the third paragraph of Section 4 (pertaining generally to the periods during which the City is not required to make any transfers or exchanges of bonds issued under the General Bond Ordinance), will apply to the Bonds. Except for those provisions, the General Bond Ordinance is included as a part of this Ordinance as fully as if restated in this Ordinance. Words and terms not otherwise defined in this Ordinance shall have the same meaning as set forth in the General Bond Ordinance.

**Section 3. Execution, Authentication, Approval and Recording of the Bonds; Exchange and Transfer of the Bonds; Paying Agents.** The Bonds shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance. Pursuant to Section 4 of the General Bond Ordinance, each Bond shall be authenticated by the manual signature of an authorized officer of the Trustee (as defined therein). The Bonds shall be signed by the City's Mayor and by the City's Director of Finance. In accordance with Section 9.96 of the Revised Code and the foregoing requirement that each Bond bear the manual signature of an authorized officer of the Trustee, either or both of the signatures of the City's Mayor or of its Director of Finance may be a facsimile. The Bonds shall bear the seal of the City, which seal may be a facsimile seal. Pursuant to Section 83 of the City's Charter, the Director of Law shall prepare the Bonds and shall endorse thereon his approval of the form and correctness thereof by his manual or facsimile signature.

U.S. Bank National Association is appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent for the Bonds (the "Registrar"). The Escrow Agent shall also act as paying agent for the Bonds so long as the Bonds are held in a book entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, an agreement among the City, the Registrar and the Escrow Agent (the "Agreement"), approved as to form and correctness by the Director of Law, providing for services relating to the registration, transfer, exchange and

payment of the Bonds on terms that are approved by the Director of Finance on behalf of the City. That approval shall be conclusively evidenced by the signing of the Agreement by the Director of Finance. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Agreement from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Bonds remain outstanding, the City will cause the Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Bonds as provided in this Section (the "Bond Register"). The person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of this Ordinance. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

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

If manual signatures on behalf of the City are required, the Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Registrar shall authenticate and deliver Bonds in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Registrar may require that those charges, if any, be paid before the procedure is begun for the

exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Bonds surrendered upon that exchange or transfer.

Notwithstanding any other provisions of this Ordinance, if it is determined by the Director of Finance to be advantageous to the City, the Bonds may be issued in book entry form in accordance with the provisions of this Section. As used in this Section and this Ordinance:

"Book entry form" or "book entry system" means a form or system under which (i) the ownership of beneficial interests in Bonds and the principal of and interest on the Bonds may be transferred only through a book entry, and (ii) physical Bond certificates in fully registered form are issued by the City only to a Depository or its nominee as registered owner, with the Bonds "immobilized" in the custody of the Depository. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in those Bonds and that principal and interest.

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

"Participant" means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

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

If any Depository determines not to continue to act as a Depository for the Bonds for use in a book entry system, the Director of Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Registrar, after making pro-

vision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Bonds from the Depository, and the Trustee and Registrar shall authenticate and deliver bond certificates in registered form to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

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

**Section 4. Sale of Bonds.** The Bonds shall first be offered for purchase to the Trustees of the Sinking Fund and, if not purchased by them, shall be offered to the Treasury Investment Account for purchase and, if not purchased for that Account, shall be sold to one or more firms that have proposed to underwrite the Bonds and have been selected by the Director of Finance based on an evaluation of the qualifications of those firms (collectively, the "Original Purchaser").

The Bonds shall be awarded to the Original Purchaser in the Certificate of Award which shall specify the final terms of the Bonds in accordance with law, the provisions of this Ordinance, the written advice of a financial advisor retained under authority of Section 20 and the Original Purchaser's offer to purchase the Bonds, including: the principal amount of the Bonds, final purchase price (which shall be not less than 97% of the principal amount plus accrued interest to their date of delivery), interest rate or rates, the amounts and years in which principal installments are payable (at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements), the Interest Payment Dates and the date of the Bonds (if different from those set forth in Section 2) and any other matters required in this Ordinance to be set forth in that Certificate. As appropriate under the Charter, the Mayor, Director of Finance, Director of Law, Clerk of Council and other appropriate officers of the City are, and each of them is, authorized to take such actions as are necessary, appropriate and in the best interest of the City to establish the terms and requirements for delivery of the Bonds and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, procedures, and conditions for the delivery of the Bonds to the Original Purchaser, to give all appropriate notices and certificates, to cause a true transcript of proceedings with reference to the issuance of the Bonds to be delivered to the Original Purchaser, to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are nec-

essary or appropriate to consummate the transactions contemplated by this Ordinance and to take all steps necessary to effect the due execution, authentication and delivery of the Bonds. The Director of Finance is authorized to sign and deliver on behalf of the City a bond purchase agreement between the City and the Original Purchaser (the "Bond Purchase Agreement"), approved as to form and correctness by the Director of Law, setting forth the terms and conditions on which the City agrees to sell the Bonds and the Original Purchaser agrees to buy the Bonds on terms consistent with this Ordinance and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement or amendments to the Bond Purchase Agreement by the Director of Finance. It is determined that the terms of the Bonds, as provided in this Ordinance and as may be provided in or pursuant to the Certificate of Award, are in the best interest of the City and in compliance with all legal requirements.

Pursuant to Section 133.30(B), Ohio Revised Code, the Director of Finance may combine the Bonds with other bonds into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bonds, Series 2007" or such other designation as may be set forth in the Certificate of Award. Such bonds shall contain a summary statement of purposes encompassing the purpose for which the Bonds are issued and shall state that they are issued pursuant to this Ordinance.

**Section 5. Provision for Levying and Collecting Tax.** For the purpose of providing the necessary funds to pay the interest on the Bonds promptly when and as the same falls due, and also to provide for the discharge of the Bonds at maturity, there shall be and is levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding, in an amount sufficient to provide for the payment of that interest, when and as the same shall fall due, and also to discharge the principal of the Bonds at maturity, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Constitution of Ohio.

The tax shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, extended and collected. The tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from those tax levies shall be placed in the Unvoted Tax Supported Obligations Account of the Sinking Fund as required by the General Bond Ordinance, and those funds, together with the interest collected on them shall be irrevocably pledged for the payment of princi-

pal of and interest on the Bonds when and as the same fall due; provided, however, that, subject to the provisions of Section 8 of the General Bond Ordinance, in each year to the extent that revenues are available from other sources for the payment of the Bonds and are appropriated for such purpose, the amount of such tax shall be reduced by the amount of such revenues so available and appropriated.

This Council hereby covenants, on behalf of the City and its officials, pursuant to the authorization under Sections 133.25(B)(1) and 5705.51 of the Revised Code, and in accordance with the provisions of and to the extent required or permitted by the General Bond Ordinance, that the City will appropriate annually from the proceeds of the City's municipal income taxes an amount as is necessary to meet the annual debt charges for the Bonds.

**Section 6. Application of Proceeds.** The proceeds from the sale of the Bonds, except for accrued interest thereon and any premium, shall be expended and applied for the objects and purposes for which the Bonds are issued. Accrued interest and any premium received from the sale of the Bonds shall be deposited in the Unvoted Tax Supported Obligations Account of the Sinking Fund to be applied to the payment of the principal of and interest on the Bonds.

**Section 7. General Obligation.** The Bonds are secured by a pledge and lien on a parity with the pledges and liens authorized by the General Bond Ordinance and, in addition to the taxes and revenues specifically pledged pursuant to this Ordinance and the General Bond Ordinance and the other covenants, terms and agreements provided hereunder and in the General Bond Ordinance to secure payment of the principal of and interest on the Bonds, the City hereby determines, declares, warrants and covenants that the Bonds are general obligations of the City and that the full faith and credit of the City are hereby pledged for the payment of the principal of and interest on the Bonds in accordance with the laws and Constitution of the State of Ohio, this Ordinance and the General Bond Ordinance.

**Section 8. Defeasance.**

**(a) Release of Ordinance.** If the City shall pay or cause to be paid and discharged all the outstanding Bonds, or there shall otherwise be paid to the holders of the outstanding Bonds all debt charges due or to become due thereon, and provision shall also be made for paying all other sums payable hereunder, then and in that event this Ordinance (except for Section 8(b) hereof) shall cease to be of further effect, and the covenants, agreements and other obligations of the City under this Ordinance shall be discharged and satisfied, and thereupon the Trustee shall at the request of the City execute and deliver to the City such instruments in writing as shall discharge the lien hereof and enter on the record such discharge of the lien and such other instruments as may be reasonably required by the City.

**(b) Payment and Discharge of Bonds.** Outstanding Bonds shall be deemed to have been paid and discharged within the meaning of this Ordinance, including without limitation, Section 8(a) hereof, if:

(i) the Escrow Agent or Paying Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, sufficient moneys; or

(ii) the Escrow Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, direct obligations of the United States certified by an independent public accounting firm of national reputation to be of such maturities and interest payment dates and to bear such interest, without further investment or reinvestment of either the principal amount thereof or the interest earnings therefrom (likewise to be held in trust and committed, except as hereinafter provided), as will be sufficient, together with moneys referred to in (i) above, for the payment, at their maturities or redemption dates, of all debt charges on the Bonds to their date of maturity or redemption, as the case may be, or if default in such payment shall have occurred on such date then to the date of the tender of such payment; provided, that if any Bonds are to be redeemed prior to the maturity thereof, notice of such redemption shall have been duly given or irrevocable provision satisfactory to the Trustee shall have been duly made for the giving of such notice. Any moneys held by the Escrow Agent in accordance with the provisions of this Section shall be invested by the Escrow Agent in direct obligations of the United States of America maturing, or redeemable at the option of the holder, at times and in amounts sufficient to meet payment of debt charges on the Bonds, as directed by the Director of Finance. Any income or interest earned by, or increment to, the investments held under this Section shall, to the extent determined from time to time by the Escrow Agent to be in excess of the amount required to be held by it for the purposes of this Section, be transferred at the time of such determination as provided in Section 17(a) of the General Bond Ordinance for unclaimed funds held by a Paying Agent. In the event of nonpresentation of any Bond as described in Section 17(a) of the General Bond Ordinance, the moneys held pursuant to this Section shall be held and paid as provided in said Section 17(a) for unclaimed funds held by a Paying Agent.

**Section 9. Bond Anticipation Notes.** For the purpose of raising money in anticipation of the issuance of the Bonds for the purpose set forth in Section 1 hereof, notes of the City may be issued in an aggregate principal amount not to exceed Five Hundred Fifteen Thousand Dollars (\$515,000) (the "Notes") upon the direction of the Director of Finance to be set forth in a certificate providing for the final terms of the Notes and the sale of the Notes and signed by the Director of Finance (the "Note Certificate of Award").

**Section 10. Term of the Notes.** The Notes: shall bear interest at such rate, not exceeding six percent (6%) per year, as may be fixed by the Director of Finance of the City in the Note Certificate of Award; shall be dated their date of issuance; shall mature on the date set forth in the Note Certificate of Award, which shall be no later than five (5) years from such date of issuance; shall be subject to redemption by the City at any time prior to maturity without penalty, provided that, if the Director of Finance, based on the advice of a financial advisor, determines that it is in the best interest of the City in order to enhance the marketability of the Notes, the Director of Finance may cause the Notes to not be redeemable for a period which ends no later than the date which is two (2) years following the date of issuance of the Notes; shall be designated "Cemeteries Improvement Bond Anticipation Notes"; shall be issued in such numbers and denominations as may be requested by the Note Purchaser (hereinafter defined); and shall be issued in fully registered form (which may be in a book entry only system) in denominations of \$5,000 or integral multiples thereof. Interest shall be payable semi-annually on the dates set forth in the Note Certificate of Award; provided that if the Notes mature on or before the end of the twelfth (12th) month following their date of issuance, interest on the Notes shall be payable at maturity.

U.S. Bank National Association is appointed to act as the authenticating agent, registrar, transfer agent and paying agent for the Notes (the "Note Registrar"). The Escrow Agent also shall act as paying agent for the Notes if the Notes are held in a book entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, an agreement among the City, the Note Registrar and the Escrow Agent (the "Note Registrar Agreement") providing for services relating to the registration, transfer, exchange and payment of Notes on terms that are approved by the Director of Finance on behalf of the City. That approval shall be conclusively evidenced by the signing of the Note Registrar Agreement by the Director of Finance. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Note Registrar Agreement from the proceeds of the Notes to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Notes remain outstanding, the City will cause the Note Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Notes as provided in this Section (the "Note Register"). The person in whose name a Note is registered on the Note Register shall be regarded as the absolute owner of that Note for all purposes of this Ordinance. Payment of or on account of the debt charges on any Note shall be made only to or upon the order of

that person; neither the City nor the Note Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Note, including interest, to the extent of the amount or amounts so paid.

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

If manual signatures on behalf of the City are required, the Note Registrar shall undertake the exchange or transfer of Notes only after the new Notes are signed by the authorized officers of the City. In all cases of Notes exchanged or transferred, the City shall sign and the Note Registrar shall authenticate and deliver Notes in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Note Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Note Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Notes issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this ordinance, as the Notes surrendered upon that exchange or transfer.

Pursuant to Section 133.30(B), Revised Code, the Director of Finance may combine the Notes with other bond anticipation notes of the City for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bond Anticipation Notes." The Notes shall contain a summary statement of purposes encompassing the purpose for which the Notes are issued and shall state that they are issued pursuant to this Ordinance.

**Section 11. Execution and Payment of the Notes.** The Notes shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance. Each Note shall be

authenticated by the manual signature of an authorized officer of the Trustee (as defined therein). The Notes shall be signed by the City's Mayor and by the City's Director of Finance. In accordance with Section 9.96 of the Revised Code and the foregoing requirement that each Note bear the manual signature of an authorized officer of the Trustee, either or both of the signatures of the City's Mayor or of its Director of Finance may be a facsimile. The Notes shall bear the seal of the City, which seal may be a facsimile seal. Pursuant to Section 83 of the City's Charter, the Director of Law shall prepare the Notes and shall endorse thereon his approval of the form and correctness thereof by his manual or facsimile signature.

**Section 12. Sale of the Notes.** The Notes shall first be offered for purchase to the Trustees of the Sinking Fund and, if not purchased by them, shall be offered to the Treasury Investment Account for purchase and, if not purchased for that Account, shall be sold to one or more firms that have proposed to underwrite the Notes and have been selected by the Director of Finance based on an evaluation of the qualifications of those firms (the "Note Purchaser") in the principal amount set forth in a certificate of award to be executed by the Director of Finance (the "Note Certificate of Award") at not less than par and accrued interest and at a rate not exceeding that set forth in Section 10 hereof. The proceeds of such sale shall be paid into the proper fund and used for the purpose for which the Notes are being issued under the provisions of this Ordinance.

**Section 13. Security for the Notes.** The Notes shall be the full general obligations of the City, and the full faith, credit and revenue of the City are hereby pledged for the prompt payment of the same. The par value to be received from the sale of the Notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used for the retirement of the Notes at maturity, together with the interest thereon, and are hereby pledged for such purpose.

**Section 14. Provision for Levying and Collecting Tax.** During the year or years while the Notes are outstanding there shall be levied on all the taxable property in the City, in addition to all other taxes but within tax limitations, a direct tax annually not less than that which would have been levied if bonds had been issued therefor without the prior issue of the Notes. That tax shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each year are certified, extended and collected. That tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the tax levies required by this Ordinance shall be placed in the Unvoted Tax Supported Obligations Account, and those funds,

together with the interest collected on them, shall be irrevocably pledged for the payment of the principal and interest of the Notes or the Bonds in anticipation of which they are issued, when and as the same falls due; provided, however, that in each year to the extent that revenues are available from other sources for the payment of the Notes and Bonds and are appropriated for such purpose, the amount of such direct tax upon all of the taxable property in the City may be reduced by the amount of such revenues so available and appropriated.

**Section 15. Official Statement; Continuing Disclosure.** If, in the judgment of the Director of Finance, a disclosure document (each, an "Official Statement") is appropriate or necessary in connection with the sale of the Notes or the Bonds, the Director of Finance is authorized to prepare or cause to be prepared on behalf of the City an Official Statement with respect to the Notes or the Bonds, as the case may be, and any necessary supplements and to authorize the use and distribution of each Official Statement and any supplements. The Mayor and the Director of Finance are authorized to sign on behalf of the City and in their official capacities each Official Statement and any supplements approved by them. Those officers are, and each of them is, authorized to sign and deliver on behalf of the City and in their official capacities such certificates in connection with the accuracy of each Official Statement and any supplements as may, in their judgment, be necessary or appropriate. Those officers are also authorized to determine and certify on behalf of the City that such disclosure document is "deemed final" by the City within the meaning of Securities and Exchange Commission Rule 15c2-12 (the "SEC Rule.") The Director of Finance is authorized to contract for services for the production and distribution of preliminary and final Official Statements, including by printed and electronic means.

For the benefit of the holders and beneficial owners from time to time of the Notes or the Bonds, the City agrees, in accordance with, and as the only obligated person with respect to the Notes and the Bonds under the SEC Rule, to provide or cause to be provided such financial information and operating data and notices, in such manner as may be required for purposes of the SEC Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Director of Finance is authorized and directed to prepare, or cause to be prepared, and to sign and deliver, in the name and on behalf of the City, a continuing disclosure agreement or certificate, which shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and beneficial owners of the Notes or the Bonds, as the case may be, in accordance with the SEC Rule. The perform-

mance of that agreement shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform it. The Director of Finance is further authorized and directed to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices.

**Section 16. Miscellaneous.**

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

(b) All covenants, terms and provisions of the General Bond Ordinance are fully applicable to the Bonds and the Notes authorized herein, and nothing in this Ordinance shall be deemed to alter or restrict such full application of the General Bond Ordinance, except for the exclusion from application to the Bonds and the Notes authorized herein of the provisions of the third paragraph of Section 13(a) and the third paragraph of Section 4 of the General Bond Ordinance pursuant to Section 2 of this Ordinance.

**Section 17. Captions.** The captions or headings in this Ordinance are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Ordinance.

**Section 18. Federal Tax Covenants.** The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes and the Bonds in such manner and to such extent as may be necessary so that (a) the Notes and the Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest thereon will not be treated as an item of tax preference under Section 57 of the Code.

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

extent necessary to assure such exclusion of that interest under the Code.

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

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes and the Bonds is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes and the Bonds as the City is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes and the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes and the Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes and the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes and the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes and the Bonds.

**Section 19. Bond Insurance and Ratings.** If the Director of Finance determines it to be in the best interests of the City, based on the written advice of a financial advisor, the Director of Finance may obtain a commitment for municipal bond insurance issued by a nationally recognized municipal bond insurance

company insuring the payment when due of the principal of and interest on all or any portion of the Bonds, request a rating on the Bonds from one or more nationally recognized rating organizations, and do any and all things and take any and all actions required to secure a policy of municipal bond insurance and/or a rating or ratings on the Bonds including, but not limited to, the entering into of agreements on behalf of the City necessary to secure a policy of municipal bond insurance. Those agreements may be in separate documents or included in a Bond Purchase Agreement, a registrar agreement or a Certificate of Award, or any combination, and contain terms not materially inconsistent with this Ordinance. The expenditure of the amounts necessary to secure that insurance or obtain those ratings is authorized and approved, and the Director of Finance is authorized to provide for the payment of any such amounts from the proceeds of the Bonds to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

**Section 20. Financial Advisor.** The Director of Finance may obtain the services of one or more financial advisors, from time to time, to assist the Director of Finance in making any of the determinations required by this Ordinance to be determined by the Director of Finance. The Director of Finance may rely on the written advice of any financial advisor so retained. Any financial advisor employed under the authority of this Ordinance shall be disinterested in the transaction and be independent of the Original Purchasers any other party interested in the transaction.

**Section 21. Open Meeting Determination.** It is found and determined that all formal actions of this Council and of any of its committees concerning and relating to the passage of this Ordinance were taken, and any of its committees and that all deliberations of this Council that resulted in these formal actions were held, in meetings open to the public in compliance with all legal requirements, including, without limitation, Section 121.22 of the Revised Code.

**Section 22. Findings and Recitals of Validity.** It is hereby determined, represented and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Bonds and the Notes in order to make them legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of the Bonds or the Notes. It is further found and determined, and is represented and recited, that the provisions of Sections 28, 29, 32, 33 (including the provisions of Section 33 with respect to readings on three separate days or dispensing with such readings by a two-thirds

vote of all members of the Council), 36, 37, 48 and all other applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this Ordinance was passed in conformity therewith.

**Section 23. Delivery to County Auditor.** The Director of Finance is directed to forward a certified copy of this Ordinance and of the Certificate of Award for the Bonds and any Note Certificate of Award to the County Auditor of Cuyahoga County and to secure a receipt therefor.

**Section 24. Severability.** Each section and each part of each section of this Ordinance is declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is declared to be the controlling legislative intent that if any such section or part of a section or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstance, other than those as to which it is held invalid, shall not be affected thereby, and it is declared to be the legislative intent that the other provisions of this Ordinance would have been passed independently of such section, or parts of a section, so held to be invalid.

**Section 25. Legislative Intent.** All terms, conditions, pledges, covenants or agreements on the part of the City provided for in this Ordinance are made by the voluntary act of the City under its lawful authority, including its authority under its Charter and Article XVIII of the Constitution of Ohio.

Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding bonds, notes, certificates of indebtedness, other obligations, trust indentures, trust agreements, or other agreements or contracts made or entered into by the City and for which consideration was duly received by the City prior to the passage of this Ordinance or the General Bond Ordinance.

**Section 26. Emergency Measure.** This Ordinance is declared to be an emergency measure for the immediate preservation of the public peace, property, health and safety of the City by providing funds to pay the costs of certain permanent improvements which are urgently needed for the benefit of the City and for the usual daily operation of a municipal department, and, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest date allowed by law.

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



**Ord. No. 2076-06.**  
**By Council Member Sweeney (by departmental request).**

**An emergency ordinance authorizing the Director of Finance, on behalf of the Cleveland Municipal Court, to enter into contract with the Cuyahoga County Corrections Planning Board and the Cuyahoga County Court of Common Pleas Adult Probation Department Drug Testing Laboratory, for drug and alcohol testing services, for a term of one year, with one option to renew for an additional one year period.**

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

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

**Section 1.** That the Director of Finance, on behalf of the Cleveland Municipal Court, is authorized to enter into contract with the Cuyahoga County Corrections Planning Board and the Cuyahoga County Court of Common Pleas Adult Probation Department Drug Testing Laboratory, for laboratory testing services necessary to test specimens to determine the presence of alcohol or drugs of abuse, for a term of one year, with one option to renew for an additional one year period, in the approximate sum of \$70,000, for the Cleveland Municipal Court, on a unit basis. The contracts or contracts shall be paid from Fund Nos. 01-011509-632000 and 10 SF 085, Request No. 149987.

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

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

**Ord. No. 2077-06.**  
**By Council Members Zone and Sweeney (by departmental request).**

**An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts with iTRACS for professional services necessary to provide and install new and upgraded software necessary to expand current modules, including software support, 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 Utilities is authorized to enter into one or more contracts with iTRACS for professional services necessary to provide and install new and upgraded software necessary to expand current modules, including software support for a period of one year in the total sum of \$50,000, for the Department of Public Utilities. The contract or contracts shall be paid from Fund No. 52 SF 001, Request No. 176752.

**Section 2.** That the Director of Public Utilities is authorized to enter into any third-party software license

agreements necessary to effect the purposes of this ordinance.

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

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

**Ord. No. 2078-06.**  
**By Council Members Zone and Sweeney (by departmental request).**

**An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts with TeleAtlas for professional services necessary to provide a GIS-related street centerline data subscription, including but not limited to maintenance and data updates, for a period of two years.**

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

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

**Section 1.** That the Director of Public Utilities is authorized to enter into one or more contracts with TeleAtlas for professional services necessary to provide a GIS-related street centerline data subscription, including but not limited to maintenance and data updates for a two year period, in the total sum of \$44,666.00, for the Department of Public Utilities. The contract or contracts shall be paid from Fund No. 52 SF 001, Request No. 176771.

**Section 2.** That the Director of Public Utilities is authorized to enter into any third-party software license agreements necessary to effect the purposes of this ordinance.

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

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

**Ord. No. 2079-06.**  
**By Council Members Zone and Sweeney (by departmental request).**

**An emergency ordinance authorizing the purchase by one or more requirement contracts of computer network equipment necessary to replace existing equipment, including labor and materials for installation, for the Division of Cleveland Public Power, Department of Public Utilities.**

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

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

**Section 1.** That the Director of Public Utilities is authorized to make

one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one or two year period of the necessary items of computer network equipment necessary to replace existing equipment, including labor and materials for installation, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Cleveland Public Power, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Utilities is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Utilities by comparing the bids received for both terms.

**Section 2.** That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 168045)

**Section 3.** That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Public Utilities may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

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

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

**Ord. No. 2080-06.**  
**By Council Members Zone and Sweeney (by departmental request).**

**An emergency ordinance authorizing the purchase by one or more requirement contracts of promotional materials, for the Division of Cleveland Public Power, Department of Public Utilities.**

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

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

**Section 1.** That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one or two year period of the necessary items of promotional materials, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Cleveland Public Power, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Utilities is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Utilities by comparing the bids received for both terms.

**Section 2.** That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RL 168054)

**Section 3.** That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements using state procedures. The Director of Public Utilities may sign all documents with the State of Ohio or any of its political subdivisions that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

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

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

**Ord. No. 2081-06.**

**By Council Members Zone, Cimperman and Sweeney (by departmental request).**

**An emergency ordinance determining the method of making the public improvement of renovating various outside areas at 1201 Lakeside Avenue, and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement.**

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

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

**Section 1.** That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of renovating various outside areas at 1201 Lakeside Avenue, including but not limited to replacing the driveway at the west side entry area, repairing concrete of the back deck, and re-leveling sidewalk brick, 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 2.** That the Director of Public Utilities is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

**Section 3.** That the cost of the improvement authorized shall be paid from Fund No. 52 SF 001, Request No. 176751.

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

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

**Ord. No. 2082-06.**

**By Council Members Brady, Cimperman, Cleveland and Sweeney (by departmental request).**

**An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 185.191 relating to contracts to obtain emergency services and acquire property rights necessary for public improvement projects conducted adjacent to and within railroad and Greater Cleveland Regional Transit Authority rights-of-way.**

Whereas, in connection with public improvement projects adjacent to or within railroad and/or Greater Cleveland Regional Transit Authority ("GCRTA") rights-of-way, the railroad company and/or the GCRTA may require the City to provide and obtain their approval for certain plans, specifications, other documentation, and services from or through person(s) or firm(s) designated by or acceptable to the railroad company and/or GCRTA; and

Whereas, to undertake and complete public improvement projects adjacent to or within railroad and/or GCRTA rights-of-way, the City may require rights-of-entry to or control of certain property adja-

cent to or within railroad and/or GCRTA rights-of-way; 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 Section 185.191 to read as follows:

**Section 185.191 Contracts to Obtain Emergency Services and Acquire Property Rights Necessary For Public Improvement Projects Conducted Adjacent To and Within Railroad and Greater Cleveland Regional Transit Authority Rights-of-Way**

(a) When an emergency occurs requiring additional services in order to prevent the interruption of public improvement projects conducted by the City, the State, or the Greater Cleveland Regional Transit Authority ("GCRTA") adjacent to or within railroad and/or GCRTA rights-of-way, the Director of the Department for which the improvement is made, on approval of the Board of Control, to do the following:

(1) employ by contract or contracts one or more person(s) or firm(s), acceptable to the railroad company and/or the GCRTA, to supplement the regularly employed staff of the City to perform services necessary to the project including surveying, testing, consulting, preparing and reviewing plans and specifications, certified flagging services and other similar services. The Board of Control shall fix the compensation to be paid the person(s) or firm(s) for the services.

(2) acquire temporary right of entry permits and licenses as necessary to enter property adjacent to or within railroad and/or GCRTA rights-of-way essential to completion of the project.

(3) acquire rights-of-way to or control of property essential to or necessary for the project, for not more than fair market value, as determined by the Board of Control, after appraisal under Section 183.07.

(b) The funds identified in the ordinance authorizing the City's participation in a public improvement project adjacent to or within railroad and/or Greater Cleveland Regional Transit Authority rights-of-way may be used to pay for services and property right acquisitions authorized in this section.

(c) Contracts entered into under this section shall be prepared by the Director of Law, approved by the Department Director, certified by the Director of Finance, and paid from the annual appropriations made for such purpose.

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

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

**Ord. No. 2083-06.**  
**By Council Members Brancatelli, Brady, Cimperman and Sweeney (by departmental request).**

**An emergency ordinance to vacate a portion of East 59th Street.**

Whereas, under Resolution No. 464-06, adopted June 12, 2006, this Council declared its intention to vacate a portion of East 59th Street; and

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

Whereas, on November 16, 2006 the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

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

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

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

**Section 1.** That this Council declares that the following described real property is vacated:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being all that portion of East 59th Street (50 feet wide) extending Southerly from the Westerly prolongation of the Southerly line of Park Avenue S.E. (width varies) to its Southerly terminus.

**Section 2.** That there is reserved to the City of Cleveland an easement of full width as described above for Dominion East Ohio Gas, AT&T, the Department of Water, and Water Pollution Control.

That no structures shall be erected on the premises described in this easement except those constructed under the approval of, and in compliance with, plans approved by the entities requesting easements and the City of Cleveland.

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

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

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

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

**Ord. No. 2084-06.**  
**By Council Members Cimperman, Brady and Sweeney (by departmental request).**

**An emergency ordinance to vacate a portion of Hamilton Court N.E.**

Whereas, under Resolution No. 994-06, adopted August 9, 2006, this Council declared its intention to vacate a portion of Hamilton Court N.E.; and

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

Whereas, on November 16, 2006 the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

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

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

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

**Section 1.** That this Council declares that the following described real property is vacated:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being all that portion of Hamilton Court N.E. (16.5 feet wide) extending Easterly from the Easterly right of way of East 38th Street (99 feet wide) to the Westerly right of way of East 40th Street (99 feet wide).

**Section 2.** That there is reserved to the City of Cleveland an easement of full width as described above for Cleveland Public Power, and AT&T.

That no structures shall be erected on the premises described in this easement except those constructed under the approval of, and in compliance with, plans approved by the entities requesting easements and the City of Cleveland.

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

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

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

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

**Ord. No. 2085-06.**  
**By Council Members White, Brady, Cimperman and Sweeney (by departmental request).**

**An emergency ordinance to vacate a portion of Richmond Avenue S.E.**

Whereas, under Resolution No. 789-06, adopted July 12, 2006, this Council declared its intention to vacate a portion of Richmond Avenue S.E.; and

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

Whereas, on November 16, 2006 the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

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

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

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

**Section 1.** That this Council declares that the following described real property is vacated:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being all that portion of Richmond Avenue S. E. (40 feet wide) extending from the East right of way line of East 91st Street (56 feet wide) Easterly to the West right of way line of East 93rd Street (70 feet wide).

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

That no structures shall be erected on the premises described in this easement except those constructed under the approval of, and in compliance with, plans approved by the entities requesting easements and the City of Cleveland.

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

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

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

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

**Ord. No. 2089-06.****By Council Member Reed.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Kinsman Road and East 117th Street to Bethel Church of Christ (Holiness) USA.**

Whereas, the City of Cleveland has elected to adopt and implement the procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed of by the City of Cleveland through its Department of Community Development under the terms of Chapter 5722 of the Ohio Revised Code and Section 183.021 of Codified Ordinances of the City of Cleveland, 1976; and

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 130-21-019 and 130-21-101, as more fully described below, to Bethel Church of Christ (Holiness) USA.

**Section 2.** That the real property to be sold pursuant to this ordinance is more fully described as follows:

P. P. No. 130-21-019

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being all of Sublot No. 45 and part of Sublot No. 46 in Karoline Knopf's Allotment of part of Original One Hundred Acre Lot No. 444, as shown by the recorded plat in Volume 32 of Maps, Page 23 of Cuyahoga County Records, and together forming a parcel of land bounded and described as follows:

Beginning on the Southerly line of Kinsman Road, S.E., at the Northeasterly corner of Sublot No. 45; thence Westerly along the Southerly line of Kinsman Road, S.E., 60 feet to a point which is 40 feet Easterly, measured along the Southerly line of Kinsman Road, S.E., from the Northwesterly corner of said Sublot No. 46; thence Southerly on a line drawn parallel to the Easterly line of said Sublot No. 46, about 155.80 feet to the Southerly line of said Sublot No. 46; thence Easterly along the Southerly line of said Sublot Nos. 46 and 45, 57.76 feet to the S.E. corner of said Sublot No. 45; thence Northerly along the Easterly line of said Sublot No. 45, 139.53 feet to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal highways.

Easement contained in Warranty Deed dated July 14, 1943 and recorded in Volume 5619, Page 531 of Cuyahoga County Records.

Subject to Zoning Ordinances, if any.

P. P. No. 130-21-101

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No.

43 in Karoline Knopf's Allotment of part of Original One Hundred Acre Lot No. 444 as shown by the recorded plat in Volume 32 of Maps, Page 23 of Cuyahoga County Records and being 40 feet front on the Westerly line of East 117th Street, and extending back of equal width, 144.30 feet deep, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

**Section 3.** That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

**Section 4.** That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

**Section 5.** That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

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

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

**Ord. No. 2090-06.****By Council Member Reed.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Tiverton Road to Collinwood and Nottingham Villages Development Corporation.**

Whereas, the City of Cleveland has elected to adopt and implement the procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed of by the City of Cleveland through its Department of Community Development under the terms of Chapter 5722 of the Ohio Revised Code and Section 183.021 of Codified Ordinances of the City of Cleveland, 1976; and

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No(s). 114-31-040, as more fully described below, to Collinwood and Nottingham Village Development Corporation.

**Section 2.** That the real property to be sold pursuant to this ordinance is more fully described as follows:

P. P. No. 114-31-040

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Euclid Township Tract No. 14, bounded and described as follows:

Beginning at a point in the center line of Nottingham Road at its intersection with the Southeasterly line of Mary A. Jeffries Subdivision as shown by plat recorded in Volume 26 of Maps, Page 22 of Cuyahoga County Records, said point being also South 34° 42' 15" West 0.75 feet from a stone monument in said Nottingham Road; thence South 52° 24' 30" East along the center line of Nottingham Road 239.5 feet to a point; thence North 37° 35' 30" East at right angles to the center line of Nottingham Road 366.0 feet to the principal place of beginning;

Course No. 1: Thence North 37° 35' 30" East 40.82 feet to the Southerly line of Shelton Drive proposed (40 feet wide);

Course No. 2: Thence deflecting to the left along the arc of a circle forming a part of the Southerly line of Shelton Drive, proposed, 65.25 feet to a point of reverse curvature, said arc having a radius of 133.50 feet and a chord which bears South 72° 46' 32" East 64.60 feet;

Course No. 3: Thence deflecting to the right along the arc of a circle forming a turnout connecting Shelton Drive, proposed and Tiverton Road, proposed 65.12 feet to a point of tangency, said arc having a radius of 30 feet and a chord which bears South 24° 53' 35" East 53.07 feet;

Course No. 4: Thence South 37° 35' 30" West along the Northwesterly line of Tiverton Road proposed 38.55 feet;

Course No. 5: Thence North 52° 24' 30" West 107.5 feet to the principal point of beginning, and being further known as Sublot No. 29 in the Elworthy Helwick Company's proposed Bungalow Park Allotment No. 2, as now recorded in Volume 69 of Maps, Page 40 of Cuyahoga County records, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

**Section 3.** That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as

may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

**Section 4.** That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

**Section 5.** That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

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

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

**Ord. No. 2091-06.**

**By Council Member Lewis.**

**An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Consortium for Community/Economic Development for the Housing Community Services Program through the use of Ward 7 Neighborhood Equity Funds.**

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

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

**Section 1.** That the Director of Community Development is authorized to enter into an agreement with the Consortium for Community/Economic Development for the Housing Community Services Program for the public purpose of providing housing services and housing assistance to Cleveland residents through the use of Ward 7 Neighborhood Equity Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$19,000 and shall be paid from Fund No. 10 SF 166.

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

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

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

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

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

**Ord. No. 2086-06.**

**By Council Members Pierce Scott and Sweeney (by departmental request).**

**An emergency ordinance authorizing the Directors of Economic Development and Community Development to enter into one or more contracts with WECO Fund, Inc. to guarantee funds appropriated from local banks to be lent, by WECO, to eligible small businesses and entities located on Public Square to East 30th Street that have been negatively impacted during the construction of the Euclid Corridor Project through the Euclid Corridor Small Business Loan Program.**

Whereas, the City of Cleveland in conjunction with the Greater Cleveland Regional Transit Authority ("GCRTA") is undertaking the major redevelopment of the Euclid Avenue Corridor ("Euclid Corridor Project"); and

Whereas, due to construction and street closings for the Euclid Corridor Project many local, small businesses and entities are being negatively impacted to the point where jobs for low and moderate income people may be lost; and

Whereas, the City of Cleveland and this Council have determined that a loan guaranty assistance program ("Euclid Corridor Small Business Loan Program") is in the public interest and is necessary to prevent the loss of these jobs for low and moderate income people; and

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

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

**Section 1.** That the Directors of Economic Development and Community Development are authorized to enter into one or more contracts with WECO Fund, Inc. ("WECO") through the Euclid Corridor Small Business Loan Program to guarantee funds that have been appropriated by local banks for the purpose of allowing WECO to provide loans to local, small businesses and entities making retail sales, subject to the Ohio Sales Tax, located on Public Square to East 30th Street (Census Tracts 1076, 1077, 1078, and 1079) that have been negatively impacted during the construction of the Euclid Corridor Project.

**Section 2.** That the Directors of Economic Development and Community Development are authorized to accept collateral as they deem adequate in order to secure repayment of the loan guaranties. Any security instruments must be prepared and approved by the Director of Law.

**Section 3.** That the Directors of Economic Development and Community Development are authorized to accept monies in repayment of the loan guaranties and assignments and assumptions of the loans and the underlying collateral.

**Section 4.** That the Director of Law is authorized to prepare the contracts and such other documents as may be appropriate to complete the loan guaranty transactions.

**Section 5.** That the total amount of loans guaranteed shall not exceed an aggregate of \$250,000, payable from Fund No. 17 SF 003, Request No. 103726.

**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.

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

**Ord. No. 2087-06.**

**By Council Member Cimperman.**

**An emergency ordinance to amend Section 2 of Ordinance No. 1472-06 passed September 11, 2006, relating to contract with Valleyview Phase I, L.P. to provide development assistance to partially finance the Valley View Hope VI Development Project Phase I.**

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. 1472-06 passed September 11, 2006 is hereby amended to read as follows:

Section 2. That the terms of the loan shall be according to the terms set forth in the Summary contained in File No. 1890-05-C, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority.

**Section 2.** That existing Section 2 of Ordinance No. 1472-06 passed September 11, 2006 is hereby repealed.

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

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

**Ord. No. 2088-06.  
By Council Member Cimperman.  
An emergency ordinance declaring certain improvements to be for a public purpose and making provision for the collection of service payments in lieu of taxes pursuant to Sections 5709.41 to 5709.43 of the Revised Code, and establishing an Urban Redevelopment Tax Increment Equivalent Fund.**

Whereas, pursuant to Article XVIII, Section 3 of the Ohio Constitution and ordinances of the City of Cleveland, the City has undertaken a program of urban redevelopment, involving activities for the elimination of blight and deterioration and the City has, by Ordinance No. 1644-05 passed October 17, 2005, approved the Flats East Bank Community Development Plan (which plan, as it may hereafter be amended, is hereinafter called the "Plan") providing for the redevelopment of the properties in the area covered by the Plan (the "Plan Area"); and

Whereas, as part of its activities for carrying out redevelopment activities and to eliminate blighted conditions and prevent the recurrence of blight, and to satisfy the requirements of Section 5709.41 of the Revised Code, the City acquired from the Cleveland-Cuyahoga County Port Authority (the "Port Authority") certain property described in File No. 2088-06-A (the "Property"), which Property is located in the Plan Area, and the City has conveyed the Property to the Port Authority for construction of an office building on the property for sale or lease consistent with the Plan (the "Project"); and

Whereas, the City has determined that it is necessary and appropriate and in the best interests of carrying out the Plan and in the best interests of the City to provide for annual service payments in lieu of taxes with respect to the Property ("Service Payments") pursuant to Sections 5709.41 to 5709.43 of the Revised Code and pursuant to Section 553.02.06 of Amended Substitute House Bill 66 signed by the Governor on June 30, 2005; and

Whereas, the Property is located in the Cleveland Municipal School District (the "School District"), and the School District has approved the real property tax exemption provided for in this Ordinance and has waived notice requirements on the condition that a compensation agreement previously authorized by the City be entered into relating to the Plan Area (the "School Agreement"); and

Whereas, the construction of the Project is necessary to eliminate blighted conditions and prevent the recurrence of blight in the Plan Area and as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public, peace, property, health and safety, and for the usual daily operation of a municipal department; now, therefore,

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

**Section 1. Property Tax Exemption.** That pursuant to and in accordance with the provisions of Section 5709.41 of the Revised Code, this Council hereby finds and determines that 100% of the increase in assessed value of the Property subsequent to its acquisition by the City (which

increase in assessed value is hereinafter referred to as the "Improvement" as defined in said Section 5709.41 of the Revised Code) will be a public purpose, and said Improvement is hereby declared to be a public purpose for a period of 30 years and 100% of the Improvement shall thereby be exempt from real property taxation commencing in tax year 2009 and ending after the Improvements have been exempted from real property taxation for 30 years, all in accordance with the requirements of said Sections 5709.41 and 5709.42 of the Revised Code.

**Section 2. Service Payments.** That as provided in Section 5709.42 of the Revised Code, the owner or owners of the Improvement are hereby required to and shall pay the Service Payments to the County Treasurer on or before the final dates for payment of real property taxes, which Service Payments, together with any associated rollback payments, shall be deposited in the urban redevelopment tax increment equivalent fund established in Section 3 hereof. This Council hereby authorizes the Mayor, Director of Finance, Director of Economic Development, and Law Director, and other appropriate officers of the City, to provide such information and certifications, and execute and deliver or accept delivery of such instruments, as are necessary and incidental to collect those Service Payments, and to make such arrangements as are necessary and proper for payment of the Service Payments.

**Section 3. Redevelopment Tax Increment Equivalent Fund.** That this Council hereby establishes pursuant to and in accordance with the provisions of Section 5709.43 of the Revised Code, the Flat East Bank Urban Redevelopment Tax Increment Equivalent Fund (the "Fund"), into which shall be deposited the Service Payments distributed to the City with respect to the Improvement on the Property by or on behalf of the County Treasurer as provided in Section 5709.42 of the Revised Code, together with any associated rollback payments. One hundred percent (100%) of the moneys collected shall be deposited in the Fund and shall be retained by the City and used for any or all of the following purposes:

(i) Payment of all costs associated with the construction of the Project, including costs incurred by the Port Authority or other governmental entity and including debt service and related costs on obligations or loans issued or incurred by the City, the Port Authority, or other governmental entity;

(ii) Construction, operation and maintenance of public improvements and publicly-owned facilities, including, but not limited to, streets, storm and sanitary sewers, water treatment facilities and water transmission lines, sidewalks, curbs, street trees and furniture, transitway improvements, off-street parking facilities, street lighting and signalization, pedestrian walkways, and public parks and plazas, whether owned by the City or other governmental entity by agreement with the City, and associated land acquisition and demolition, planning and engineering costs;

(iii) Land and building acquisition, demolition, site preparation, and relocation expenses relating to the Plan Area or other community development, urban renewal or urban redevelopment areas of the City;

(iv) Debt service requirements on bonds or notes issued by the City;

(v) Provision of all or part of the matching local share commitments for state and federal grants;

(vi) Provision of subsidies for construction or renovation loans in connection with community development, urban renewal or urban redevelopment projects in the City;

(vii) Funding any other activities which will facilitate the elimination of blight and deterioration, including any costs arising from carrying out community development, urban renewal or urban redevelopment activities in the City;

(viii) Funding administrative costs and charges incidental to any of items above;

(ix) Compensating the School District pursuant to the School Agreement; and

(x) Any other expenditures permitted by law.

The Fund shall remain in existence so long as such service payments are collected, after which said fund may be dissolved in accordance with said Section 5709.43 and transferred to the General Fund or any other fund as permitted by applicable law.

**Section 4. Filing and Reporting to State.** That pursuant to Section 5709.41 of the Revised Code, the Clerk of this Council is hereby directed to deliver a copy of this Ordinance to the Director of the Department of Development of the State of Ohio within fifteen days after its passage. On or before March 31 of each year that the exemption set forth in Section 1 hereof remains in effect, the Clerk or other authorized officer of this City shall prepare and submit to the Director of the Department of Development of the State of Ohio the status report required under division (D) of Section 5709.41(D) of the Revised Code.

**Section 5. Captions.** That the captions or headings in this Ordinance are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Ordinance.

**Section 6. Open Meeting Determination.** That it is found and determined that all formal actions of this Council and of any of its committees concerning and relating to the passage of this Ordinance were taken, and any of its committees and that all deliberations of this Council that resulted in these formal actions were held in meetings open to the public, in compliance with all legal requirements, including, without limitation, Section 121.22 of the Revised Code.

**Section 7. City Charter Findings.** That it is further found and determined, and is hereby represented and recited, that the provisions of Sections 28, 29, 32, 33 (including the provisions of Section 33 with respect to readings on three separate days or dispensing with such readings by a two-thirds vote of all members of the Council), 36, 37, 48 and all other

applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this Ordinance was passed in conformity therewith.

**Section 8. Severability.** That each section and each part of each section of this Ordinance is hereby declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any such section or part of a section or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstance, other than those as to which it is held invalid, shall not be affected thereby, and it is hereby declared to be the legislative intent that the other provisions of this Ordinance would have been passed independently of such section, or parts of a section, so held to be invalid.

**Section 9. Legislative Intent.** That all terms, conditions, pledges, covenants or agreements on the part of the City provided for in this Ordinance are made by the voluntary act of the City under its lawful authority, including its authority under its Charter and Article XVIII of the Constitution of Ohio.

**Section 10. Emergency Measure.** That this Ordinance is declared to be an emergency measure for the immediate preservation of the public peace, property, health and safety of the City by providing for the elimination of blighted conditions and prevention of the recurrence of those conditions and for the usual daily operation of a municipal department, and, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest date allowed by law.

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

**Ord. No. 2092-06.**

**By Council Member White.**

**An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into an agreement with the Union Miles Development Corporation for the Youth and Senior Recreation Program through the use of Ward 2 Neighborhood Equity Funds.**

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

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

**Section 1.** That the Director of Parks, Recreation and Properties to enter into an agreement with the Union Miles Development Corporation for the Youth and Senior Recreation Program for the public purpose of providing recreational programs to youths and senior citizens

residing in the city of Cleveland through the use of Ward 2 Neighborhood Equity Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$8,050 and shall be paid from Fund No. 10 SF 166.

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

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

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

**Ord. No. 2093-06.**

**By Council Member Sweeney.**

**An emergency ordinance authorizing the Clerk of Council to enter into contract or contracts with Ardence, Inc. for the purchase of software and for professional services for support and maintenance of software beginning December 2006 through the year 2007.**

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

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

**Section 1.** That the Clerk of Council is hereby authorized to enter into a contract or contracts with Ardence, Inc. for the purchase of software, and for professional services for support and maintenance of software, beginning December 2006 through the year 2007.

**Section 2.** That the cost of said contract or contracts shall not exceed \$25,000 and shall be payable from Fund No. 21, Subclass 106.

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

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

**Ord. No. 2108-06.**

**By Council Member Westbrook.**

**An emergency ordinance authorizing the Director of Economic Development to enter into an agreement with the Cudell Improvement Incorporated for the Winterfest Program through the use of Urban Development Action Grant Funds.**

Whereas, this ordinance constitutes an emergency measure provid-

ing for the usual daily operation of a municipal department; now, therefore,

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

**Section 1.** That the Director of Economic Development is authorized to enter into an agreement with the Cudell Improvement Incorporated for the Winterfest Program for the public purpose of promoting community and economic revitalization efforts that are taking place in the City of Cleveland through the use of UDAG Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$10,900 and shall be paid from Fund No. 17 SF 17652.

**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 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

**Ord. No. 2109-06.**

**By Council Member Cleveland.**

**An emergency ordinance consenting and approving the issuance of a permit for the Gallop for Kids Run, on December 10, 2006, sponsored by HMA Promotions.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Gallop for Kids Run sponsored by HMA Productions, on December 10, 2006, with the Run beginning at East 22nd & Central; East 22nd to Cedar; Cedar to East 30th; East 30th to Central, Central to East 40th, East 40th to Woodland, Woodland to East 22nd, East 22nd to Community College, Community College to East 24th, East 24th to Central; Central to East 22nd — finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

**Section 2.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of

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

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

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

**Res. No. 2094-06.**

**By Council Member Brady.**

**An emergency resolution withdrawing objection to the renewal of a D5 Liquor Permit at 3655-57 Bosworth Avenue, and repealing Resolution No. 1136-06, objecting to said renewal.**

Whereas, this Council objected to a D5 Liquor Permit to 3655-57 Bosworth Avenue by Resolution No. 1136-06 adopted by the Council on July 12, 2006; and

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

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

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

**Section 1.** That objection to a D5 Liquor Permit to Masich, Inc., 3655-57 Bosworth Avenue, Cleveland, Ohio 44111, Permanent Number 5604495 be and the same is hereby withdrawn and Resolution No. 1136-06, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

**Res. No. 2095-06.**

**By Council Member Brancatelli.**

**An emergency resolution objecting to a Liquor Agency Contract located at 6542 Broadway Avenue.**

Whereas, Council has been notified by the Department of Liquor Control of an application for a Liquor Agency Contract at 6557 Broadway Avenue, Inc., DBA Key Beverage & Liquor, 6542 Broadway Avenue, Cleveland, Ohio 44105, Permanent Number 82007440001; 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 oper-

ated his liquor business in disregard of the laws, regulations or local ordinances of this state or any other state; and

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to a Liquor Agency Contract at 6557 Broadway Avenue, Inc., DBA Key Beverage & Liquor, 6542 Broadway Avenue, Cleveland, Ohio 44105, Permanent Number 82007440001; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

**Res. No. 2096-06.**

**By Council Member Brancatelli.**

**An emergency resolution objecting to the transfer of liquor license of a C2 and C2X Liquor Permit to 6542 Broadway Avenue.**

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of liquor license of a C2 and C2X Liquor Permit from 6557 Broadway Avenue, Inc., 6553-57 Broadway Avenue, Cleveland, Ohio 44105, Permanent Number 8200744 to 6557 Broadway Avenue, Inc., DBA

Key Beverage & Liquor, 6542 Broadway Avenue, Cleveland, Ohio 44105, Permanent Number 82007440001; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of liquor license of a C2 and C2X Liquor Permit from 6557 Broadway Avenue, Inc., 6553-57 Broadway Avenue, Cleveland, Ohio 44105, Permanent Number 8200744 to 6557 Broadway Avenue, Inc., DBA Key Beverage & Liquor, 6542 Broadway Avenue, Cleveland, Ohio 44105, Permanent Number 82007440001; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.



**Res. No. 2097-06.****By Council Member Brady.**

**An emergency resolution withdrawing objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit at 3029 West 117th Street, and repealing Resolution No. 1292-06, objecting to said renewal.**

Whereas, this Council objected to a D1, D2, D3, D3A and D6 Liquor Permit to 3029 West 117th Street by Resolution No. 1292-06 adopted by the Council on August 9, 2006; and

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

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

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

**Section 1.** That objection to a D1, D2, D3, D3A and D6 Liquor Permit to Goal Post, Inc., DBA Lido Lounge, 3029 West 117th Street, Cleveland, Ohio 44111, Permanent Number 3231531 be and the same is hereby withdrawn and Resolution No. 1292-06, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

**Res. No. 2098-06.****By Council Member Cleveland.**

**An emergency resolution objecting to a Liquor Agency Contract located at 3230 East 93rd Street.**

Whereas, Council has been notified by the Department of Liquor Control of an application for a Liquor Agency Contract at Semaan Marketing, Inc., 3230 East 93rd Street, Cleveland, Ohio 44104, Permanent Number 7974550; and

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

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

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

Whereas, the place for which the permit is sought is so arranged or constructed that law enforcement

officers or agents of the Department of Liquor Control are prevented reasonable access to the establishment; and

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

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

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

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

**Section 1.** That Council does hereby record its objection to a Liquor Agency Contract at Semaan Marketing, Inc., 3230 East 93rd Street, Cleveland, Ohio 44104, Permanent Number 7974550; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

**Res. No. 2099-06.****By Council Member Cleveland.**

**An emergency resolution objecting to the transfer of a C2, C2X and D6 Liquor Permit to 7535 Kinsman Avenue.**

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C2, C2X and D6 Liquor Permit from Willa G., Inc., DBA Gene's Corner Beverage, No. 2, 7535 Kinsman Road, Cleveland, Ohio 44104, Permanent Number 96191910015 to Kimetra L. Leslie, DBA Big Fahies Deli, 7535 Kinsman Avenue, Cleveland, Ohio 44104, Permanent Number 5144147; and

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

outlets, is contrary to the best interests of the entire community; and

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a C2, C2X and D6 Liquor Permit from Willa G., Inc., DBA Gene's Corner Beverage, No. 2, 7535 Kinsman Road, Cleveland, Ohio 44104, Permanent Number 96191910015 to Kimetra L. Leslie, DBA Big Fahies Deli, 7535 Kinsman Avenue, Cleveland, Ohio 44104, Permanent Number 5144147; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

**Res. No. 2100-06.****By Council Member Cleveland.**

**An emergency resolution withdrawing objection to a New C1 Liquor Permit at 7002 Cedar Avenue, and repealing Resolution No. 753-06, objecting to said permit.**

Whereas, this Council objected to a New C1 Liquor Permit to 7002 Cedar Avenue by Resolution No. 753-06 adopted by the Council on April 24, 2006; and

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

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

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

**Section 1.** That objection to a New C1 Liquor Permit to Cedar 70, Inc., DBA Upstate Market, 7002 Cedar Avenue, Cleveland, Ohio 44103, Permanent Number 1351124, be and the same is hereby withdrawn and Resolution No. 753-06, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

**Res. No. 2101-06.****By Council Member Cummins.**

**An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit at 2101 Denison Avenue, and repealing Resolution Nos. 1318-03 and 1346-05, objecting to said renewals.**

Whereas, this Council objected to a C2 and C2X Liquor Permit to 2101 Denison Avenue by Resolution No. 1318-03 adopted by the Council on July 16, 2003 and Resolution No. 1346-05 adopted by the Council on July 13, 2005; and

Whereas, this Council wishes to withdraw its objections to the above renewal and consents to said renewal; and

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

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

**Section 1.** That objections to a C2 and C2X Liquor Permit to Karam's Corporation, DBA Johnny's Food Market, 2101 Denison Avenue, Cleveland, Ohio 44109, Permanent Number 4483278 be and the same is hereby withdrawn and Resolution Nos. 1318-03 and 1346-05, containing such

objections, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

**Res. No. 2102-06.****By Council Member Johnson.**

**An emergency resolution withdrawing objection to the transfer of ownership and renewal of a C2 and C2X Liquor Permit at 9621 Mt. Auburn Road, and repealing Resolution Nos. 1490-06 and 1334-04, objecting to said transfer and renewal.**

Whereas, this Council objected to the transfer of ownership of a C2 and C2X Liquor Permit to 9621 Mt. Auburn Road by Resolution No. 1490-06 adopted by the Council on September 11, 2006 and to the renewal by Resolution No. 1334-04 adopted by the Council on July 14, 2004; and

Whereas, this Council wishes to withdraw its objections to the above transfer and renewal and consents to said transfer and renewal; and

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

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

**Section 1.** That objection to a C2 and C2X Liquor Permit to Mt. Auburn Deli, Inc., DBA Woddi Market, 9621 Mt. Auburn Road, Cleveland, Ohio 44104, Permanent Number 6210878, and objection to Woddi II, Inc., DBA Cousins Superette, 9621 Mt. Auburn Road, Cleveland, Ohio 44104, Permanent Number 9725521 be and the same is hereby withdrawn and Resolution Nos. 1490-06 and 1334-04, containing such objections, be and the same is hereby repealed and that this Council consents to the immediate transfer and renewal thereof.

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

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

**Res. No. 2103-06.****By Council Member Pierce Scott.**

**An emergency resolution withdrawing objection to the transfer of liquor license of a C1 and C2 Liquor Permit at 907 East 105th Street and repealing Resolution No. 1556-06, objecting to said transfer.**

Whereas, this Council objected to the transfer of liquor license of a C1 and C2 Liquor Permit to Eddie's Mini Mart, Inc., DBA Eddie's Mini Mart, 907 East 105th Street, Cleveland, Ohio 44108, Permanent No. 243443800011, adopted by the Council on September 18, 2006; and

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

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

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

**Section 1.** That objection to a C1 and C2 Liquor Permit to Eddie's Mini Mart, Inc., DBA Eddie's Mini Mart, 907 East 105th Street, Cleveland, Ohio 44108, Permanent Number 243443800011 be and the same is hereby withdrawn and Resolution No. 1556-06, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

**Res. No. 2104-06.****By Council Members Conwell, Britt, Zone, Brancatelli, Cummins, Lewis, Coats and Turner.**

**An emergency resolution encouraging the City of Cleveland's Department of Public Health to study ways to reduce artificial trans fats in citizens' diets and work with the Cuyahoga County Board of Health towards banning artificial trans fats from restaurants.**

Whereas, on December 5, 2006, New York City became the first city in the nation to ban artery-clogging artificial trans fats at restaurants; and

Whereas, the New York Board of Health unanimously passed the ban that bars restaurants from using most frying oils containing the fats by July 2007 and gives restaurants another year to eliminate all trans fats from all foods; and

Whereas, the ban, which was advocated by New York Mayor Michael Bloomberg, follows a national requirement beginning this past January that companies list artificial trans-fat content on food

labels, and efforts are being made to reduce the trans-fat content of snacks in school vending machines; and

Whereas, health and nutrition groups say artificial trans fats clearly contribute to heart disease, and studies have shown that they raise bad cholesterol and lower the good kind of cholesterol; and

Whereas, partially hydrogenated vegetable oil, the main form of artificial trans fats, is used for frying and baking and is present in processed foods from cookies and crackers to pizza dough and pre-made blends like pancake mix; and

Whereas, reducing artificial trans fats in citizens' diets and banning the fats from restaurants is necessary for the public health of the citizens of the State of Ohio, Cuyahoga County and the City of Cleveland; and

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

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

**Section 1.** That this Council hereby encourages the City of Cleveland's Department of Public Health to study ways to reduce artificial trans fats in citizens' diets and work with the Cuyahoga County Board of Health towards banning artificial trans fats from restaurants.

**Section 2.** That the Clerk of Council is directed to transmit a copy of this resolution to the Cuyahoga County Board of Health.

**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 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

**Res. No. 2105-06.**

**By Council Member Cimperman.**

**An emergency resolution supporting the concept of a local Main Street program in Cleveland's Historic Gateway Neighborhood and Historic Warehouse District and the submittal of an application to the Heritage Ohio Main Street Program by Historic Gateway Neighborhood Corporation and Historic Warehouse District Development Corporation to become two official Ohio Main Street communities.**

Whereas, the City of Cleveland recognizes the importance of downtown as it relates to the economic health and quality of life of the community; and

Whereas, the continued improvement, revitalization and development of downtown is a City of Cleveland goal; and

Whereas, the two Main Street organizations will be formed to stimulate economic development and preservation of downtown Cleveland's Historic Gateway Neighborhood and Historic Warehouse District thereby lessening the burden of municipal government; and

Whereas, the Main Street approach to downtown revitalization has generated community-wide interest and support; and

Whereas, the City Council recognizes the commitment of Historic Gateway Neighborhood Corporation and Historic Warehouse District Development Corporation to provide financial support to Heritage Ohio Main Street Program when established (in an amount not to exceed one-half of the annual program budget); as well as an annual membership in Downtown Ohio, Inc.

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

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

**Section 1.** That this Council hereby endorses the concept of a local Main Street program in Cleveland's Historic Gateway Neighborhood and Historic Warehouse District and the submittal of an application to the Heritage Ohio Main Street Program by Historic Gateway Neighborhood Corporation and Historic Warehouse District Development Corporation to become an official Ohio Main Street communities.

**Section 2.** That the Clerk of Council is hereby directed to transmit copies of this resolution to Historic Gateway Neighborhood Corporation and Historic Warehouse District Development Corporation respectively.

**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 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

**Res. No. 2106-06.**

**By Council Members Cummins, Brancatelli, Zone, Polensek, Kelley, White, Cimperman, Pierce Scott, Westbrook, Coats, Conwell and Brady.**

**An emergency resolution supporting federal and state efforts to restore the Great Lakes through the federal "Great Lakes Collaboration Implementation Act" and the State of Ohio's "Great Lakes-St. Lawrence River Basin Water Resources Compact".**

Whereas, the Great Lakes comprise almost 20% of the world's surface fresh water and 95% of North America's fresh surface water, and supply drinking water to more than

40 million U.S. and Canadian residents; and

Whereas, Lake Erie supplies drinking water to nearly 3 million Ohioans and supports local agriculture; a diversity of wildlife, including a world class fishery; maritime trade; industry; and tourism; and

Whereas, Lake Erie is ailing from a multitude of stressors, including aquatic invasive species, toxic contamination of river and lake sediments, partially or inadequately treated sewage discharges, pollution from non-point sources, and coastal habitat loss; and

Whereas, Lake Erie is the shallowest, warmest and most biologically productive, producing more fish for human consumption than all of the other four Great Lakes combined; and

Whereas, Lake Erie is incredibly vulnerable to stressors as the smallest Great Lake both in surface area and volume, with a drainage basin totaling 30,140 square miles, and encompassing parts of Indiana, Michigan, New York, Ohio, Ontario, and Pennsylvania; and

Whereas, the health of Lake Erie is essential to the quality of life and economic vitality of communities along its shores and in the surrounding basin, supporting tourism, industrial, recreational, commercial, and cultural activities; and

Whereas, over 140 scientists have endorsed a paper, "Prescription for Great Lakes Ecosystem Protection and Restoration - Avoiding the Tipping Point of Irreversible Changes," which calls for urgent action in the Great Lakes to avoid an ecosystem breakdown;

Whereas, there has been an unprecedented collaborative effort on the part of 1,500 people representing federal, state, tribal and local governments, research institutions including universities, businesses, agricultural organizations, non governmental entities and private citizens to develop an Action Plan to Restore and Protect the Great Lakes; and

Whereas, Members of Congress have introduced the Great Lakes Collaboration Implementation Act, which seeks approximately \$20 billion over a five year period to fund projects that implement the Action Plan to Restore and Protect the Great Lakes; and

Whereas, specifically, the Act will provide funding to:

- Prevent and control aquatic invasive species;
- Create and restore wetlands and other fish and wildlife habitat;
- Reduce municipal sewage overflows;
- Clean up toxic sediments in Great Lakes Areas of Concern, including the Cuyahoga River;
- Reduce mercury pollution;
- Otherwise implement the Action Plan to Restore and Protect the Great Lakes; and

Whereas, local governments need financial assistance to upgrade wastewater treatment plants and infrastructure, to reduce non-point source pollution; and

Whereas, the Florida Everglades and other nationally significant water resources have already bene-

fited from significant federal investments in restoration and protection; and

Whereas, the Great Lakes are a treasured natural resource in need of substantial state and federal financial assistance; and

Whereas, protection of the Great Lakes is a challenge of utmost significance and scope to the people of the City of Cleveland, the Northeast Ohio region, the State of Ohio, and all states and provinces that comprise the Great Lakes' basin; and

Whereas, this monumental challenge includes working to safeguard the quality of the waters in order to protect these freshwater resources from threats of out-of-basin water diversions and to continue to enable our use and enjoyment of this water resource within the basin; and

Whereas, Canada and the United States created the International Joint Commission through the 1909 Boundary Waters Treaty because they recognized that the two countries need to cooperate in order to manage these waters wisely and to protect them for the benefit of current and future generations; and

Whereas, in June 2002, the Commission appointed the International Water Uses Review Task Force to assist it in carrying out a review of the issue of water uses in the Great Lakes basin and to prepare a report on the topic; and

Whereas, the International Water Uses Review Task Force finalized a report to the International Joint Commission, entitled "Protection of Waters of the Great Lakes" that encourages support for a more deliberative approach to finalizing the Great Lakes Compact to establish protection of waters of the Great Lakes from diversion; and

Whereas, the Great Lakes Compact is an amendment to the Great Lakes Charter of 1985, which is a non-binding agreement signed by the Governors of the eight states and the Premiers of the two Canadian provinces that border the Great Lakes; and

Whereas, the purpose of the Great Lakes Compact is to forge a new binding agreement to manage the Great Lakes waters, develop a decision-making standard for a new or increased water withdrawals, and make further commitments to continue to improve the Great Lakes water management system; and

Whereas, the state of Ohio must continue its proud tradition of protecting Lake Erie and fulfill its commitment to protecting and restoring the Great Lakes by taking substantial steps and, whenever practical, match federal funding to implement the Great Lakes Collaboration Implementation Act; and

Whereas, the state of Ohio should firmly establish its opposition to the diversion of Great Lakes water for the future protection of this important global resource that is vital to strengthening the American and Canadian economies and the vitality of the states and provinces along the Great Lakes shores; and

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

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

**Section 1.** That this Council hereby supports federal and state efforts to restore the Great Lakes through the federal "Great Lakes Collaboration Implementation Act" and the State of Ohio's "Great Lakes-St. Lawrence River Basin Water Resources Compact".

**Section 2.** That the Clerk of Council is directed to transmit copies of this resolution to Ohio Congressional Delegation, the Governor of Ohio, the members of the Ohio General Assembly, the Great Lakes Regional Collaboration, International Joint Commission (Canada & United States), Great Lakes Commission, Council of Great Lakes Governors, National League of Cities, and the legislative leadership in the Great Lakes states and provinces.

**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 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

**Res. No. 2107-06.**

**By Council Members Britt, Johnson, Sweeney, Pierce Scott, White, Brancatelli, Santiago, Turner and Cleveland.**

**An emergency resolution supporting the Greater Cleveland Delta Foundation's new location in the City of Cleveland for its Life Development Center.**

Whereas, the Greater Cleveland Delta Foundation (the "Foundation") has distinguished itself as a public service organization that actively confronts the issues facing African Americans and all Americans; and

Whereas, the Foundation has its roots in the Greater Cleveland Chapter of the Delta Sigma Theta Sorority, Inc., a public service organization that awards more than \$20,000 in scholarships annually and has operated supplemental education, parenting and healthy lifestyle initiatives in the Cleveland area for more than 72 years; and

Whereas, the Foundation has entered into negotiations to purchase a building on Shaker Boulevard in the City of Cleveland to serve as headquarters for its Life Development Center; and

Whereas, the Greater Cleveland Delta Foundation Life Development Center (the "GCDFLDC") is a non-profit 501(C)(3) organization created to finance, build and operate a life development center to house

programs and services targeting needy city residents of all ages; and

Whereas, the GCDFLDC will house intergenerational public service programs designed to enhance and improve the quality of life for the City's residents; and

Whereas, this Council supports and encourages community-based organizations like the GCDFLDC to develop and operate programs that strengthen and help revitalize Cleveland's neighborhoods

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

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

**Section 1.** That this Council hereby supports the Greater Cleveland Delta Foundation's new location in the City of Cleveland for its Life Development Center.

**Section 2.** That the Clerk of Council is hereby directed to transmit certified copies of this resolution to the appropriate persons at the GCDFLDC and to Jon Morehead of the Ohio Community Development Finance Fund.

**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 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

**SECOND READING  
EMERGENCY ORDINANCE**

**Ord. No. 2006-06.**

By Council Members Pierce Scott, Johnson, Cimperman, Cleveland and Sweeney (by departmental request).

An emergency ordinance declaring the improvement of certain real property located in the City of Cleveland, Ohio to be a public purpose; declaring such property to be exempt from real property taxation; requiring annual service payments in lieu of taxes; acknowledging an ongoing blight study and finding the property to be in a blighted area of an impacted city in the event the blight study so finds and concludes; approving the execution of a Compensation Agreement; approving the execution of a Tax Increment Financing Agreement; establishing a Veterans Administration Urban Redevelopment Tax Increment Equivalent Fund; designating the uses for moneys deposited into the Veterans Administration Urban Redevelopment Tax Increment Equivalent Fund; providing related authorizations pursuant to Ohio Revised Code Sections 5709.41, 5709.42 and 5709.43.

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

1. In the third whereas clause, line 1, after "shown on the map" insert **"and more fully described in the legal description"**; and in line 2, strike "2006-06-A" and insert **"2006-06-B"**.

Amendment agreed to.

#### SECOND READING EMERGENCY ORDINANCES PASSED

##### Ord. No. 1062-06.

By Council Members Pierce Scott, Johnson, Cimperman, Cleveland and Sweeney (by departmental request).

An emergency ordinance to amend Section 559.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 109-56, passed February 11, 1957, relating to the designation of the Cleveland Cultural Gardens; and to enact new Sections 559.235 through 559.243 relating to future gardens.

Approved by Directors of Parks, Recreation and Properties, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Parks, Property and Recreation, City Planning, Legislation, Finance; when amended as follows:

1. In Section 3, at new Section 559.243, strike lines 1 and 2 in their entirety and insert the following:

**"Section 559.243 Native American Garden"**.

Amendment agreed to.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

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

##### Ord. No. 1254-06.

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

An emergency ordinance determining the method of making the public improvement of constructing the Keller II Water Tower at the City of Brunswick and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement.

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

##### Ord. No. 1269-06.

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

An emergency ordinance to vacate a portion of Penn Court N.W.

Approved by Directors of Public Service, City Planning Commission,

Finance, Law; Passage recommended by Committees on Public Service, City Planning, Finance.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

##### Ord. No. 1278-06.

By Council Members Pierce Scott, Cimperman and Sweeney (by departmental request).

An emergency ordinance declaring the property located at 1570 East 105th Street blighted premises under Sections 324.01 through 324.16 of the Codified Ordinances of Cleveland, Ohio, 1976; and authorizing the Director of Community Development to acquire the blighted premises and sell the premises to FEDCO Services, LLC.

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

Pursuant to Rule 19 of the Rules of Council Member Sweeney elected to recuse himself from the vote regarding Ordinance No. 1278-06. He further requested that the City Record reflect his recusal.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 20. Nays 0.

##### Ord. No. 1281-06.

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

An emergency ordinance to amend Section 161.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 505-72, passed June 19, 1972, relating to designation of landmarks and landmarks districts.

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

1. In Section 1, at division (b)(7) of amended Section 161.04, lines 3 and 6, strike "notice" and insert **"affidavit"**.

Amendment agreed to.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

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

##### Ord. No. 1364-06.

By Council Member Reed.

An emergency ordinance declaring the property located at 3509 East 120th Street blighted premises under Sections 324.01 through 324.16 of the Codified Ordinances of Cleveland, Ohio, 1976; authorizing the Director of Community Development to acquire the blighted premises and sell the premises to KidsHealth 2020; and authorizing a project agreement.

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

Community and Economic Development, City Planning, Finance.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

##### Ord. No. 1446-06.

By Council Members Conwell, Brady, Cimperman and Sweeney (by departmental request).

An emergency ordinance authorizing the acquisition of certain easement interests along East 115th Street and Euclid Avenue for the public improvement of eliminating poles along Euclid Avenue as part of the Euclid Corridor Transportation Project.

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

##### Ord. No. 1448-06.

By Council Members Brady and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Public Service to apply for and accept a grant from the Northeast Ohio Areawide Coordinating Agency for the Flats East Bank Connector Project; and authorizing the Director to employ one or more professional consultants to implement the grant.

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

1. In the title, lines 3 and 4; and in Section 1, lines 2 and 3, after "from", insert **"the State of Ohio through"** in both places.

2. In the title, lines 4 and 5; and in Section 1, line 3, strike "Flats East Bank Connector" and insert **"Eagle Avenue Alternatives"**.

Amendments agreed to.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

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

##### Ord. No. 1449-06.

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

An emergency ordinance authorizing the Director of Public Service to issue a permit to the United States General Services Administration to encroach into the public right-of-way at the Anthony Celebrezze Federal Office Building located on Lakeside Avenue and East 9th Street by installing, using, and maintaining Federally mandated security devices for "stand off" and "crash" protection of the facility.

Approved by Directors of Public Service, City Planning Commission,

Finance, Law; Passage recommended by Committees on Public Service, City Planning, Finance.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

**Ord. No. 1470-06.**

By Council Member Cimperman.

An emergency ordinance to amend Section 347.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 285-80, passed May 19, 1980, relating to restrictions on location of stables, poultry enclosures and other enclosures.

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

**Ord. No. 1548-06.**

By Council Members White, Johnson, Cimperman and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to lease certain property to Community United Head Start and Day Care, Inc. for a term of one year, with five one year options to renew, at the Earle B. Turner Recreation Center located at 11300 Miles Avenue, for the purpose of operating a day care.

Approved by Directors of Parks, Recreation and Properties, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Parks, Property and Recreation, City Planning, Finance; when amended as follows:

1. In the title, line 5, and Section 2, line 2, strike "five" and insert "**four**".

Amendment agreed to.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

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

**Ord. No. 1577-06.**

By Council Members Cimperman, Pierce Scott and Sweeney (by departmental request).

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located at the east corner of Huron Road and East 4th Street to System Property Development Company, Inc., or its designee; and authorizing the Director of Community Development to cause payment to System Parking Development Company, Inc.

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

1. In Section 4, line 2, strike "System Parking" and insert "**System Properties**".

2. Insert new Section 5 to read as follows:

**"Section 5. That the Director of Community Development, or other appropriate City official, is authorized to enter into any and all agreements necessary to effectuate this ordinance."**

3. Renumber existing Section 5 to new "**Section 6**".

Amendments agreed to.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

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

**Ord. No. 1583-06.**

By Council Members Britt, Conwell, Johnson, Cleveland, Brady, Cimperman and Sweeney (by departmental request).

An emergency ordinance authorizing the Mayor to apply to the District One Public Works Integrating Committee for state funding for the Cornell Road Bridge, Woodland Avenue/Kinsman Road, East 30th Street, and Bellaire Road Rehabilitation Phase II Projects and state funding to obtain credit enhancements and loan assistance in support of the City's general obligation bonds issued for road and bridge improvements.

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

1. In Section 1, line 9, strike "West 105th" and insert "**West 117th**".

Amendment agreed to.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

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

**Ord. No. 1585-06.**

By Council Member Conwell.

An emergency ordinance to change the name of East 117th Street between Durant and Whitmore to Leonard B. Jackson Street.

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

1. Strike the title and Section 1 in its entirety and insert the following:

**"An emergency ordinance designating East 117th Street between Durant and Whitmore as "Leonard B. Jackson Street" as a secondary and honorary designation."**

**"Section 1. That East 117th Street between Durant and Whitmore is designated as Leonard B. Jackson Street" as a secondary and honorary designation."**

Amendment agreed to.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

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

**Ord. No. 1629-06.**

By Council Members Zone, Britt, Cleveland, Dolan, Pierce Scott, Conwell, Brady, Cimperman and Sweeney (by departmental request).

An emergency ordinance to authorize the Director of Public Service to apply to the Northeast Ohio Areawide Coordinating Agency for various bridge projects throughout the City; giving consent of the City of Cleveland to the improvements under the supervision of the State of Ohio, and proposing to cooperate with the State in certain matters incident to the improvements.

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

1. In the title, at the end, strike the period and insert "**; authorizing the Director to employ one or more professional consultants to complete the Project Development Process Steps 1 through 8 for a new pedestrian bridge connecting Voinovich Park to the Great Lakes Science Center; and authorizing the director to enter into one or more contracts with the State of Ohio to accept funds.**".

2. In Section 4, line 2, strike "participation of" and insert "**participation or**".

3. In Section 6, line 6, strike "involute" and insert "**inviolate**"; and in line 7, strike "sighs" and insert "**signs**".

4. In Section 9, line 1, strike "he" and insert "**the**".

5. Add new Sections 10, 11, and 12 to read as follows:

**"Section 10. That the Director of Public Service 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 complete the Project Development Process Steps 1 through 8 for a new pedestrian bridge connecting Voinovich Park to the Great Lakes Science Center.**

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

by the Director of Public Service, and certified by the Director of Finance.

**Section 11. That the Director of Public Service is authorized to enter into one or more contracts with the Ohio Department of Transportation to accept the federal funds necessary for the contract or contracts authorized in Section 10 of this ordinance.**

**Section 12. That the cost of the contract or contracts authorized in Section 10 of this ordinance shall be paid from the funds accepted in Section 11 of this ordinance."**

6. Renumber existing Section 10 to new "Section 13".

Amendments agreed to.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

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

**Ord. No. 1630-06.**

By Council Members Brady and Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of various sized front-end loader dumpster containers and concrete receptacle lids, for the Division of Waste Collection and Disposal, Department of Public Service.

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

**Ord. No. 1631-06.**

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

An emergency ordinance to amend the title, and Sections 1 and 2 of Ordinance No. 1228-98, passed December 14, 1998, relating to a consent agreement with the County for the rehabilitation and reconstruction of various bridges, to add the resurfacing of Triskett Road; to cause payment of the City's share of Triskett Road to the Cuyahoga County Commissioners for the improvement; to supplement the ordinance by adding new Section 9; and to renumber existing Sections 9 and 10 to new Sections 10 and 11.

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

**Ord. No. 1642-06.**

By Council Member Reed.

An emergency ordinance designating the portion of East 140th Street between Abel Avenue and Benwood Avenue as "Anna 'Mama' Chatman Way" as a secondary and honorary designation.

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

1. In Section 1, line 2 after "Avenue", insert "will also be known".

Amendment agreed to.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

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

**Ord. No. 1684-06.**

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into a concession agreement for the operation of a food and beverage concession at Collinwood Athletic Complex for one year with two one-year options to renew.

Approved by Directors of Parks, Recreation and Properties, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Parks, Property and Recreation, City Planning, Finance.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

**Ord. No. 1689-06.**

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located between East 88th and East 92nd Streets, and Wade Park Avenue to Morris Court to the Cleveland Municipal School District for the purpose of constructing the new Daniel Morgan Elementary School.

Approved by Directors of Parks, Recreation, and Properties, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Parks, Property and Recreation, City Planning, Finance.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

**Ord. No. 1756-06.**

By Council Members Johnson and Sweeney (by departmental request).

An emergency ordinance authorizing the procurement by one or more requirement contracts of rental of golf carts, for the Division of Recreation, Department of Parks, Recreation and Properties, for a period up to five years.

Approved by Directors of Parks, Recreation and Properties, Finance, Law; Passage recommended by Committees on Public Parks, Property and Recreation, Finance.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

**Ord. No. 1766-06.**

By Council Member Conwell.

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 341.221 relating to the creation of the University Circle Design District; and repealing Section 341.06 as amended by Ordinance No. 841-59, passed April 27, 1959, relating to performance bond for building alterations.

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

1. In the title, line 4; and in Section 1, line 2, strike "341.221" and insert "341.023"; and in Section 1, line 3, strike "341.221" and insert "341.023".

2. In Section 1, at new Section 341.221(d), line 7, after "of the District." insert "The City Planning Commission shall appoint those members who are not design professionals from nominations made to the Commission by the City Council members representing wards that are located in whole or in part within the boundaries of the District."

3. In Section 2, line 2, strike "2959" and insert "1959".

Amendments agreed to.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

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

**Ord. No. 1810-06.**

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 70th Street to Lawrence Calloway.

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

**Ord. No. 1811-06.**

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Kosciuszko, Sowinski, Pulaski Avenues to Cleveland Municipal School District.

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

**Ord. No. 1817-06.**

By Council Member Conwell.

An emergency ordinance designating The Justus Cozad House as a Cleveland Landmark.

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

**Ord. No. 1820-06.**

By Council Members Kelley, Westbrook, Brancatelli, Britt, Cleveland, Dolan and Turner.

An emergency ordinance to supplement the Codified Ordinances of Cleveland Ohio, 1976 by enacting new Section 443.37; to amend Sections 443.03, 443.06, and 443.26 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1828-77, passed June 8, 1978, Ordinance No. 1913-77, passed June 8, 1978 and Ordinance No. 1066-06, passed June 12, 2006, respectively; and to repeal Section 443.07 as amended by Ordinance No. 1913-77, passed June 8, 1978, relating to taxi cabs.

Approved by Directors of Finance, Law; Passage recommended by Committees on Aviation and Transportation, Legislation, Finance; when amended as follows:

1. In the title, line 3, strike "Section 443.37" and insert "**Sections 443.37 and 443.38**".

2. In Section 1, line 1, strike "hereby"; and in line 2, strike "new Section 443.37" and insert "**new Sections 443.37 and 443.38**".

3. In Section 1, at new Section 443.37, division (a)(4), line 1, strike "a free ride if the meter is not in a recording position;" and insert "**a free ride if the taximeter is not in a recording position, unless the taxicab is being hired at the request of the passenger on an hourly rate basis;**"

4. In Section 1, at new Section 443.37, strike division (a)(6)(vi) in its entirety.

5. In Section 1, at new Section 443.37, in division (a)(7)(ii), line 1, strike "routes" and insert "**routes**".

6. In Section 1, after new Section 443.37, insert the following new Section 443.38 to read as follows:

**"Section 443.38 Fines for Violating Rules and Regulations**

**(a) The Commissioner of Assessments and Licenses shall assess fines to taxicab drivers and taxicab companies for violations of the Rules and Regulations governing their conduct as published in the City Record.**

**(b) The authority to assess fines under this section does not limit or affect any criminal offense, or the authority of the Commissioner to suspend or revoke a license under Section 443.36, or any other means of enforcement of this chapter provided for in these Codified Ordinances."**

7. In Section 2, at amended Section 443.06, division (a), lines 5 to 7, strike "with the following limits:

\$300,000 per vehicle, \$100,000 per person, \$300,000 per accident, \$100,000 for property, and \$50,000 for uninsured or underinsured." and insert the following: "**with the following limits: 100,000 per person, \$300,000 per vehicle, and \$100,000 for property damage, or a combined single limit policy of \$300,000.**"

8. In Section 2, at amended Section 443.06, after division (b), insert new division (c) to read as follows:

**"(c) A self-insured retention plan that is equivalent or better, in the judgment of the Commissioner of Assessments and Licenses, than the insurance described in this section may be accepted by the Commissioner in lieu of a policy or certificate of insurance."**

9. In Section 2, at amended Section 443.26(a), line 1, after "taxicabs" insert "**including sales tax**"; in line 3, strike "one-sixth" and insert "**one-eighth**"; and in line 9, strike "one dollar (\$1.00) per person for each passenger over four (4) passengers." and insert "**an additional one dollar (\$1.00) per person for each passenger over twelve years of age.**"

10. On the third page, strike Sections 2 and 3 in their entirety and insert the following:

**"Section 3. That existing Sections 443.03, 443.06, 443.07 and 443.26 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1828-77, passed June 8, 1978, Ordinance No. 1913-77, passed June 8, 1978 and Ordinance No. 1066-06, passed June 12, 2006, are repealed.**

**Section 4. That the Rules and Regulations contained in legislative File No. 1820-06-A are established to govern the conduct of taxicab drivers and taxicab companies, and shall be published in full in the City Record along with the publication of the enacted version of this ordinance. The Rules and Regulations shall take effect 10 days after the date of their publication.**

**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 on 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."**

Amendments agreed to.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

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

**Ord. No. 1843-06.**

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

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

making of the improvement.

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

1. In the title, line 4, and in Section 1, line 2, insert after "lining" "**and replacement, where deemed appropriate,**".

Amendment agreed to.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

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

**Ord. No. 1845-06.**

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

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide air service consulting and advising services, for a period of three years with two options to renew for additional one-year periods.

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

1. In the title, line 5, strike lines 5 and 6 in their entirety and insert "**services,**".

2. In Section 1, strike "three years with two" and insert "**two years with three**".

3. In Section 1, at the end, strike the period and insert "**, except that no options shall be exercised unless first approved by additional legislative authority of this Council.**".

Amendments agreed to.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

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

**Ord. No. 1846-06.**

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

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide business management consulting services, for a period of three years with two options to renew for additional one-year periods.

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

1. In the title, strike lines 4, 5, and 6 in their entirety and insert "**obtain business relations consulting services,**".

2. In Section 1, lines 4, 5, 6, 7, 8 and 9 in their entirety and insert "**of the City of Cleveland in order to provide professional services necessary to obtain business relations consulting services for the Department of Port Control, for a**



**period of two years with three options to renew for additional one-year periods, exercisable by the director of Port Control, except that no options shall be exercised unless first approved by additional legislative authority of this Council."**

Amendments agreed to.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

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

**Ord. No. 1853-06.**

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

An emergency ordinance to amend Section 2 of Ordinance 2380-02, passed December 16, 2002, as amended by Ordinance No. 468-04, passed April 26, 2004, relating to planning studies for the Department of Port Control.

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

**Ord. No. 1854-06.**

By Council Members Brady and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Public Service to apply for and accept a grant from the Ohio Department of Natural Resources for the 2007 Community Development Grant (Recycle Ohio) Program; authorizing the Director to enter into one or more contracts with various agencies to implement the program; and authorizing one or more contracts for the purchase of materials, equipment, supplies, and services for the program.

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

1. In the title, line 5, and in Section 1, line 3, strike "(Recycle Ohio)".

Amendments agreed to.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

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

**Ord. No. 1855-06.**

By Council Members Cleveland, Brady and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Public Service to enter into an amendment to Contract No. 64009 with Arcadis G & M of Ohio, Inc., formerly known as Arcadis FPS, Inc. to proceed with final engineering services and Stage 3 services for the Besse-

mer Avenue Extension Phase II project.

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

1. In Section 2, line 6, strike "(RL 157071)" and insert "(**RL 175071**)".

Amendments agreed to.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

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

**Ord. No. 1856-06.**

By Council Members Cleveland, Brady, Cimperman and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Public Service to issue a permit to Friendship Baptist Church to encroach into the public right-of-way of Central Avenue with 3 banners to be attached to Cleveland Public Power utility poles (by separate permission).

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

**Ord. No. 1857-06.**

By Council Members Brady and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Public Service to issue a permit to Zaremba Avenue LLC to encroach into the public right-of-way of St Clair Avenue, East 12th Street and Hamilton Avenue by installing, using, and maintaining the building foundation system for a parking garage and residential building and maintaining trench sheeting for the structures.

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

**Ord. No. 1858-06.**

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials to clean and maintain scale pits at the Ridge Road Scale House and Ridge Road Transfer Station, for the Division of Waste Collection and Disposal, Department of Public Service.

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

**Ord. No. 1859-06.**

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

An emergency ordinance authorizing the purchase by one or more requirement contracts for processing of recyclables, for the Division of Waste Collection and Disposal, Department of Public Service.

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

**Ord. No. 1860-06.**

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

An emergency ordinance giving consent of the City of Cleveland to the Director of Transportation of the State of Ohio to install a climbing system on the East 34th Street Bridge over Norfolk Southern Railroad in the city of Cleveland; authorizing the Director of Public Service to enter into any relative agreements.

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

**Ord. No. 1861-06.**

By Council Member Polensek.

An emergency ordinance changing the name of East 156th Place between Saranac Road and Holmes Avenue to "Father John Kumse Way."

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

1. In the title, line 2, strike "Changing the name of" and insert "**Designating**", in line 3, strike "to" and insert "**as**" and at the end strike the period and insert "**as a secondary street name and honorary designation**".

2. Strike Section 1 in its entirety and insert:

**"Section 1. That East 156th Place between Saranac Road and Holmes Avenue is designated as "Father John Kumse Way" as a secondary street name and honorary designation."**

Amendments agreed to.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

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

**Ord. No. 1871-06.**

By Council Members Britt, Conwell, Cleveland and Sweeney (by departmental request).

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Sections 135.57, 135.58, 135.59, 135.60, 135.61, 135.62, and 135.63, relating to transferring the Division of Correction from the Department of Public Health to the Department of Public Safety; to amend Sections 135.01 and 141.02, as amended by various ordinances; and to repeal Sections 141.06, 141.07, 141.071, 141.072, 141.08, 141.081, and 141.09, as amended by various ordinances relating to the Division of Correction.

Approved by Directors of Public Health, Public Safety, Finance, Law; Passage recommended by Committees on Health and Human Services, Public Safety, Legislation, Finance; when amended as follows:

1. In the title, line 3, after "Sections" insert "**135.180**"; in line 5, strike "and 135.63" and add ", **135.63, 135.64, 135.65, 135.66, 135.67, 135.68, 135.69, and 135.70**"; in line 8, strike "and 141.02" and insert ", **135.061, 135.17, 135.18, 135.43, 141.02, and 141.05**"; and in line 11, strike "and 141.09" and insert ", **141.09, 141.091, 141.27, and 141.28**".

2. In Section 1, line 5, after "Sections" insert "**135.180**"; and also in line 5, strike "and 135.63" and add ", **135.63, 135.64, 135.65, 135.66, 135.67, 135.68, 135.69, and 135.70**".

3. In Section 1, after line 6, and before amended Section 135.57, insert the following new section:

**"Section 135.180 Expenditure of Donated Funds for the Division of Dog Pound**

**Expenditures from accounts shall be made on vouchers signed by the Director of Public Safety, or his designee, when the amount is less than ten thousand dollars (\$10,000); otherwise such expenditure shall first be authorized by ordinance of Council in the manner provided in Charter Section 108. No part of any funds credited to the accounts shall be paid to or for the benefit of any officer of employee, either as additional compensation or as reimbursement for expenses incurred, or paid for purposes other than those directly benefiting the Division of Dog Pound or in any manner other than that applicable to the expenditure of other public funds, unless the payment is specifically provided for in the terms of the gift or authorized by resolution or ordinance of Council."**

4. In Section 1, at new Section 135.58(a), line 1, strike "A person" and insert "**In accordance with Chapter 2929 of the Revised Code, a person**"; strike lines 5, 6, 7, 8, and 9 in their entirety and insert "**food, clothing, medical care, shelter, home detention, a one-time reception fee for the costs of processing, and the fee for a random drug test as assessed under Section 753.33 of the Revised Code.**"; in line 10, strike "No person" and insert "**However, no person**"; and strike division (b) in its entirety and insert:

**"(b) The Commissioner of the Division of Correction, or his designee, shall serve as the Reimbursement Coordinator and shall promulgate Rules of Procedure necessary for the administration of this policy."**

5. In Section 1, strike Section 135.63 in its entirety and insert the following new Sections:

**"Section 135.63 Uniform Maintenance Allowances for the Division of Correction**

**The Director of Public Safety is authorized to cause payment for a uniform allowance and uniform maintenance allowance to employees in the non-bargaining classifications of Project Coordinator and Correctional supervisor who are required to wear uniforms, in the same amount as the amount established by collective bargaining agreement for Guard, House of Correction Guard, and Institutional Guard.**

**Section 135.64 Treatment of Indigent Alcoholics, Drug Addicts**

**The Director of Public Safety shall have the authority to accept at the House of Correction without a commitment from a court, any indigent resident of Cleveland who is in need of treatment for the cure of the drug or intoxicating liquor habit, when the other resources of the City are inadequate or unavailable. For the purpose of the treatment, the Director may permit any indigent prisoner, resident of Cleveland, who so requests, to remain after the expiration of his or her sentence. Every application for admission or for permission to remain after expiration of sentence, for the purpose of treatment, shall be on a form to be approved by the Director, and shall contain an affidavit by the applicant that he or she is a resident of Cleveland and is indigent. No application shall be granted until the need for treatment has been ascertained and certified to by the examining doctor who shall be in the employ of the City. The certificate shall be filed with the original application in the Department of Public Safety. Any permit to receive treatment for the drug or intoxicating liquor habit at the House of Correction may be revoked at any time by the Director when, in the Director's opinion, the needs of the individual or the public are best served by so doing.**

**Section 135.65 Correctional Officer Training**

**The Director of Public Safety is authorized to enter into agreements with educational institutions to provide training for corrections officers employed by the Division of Corrections that meet the requirements of the Ohio Peace Officer Training Academy for the officers.**

**Section 135.66 Purchase of Clothing, Bedding, and Shoes for Inmates**

**(a) The Director of Public Safety is authorized to enter into standard purchase or requirement contracts duly let to the lowest and best bidders after competitive bidding, for the purchase of clothing, bedding, and shoes for inmates, for terms of one year as determined by the Director of Public Safety to be necessary to the operation of the Division of Correction. Any purchases made under this section shall be made by the Commissioner of Purchases and Supplies and paid from the annual appropriations made for this purpose.**

**(b) As to requirement contracts, alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Safety is authorized to enter into one or more contracts for a term of two years instead of one year when there is a financial advantage to the City. For purposes of this section, a financial advantage shall be determined by the Director of Public Safety by comparing the bids received for both terms.**

**Section 135.67 Purchase of Prescription and Non-prescription Drugs for Inmates**

(a) The Director of Public Safety is authorized to enter into standard purchase or requirement contracts duly let to the lowest and best bidders after competitive bidding, for the purchase of prescription and non-prescription drugs for inmates, for terms of one year as determined by the Director of Public Safety to be necessary to the operation of the Division of Correction. Any purchases made under this section shall be made by the Commissioner of Purchases and Supplies and paid from the annual appropriations made for this purpose.

(b) As to requirement contracts, alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Safety is authorized to enter into one or more contracts for a term of two years instead of one year when there is a financial advantage to the City. For purposes of this section, a financial advantage shall be determined by the Director of Public Safety by comparing the bids received for both terms.

**Section 135.68 Acceptance of Gifts and Services for the Division of Correction**

The Director of Public Safety is authorized to accept with the grateful appreciation of the City the funds, other personal properties, and services, unconditionally given or limited by conditions as the donor may impose, or unlimited as to specific use, as may from time to time be donated for the use and benefit of the Division of Correction.

**Section 135.69 Establishment of Special Accounts for the Division of Correction**

All money accepted under Section 135.68 shall be placed to the credit of the Division of Correction in a special revenue fund. The moneys deposited in the special revenue fund shall be expended for the benefit of the Division of Correction at the discretion of the Director of Public Safety, or in the manner and for the specific purpose named in the gift.

**Section 135.70 Expenditure of Donated Funds for the Division of Correction**

Expenditures from accounts shall be made on vouchers signed by the Director of Public Safety, or his designee, when the amount is less than ten thousand dollars (\$10,000); otherwise the expenditure shall first be authorized by ordinance of Council in the manner provided in Charter Section 108. No part of any funds so credited to the accounts shall be paid to or for the benefit of any officer of employee, either as additional compensation or as reimbursement for expenses incurred, or paid for purposes other than those directly benefiting the division or in any manner other than that applicable to the expenditure of other public funds, unless the payment is specifically provided for in the terms of the gift or authorized by resolution or ordinance of Council."

6. In Section 2, at the legislative history for Section 141.081, line 2, strike "and"; then after the legislative history for Section 141.09, add the following:

"Section 141.091, as amended by Ordinance No. 1564-99, passed November 22, 1999;  
Section 141.27, as amended by Ordinance No. 2277-85, passed November 25, 1985; and  
Section 141.28, as amended by Ordinance No. 2206-00, passed December 18, 2000,".

7. In Section 3, strike lines 3, 4, 5, and 6 in their entirety and insert: "Safety are amended, and for such purposes, the following Sections:

Section 135.01, as amended by Ordinance No. 919-A-42, passed August 31, 1942,  
Section 135.061, as amended by Ordinance No. 2035-87, passed January 25, 1988,  
Sections 135.17 and 135.18, as amended by Ordinance No. 3052-83, passed March 26, 1984;  
Section 135.43, as amended by Ordinance No. 1832-83, passed January 9, 1984,  
Section 141.02, as amended by Ordinance No. 1615-72, passed November 13, 1972, and  
Section 141.05, as amended by Ordinance No. 924-82, passed November 22, 1982  
are amended to read as follows:".

8. In Section 3, after amended Section 135.01, insert the following sections:

**"Section 135.061 Uniform Allowances**

The Director is authorized to issue purchase requisitions to the Commissioner of Purchases and Supplies, against any requirements or other contract for uniforms, for the following employees whose maximum allowance is set out below:

	<u>Initial Allowance</u>	<u>Annual Replacement Allowance</u>
(a) Police; Patrol	\$350	\$250
(b) Police; Supervisory		200
(c) Firefighters	200	250
(d) Emergency Medical Technicians	225	200
(e) Police Radio Dispatchers	200	350
(f) Police Radio Technicians	225	275
(g) Police Tow Truck Operators	225	225
(h) Police Traffic Controllers	150	150
(i) Dog Wardens	225	225
(j) Bilingual Communication Specialist	350	
(k) Safety Telephone Operators	350	
(l) Guards/Matrons	275	250
(m) Division of Correction Guard	275	250
(n) Institutional Guard	275	250

**Section 135.17 Acceptance of Gifts and Services for the Division of Dog Pound**

The Director of Public Safety is authorized to accept, with the grateful appreciation of the City, the funds, other personal properties, and services, unconditionally given or limited by conditions as the donor may impose, or unlimited as to specific use, as may from time to time be donated for the use and benefit of the Division of Dog Pound.

**Section 135.18 Special Revenue Fund Established for the Division of Dog Pound**

All moneys accepted under Section 135.17 shall be placed to the credit of the Division of Dog Pound in a special revenue fund. The moneys deposited in the special revenue fund shall be expended for the benefit of the Division of Dog Pound at the discretion of the Director of Public Safety, or in the manner and for the specific purpose named in the gift.

**Section 135.43 Employment of Licensed Medical Professionals**

The Director of Public Safety is authorized to contract for professional services of licensed medical professionals as may be necessary for the administration and operation of the Department of Public Safety and the several divisions and activities comprising the Department of Public Safety. All contracts shall require the medical professionals to indemnify the city and provide insurance coverage acceptable to the Director of Public Safety and the Director of Law.”.

9. In Section 3, after amended Section 141.02, insert the following section:

**“Section 141.05 Expenditure of Donated Funds**

Expenditures from accounts shall be made on vouchers signed by the appropriate commissioner and the Director of Public Health when the amount is less than ten thousand dollars (\$10,000); otherwise the expenditure shall first be authorized by ordinance of Council in the manner provided in Charter Section 108. No part of any funds so credited to the accounts shall be paid to or for the benefit of any officer of employee, either as additional compensation or as reimbursement for expenses incurred, or paid for purposes other than those directly benefiting the divisions or in any manner other than that applicable to the expenditure of other public funds, unless the payment is specifically provided for in the terms of the gift or authorized by resolution or ordinance of Council.”.

10. In Section 4, strike lines 3, 4, 5, and 6 in their entirety and insert: “Safety are amended, and for such purposes, the following Sections:

**Section 135.01, as amended by Ordinance No. 919-A-42, passed August 31, 1942,  
Section 135.061, as amended by Ordinance No. 2035-87, passed January 25, 1988,  
Sections 135.17 and 135.18, as amended by Ordinance No. 3052-83, passed March 26, 1984;  
Section 135.43, as amended by Ordinance No. 1832-83, passed January 9, 1984,  
Section 141.02, as amended by Ordinance No. 1615-72, passed November 13, 1972, and  
Section 141.05, as amended by Ordinance No. 924-82, passed November 22, 1982  
are repealed.”.**

11. Insert new Sections 6 and 7 to read as follows:

**“Section 6. That the sum of \$2,343,160 is transferred as follows:**

**GENERAL FUND  
GENERAL GOVERNMENT**

	Transfer To	Transfer From
<b>DEPARTMENT OF PUBLIC SAFETY</b>		
<b>Division of Correction</b>		
I Personnel and Related Expenses	\$ 1,463,308	\$
II Other Expenses	\$ 879,852	\$ -
<b>TOTAL DEPARTMENT OF PUBLIC SAFETY</b>	<b>\$ 2,343,160</b>	
<b>DEPARTMENT OF PUBLIC HEALTH</b>		
<b>Division of Correction</b>		
I Personnel and Related Expenses		\$ 1,463,308
II Other Expenses	\$ -	\$ 879,852
<b>TOTAL DEPARTMENT OF PUBLIC HEALTH</b>	<b>\$</b>	<b>\$ 2,343,160</b>
<b>TOTAL GENERAL FUND</b>	<b>\$ 2,343,160</b>	<b>\$ 2,343,160</b>

**Section 7. That these provisions shall be effective on January 1, 2007.”.**

Amendments agreed to.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0. In compliance with Section 33 of the Charter, a copy of the legislation was furnished to each member of Council before final passage.

**Ord. No. 1878-06.**

By Council Members Conwell and Sweeney (by departmental request). An emergency ordinance authorizing the Director of Public Safety to enter into an agreement with Case Western Reserve University to accept police services by Case Western Reserve University within such areas as may be agreed to within the City.

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

**Ord. No. 1879-06.**

By Council Members Conwell and Sweeney (by departmental request).

An emergency ordinance to amend Section 135.091 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 436-95, passed March 13, 1995, relating to the expense fund for the Chief of Police.

Approved by Directors of Public Safety, Finance, Law; Relieved of Committees on Public Safety, Legislation; Passage recommended by Committee on Finance; when amended as follows:

1. Insert new Sections 3 and 4 to read as follows:

**"Section 3. That the Chief of Police, in coordination with the Director of Finance, shall cause these funds to be available whenever needed for use by the Division of Police.**

**Section 4. That the Director of Public Safety shall report to this Council quarterly on the amount of money spent from this fund, and shall report annually on the value of property seized by narcotics officers of the Division of Police."**

2. Renumber existing Section 3 as new "Section 5".

Amendments agreed to.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

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

**Ord. No. 1880-06.**

By Council Members Johnson and Sweeney (by departmental request).

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

Approved by Directors of Parks, Recreation and Properties, Finance, Law; Passage recommended by Committees on Public Parks, Property and Recreation, Finance.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

**Ord. No. 1881-06.**

By Council Members Brancatelli, Pierce Scott, Cimperman and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Community Development to apply for and accept

a grant from the United States Environmental Protection Agency to implement the lower Woolen Mills Project; and authorizing the Director to employ one or more professional consultants to perform an environmental cleanup of the property located at Morgana Avenue aka 6118 Broadway Avenue; and authorizing the director to enter into one or more contracts with URS Corporation for professional services necessary to perform technical assistance necessary to implement the project.

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

**Ord. No. 1882-06.**

By Council Members Cimperman, Pierce Scott and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into a development agreement with J. Christopher Enterprises, Inc., or its designee, for the redevelopment of 2065 Scranton Road into residential condominium units, green space, and parking.

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

**Ord. No. 1883-06.**

By Council Members Cimperman, Pierce Scott and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into a development agreement with Howells and Howells Enterprises, LLC, or its designee, for the redevelopment of the Park Building, located at 140 Public Square and 2000 Ontario Street.

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

**Ord. No. 1887-06.**

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located on New Grayton Road and known as New Lot 3A, to Jonathan W. Ullrich.

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

**Ord. No. 1888-06.**

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 60th Street to William Ladd and Naomi R. Franklin Ladd.

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

**Ord. No. 1889-06.**

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 60th Street to Eric Payne.

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

**Ord. No. 1890-06.**

By Council Member Lewis.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 66th Street to Viola M. Super and Lucius C. Oldham, Jr.

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

**Ord. No. 1891-06.**

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

An emergency ordinance authorizing the Director of Personnel and Human Resources to employ one or more professional consultants to conduct a feasibility study for the purposes of exploring whether the City of Cleveland should become self-insured for workers compensation purposes.

Approved by Directors of Personnel and Human Resources, Finance, Law; Passage recommended by Committees on Employment, Affirmative Action and Training, Finance.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

**Ord. No. 1893-06.**

By Council Members Britt, Pierce Scott and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Aging to apply for and accept a grant from the

Western Reserve Area Agency on Aging for the Family Caregiver Support Program; and authorizing the Director of Community Development to enter into contracts necessary to implement the program.

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

**Ord. No. 1904-06.**

Council Member Cimperman.

An emergency ordinance to add the name Cleveland Street as a secondary name to West 11th Street between Rowley Avenue and Buhner Avenue.

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

**Ord. No. 1961-06.**

By Council Members Johnson and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into an agreement with Ticketmaster for ticket equipment and services, for the Division of Convention Center and Stadium, for a period of three years, with one option to renew for an additional two-year period.

Approved by Directors of Parks, Recreation and Properties, Finance, Law; Passage recommended by Committees on Public Parks, Property and Recreation, Finance.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

**Ord. No. 1962-06.**

By Council Members Johnson and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into an agreement with Cuyahoga County Board of Health to partially finance and effectuate the County improvement to a Mill Creek tributary that runs through Highland Park Golf Course.

Approved by Directors of Parks, Recreation and Properties, Finance, Law; Passage recommended by Committees on Public Parks, Property and Recreation, Finance.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

**Ord. No. 1965-06.**

By Council Members Turner, Santiago, Polensek, Cleveland, Brady, Cimperman, Pierce Scott, Coats, Kelley, Cummins, Sweeney, Britt, Dolan and Zone.

An emergency ordinance to amend Section 623.08 of the Codified Ordinances of Cleveland, Ohio, 1976, passed June 30, 2006 relating to sentences for vandalism of vacant buildings and structures.

Approved by Directors of Building and Housing, Finance, Law; Passage recommended by Committees on Community and Economic Development, Legislation, Finance; when amended as follows:

1. In the title, line 3; in Section 1, line 2; and in Section 2, line 2, after "1976" strike "passed June 30, 2006" and insert "**as amended by Ordinance No. 1046-75, passed June 30, 1975**".

2. In Section 1, at amended Section 623.08(d), line 2, after "guilty of" insert "**vandalism of vacant buildings and structures, a**".

Amendments agreed to.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

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

**Ord. No. 2007-06.**

By Council Members Britt, Lewis, Pierce Scott and Sweeney (by departmental request).

An emergency ordinance to amend Section 5 of Ordinance No. 257-97, passed April 14, 1997, as amended by various ordinances, relating to expending Economic Development Initiative Grant and Section 108 Funds for the operation of the Empowerment Zone Business Opportunity Program and to enter into contracts under this program.

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

**Ord. No. 2009-06.**

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

An emergency ordinance authorizing the Director of Public Health to lease property at 19200 Cranwood Parkway in Warrensville Heights, Ohio, from M.B.D. Realty, LLC. for a term not to exceed six months, for the public purpose of occupying space to store and maintain vehicles for the Cleveland House of Corrections.

Approved by Directors of Public Health, Finance, Law; Passage recommended by Committees on Health and Human Services, Finance; when amended as follows:

1. In the title, line 2, and in Section 1, line 3, strike "Health" and insert "**Safety**".

Amendment agreed to.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

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

**Ord. No. 2010-06.**

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

An emergency ordinance authorizing the Director of Public Health to

lease space at property located at 9111 and 9119 Miles Avenue from Dominic Festa, or his designee, for a one-year period, with one option to renew for an additional year, for the public purpose of vehicle-storage parking for the Division of Air Quality, Department of Public Health, for a period of one year with one option to renew for an additional one-year period.

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

1. In the title, line 7; and in the first whereas clause, line 2, strike "vehicle-storage parking" and insert "**vehicle parking and storage**".

2. In Section 1, line 5, and in Section 4, line 3, after "store" insert "**or park**".

3. In Section 2, line 1, strike "s7hall" and insert "**shall**".

Amendments agreed to.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

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

**Ord. No. 2011-06.**

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to maintain and repair elevators at various city health centers, for the Division of Health, Department of Public Health, for a period not to exceed two years.

Approved by Directors of Public Health, Finance, Law; Passage recommended by Committees on Health and Human Services, Finance; when amended as follows:

1. In the title, lines 6 and 7 strike " , for a period not to exceed two years".

2. In Section 1, line 3, strike "not to exceed two years" and insert "**of one or two years**"; and at the end, add "**The Director of Public Health is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Health by comparing the bids received for both terms.**".

Amendments agreed to.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

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

**Ord. No. 2012-06.**

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of salting and snowplowing parking lots, walkways, and sidewalks at City health centers and the Public Health Ad-

ministration Building, for the Division of Health, Department of Public Health, for a period not to exceed two years.

Approved by Directors of Public Health, Finance, Law; Passage recommended by Committees on Health and Human Services, Finance; when amended as follows:

1. In the title, lines 6 and 7 strike ", for a period not to exceed two years".

2. In Section 1, line 3, strike "of two years" and insert "of one or two years"; and at the end, add "**The Director of Public Health is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Health by comparing the bids received for both terms.**".

Amendments agreed to.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

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

**Ord. No. 2051-06.**

By Council Members Pierce Scott and Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to extend the Citywide VOIP communication system, including but not limited to equipment, cables, cabling, installation, and training, necessary to relocate the Downtown One Stop Career Center to 1020 Bolivar, for the Department of Economic Development.

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

1. In the title, line 4, strike "extent" and insert "link"; and strike lines 7 and 8 in their entirety and insert "**training, to the relocated Downtown One Stop Career Center at 1020 Bolivar, for the**".

2. In Section 1, line 3, strike "one year" and insert "one-year"; strike line 4 in its entirety and insert "**items of labor and materials necessary to link the Citywide VOIP**"; in line 6, strike "necessary to relocate the" and insert "**to the relocated**"; and in line 7, strike "to 1020 Bolivar" and insert "**at 1020 Bolivar**".

Amendments agreed to.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

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

**Ord. No. 2052-06.**

By Council Members Pierce Scott and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to apply for and accept a

grant from LNE & Associates, LLC for the PROES - Building HOPE Program.

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

**Ord. No. 2053-06.**

By Council Member Cimperman. An emergency ordinance authorizing the Director of Community Development to enter into a development agreement with The K & D Group or its designee, for the redevelopment of 2019 Center Street into residential units, office space, retail space, parking and streetscape.

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

1. In the title, lines 5 and 6, and in Section 1, line 4, strike "redevelopment of 2019 Center Street" and insert "**development of**".

2. In the title, at the end, and in Section 1 at the end, strike both periods and insert "**on the west bank of the Cuyahoga River in the Flats located near the Superior Avenue Viaduct.**".

Amendments agreed to.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

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

**SECOND READING  
ORDINANCES PASSED**

**Ord. No. 1549-06.**

By Council Member Coats. An ordinance changing the Use Districts of parcels bounded by Deise Avenue, Maxwell Avenue, Aspinwall Avenue, E. 140th Street and including portions of Cobalt Avenue and Saranac Road as shown on the attached map from Semi-Industry and General Industry to Residence Industry (Map Change Number 2192, Sheet 7).

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

**Ord. No. 1765-06.**

By Council Member Polensek. An ordinance to change the zoning of property on the south side of Shawnee Avenue near the intersection of Neff Road and East 185th Street to a Two Family Residential District (Map Change No. 2197, Sheet No. 7).

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read

third time in full. Passed. Yeas 21. Nays 0.

**Ord. No. 1885-06.**

By Council Member Zone.

An ordinance to change the Use District of land located on the northwest corner of West 65th Street and Storer Avenue, south of Clark Avenue from General Retail Business to a Shopping Center District (Map Change Number 2195, Sheet 2).

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

**Ord. No. 1895-06.**

By Council Members Britt, Pierce Scott and Conwell.

An ordinance establishing the University Circle Design District (UCDD) (Map Change No. 2198, Sheet Numbers 4, 8 & 9).

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

**Ord. No. 1896-06.**

By Council Member Cleveland.

An ordinance to change the Use, Area and Height District of a parcel of land on the south side of Saint Catherine Avenue near East 93rd Street shown shaded on the attached map from Two Family Residential, a 'B' Area District and a '1' Height District to a General Retail Business District, a 'C' Area District and a '2' Height District (Map Change No. 2200, Sheet 6).

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

**Ord. No. 1897-06.**

By Council Member Coats.

An ordinance to change the Use and Area Districts of land on the east side of East 150th Street north of Saint Clair Avenue from a Two Family Residential District, a 'B' Area District to a Multi-Family Residential District and a 'C' Area District (Map Change No. 2201, Sheet 7).

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

**Ord. No. 1898-06.**

By Council Members Cummins and Cimperman.

An ordinance to change zoning of land on vacated Jennings Road north of Beltline Street south of Interstate 71 from a Two Family Residential District a 'B' Area District and a '1' Height District to a Unrestricted Industry District, an 'A'

Area District and a '3' Height District (Map Change No. 2202, Sheet No. 6).

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

**Ord. No. 1973-06**

By Council Member Coats.

An ordinance to change the Use, Area and Height Districts of the rear half of a parcel of land on the north side of Euclid Avenue east of Avalon Road to a Multi-Family Residential District, a 'D' Area District and a '3' Height District (Map Change Number 2205, Sheet 7).

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

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Passed. Yeas 21. Nays 0.

**SECOND READING EMERGENCY RESOLUTIONS ADOPTED**

**Res. No. 1468-06.**

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

An emergency resolution declaring the intent to vacate a portion of West Lakeside Avenue N.W.

Approved by Directors of Public Service, City Planning Commission, Finance, Law; Adoption recommended by Committees on Public Service, City Planning, Finance.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

**Res. No. 1578-06.**

By Council Members Cimperman, Brady and Sweeney (by request).

An emergency resolution declaring the intent to vacate a portion of Stuber Court N.E.

Approved by Directors of Public Service, City Planning Commission, Finance, Law; Adoption recommended by Committees on Public Service, City Planning, Finance.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

**Res. No. 1720-06.**

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

An emergency resolution declaring the intent to vacate a portion of East 66th Place (12 feet wide), extending from the southerly right of way line of Linwood Avenue N.E. (60 feet wide), southerly approximately 250 feet.

Approved by Directors of Public Service, City Planning Commission, Finance, Law; Adoption recommended by Committees on Public Service, City Planning, Finance.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

**Res. No. 1862-06.**

By Council Members Cimperman, Brady and Sweeney (by request).

An emergency resolution declaring the intent to vacate a portion of East 12th Street and a portion of St. Clair Avenue N.E.

Approved by Directors of Public Service, City Planning Commission, Finance, Law; Adoption recommended by Committees on Public Service, City Planning, Finance.

The rules were suspended. Yeas 21. Nays 0. Read second time. Read third time in full. Adopted. Yeas 21. Nays 0.

**MOTION**

The Council Meeting adjourned at 9:15 p.m. to meet Monday, January 8, 2007 at 7:00 p.m. in the Council Chambers.



City Clerk, Clerk of Council

**THE CALENDAR**

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

NONE

**BOARD OF CONTROL**

December 6, 2006

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, December 6, 2006, at 10:30 a.m. with Director Triozzi presiding.

Present: Directors Triozzi, Dumas, Ciaccia, Smith, Wasik, Carroll, Flask, Acting Directors Thompson, Wilbur, Directors Hutchinson, Fumich, Guzman and Rybka.

Absent: Mayor Jackson and Director Reilly.

Others: Jim Hardy, Commissioner, Purchases and Supplies.

Debra Linn Talley, Director, Office of Equal Opportunity.

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

**Resolution No. 551-06.**

By Director Dumas.

Whereas, under the authority of Ordinance No. 1067-01, passed by the Cleveland City Council on July 18, 2001, and Board of Control Resolution No. 134-03, adopted March 12, 2003, as amended by Resolution No. 307-03, adopted May 28, 2003, the City, through the Director of Finance, entered into Contract No. 61386 with ADP, Inc. for a human resources information system, including licensing, implementation, training, and technical support services for one (1) year with four (4) options, exercisable by the Director of Finance, to renew for additional

consecutive one year terms, and for payroll and check processing services, for the various departments of the City of Cleveland; and

Whereas, on December 21, 2004, the City entered into a First Amendment to Contract No. 61386 to adopt a new Scope of Services to be performed by ADP; and

Whereas, Ordinance No. 1547-06, passed by the Cleveland City Council on October 25, 2006, amended Ordinance No. 1067-01, passed July 18, 2001, by increasing the optional renewal terms exercisable under the agreement the Director of Finance was authorized to enter into with a computer software developer or vendor from four to nine; and

Whereas, ADP proposed by its October 1, 2006 letter to decrease its check processing fee and other charges in consideration of the City increasing the number of optional renewal terms available under Contract No. 61386; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 134-03, adopted by this Board March 12, 2003, as amended by Resolution No. 307-03, adopted May 28, 2003, selecting ADP, Inc. as the computer software developer or vendor firm to be employed by contract to provide a human resources information system, including licensing, implementation, training, and technical support services and for payroll and check processing services, for one (1) year with four (4) renewal options, is amended by substituting "nine (9) options" for "four (4) options", where appearing.

Be it further resolved that the Director of Finance is authorized to enter into Second Amendment to Contract No. 61386 with ADP, Inc. to incorporate the increase in optional renewal terms authorized by Ordinance No. 1067-01, passed by the Cleveland City Council July 18, 2001, from four terms to nine terms, and to amend the Agreement by reducing the Payroll Service fee, adding an Internet Connectivity charge, and eliminating certain update and support charges, as set forth in detail in ADP's October 1, 2006 proposal.

Be it further resolved that all other provisions of Resolution No. 134-06, as amended by Resolution No. 307-03, not expressly amended above shall remain unchanged and in full force and effect

Be it further resolved, that the Director of Finance is authorized to execute all documents and to do all things necessary to effect the Second Amendment to Contract No. 61386 approved above.

Yeas: Directors Triozzi, Dumas, Ciaccia, Smith, Wasik, Carroll, Flask, Acting Directors Thompson, Wilbur, Directors Hutchinson, Fumich, Guzman and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Reilly.

**Resolution No. 552-06.**

By Director Ciaccia.

Whereas, under Board of Control Resolution No. 211-06, adopted on May 31, 2006, the City of Cleveland entered into City Contract No. 65770 with Aqua-Tech Environmental Lab-



oratory for an estimated quantity of laboratory services for water quality analysis for the Division of Water, Department of Public Utilities; and

Whereas, by its letter, Alloway informed the City that on October 12, 2006, it purchased the assets of Aqua-Tech Environmental Laboratory; and will honor all quotes, purchases orders, terms and conditions that the City previously agreed upon with Aqua-Tech Environmental Laboratory under City Contract No. 65770; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that this Board acknowledges and consents to the assignment of City Contract No. 65770 from Aqua-Tech Environmental Laboratory to Alloway.

Be it further resolved that the Director of Public Utilities is authorized to execute any Documents necessary to effect and recognize the consent to the assignment of City Contract No. 65770 authorized above. A copy of the consent to assignment and the assignment of Contract No. 65770 shall be filed with the original contract in the custody of the Commissioner of Accounts.

Yeas: Directors Triozzi, Dumas, Ciaccia, Smith, Wasik, Carroll, Flask, Acting Directors Thompson, Wilbur, Directors Hutchinson, Fumich, Guzman and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Reilly.

**Resolution No. 553-06.**

By Director Rush.

Whereas, under the authority of Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program in accordance with the provisions of Chapter 5722 of the Ohio Revised Code; and

Whereas, City has acquired Permanent Parcel No. 118-01-003, located at Hough Avenue under the Land Reutilization Program; and

Whereas, Ordinance No. 1639-06 passed November 20, 2006, authorized the sale of the parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Emmanuel A.M.E. Zion Church has proposed to the City to purchase and develop the parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 1639-06 passed November 20, 2006, by the Cleveland City Council, the Mayor is authorized to execute an official deed for and on behalf of the City of Cleveland with Emmanuel A.M.E. Zion Church for the sale and development of Permanent Parcel No. 118-01-003, as described in the Ordinance in accordance with 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 parcel shall be \$100.00, which amount is hereby determined to be not less than the fair market value of the parcel for uses in accordance with the Land Reutilization Program.

Yeas: Directors Triozzi, Dumas, Ciaccia, Smith, Wasik, Carroll, Flask, Acting Directors Thompson, Wilbur, Directors Hutchinson, Fumich, Guzman and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Reilly.

**Resolution No. 554-06.**

By Director Rush.

Whereas, under the authority of Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program in accordance with the provisions of Chapter 5722 of the Ohio Revised Code; and

Whereas, City has acquired Permanent Parcel No. 133-05-008, located at 3605 East 75th Street under the Land Reutilization Program; and

Whereas, Ordinance No. 1688-06 passed November 20, 2006, authorized the sale of the parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Slavic Village Development Corporation has proposed to the City to purchase and develop the parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 1688-06 passed November 20, 2006, by the Cleveland City Council, the Mayor is authorized to execute an official deed for and on behalf of the City of Cleveland with Slavic Village Development Corporation for the sale and development of Permanent Parcel No. 133-05-008, as described in the Ordinance in accordance with 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 parcel shall be \$100.00, which amount is hereby determined to be not less than the fair market value of the parcel for uses in accordance with the Land Reutilization Program.

Yeas: Directors Triozzi, Dumas, Ciaccia, Smith, Wasik, Carroll, Flask, Acting Directors Thompson, Wilbur, Directors Hutchinson, Fumich, Guzman and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Reilly.

**Resolution No. 555-06.**

By Director Rush.

Whereas, under the authority of Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program in accordance with the provisions of Chapter 5722 of the Ohio Revised Code; and

Whereas, City has acquired Permanent Parcel No. 118-09-001, located at East 79th and Hough under the Land Reutilization Program; and

Whereas, Ordinance No. 1638-06 passed November 20, 2006, authorized the sale of the parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Robert Earl Denson has proposed to the City to purchase and develop the parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No.

1638-06 passed November 20, 2006, by the Cleveland City Council, the Mayor is authorized to execute an official deed for and on behalf of the City of Cleveland with Robert Earl Denson for the sale and development of Permanent Parcel No. 118-09-001, as described in the Ordinance in accordance with 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 parcel shall be \$100.00, which amount is hereby determined to be not less than the fair market value of the parcel for uses in accordance with the Land Reutilization Program.

Yeas: Directors Triozzi, Dumas, Ciaccia, Smith, Wasik, Carroll, Flask, Acting Directors Thompson, Wilbur, Directors Hutchinson, Fumich, Guzman and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Reilly.

**Resolution No. 556-06.**

By Director Rush.

Whereas, under the authority of Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program in accordance with the provisions of Chapter 5722 of the Ohio Revised Code; and

Whereas, City has acquired Permanent Parcel No. 103-23-067, located at East 40th Street under the Land Reutilization Program; and

Whereas, Ordinance No. 1763-06 passed November 20, 2006, authorized the sale of the parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Church of God in Christ has proposed to the City to purchase and develop the parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 1763-06 passed November 20, 2006, by the Cleveland City Council, the Mayor is authorized to execute an official deed for and on behalf of the City of Cleveland with Church of God in Christ for the sale and development of Permanent Parcel No. 103-23-067, as described in the Ordinance in accordance with 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 parcel shall be \$100.00, which amount is hereby determined to be not less than the fair market value of the parcel for uses in accordance with the Land Reutilization Program.

Yeas: Directors Triozzi, Dumas, Ciaccia, Smith, Wasik, Carroll, Flask, Acting Directors Thompson, Wilbur, Directors Hutchinson, Fumich, Guzman and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Reilly.

**Resolution No. 557-06.**

By Director Rush.

Whereas, under the authority of Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a

Land Reutilization Program in accordance with the provisions of Chapter 5722 of the Ohio Revised Code; and

Whereas, City has acquired Permanent Parcel No. 009-02-188, located at West 23rd Street under the Land Reutilization Program; and

Whereas, Ordinance No. 1636-06 passed November 20, 2006, authorized the sale of the parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Valerie D. Frederecks and Bradley D. Frederecks have proposed to the City to purchase and develop the parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 1636-06 passed November 20, 2006, by the Cleveland City Council, the Mayor is authorized to execute an official deed for and on behalf of the City of Cleveland with Valerie D. Frederecks and Bradley D. Frederecks for the sale and development of Permanent Parcel No. 009-02-188, as described in the Ordinance in accordance with 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 parcel shall be \$420.00, which amount is hereby determined to be not less than the fair market value of the parcel for uses in accordance with the Land Reutilization Program.

Yeas: Directors Triozzi, Dumas, Ciaccia, Smith, Wasik, Carroll, Flask, Acting Directors Thompson, Wilbur, Directors Hutchinson, Fumich, Guzman and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Reilly.

#### **Resolution No. 558-06.**

By Director Rush.

Whereas, under the authority of Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program in accordance with the provisions of Chapter 5722 of the Ohio Revised Code; and

Whereas, City has acquired Permanent Parcel No. 110-13-016, located at Arlington Avenue under the Land Reutilization Program; and

Whereas, Ordinance No. 1727-06 passed November 20, 2006, authorized the sale of the parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Karin K. Salman has proposed to the City to purchase and develop the parcel; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 1727-06 passed November 20, 2006, by the Cleveland City Council, the Mayor is authorized to execute an official deed for and on behalf of the City of Cleveland with Karin K. Salman for the sale and development of Permanent Parcel No. 110-13-016, as described in the Ordinance in accordance with 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 parcel shall be \$16,500, which amount is hereby determined to be not less than the fair market value of the parcel for uses in accordance with the Land Reutilization Program.

Yeas: Directors Triozzi, Dumas, Ciaccia, Smith, Wasik, Carroll, Flask, Acting Directors Thompson, Wilbur, Directors Hutchinson, Fumich, Guzman and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Reilly.

JEFFREY B. MARKS,  
Secretary

## **CIVIL SERVICE NOTICES**

### **General Information**

Application blanks and information, regarding minimum entrance qualifications, scope of examination, and suggested reference materials may be obtained at the office of the Civil Service Commission, Room 119, City Hall, East 6th Street, and Lakeside Avenue.

Application blanks must be properly filled out on the official form prescribed by the Civil Service Commission and filed at the office of the commission not later than the final closing date slated in the examination announcement.

**EXAMINATION RESULTS:** Each applicant whether passing or failing will be notified of the results of the examination as soon as the commission has graded the papers. Thereafter, eligible lists will be established which will consist of the names of those candidates who have been successful in all parts of the examination.

**PHYSICAL EXAMINATION:** All candidates for original entrance positions who are successful in other parts of the examinations must submit to a physical examination.

REYNALDO GALINDO,  
President

## **SCHEDULE OF THE BOARD OF ZONING APPEALS**

### **TUESDAY, DECEMBER 26, 2006**

**No appeals will be heard on December 26, 2006.**

**The next scheduled meeting for the Board of Zoning Appeals will be on Tuesday, January 2, 2007.**

Secretary

## **REPORT OF THE BOARD OF ZONING APPEALS**

### **MONDAY, DECEMBER 11, 2006**

At the meeting of the Board of Zoning Appeals on Monday, Decem-

ber 11, 2006, the following appeals were heard by the Board:

The following appeals were **Approved:**

**Calendar No. 06-239:** 13448 Puritas Avenue

The Cuyahoga Metropolitan Housing Authority appealed to erect three duplex housing units in an existing legal nonconforming residential development, situated on acreage in an A1 One-Family District; subject to conditions.

**Calendar No. 06-240:** 12210 Mayfield Road

Grace Corbo appealed to erect a 1,853 square foot addition to a two-story mixed use building in a General Retail Business District.

**Calendar No. 06-244:** 3545 Ridge Road

Chin and Arnold Properties, LLC appealed to install a double faced pole sign identifying a shopping center and three tenants in a Semi-Industry District.

**Calendar No. 06-192:** 3708 Whitman Avenue

Junaid Hasan appealed to change a dwelling and store to a one family dwelling in a Two-Family District.

The following appeals were **Denied:**

**Calendar No. 06-236:** 12912 Hoy Avenue

Crystal Poole appealed to use as a Type A day care an existing one-family dwelling located in an A1 One-Family District.

**Calendar No. 06-237:** 3238 West 48th Street

Maria Ortuzar appealed to park a 10' x 18' commercial truck on a corner parcel located in a B1 Local Retail Business District.

The following appeal was **Withdrawn:**

**Calendar No. 06-235:** 3470 East 93rd Street

St. Catherine Avenue Family Dollar, Ltd. appealed to construct a retail store building in split zoning between General Retail Business and Two-Family Districts.

The following appeal was **Dismissed:**

None.

The following appeals were **Postponed:**

**Calendar No. 06-214:** 2133 Murray Hill Road postponed to January 29, 2007.

**Calendar No. 06-245:** 3881 West 134th Street postponed to January 16, 2007.

In Executive Session on December 11, 2006, the following appeals heard by the Board on December 4, 2006 were adopted and approved.

The following appeals were **Approved:**

**Calendar No. 06-230:** 4835 Broadview Road

Villa Care Realty, owner, and Scott Soeder, d.b.a. Home Team Properties, prospective purchaser, appealed to change from a nursing home to commercial offices the use of a two-story brick building in a Multi-Family District.

**Calendar No. 06-231:** 3420 Paris Avenue

Manuela Rex, owner, appealed to install a 6' tall ornamental fence in the front yard setback of a parcel in a Two-Family District.

**Calendar No. 06-232:** 3141 Fulton Road

Owen Rex appealed to install a 6' tall ornamental fence in the front yard setback of a parcel in Two-Family District.

**Calendar No. 06-233:** 1844 West 25th Street

TEG Properties, Inc., owner, and John Stuchal, prospective tenant, appealed to change a two-story building from a store to a restaurant with 28 seats and a staff of 6 employees in a General Retail Business District.

**Calendar No. 06-234:** 1427 East 45th Street

Urban Housing Ltd., CLV Lofts, LLC and Doug Perkowski appealed to convert a warehouse building to a 20 unit apartment building in a Semi-Industry District.

The following appeal was **Denied:**

**Calendar No. 06-211:** 11805 Forest Avenue

Audrey Render appealed to expand the use of a one family dwelling by adding a Type A day care in a Two-Family District.

Secretary

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

NO MEETING

**PUBLIC NOTICE**

NONE

**NOTICE OF PUBLIC HEARING**

NONE

**CITY OF CLEVELAND BIDS**

**For All Departments**

**Sealed bids will be received at the office of the Commissioner of Purchases and Supplies, Room 128, City Hall, in accordance with the append-**

**ed schedule, and will be opened and read in Room 128, City Hall, immediately thereafter.**

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

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

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

**FRIDAY, DECEMBER 22, 2006**

**Moving Services**, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 1622-06, passed by the Council of the City of Cleveland, October 23, 2006.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, DECEMBER 15, 2006 AT 1:30 P.M., CITY HALL, DIVISION OF PURCHASES & SUPPLIES, ROOM, 128, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

**Purchase of Generator Maintenance and Repair**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 501-06, passed by the Council of the City of Cleveland, July 13, 2006.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, DECEMBER 14, 2006 AT 10:00 A.M., DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

**Purchase of Material, Labor and Installation of Window Guards**, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 1887-05, passed by the Council of the City of Cleveland, December 5, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**,

THURSDAY, DECEMBER 14, 2006 AT 10:00 A.M., SUPPLY UNIT, 2200 WEST 3RD STREET, CLEVELAND, OHIO 44113.

December 6, 2006 and December 13, 2006

**FRIDAY, DECEMBER 29, 2006**

**SANS (Storage Area Network) - (Re-Bid)**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1019-05, passed by the Council of the City of Cleveland, July 13, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, DECEMBER 15, 2006 AT 10:00 A.M., PENTON MEDIA BUILDING, 1300 EAST 9TH STREET, 4TH FLOOR CONFERENCE ROOM, CLEVELAND, OHIO 44114.

**Estimated Quantity of One (1) Fire Aerial Ladder**, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 762-05, passed by the Council of the City of Cleveland, May 9, 2005.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, DECEMBER 21, 2006 AT 1:00 P.M., DIVISION OF MOTOR VEHICLE MAINTENANCE BUILDING #1, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

**Service Fittings**, for the Division of Water, Department of Public Utilities, as authorized by Section 129.25 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, DECEMBER 21, 2006 AT 10:30 A.M., DIVISION OF WATER DISTRIBUTION AND MAINTENANCE PIPE REPAIR CONFERENCE ROOM, 4600 HARVARD AVENUE, NEWBURGH HEIGHTS, OHIO 44105.

December 6, 2006 and December 13, 2006

**FRIDAY, JANUARY 5, 2007**

**South HVAC Upgrade**, for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance No. 359-05, passed by the Council of the City of Cleveland, May 2, 2005.

THERE WILL BE A **REFUNDABLE FEE FOR PLANS/SPECIFICATIONS** IN THE AMOUNT OF FIFTY DOLLARS (\$50.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER PAYABLE TO THE CITY OF CLEVELAND.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, TUESDAY, DECEMBER 19, 2006 AT 10:00 A.M., CLEVELAND HOPKINS INTERNATIONAL AIRPORT ENGINEERING BUILDING 6C-24C, CONFERENCE ROOM, 19501 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.

December 6, 2006 and December 13, 2006

**ADOPTED RESOLUTIONS  
AND ORDINANCES**

**Res. No. 2056-06.**

**By Council Member Cimperman.**

**An emergency resolution withdrawing objection to the transfer of Liquor License of a D5 and D6 Liquor Permit at 2123 East 2nd Street, and repealing Resolution No. 1770-06, objecting to said transfer.**

Whereas, this Council objected to a D5 and D6 Liquor Permit to 2123 East 2nd Street by Resolution No. 1770-06 adopted by the Council on October 23, 2006; and

Whereas, this Council wishes to withdraw its objection to the above transfer of liquor license and consents to said transfer; and

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

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

**Section 1.** That objection to a D5 and D6 Liquor Permit to Richard Giamori, DEBA Tavern on 2nd Street, 2123 East 2nd Street, Cleveland, Ohio 44115, Permanent Number 3163030 be and the same is hereby withdrawn and Resolution No. 1770-06, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

Adopted December 4, 2006.  
Effective December 8, 2006.

**Res. No. 2057-06.**

**By Council Member Cleveland.**

**An emergency resolution objecting to a New C2 Liquor Permit at 3230 East 93rd Street.**

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C2 Liquor Permit at Semaan Marketing, Inc., 3230 East 93rd Street, Cleveland, Ohio 44104, Permanent Number 7974550; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to a New C2 Liquor Permit at Semaan Marketing, Inc., 3230 East 93rd Street, Cleveland, Ohio 44104, Permanent Number 7974550; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted December 4, 2006.  
Effective December 8, 2006.

**Res. No. 2058-06.**

**By Council Member Turner.**

**An emergency resolution objecting to a New C1 Liquor Permit at 4344 Lee Road.**

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Mamas Lee Road Beverage, Inc., 4344 Lee Road, Cleveland, Ohio 44128, Permanent Number 5467713; and

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

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

ordinances of this state or any other state; and

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to a New C1 Liquor Permit at Mamas Lee Road Beverage, Inc., 4344 Lee Road, Cleveland, Ohio 44128, Permanent Number 5467713; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted December 4, 2006.  
Effective December 8, 2006.

**Ord. No. 1461-06.**

**By Council Member Lewis.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 70th Street, Zoeter and Lawnview Avenues to New Mount Zion Baptist Church.**

Whereas, the City of Cleveland adopted and implemented procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

Whereas, the City of Cleveland has elected to adopt and implement

the procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed of by the City of Cleveland through its Department of Community Development under the terms of Chapter 5722 of the Ohio Revised Code and Section 183.021 of Codified Ordinances of the City of Cleveland, 1976; and

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 106-09-074 as more fully described below, to New Mount Zion Baptist Church.

**Section 2.** That the real property to be sold pursuant to Section 1 of this Ordinance is more fully described as follows:

P. P. No. 106-09-074

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being the Easterly 30 feet from front to rear of Sublot No. 30 in Zoeter and Decker's Subdivision of part of Original One Hundred Acre Lot No. 341, as shown by the recorded plat in Volume 5 of Maps, Page 30 of Cuyahoga County Records, and being 30 feet front on the Northerly side of Zoeter Avenue, N.E., and extending back of equal width 164 9/12 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to Zoning Ordinances, if any.

**Section 3.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 106-09-110 as more fully described below to New Mount Zion Baptist Church.

**Section 4.** That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 106-09-110

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublots Nos. 27, 28 and 29 in Zoeter and Decker's Subdivision of a part of Original One Hundred Acre Lot No. 341, as shown by the recorded plat in Volume 5 of Maps, Page 30 of Cuyahoga County Records, and being more particularly described as follows:

Beginning at the intersection of the North line of Zoeter Avenue with the East line of Russell Avenue, now East 70th Street; thence Easterly along the North line of Zoeter Avenue, 96 feet and 9 inches; thence Northerly parallel with the East line of Russell Avenue, now

East 70th Street, 33 feet; thence Westerly parallel with the North line of Zoeter Avenue, 96 feet and 9 inches to the East line of Russell Avenue, now East 70th Street, and thence Southerly along the East line of Russell Avenue, now East 70th Street, 33 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

**Section 5.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 106-13-014 as more fully described below, to New Mount Zion Baptist Church.

**Section 6.** That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 106-13-014

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 57 in Holden and Halle's Allotment of part of Original One Hundred Acre Lot No. 341, as shown by the recorded plat in Volume 7 of Maps, Page 14 of Cuyahoga County Records, and being 40 feet front on the Southerly side of Lawnview N.E. (formerly Astor Avenue) and extending back of equal width 128 feet deep as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

**Section 7.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 106-13-015 as more fully described, to New Mount Zion Baptist Church.

**Section 8.** That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 106-13-015

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 58 in Holden and Halle's Allotment of part of Original One Hundred Acre Lot No. 341 as shown by the recorded plat in Volume 7 of Maps, Page 14 of Cuyahoga County Records and being 40 feet front on the Southerly side of Astor Avenue (now known as Lawnview Avenue N.E.) and extending back of equal width 128 feet deep as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

**Section 9.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 106-13-101 as more fully described below, to New Mount Zion Baptist Church.

**Section 10.** That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 106-13-101

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being the Northerly 74 feet of Sublot No. 62 in Holden and Halle Allotment of part of Original One Hundred Acre Lot No. 341 as shown by the recorded plat in Volume 7 of Maps, Page 14 of Cuyahoga County Records, and being 74 feet front on the Westerly side of East 71st Street, and extending back of equal width 32 feet 10 inches along the Southerly side of Lawnview Avenue, N.E., as appears by said plat, be the same more or less, but subject to all legal highways.

Subject to zoning ordinances, if any.

**Section 11.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 106-13-023 as more fully described below, to New Mount Zion Baptist Church.

**Section 12.** That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 106-13-023

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 31 IN Holden and Halle Allotment of a part of the Rufus Dunham Farms of part of Original One Hundred Acre Lot No. 341 as shown by the recorded plat in Volume 7 of Maps, Page 14 of Cuyahoga County Records, and being 40 feet front on the Northerly side of Linwood Avenue, N.E. and extending back of equal width 128 feet as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to zoning ordinances, if any.

**Section 13.** That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

**Section 14.** That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

**Section 15.** That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

**Section 16.** 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 December 4, 2006.  
Effective December 8, 2006.

**Ord. No. 1733-06.**

**By Council Member Lewis.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 84th Street to Lillian Roberts.**

Whereas, the City of Cleveland has elected to adopt and implement the procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed of by the City of Cleveland through its Department of Community Development under the terms of Chapter 5722 of the Ohio Revised Code and Section 183.021 of Codified Ordinances of the City of Cleveland, 1976; and

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

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

**Section 1.** That pursuant to Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is hereby authorized to sell Permanent Parcel No. 107-09-182, as more fully described below, to Lillian Roberts.

**Section 2.** That the real property to be sold pursuant to this ordinance is more fully described as follows:

P. P. No. 107-09-182

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio; And known as being Sublot No. 39 in A. Poelking's Subdivision of part of Original 100 Acre Lots Nos. 375 and 383, as shown by the recorded plat in Volume 23, Page 11 of Cuyahoga County Records, and being 40 feet front on the Easterly side of East 84th Street, and extending back of equal width 104.55 feet, as appears by said plat, be the same more or less but subject to all legal highways.

**Section 3.** That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

**Section 4.** That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

**Section 5.** That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

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

Passed December 4, 2006.  
Effective December 8, 2006.

**Ord. No. 1761-A-06 (As a substitute for Ord. No. 1761-06).**

**By Council Members Kelley and Sweeney.**

**An ordinance authorizing the Director of Port Control to limit the number of taxi cabs at Cleveland Hopkins International Airport by one of the following options: 1) issue permits for a fee to taxi cab companies to operate outbound services from the airport; or 2) enter into an agreement with a third-party taxi management concessionaire to manage outbound services and issue permits at the airport; or 3) enter into a concession agreement for the operation of an exclusive outbound taxicab concession at the Airport; and authorizing one or more contracts with one or more advertising firms for marketing and promotional services.**

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

**Section 1.** That, notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Port Control ("Director") is authorized to limit the number of taxi cabs at Cleveland Hopkins International Airport ("Airport") by one of the following options: 1) issue permits for a fee to taxi cab companies to operate outbound services from the airport; or 2) enter into an agreement with a third-party taxi management concessionaire to manage outbound services and issue permits at the airport; or 3) enter into a concession agreement for the operation of an exclusive outbound taxicab concession at the Airport.

**Section 2.** The Director is authorized as an option to issue permits for a fee to taxi cab companies to operate outbound services from the

Airport. These permits are required in addition to any requirements in Chapter 443 of the Codified Ordinances of Cleveland, Ohio 1976. The Director is authorized to promulgate rules and regulations governing the issuance of the permits, including the number of permits to be issued. The fee for this permit shall be set by the Board of Control.

**Section 3.** The Director is authorized as an option to enter into an agreement with a third-party taxi management concessionaire to manage outbound services and issue permits at the Airport. The fee for these permits shall be set by the Board of Control. The cost for such services shall be paid for from fund numbers 60-001, 60-0104, 60-0105, and/or 60-0106. The agreement shall be for a period not to exceed five years, with one option to renew for a period up to five years, exercisable by the Director after legislative approval of Council. The agreement shall be prepared by the Director of Law and approved by the Director, and certified by the Director of Finance.

**Section 4.** That the Director is authorized as an option to employ by a concession agreement a taxi company in order to provide services necessary to operate an exclusive outbound taxicab concession at the Airport. The selection of services shall be made by the Board of Control upon the nomination of the Director from a list of qualified providers available for such employment as may be determined after a full and complete canvass by the Director for the purpose of compiling such a list. The compensation to be paid for such services shall be fixed by the Board of Control. The agreement shall be for a period not to exceed five years, with one option to renew for a period up to five years, exercisable by the Director after legislative approval of Council. The agreement shall be prepared by the Director of Law and approved by the Director.

**Section 5.** That the Director is authorized to enter into one or more agreements with one or more advertising firms for marketing and promotional services for, but not limited to, the advertising to be placed on taxi vehicles operating under an Advertising Agreement. The Advertising Agreement shall provide that all revenues from the marketing, promotion, or advertising shall be paid directly to the City.

**Section 6.** That the Director is authorized to establish Airport fare rates for taxi vehicles for the purpose of transporting passengers from the Airport to another location. Any agreements authorized by this ordinance shall comply with the City of Cleveland's MBE/FBE requirements and all relevant Federal laws, rules, and requirements, including DBE requirements.

**Section 7.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed December 4, 2006.  
Effective January 13, 2007.

**Ord. No. 1847-06.**

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

**An emergency ordinance authorizing the Director of Port Control to enter into a Lease Agreement with Circadian Knight Corp. d/b/a Top Gun for the lease of office space at Burke Lakefront Airport for flight training and related services, for the Department of Port Control, for a period of two years, with one option to renew for an additional two-year period.**

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

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

**Section 1.** That the Director of Port Control is authorized to enter into a Lease Agreement ("Lease") with Circadian Knight Corp. d/b/a Top Gun ("Lessee") for use and occupancy of approximately 205 square feet of office space located in Room 162 of the terminal building at Burke Lakefront Airport ("Leased Premises") for flight training and related services. The term of the Lease shall be for a two year period, commencing on the effective date of the Lease, with one option to renew for an additional two year period, exercisable by the Director of Port Control. For use of the Leased Premises, Lessee shall pay the City an annual rate of Two Thousand Five Hundred Sixty-Two Dollars and Fifty Cents (\$2,562.50) which is equal to \$12.50 per square foot. Such rent shall be paid in monthly installments due on the first day of each month during the term of the Lease.

**Section 2.** That the Lease authorized shall be prepared by the Director of Law.

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

Passed December 4, 2006.

Effective December 8, 2006.

**Ord. No. 1848-06.**

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

**An emergency ordinance authorizing the Director of Port Control to enter into a license agreement with Norfolk Southern Railway Company to install, construct, operate, maintain, and remove a sewer line on Norfolk Southern property located at Milepost CD-192.23.**

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

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

**Section 1.** That the Director of Port Control is authorized to enter into a license agreement with Norfolk Southern Railway Company ("Norfolk Southern") whereby Norfolk Southern is granting the City the right to use and occupy Norfolk Southern property for the installation, construction, operation, maintenance, and removal of a sewer line on Norfolk Southern property located at Milepost CD-192.23 in exchange for the payment of a one-time fee of \$16,750.00.

**Section 2.** That the term of the license agreement shall be perpetual.

**Section 3.** That the license agreement shall be prepared by the Director of Law.

**Section 4.** That the Director of Port Control and the Director of Law, and other appropriate City officials, are authorized to execute such other documents and certificates, and take such other action as may be necessary or appropriate to effect the license agreement authorized by this ordinance.

**Section 5.** That the license fee is payable from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, passenger facility charges, and the fund or funds to which are credited the proceeds from the sale of any airport revenue bonds, federal grants, state grants, and local grants issued for this purpose, Request No. 158670.

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

Passed December 4, 2006.

Effective December 8, 2006.

**Ord. No. 1849-06.**

**By Council Members Kelley and Sweeney (by departmental request).**

**An emergency ordinance authorizing the Director of Port Control to enter into one or more agreements with local, state, and federal agencies and non-profit organizations for the use of airport space for promotional use and to accept in-kind services, promotions, or comparable space promoting Cleveland Hopkins International Airport and Burke Lakefront Airport and special events to be held at either or both airports 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 Port Control is authorized to enter into one or more agreements with local, state, and federal agencies and non-profit organizations for the use of airport space to promote and highlight the civic and cultural contributions to the Greater

Cleveland Area by local nonprofit organizations, for a period of two years.

**Section 2.** That the Director of Port Control is authorized to accept in-kind services, promotions, or comparable advertisement space with local, state, and federal agencies and non-profit organizations for the purpose of promoting Cleveland Hopkins International Airport and Burke Lakefront Airport and special airport events to be held at either or both airports. The Board of Control shall determine that the extent of the use of space and the services and promotions offered in exchange are of comparable value.

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

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

Passed December 4, 2006.

Effective December 8, 2006.

**Ord. No. 1852-06.**

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

**An emergency ordinance authorizing the Director of Port Control to lease to the International Women's Air and Space Museum, Inc. certain space at Burke Lakefront Airport, for a term not to exceed seven years.**

Whereas, the City of Cleveland owns certain property known as Burke Lakefront Airport, certain portions of which are not needed for public use for the next seven years; and

Whereas, the International Women's Air and Space Museum, Inc. has proposed to lease certain portions of such property from the City for the purpose of operating an International Women's Air and Space Museum; and

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

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

**Section 1.** That notwithstanding and as an exception to Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Port Control is authorized to lease Rooms 165 and 169, totaling 1,724 square feet of office space at Burke Lakefront Airport, to the International Women's Air and Space Museum, Inc. to operate an International Women's Air and Space Museum in space which has been determined to be not needed for public use for the term of the lease.

**Section 2.** That the term of the lease authorized shall not exceed seven years. International Women's Air and Space Museum shall also

be granted the right to use certain wall and floor space free of charge for exhibits in the terminal at Burke Lakefront Airport provided that this exhibit space may be terminated prior to the expiration of the Lease by the Director of Port Control upon thirty days written notice.

**Section 3.** That the property described in this ordinance shall be leased at the following amounts during the term of the lease:

Years 1 and 2 — \$10.25 per square foot, for an annual total of \$17,671.00;

Years 3 and 4 — \$10.50 per square foot, for an annual total of \$18,102.00;

Years 5 and 6 — \$10.75 per square foot, for an annual total of \$18,533.00; and

Year 7 — \$11.00 per square foot, for an annual total of \$18,964.00.

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

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

**Section 6.** That the Directors of Port Control and Law, and other appropriate City officials, are authorized to execute other documents and certificates, and take other actions as may be necessary or appropriate to effect the lease agreement authorized in 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 December 4, 2006.

Effective December 8, 2006.

**Ord. No. 1877-06.**

**By Council Members Conwell and Sweeney (by departmental request).**

**An emergency ordinance authorizing the Director of Public Safety to enter into one or more contracts without competitive bidding with Medtronic Physio-Control for the purchase of maintenance of LifePak 12 defibrillators and LifePak 500 automatic external defibrillators, for the Division of Emergency Medical Service, Department of Public Safety.**

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

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

**Section 1.** That this Council has determined that the within commodities are non-competitive and cannot be secured from any source other than Medtronic Physio-Control. Therefore the Director of Public Safety is authorized to make

one or more written contracts with Medtronic Physio-Control on the basis of its proposal dated March 17, 2006, for the maintenance of LifePak 12 defibrillators and LifePak 500 automatic external defibrillators for a one-year period, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Emergency Medical Service, Department of Public Safety.

**Section 2.** That the cost of the contract or contracts authorized shall be paid from Fund No. 01-600402-661200, Request No. 163538.

**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 December 4, 2006.

Effective December 8, 2006.

**Ord. No. 1884-06.**

**By Council Members Pierce Scott and Sweeney (by departmental request).**

**An emergency ordinance authorizing the Director of Community Development to enter into one or more contracts with various non-profit agencies for the implementation of homeless assistance activities; and to enter into one or more contracts with Cuyahoga County for the operation of the Cleveland/Cuyahoga County Office of Homeless Services.**

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

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

**Section 1.** That the Director of Community Development is authorized to enter into one or more contracts with various non-profit agencies for the implementation of homeless assistance activities.

**Section 2.** That the Director of Community development is authorized to enter into one or more contracts with Cuyahoga County to operate the Cleveland/Cuyahoga County Office of Homeless Services.

**Section 3.** That the aggregate cost of the contracts authorized shall not exceed \$1,735,010.00 and shall be paid from Fund Nos. 19 SF 601 and 14 SF 032, Request No. 149542.

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

Passed December 4, 2006.

Effective December 8, 2006.

**Ord. No. 1892-06.**

**By Council Members Pierce Scott and Sweeney (by departmental request).**

**An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with The Greater Cleveland Sports Commission to provide financial assistance to organize and administer programs for marketing the City of Cleveland as a venue for sporting events.**

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

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

**Section 1.** That the Director of Economic Development is authorized to enter into a grant agreement with The Greater Cleveland Sports Commission to provide financial assistance to organize and administer programs for marketing the City of Cleveland as a venue for sporting events.

**Section 2.** That the costs of the grant shall not exceed an amount of \$75,000 and shall be paid from Fund No. 17 SF 652, Request No. 103717.

**Section 3.** That the agreement and other appropriate documents needed to complete the transaction authorized by this legislation shall be prepared by the Director of Law.

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

Passed December 4, 2006.

Effective December 8, 2006.

**Ord. No. 1952-06**

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

**An emergency ordinance authorizing the Director of Finance, on behalf of the Cleveland Municipal Court, to enter into one or more contracts with Court Community Service for professional services necessary to place criminal defendants in community service, and for placement in the Cleveland Work Crew Program, both as referred by the Court, each for a period of one year, with a one year option to renew, for the Cleveland Municipal Court.**

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

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

**Section 1.** That the Director of Finance, on behalf of the Cleveland Municipal Court, is authorized to enter into one or more contracts with Court Community Service for professional services necessary to arrange community service for persons the Court refers for a period of one year, commencing January 1, 2007, with one (1) option, exercis-



able by the Director of Finance, to renew for an additional one-year term, and cancelable on thirty days' written notice by the director. The cost of the contract shall not exceed \$221,500, and if the option is exercised, the cost for the optional year shall not exceed \$229,500.

**Section 2.** That the Director of Finance, on behalf of the Cleveland Municipal Court, is authorized to enter into one or more contracts with Court Community Service for professional services necessary to arrange community service for persons the Court refers in the Cleveland Work Crew Program for a period of one year, commencing January 1, 2007, with one (1) option, exercisable by the Director of Finance, to renew for an additional one-year term, and cancelable on thirty days' written notice by the director. The cost of the contract shall not exceed \$128,500.00, and if the option is exercised, the cost for the optional year shall not exceed \$133,500.00.

**Section 3.** The cost of the contracts shall be paid from the fund or funds appropriated for this purpose in budget year 2007, Request No. 149969.

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

Passed December 4, 2006.  
Effective December 8, 2006.

**Ord. No. 2059-06.**

**By Council Member Sweeney.**  
**An emergency ordinance authorizing the Clerk of Council to enter into contract with Iron Mountain National Underground Storage for professional records and information management services.**

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

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

**Section 1.** That the Clerk of Council is hereby authorized to enter into contract with Iron Mountain National Underground Storage for professional records and information management services, including document storage, document inventory and document relocation, on the basis of their proposal dated November 28, 2006.

**Section 2.** That the term of this agreement begins as of October 1, 2006 and expires on September 30, 2007, with the option to renew for four additional one (1) year terms, exercisable by the Clerk of Council. The cost of the initial term of the contract shall not exceed \$54,000 and shall be paid from Fund No. 01 SF 001.

**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 December 4, 2006.  
Effective December 8, 2006.

**COUNCIL COMMITTEE MEETINGS**

**Monday, December 11, 2006**  
**9:00 a.m.**

**City Planning (Zoning) Committee:** Present: Cimperman, Chair; Westbrook, Vice Chair; Dolan, Zone, Reed. *Authorized Absence:* Conwell, Lewis. *Protempore:* Britt.

**9:00 a.m.**

**City Planning Committee, Legislation Committee, Community and Economic Development Committee and Finance Committee:** Present in Planning: Cimperman, Chair; Westbrook, Vice Chair; Dolan, Zone, Reed. *Authorized Absence:* Conwell, Lewis. *Protempore:* Britt.

Present in Legislation: Cleveland, Chair; Dolan, Vice Chair; Cimperman, Reed, Lewis, White, Pierce Scott.

Present in CDED: Pierce Scott, Chair; Brancatelli, Vice Chair; Cimperman, Cummins, Coats, Westbrook, Brady, Zone, Lewis.

Present in Finance: Sweeney, Chair; Cimperman, Vice Chair; Brancatelli, Brady, Conwell, Britt, Pierce Scott, Zone, Westbrook, Coats, White.

**9:00 a.m.**

**Finance Committee:** Present: Sweeney, Chair; Cimperman, Vice Chair; Brancatelli, Brady, Conwell, Britt, Pierce Scott, Zone, Westbrook, Coats, White.

**9:00 a.m.**

**Employment, Affirmative Action and Training Committee and Finance Committee:** Present in Employment: Lewis, Chair; Santiago, Vice Chair; Brancatelli, Coats, Johnson, Conwell, Turner.

Present in Finance: Sweeney, Chair; Cimperman, Vice Chair; Brancatelli, Brady, Conwell, Britt, Pierce Scott, Zone, Westbrook, Coats, White.

**9:00 a.m.**

**Public Utilities Committee, City Planning Committee and Finance Committee:** Present in Utilities: Zone, Chair; Reed, Vice Chair; Cleveland, Polensek, Cummins, Dolan, Kelley, Westbrook, Santiago.

Present in Planning: Cimperman, Chair; Westbrook, Vice Chair; Conwell, Lewis, Dolan, Zone, Reed.

Present in Finance: Sweeney, Chair; Cimperman, Vice Chair; Bran-

catelli, Brady, Conwell, Britt, Pierce Scott, Zone, Westbrook, Coats, White.

**9:00 a.m.**

**Health and Human Services Committee, City Planning Committee and Finance Committee:** Present in Health: Britt, Chair; Cleveland, Vice Chair; Kelley, Santiago, Conwell, Westbrook, Reed.

Present in Planning: Cimperman, Chair; Westbrook, Vice Chair; Conwell, Lewis, Dolan, Zone, Reed.

Present in Finance: Sweeney, Chair; Cimperman, Vice Chair; Brancatelli, Brady, Conwell, Britt, Pierce Scott, Zone, Westbrook, Coats, White.

**9:00 a.m.**

**Public Service Committee, City Planning Committee and Finance Committee:** Present in Service: Brady, Chair; Turner, Vice Chair; Cleveland, Polensek, Cummins, White, Johnson, Reed, Santiago.

Present in Planning: Cimperman, Chair; Westbrook, Vice Chair; Conwell, Lewis, Dolan, Zone, Reed.

Present in Finance: Sweeney, Chair; Cimperman, Vice Chair; Brancatelli, Brady, Conwell, Britt, Pierce Scott, Zone, Westbrook, Coats, White.

**9:00 a.m.**

**Community and Economic Development Committee, City Planning Committee and Finance Committee:** Present in CDED: Pierce Scott, Chair; Brancatelli, Vice Chair; Cimperman, Cummins, Coats, Westbrook, Brady, Zone, Lewis.

Present in Planning: Cimperman, Chair; Westbrook, Vice Chair; Conwell, Lewis, Dolan, Zone, Reed.

Present in Finance: Sweeney, Chair; Cimperman, Vice Chair; Brancatelli, Brady, Conwell, Britt, Pierce Scott, Zone, Westbrook, Coats, White.

**9:00 a.m.**

**Public Parks, Property and Recreation Committee, City Planning Committee and Finance Committee:** Present in Parks: Johnson, Chair; White, Vice Chair; Brancatelli, Turner, Cummins, Kelley, Polensek.

Present in Planning: Cimperman, Chair; Westbrook, Vice Chair; Conwell, Lewis, Dolan, Zone, Reed.

Present in Finance: Sweeney, Chair; Cimperman, Vice Chair; Brancatelli, Brady, Conwell, Britt, Pierce Scott, Zone, Westbrook, Coats, White.

**9:00 a.m.**

**Legislation Committee and Finance Committee:** Present in Legislation: Cleveland, Chair; Dolan, Vice Chair; Cimperman, Reed, Lewis, White, Pierce Scott.

Present in Finance: Sweeney, Chair; Cimperman, Vice Chair; Brancatelli, Brady, Conwell, Britt, Pierce Scott, Zone, Westbrook, Coats, White.

# Index

O—Ordinance; R—Resolution; F—File  
 Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;  
 Bold type in sections indicates amendments

**Aging Department**

Family Caregiver Support Program — grant — Western Reserve Area Agency on Aging —  
 Community Development — contracts — implement the program  
 (O 1893-06) ..... 2332

**Agreements**

Case Western Reserve University — police services — within the City  
 (O 1878-06) ..... 2332  
 Center St., 2019 — redevelopment agreement — The K & D Group  
 (O 2053-06) ..... 2334  
 Cudell Improvement Incorporated — Winterfest Program — Urban Development  
 Action Grant Funds (O 2108-06)..... 2318  
 Mill Creek tributary — County improvement — Cuyahoga County Board of Health  
 (O 1962-06) ..... 2333  
 Norfolk Southern Railway Company — license agreement — sewer line —  
 Milepost CD-192.23 — Port Control (O 1848-06) ..... **2342**  
 Promotions, and public service announcements — exchange of, or acceptance of, services —  
 local, state, and federal agencies and non-profit organizations — Cleveland  
 Hopkins International Airport and Burke Lakefront Airport and special events  
 (O 1849-06) ..... **2342**  
 Taxi cabs — limit the number — Cleveland Hopkins International Airport  
 (O 1761-A-06) ..... **2341**  
 Ticketmaster — ticket equipment and services — Division of Convention Center and Stadium  
 (O 1961-06) ..... 2333

**Banners**

Friendship Baptist Church — public right-of-way — 3 banners (O 1856-06) ..... 2328

**Blight**

E. 105th St., 1570 — declare property — blighted premises — acquire and sell premises —  
 FEDCO Services, LLC (O 1278-06) ..... 2324  
 E. 120th St., 3509 — declare — blighted premises — acquire and sell premises —  
 KidsHealth 2020 (O 1364-06)..... 2324

**Board of Education**

Kosciuszko, Sowinski, Pulaski Aves. — Land Reutilization Program —  
 Cleveland Municipal School District (O 1811-06) ..... 2326  
 Public purpose improvement (real property) — tax exempt — blight study —  
 Compensation Agreement — Tax Increment Financing Agreement —  
 Veterans Administration Urban Redevelopment Tax Increment  
 Equivalent Fund (O 2006-06) ..... 2323

**Board of Control — Community Development Department**

Arlington Avenue (Ward 15) — PPN 110-13-016 — Karin K. Salman per Ord. 1727-06 (BOC Res. 558-06)..... 2337  
 East 40th Street (Ward 5) — PPN 103-23-067 — Church of God in Christ per Ord. 1763-06  
 (BOC Res. 556-06) ..... 2336  
 East 75th Street (Ward 12) — PPN 133-05-008 — Slavic Village Development Corporation per  
 Ord. 1688-06 (BOC Res. 554-06) ..... 2336  
 East 79th Street and Hough Avenue (Ward 7) — PPN 118-09-001 — Robert Earl Denson per Ord.  
 1638-06 (BOC Res. 555-06) ..... 2336  
 Hough Avenue (Ward 7) — PPN 118-01-003 — Emmanuel A.M.E. Zion Church per Ord.  
 1639-06 (BOC Res. 553-06) ..... 2336  
 West 23rd Street (Ward 15) — PPN 009-02-188 — Valerie D. Frederecks and Bradley D.  
 Frederecks per Ord. 1636-06 (BOC Res. 557-06) ..... 2336

**Board of Control — Finance Department**

Human resources information systems — amend BOC Res. 134-03, 307-03 (BOC Res. 551-06) .....	2335
------------------------------------------------------------------------------------------------	------

**Board of Control — Land Reutilization Program**

Arlington Avenue (Ward 15) — PPN 110-13-016 — Karin K. Salman per Ord. 1727-06 (BOC Res. 558-06) .....	2337
East 40th Street (Ward 5) — PPN 103-23-067 — Church of God in Christ per Ord. 1763-06 (BOC Res. 556-06) .....	2336
East 75th Street (Ward 12) — PPN 133-05-008 — Slavic Village Development Corporation per Ord. 1688-06 (BOC Res. 554-06) .....	2336
East 79th Street and Hough Avenue (Ward 7) — PPN 118-09-001 — Robert Earl Denson per Ord. 1638-06 (BOC Res. 555-06) .....	2336
Hough Avenue (Ward 7) — PPN 118-01-003 — Emmanuel A.M.E. Zion Church per Ord. 1639-06 (BOC Res. 553-06) .....	2336
West 23rd Street (Ward 15) — PPN 009-02-188 — Valerie D. Frederecks and Bradley D. Frederecks per Ord. 1636-06 (BOC Res. 557-06) .....	2336

**Board of Control — Land Reutilization Program (Ward 5)**

East 40th Street (Ward 5) — PPN 103-23-067 — Church of God in Christ per Ord. 1763-06 (BOC Res. 556-06) .....	2336
------------------------------------------------------------------------------------------------------------------	------

**Board of Control — Land Reutilization Program (Ward 7)**

East 79th Street and Hough Avenue (Ward 7) — PPN 118-09-001 — Robert Earl Denson per Ord. 1638-06 (BOC Res. 555-06) .....	2336
Hough Avenue (Ward 7) — PPN 118-01-003 — Emmanuel A.M.E. Zion Church per Ord. 1639-06 (BOC Res. 553-06) .....	2336

**Board of Control — Land Reutilization Program (Ward 12)**

East 75th Street (Ward 12) — PPN 133-05-008 — Slavic Village Development Corporation per Ord. 1688-06 (BOC Res. 554-06) .....	2336
----------------------------------------------------------------------------------------------------------------------------------	------

**Board of Control — Land Reutilization Program (Ward 15)**

Arlington Avenue (Ward 15) — PPN 110-13-016 — Karin K. Salman per Ord. 1727-06 (BOC Res. 558-06) .....	2337
West 23rd Street (Ward 15) — PPN 009-02-188 — Valerie D. Frederecks and Bradley D. Frederecks per Ord. 1636-06 (BOC Res. 557-06) .....	2336

**Board of Control — Professional Service Contracts**

Human resources information systems — amend BOC Res. 134-03, 307-03 — Dept. of Finance (BOC Res. 551-06) .....	2335
-------------------------------------------------------------------------------------------------------------------	------

**Board of Control — Public Utilities Department**

Laboratory services for water quality analysis — consent to assignment Contract #65770 per BOC Res. 211-06 — Division of Water (BOC Res. 552-06) .....	2335
-----------------------------------------------------------------------------------------------------------------------------------------------------------	------

**Board of Control — Requirement Contracts**

Laboratory services for water quality analysis — consent to assignment Contract #65770 per BOC Res. 211-06 — Division of Water, Dept. of Public Utilities (BOC Res. 552-06) .....	2335
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------

**Board of Control — Water Division**

Laboratory services for water quality analysis — consent to assignment Contract #65770 per BOC Res. 211-06 — Dept. of Public Utilities (BOC Res. 552-06) .....	2335
-------------------------------------------------------------------------------------------------------------------------------------------------------------------	------

**Board of Zoning Appeals — Report**

Broadview Road, 4835, (Ward 16) – Villa Care Realty, owner and Scott Soeder, d.b.a. Home Team Properties, prospective purchaser — appeal granted and adopted on 12/11/2006 (Cal. 06-230) ..... 2338

East 45th Street, 1427, (Ward 13) – Urban Housing Ltd., CLV Lofts, LLC and Doug Perkowski, owners — appeal granted and adopted on 12/11/2006 (Cal. 06-234) ..... 2338

East 93rd Street, 3470, (Ward 5) – St. Catherine Avenue Family Dollar Ltd., owner and Jay Romer — appeal withdrawn on 12/11/2006 (Cal. 06-235) ..... 2337

Forest Avenue, 11805, (Ward 4) – Audrey Render, owner — appeal denied and adopted on 12/11/2006 (Cal. 06-211) ..... 2338

Fulton Avenue, 3141, (Ward 14) – Owen Rex, owner — appeal granted and adopted on 12/11/2006 (Cal. 06-232) ..... 2338

Hoy Avenue, 12912, (Ward 2) – Crystal Poole, owner — appeal heard on 12/11/2006 (Cal. 06-236) ..... 2337

Mayfield Road, 12210, (Ward 6) – Grace Corbo, owner — appeal heard on 12/11/2006 (Cal. 06-240) ..... 2337

Murray Hill Road, 2133, (Ward 6) – Nella Gallito, owner — appeal postponed to 1/29/07 on 12/11/2006 (Cal. 06-214) ..... 2337

Paris Avenue, 3420, (Ward 14) – Manuela Rex, owner — appeal granted and adopted on 12/11/2006 (Cal. 06-231) ..... 2338

Puritas Avenue, 13448, (Ward 20) – The Cuyahoga Metropolitan Housing Authority, owner - appeal heard on 12/11/2006 (Cal. 06-239) ..... 2337

Ridge Road, 3545, (Ward 16) – Chin and Arnold Properties, LLC, owner — appeal heard on 12/11/2006 (Cal. 06-244) ..... 2337

West 134th Street, 3881, (Ward 20) – Clyde Gazda, owner — appeal postponed to 1/16/07 on 12/11/2006 (Cal. 06-245) ..... 2337

West 25th Street, 1844, (Ward 13) – TEG Enterprises, Inc., owner and John Stuchal, prospective tenant — appeal granted and adopted on 12/11/2006 (Cal. 06-233) ..... 2338

West 48th Street, 3238, (Ward 14) – Maria Ortuzar, owner — appeal heard on 12/11/2006 (Cal. 06-237) ..... 2337

Whitman Avenue, 3708, (Ward 13) – Junaid Hasan, owner appeal heard on 12/11/2006 (Cal. 06-192) ..... 2337

**Bonds**

Bridges and Roadways Improvement Bonds — \$17,935,000 — issuance and sale of bonds (O 2070-06) ..... 2270

Cemeteries Improvement Bonds — \$515,000 — issuance and sale of bonds (O 2075-06) ..... 2305

Final Judgment Bonds — \$2,050,000 — issuance and sale of bonds (O 2074-06) ..... 2298

Parks and Recreation Facilities Improvement Bonds — \$2,825,000 — issuance and sale of bonds (O 2073-06) ..... 2291

Public Facilities Improvement Bonds — \$16,350,000 — issuance and sale of bonds (O 2071-06) ..... 2277

Revitalization Improvement Bonds — \$3,075,000 — issuance and sale of bonds (O 2072-06) ..... 2284

**Bridges**

Northeast Ohio Areawide Coordinating Agency — apply — Bridge projects (various) (O 1629-06) ..... 2325

Cornell Rd. Bridge, Woodland Ave./Kinsman Rd., E. 30th St., & Bellaire Rd. Rehabilitation Phase II Projects — state funding — District One Public Works Integrating Committee (O 1583-06) ..... 2325

East 34th Street Bridge — climbing system — Director of Transportation of the State of Ohio — consent of the City of Cleveland (O 1860-06) ..... 2328

Triskett Rd. — resurfacing — amend Ord. No. 1228-98 (O 1631-06) ..... 2326

**Burke Lakefront Airport**

Circadian Knight Corp. d/b/a Top Gun — Lease Agreement — office space (O 1847-06) ..... 2342

International Women’s Air and Space Museum, Inc. — lease (O 1852-06) ..... 2342

Promotions, and public service announcements — exchange of, or acceptance of, services — agreements — local, state, and federal agencies and non-profit organizations — Cleveland Hopkins International Airport and Burke Lakefront Airport and special events (O 1849-06) ..... 2342

**Case Western Reserve University**

Police services — within the City — agreement (O 1878-06) ..... 2332

**Cemeteries**

Cemeteries Improvement Bonds — \$515,000 — issuance and sale of bonds  
(O 2075-06) ..... 2305

**City Council**

Ardence, Inc. — support and maintenance of software — contract (O 2093-06) ..... 2318  
Iron Mountain National Underground Storage — contract (O 2059-06)..... **2344**

**City of Cleveland Bids**

Fire aerial ladder — Department of Public Service — Division of Motor Vehicle Maintenance —  
per Ord. 762-05 — bid due December 29, 2006 (advertised 12/6/2006 and 12/13/2006) ..... 2338  
Generator maintenance and repair — Department of Public Service — Division of Motor  
Vehicle Maintenance — per Ord. 501-06 — bid due December 22, 2006 (advertised 12/6/2006  
and 12/13/2006)..... 2338  
Moving services — Department of Finance — per Ord. 1622-06 — bid due December 22, 2006  
(advertised 12/6/2006 and 12/13/2006)..... 2338  
SANS (Storage Area Network) (re-bid) — Department of Public Utilities — Division of Water —  
per Ord. 1019-05 — bid due December 29, 2006 (advertised 12/6/2006 and 12/13/2006)..... 2338  
Service fittings — Department of Public Utilities — Division of Water -  
per C.O. Sec. 129.25 — bid due December 29, 2006 (advertised 12/6/2006 and 12/13/2006)..... 2338  
South HVAC upgrade — Department of Port Control — Division of Cleveland Hopkins  
International Airport — per Ord. 359-05 — bid due January 5, 2007 (advertised 12/6/2006  
and 12/13/2006)..... 2338  
Window guards installation — Department of Public Safety — Division of Police — per Ord.  
1887-05 — bid due December 22, 2006 (advertised 12/6/2006 and 12/13/2006) ..... 2338

**City Planning Commission**

Deise Ave., Maxwell Ave., Aspinwall Ave., E. 140th St. (parcels bounded by) —  
Change the Use Districts — Residence Industry (O 1549-06) ..... 2334  
E. 150th St. (east) — north of St. Clair Ave. — change the Use and Area Districts —  
Multi-Family Residential District and a 'C' Area District (O 1897-06) ..... 2334  
Euclid Ave. (north), east of Avalon Rd. — change the Use, Area and Height District —  
Multi-Family Residential District, a 'D' Area District and a '3' Height District  
(O 1973-06) ..... 2335  
Jennings Rd. — north of Beltline St., south of I-71 — change zoning of land — Unrestricted  
Industry District, an 'A' Area District and a '3' Height District  
(O 1898-06) ..... 2334  
Justus Cozad House, The — designate — Cleveland Landmark (O.1817-06)  
Shawnee Ave. property (south side near intersection of Neff Rd. & E. 185th St.) — change  
the zoning — Family Residential District (O 1765-06) ..... 2334  
St. Catherine Ave. (south) — change the Use, Area and Height District — General Retail  
Business District, a 'C' Area District and a '2' Height District (O 1896-06) ..... 2334  
University Circle Design District (UCDD) — establish (O 1895-06) ..... 2334  
W. 65th St. & Storer Ave. (northwest corner) — change the Use District — Shopping Center  
District (O 1885-06)..... 2334

**Clerk of Council**

Ardence, Inc. — support and maintenance of software — contract (O 2093-06) ..... 2318  
Iron Mountain National Underground Storage — contract (O 2059-06)..... **2344**

**Cleveland Hopkins International Airport**

Promotions, and public service announcements — exchange of, or acceptance of, services —  
agreements — local, state, and federal agencies and non-profit organizations —  
Cleveland Hopkins International Airport and Burke Lakefront Airport and special  
events (O 1849-06)..... **2342**  
Taxi cabs — limit the number (O 1761-A-06) ..... **2341**

**Cleveland Municipal Court**

Community service — place criminal defendants — Cleveland Work Crew Program — contracts with Court Community Service (O 1952-06) .....	2343
Drug and alcohol testing services — contract — Cuyahoga County Corrections Planning Board — Cuyahoga County Court of Common Pleas Adult Probation Department Drug Testing Laboratory (O 2076-06) .....	2312

**Cleveland Public Power**

Computer network equipment — purchase (O 2079-06) .....	2312
Promotional materials — purchase (O 2080-06) .....	2312

**Cleveland Public Schools**

Daniel Morgan Elementary School (new construction) — E. 88th & E. 92nd Sts., & Wade Park Ave. to Morris Ct. (between) — sell City-owned property (O 1689-06) .....	2326
Kosciuszko, Sowinski, Pulaski Aves. — Land Reutilization Program (O 1811-06) .....	2326

**Codified Ordinances**

Cleveland Cultural Gardens — amend Sec. 559.02 — new Sects. 559.235 through 559.243 (O 1062-06) .....	2324
Correction Division — transfer from Public Health Dept. to the Public Safety Dept. — new Sects. 135.57, 135.58, 135.59, 135.60, 135.61, 135.62, & 135.63 — amend Sects. 135.01 & 141.02 — repeal Sects. 141.06, 141.07, 141.071, 141.072, 141.08, 141.081, & 141.09 (O 1871-06) .....	2329
Designation of landmarks and landmarks districts — amend Sec. 161.04 (O 1281-06) .....	2324
Expense fund for the Chief of Police — amend Sec. 135.091 (O 1879-06) .....	2332
Public improvement projects — contracts — emergency services and acquire property rights — Greater Cleveland Regional Transit Authority rights-of-way — new Section 185.191 (O 2082-06) .....	2313
Stables, poultry enclosures and other enclosures, restrictions on location — amend Sec. 347.02 (O 1470-06) .....	2325
Taxicabs — new Sec. 443.37 — amend Sects. 443.03, 443.06, & 443.26 — repeal Sec. 443.07 (O 1820-06) .....	2327
University Circle Design District — creation — new Sec. 341.221 — repeal Sec. 341.06 — performance bond for building alterations (O 1766-06) .....	2326
Vandalism of vacant buildings and structures — amend Sec. 623.08 (O 1965-06) .....	2333

**Collinwood Village Development Corporation**

Tiverton Rd., — Land Reutilization Program — Collinwood and Nottingham Villages Development Corporation (O 2090-06) .....	2315
------------------------------------------------------------------------------------------------------------------------------	------

**Communications**

Bridges and Roadways Improvement Bonds Fiscal Officers Certificate — File (F 2070-06-A) .....	2269
Cemeteries Improvement Bonds Fiscal Officers Certificate — File (F 2075-06-A) .....	2269
Final Judgement Improvement Bonds Fiscal Officers Certificate — File (F 2074-06-A) .....	2269
Parks and Recreation Facilities Improvement Bonds Fiscal Officers Certificate — File (F 2073-06-A) .....	2269
Public Facilities Improvement Bonds Fiscal Officers Certificate — File (F 2071-06-A) .....	2269
Revitalization Improvement Bonds Fiscal Officers Certificate — File (F 2072-06-A) .....	2269

**Community Development**

Center St., 2019 — redevelopment agreement — The K & D Group (O 2053-06).....	2334
Consortium for Community/Economic Development — Housing Community Services Program — Ward 7 NEF (O 2091-06).....	2316
E. 105th St., 1570 — declare property — blighted premises — acquire and sell premises — FEDCO Services, LLC (O 1278-06).....	2324
E. 120th St., 3509 — declare — blighted premises — acquire and sell premises — KidsHealth 2020 (O 1364-06).....	2324
E. 60th St. — Land Reutilization Program — Eric Payne (O 1889-06).....	2332
E. 60th St. — Land Reutilization Program — William Ladd and Naomi R. Franklin Ladd (O 1888-06).....	2332
E. 66th St. — Land Reutilization Program — Viola M. Super and Lucius C. Oldham, Jr. (O 1890-06).....	2332
E. 70th St. — Land Reutilization Program — Lawrence Calloway (O 1810-06).....	2326
E. 70th St., Zoeter & Lawnview Aves. — Land Reutilization Program — New Mount Zion Baptist Church (O 1461-06).....	2339
E. 84th St. — Land Reutilization Program — Lillian Roberts (O 1733-06).....	2341
Family Caregiver Support Program — grant — Western Reserve Area Agency on Aging — Community Development — contracts — implement the program (O 1893-06).....	2332
Homeless assistance activities — contracts — non-profit agencies — Cuyahoga County — Cleveland/Cuyahoga County Office of Homeless Services (O 1884-06).....	2343
Kinsman Rd. & E. 117th St. — Land Reutilization Program — Bethel Church of Christ (Holiness) USA (O 2089-06).....	2315
Kosciuszko, Sowinski, Pulaski Aves. — Land Reutilization Program — Cleveland Municipal School District (O 1811-06).....	2326
Public Square, 140 & Ontario St., 2000 — Park Building — development agreement — Howells and Howells Enterprises, LLC (O 1883-06).....	2332
Scranton Rd., 2065 — residential condominium units, green space, and parking — development agreement — J. Christopher Enterprises, Inc. (O 1882-06).....	2332
System Property Development Company, Inc. — buy City-owned property — (east corner) Huron Rd. & E. 4th St. — payment — System Parking Development Company, Inc. (O 1577-06).....	2325
Tiverton Rd., — Land Reutilization Program — Collinwood and Nottingham Villages Development Corporation (O 2090-06).....	2315
Valley View Hope VI Development Project Phase I — contract — Valleyview Phase I, L.P. — amend Ord. 1472-06 (O 2087-06).....	2316
Woolen Mills Project — grant — U. S. Environmental Protection Agency — Morgana Avenue aka 6118 Broadway Ave. — environmental cleanup — URS Corporation — contracts (O 1881-06).....	2332

**Concession Agreements**

Collinwood Athletic Complex — food and beverage concession (O 1684-06).....	2326
Taxi cabs — limit the number — Cleveland Hopkins International Airport (O 1761-A-06).....	2341

**Condolences**

Brentar, Jerome A. (R 2111-06).....	2269
Brentar, Jerry (R 2117-06).....	2269
Contorno, Donna (R 2118-06).....	2269
Fabrizi, Frank (R 2120-06).....	2269
Gray, Harry (R 2113-06).....	2269
Johnson Coutts, Edythe Gwendolyn (R 2116-06).....	2269
Kemer, Tom (R 2115-06).....	2269
Knaus, Andrew (R 2119-06).....	2269
Smith, Robert (R 2114-06).....	2269
Vargo, Dr. Edward G. (R 2112-06).....	2269

**Congratulations**

Bridge Brigade (R 2128-06).....	2270
D'Emilia, Alfonso (R 2124-06).....	2270
Hawk, Sr. Donna (R 2129-06).....	2270
Katzel, Rhoda (R 2123-06).....	2270
Kole, Peter C. (R 2125-06).....	2270

Latina, Lanee (R 2122-06) .....	2270
Russ, Dick (R 2126-06) .....	2270
Skipper Ray, Della (R 2127-06).....	2270
Smith, Troy (R 2121-06) .....	2270

**Contracts**

Ardence, Inc. — support and maintenance of software — Clerk of Council (O 2093-06) .....	2318
Bessemer Avenue Extension Phase II project — final engineering services and Stage 3 services — Arcadis G & M of Ohio, Inc., formerly known as Arcadis FPS, Inc. — Contract No. 64009 (O 1855-06) .....	2328
City Year — community service work — Parks, Recreation and Properties (O 1880-06) .....	2332
Community service — place criminal defendants — Cleveland Work Crew Program — Court Community Service (O 1952-06).....	2343
Drug and alcohol testing services — Cuyahoga County Corrections Planning Board — Cuyahoga County Court of Common Pleas Adult Probation Department Drug Testing Laboratory (O 2076-06).....	2312
Family Caregiver Support Program — grant — Western Reserve Area Agency on Aging — Community Development — implement the program (O 1893-06).....	2332
Homeless assistance activities — non-profit agencies — Cuyahoga County — Cleveland/Cuyahoga County Office of Homeless Services (O 1884-06) .....	2343
Iron Mountain National Underground Storage — Clerk of Council (O 2059-06) .....	2344
iTRACS — provide and install new and upgraded software — Public Utilities (O 2077-06) .....	2312
LifePak 12 defibrillators & LifePak 500 automatic external defibrillators — maintenance - Medtronic Physio-Control (O 1877-06).....	2343
TeleAtlas — GIS-related street centerline data subscription — Public Utilities (O 2078-06) .....	2312
Valley View Hope VI Development Project Phase I — Valleyview Phase I, L.P. — amend Ord. 1472-06 (O 2087-06) .....	2316
WECO Fund, Inc. — funds to be lent — small businesses — located on Public Square to E. 30th St. (O 2086-06) .....	2316
Woolen Mills Project — grant — U. S. Environmental Protection Agency — Morgana Avenue aka 6118 Broadway Ave. — environmental cleanup — URS Corporation (O 1881-06) .....	2332

**Convention Center**

Ticketmaster — agreement — ticket equipment and services — Division of Convention Center and Stadium (O 1961-06) .....	2333
---------------------------------------------------------------------------------------------------------------------------	------

**Correction Division**

Transfer from Public Health Dept. to the Public Safety Dept. — new Sects. 135.57, 135.58, 135.59, 135.60, 135.61, 135.62, & 135.63 — amend Sects. 135.01 & 141.02 — repeal Sects. 141.06, 141.07, 141.071, 141.072, 141.08, 141.081, & 141.09 (O 1871-06) .....	2329
Cranwood Pkwy., 19200 — lease property — M.B.D. Realty, LLC. — store and maintain vehicles (O 2009-06) .....	2333

**Cudell Improvement**

Winterfest Program — Urban Development Action Grant Funds — Cudell Improvement Incorporated — agreement (O 2108-06) .....	2318
------------------------------------------------------------------------------------------------------------------------------	------

**Cuyahoga County**

Drug and alcohol testing services — contract — Cuyahoga County Corrections Planning Board — Cuyahoga County Court of Common Pleas Adult Probation Department Drug Testing Laboratory (O 2076-06) .....	2312
Homeless assistance activities — contracts — non-profit agencies — Cuyahoga County — Cleveland/Cuyahoga County Office of Homeless Services (O 1884-06) .....	2343
Mill Creek tributary — County improvement — agreement — Cuyahoga County Board of Health (O 1962-06) .....	2333



**Economic Development Department**

Citywide VOIP communication system — extend — relocate — Downtown One Stop Center — 1020 Bolivar (O 2051-06) .....	2334
Cudell Improvement Incorporated — agreement — Winterfest Program — Urban Development Action Grant Funds (O 2108-06) .....	2318
Economic Development Initiative Grant and Section 108 Funds — expend — Empowerment Zone Business Opportunity Program — amend Ord. 257-97 (O 2007-06) .....	2333
Greater Cleveland Sports Commission, The — grant agreement — marketing the City of Cleveland (O 1892-06).....	<b>2343</b>
PROES — Building HOPE Program — grant — LNE & Associates, LLC — Economic Development (O 2052-06) .....	2334
Public purpose improvement (real property) — tax exempt — blight study - Compensation Agreement — Tax Increment Financing Agreement — Veterans Administration Urban Redevelopment Tax Increment Equivalent Fund (O 2006-06).....	2323
WECO Fund, Inc. — contracts — funds to be lent — small businesses — located on Public Square to E. 30th St. (O 2086-06) .....	2316

**Emergency Medical Service Division**

LifePak 12 defibrillators & LifePak 500 automatic external defibrillators — maintenance - Medtronic Physio-Control — contracts (O 1877-06) .....	<b>2343</b>
-----------------------------------------------------------------------------------------------------------------------------------------------------	-------------

**Empowerment Zone**

Economic Development Initiative Grant and Section 108 Funds — expend — Empowerment Zone Business Opportunity Program — amend Ord. 257-97 (O 2007-06) .....	2333
---------------------------------------------------------------------------------------------------------------------------------------------------------------	------

**Environmental Protection Agency**

Woolen Mills Project — grant — U. S. Environmental Protection Agency — Morgana Avenue aka 6118 Broadway Ave. — environmental cleanup — URS Corporation — contracts (O 1881-06) .....	2332
--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------

**Euclid Corridor Transportation Project**

E. 115th St. & Euclid Ave. — acquisition of certain easement interests — eliminate poles — Euclid Corridor Transportation Project (O 1446-06) .....	2324
WECO Fund, Inc. — contracts — funds to be lent — small businesses — located on Public Square to E. 30th St. (O 2086-06) .....	2316

**Finance Department**

Bridges and Roadways Improvement Bonds — \$17,935,000 — issuance and sale of bonds (O 2070-06) .....	2270
Bridges and Roadways Improvement Bonds Fiscal Officers Certificate — File (F 2070-06-A).....	2269
Cemeteries Improvement Bonds — \$515,000 — issuance and sale of bonds (O 2075-06).....	2305
Cemeteries Improvement Bonds Fiscal Officers Certificate — File (F 2075-06-A).....	2269
Community service — place criminal defendants — Cleveland Work Crew Program — contracts with Court Community Service (O 1952-06) .....	<b>2343</b>
Drug and alcohol testing services — contract — Cuyahoga County Corrections Planning Board — Cuyahoga County Court of Common Pleas Adult Probation Department Drug Testing Laboratory (O 2076-06) .....	2312
Final Judgement Improvement Bonds Fiscal Officers Certificate — File (F 2074-06-A) .....	2269
Final Judgment Bonds — \$2,050,000 — issuance and sale of bonds (O 2074-06) .....	2298
Parks and Recreation Facilities Improvement Bonds — \$2,825,000 — issuance and sale of bonds (O 2073-06) .....	2291
Parks and Recreation Facilities Improvement Bonds Fiscal Officers Certificate — File (F 2073-06-A) .....	2269
Public Facilities Improvement Bonds — \$16,350,000 — issuance and sale of bonds (O 2071-06) .....	2277
Public Facilities Improvement Bonds Fiscal Officers Certificate — File (F 2071-06-A).....	2269
Revitalization Improvement Bonds — \$3,075,000 — issuance and sale of bonds (O 2072-06) .....	2284
Revitalization Improvement Bonds Fiscal Officers Certificate — File (F 2072-06-A).....	2269
Urban Redevelopment Tax Increment Equivalent Fund — establish — Declaring certain improvements — public purpose — collection of service payments (O 2088-06).....	2317

**Flats District**

Flats East Bank Connector Project — grant — Northeast Ohio Areawide Coordinating Agency (O 1448-06) .....	2324
Urban Redevelopment Tax Increment Equivalent Fund — establish — Declaring certain improvements — public purpose — collection of service payments (O 2088-06).....	2217

**Funds**

Cudell Improvement Incorporated — agreement — Winterfest Program — Urban Development Action Grant Funds (O 2108-06) .....	2318
Expense fund for the Chief of Police — amend Sec. 135.091 (O 1879-06).....	2332
Urban Redevelopment Tax Increment Equivalent Fund — establish — Declaring certain improvements — public purpose — collection of service payments (O 2088-06).....	2317

**Grants**

Community Development Grant (Recycle Ohio) Program 2007 — Ohio Department of Natural Resources (O 1854-06) .....	2328
Family Caregiver Support Program — Western Reserve Area Agency on Aging — Community Development — contracts — implement the program (O 1893-06) .....	2332
Flats East Bank Connector Project — Northeast Ohio Areawide Coordinating Agency (O 1448-06) .....	2324
PROES — Building HOPE Program — LNE & Associates, LLC — Economic Development (O 2052-06) .....	2334
Woolen Mills Project — U. S. Environmental Protection Agency — Morgana Avenue aka 6118 Broadway Ave. — environmental cleanup — URS Corporation — contracts (O 1881-06) .....	2332

**Health Centers**

Elevators — maintain and repair — various city health centers (O 2011-06) .....	2333
Salting & snowplowing parking lots, walkways, and sidewalks — City health center — Public Health Administration Building (O 2012-06).....	2333

**Health Department**

Correction Division — transfer from Public Health Dept. to the Public Safety Dept. — new Sects. 135.57, 135.58, 135.59, 135.60, 135.61, 135.62, & 135.63 — amend Sects. 135.01 & 141.02 — repeal Sects. 141.06, 141.07, 141.071, 141.072, 141.08, 141.081, & 141.09 (O 1871-06) .....	2329
Cranwood Pkwy., 19200 — lease property — M.B.D. Realty, LLC. — store and maintain vehicles — House of Corrections (O 2009-06) .....	2333
Elevators — maintain and repair — various city health centers (O 2011-06) .....	2333
Miles Ave., 9111 & 9119 — lease space — vehicle-storage parking — Division of Air Quality (O 2010-06) .....	2333
Salting & snowplowing parking lots, walkways, and sidewalks — City health center — Public Health Administration Building (O 2012-06).....	2333
Trans fats — banning from restaurants (R 2104-06) .....	2321

**Highland Park Golf Course**

Mill Creek tributary — County improvement — agreement — Cuyahoga County Board of Health (O 1962-06) .....	2333
--------------------------------------------------------------------------------------------------------------	------

**Homeless**

Homeless assistance activities — contracts — non-profit agencies — Cuyahoga County - Cleveland/Cuyahoga County Office of Homeless Services (O 1884-06) .....	2343
-----------------------------------------------------------------------------------------------------------------------------------------------------------------	------

**House of Corrections**

Cranwood Pkwy., 19200 — lease property — M.B.D. Realty, LLC. — store and maintain vehicles — House of Corrections (O 2009-06) .....	2333
----------------------------------------------------------------------------------------------------------------------------------------	------

**Land Reutilization Program**

E. 60th St. — Eric Payne (O 1889-06) .....	2332
E. 60th St. — William Ladd and Naomi R. Franklin Ladd (O 1888-06) .....	2332
E. 66th St. — Viola M. Super and Lucius C. Oldham, Jr. (O 1890-06).....	2332

E. 70th St. — Lawrence Calloway (O 1810-06) .....	2326
E. 70th St., Zoeter & Lawnview Aves. — New Mount Zion Baptist Church (O 1461-06) .....	<b>2339</b>
E. 84th St. — Lillian Roberts (O 1733-06) .....	<b>2341</b>
Kinsman Rd. & E. 117th St. — Bethel Church of Christ (Holiness) USA (O 2089-06) .....	2215
Kosciuszko, Sowinski, Pulaski Aves. — Cleveland Municipal School District (O 1811-06) .....	2326
Tiverton Rd., — Collinwood and Nottingham Villages Development Corporation (O 2090-06) .....	2315

**Landmark Commission**

Designation of landmarks and landmarks districts — amend Sec. 161.04 (O 1281-06) .....	2324
Justus Cozad House, The — designate — Cleveland Landmark (O 1817-06) .....	2121

**Lease Agreement**

Circadian Knight Corp. d/b/a Top Gun — office space — Burke Lakefront Airport (O 1847-06) .....	<b>2342</b>
----------------------------------------------------------------------------------------------------	-------------

**Leases**

Community United Head Start and Day Care, Inc. — Earl B. Turner Recreation Center (O 1548-06) .....	2325
Cranwood Pkwy., 19200 — lease property — M.B.D. Realty, LLC. — store and maintain vehicles — House of Corrections (O 2009-06) .....	2333
International Women's Air and Space Museum, Inc. — Burke Lakefront Airport (O 1852-06) .....	<b>2342</b>
Miles Ave., 9111 & 9119 — lease space — vehicle-storage parking — Division of Air Quality (O 2010-06) .....	2333

**Liquor Permits**

Bosworth Ave., 3655-57 — objection — withdraw (Ward 19) (R 2094-06) .....	2319
Broadway Ave., 6542 — objection (Ward 12) (R 2095-06) .....	2319
Broadway Ave., 6542 — objection (Ward 12) (R 2096-06) .....	2319
Cedar Ave., 7002 — objection — withdraw (Ward 5) (R 2100-06) .....	2321
Denison Ave., 2101 — objection — withdraw (Ward 15) (R 2101-06) .....	2321
E. 105th St., 907 — objection — withdraw (Ward 8) (R 2103-06) .....	2321
E. 2nd St., 2123 — objection — withdraw (Ward 13) (R 2056-06) .....	<b>2339</b>
E. 93rd St., 3230 — objection (Ward 5) (R 2057-06) .....	<b>2339</b>
E. 93rd St., 3230 — objection (Ward 5) (R 2098-06) .....	2320
Kinsman Ave., 7535 — objection (Ward 5) (R 2099-06) .....	2320
Lee Rd., 4344 — objection (Ward 1) (R 2058-06) .....	<b>2339</b>
Mt. Auburn Rd., 9621 — objection — withdraw (Ward 4) (R 2102-06) .....	2321
W. 117th St., 3029 — objection — withdraw (Ward 19) (R 2097-06) .....	2320

**Neighborhood Equity Funds**

Consortium for Community/Economic Development — Housing Community Services Program — Ward 7 (O 2091-06) .....	2316
Union Miles Development Corporation — agreement — Youth and Senior Recreation Program - Ward 2 (O 2092-06) .....	2318

**Northeast Ohio Areawide Coordinating Agency (NOACA)**

Flats East Bank Connector Project — grant (O 1448-06) .....	2324
-------------------------------------------------------------	------

**Ohio Department of Natural Resources**

Community Development Grant (Recycle Ohio) Program 2007 — grant (O 1854-06) .....	2328
-----------------------------------------------------------------------------------	------

**Parking**

Miles Ave., 9111 & 9119 — lease space — vehicle-storage parking — Division of Air Quality (O 2010-06) .....	2333
System Property Development Company, Inc. — buy City-owned property — (east corner) Huron Rd. & E. 4th St. — payment — System Parking Development Company, Inc. (O 1577-06) .....	2325

**Parks**

Parks and Recreation Facilities Improvement Bonds — \$2,825,000 — issuance and sale of bonds (O 2073-06) .....	2291
-------------------------------------------------------------------------------------------------------------------	------

**Parks, Recreation and Properties Department**

City Year — contracts — community service work (O 1880-06) .....	2332
Cleveland Cultural Gardens — amend Sec. 559.02 — new Sects. 559.235 through 559.243 (O 1062-06) .....	2324
Collinwood Athletic Complex — concession agreement — food and beverage concession (O 1684-06) .....	2326
Community United Head Start and Day Care, Inc. — lease — Earl B. Turner Recreation Center (O 1548-06) .....	2325
Daniel Morgan Elementary School (new construction) — E. 88th & E. 92nd Sts., & Wade Park Ave. to Morris Ct. (between) — sell City-owned property — Cleveland Municipal School District (O 1689-06) .....	2326
Golf carts — rental — Division of Recreation (O 1756-06) .....	2326
Mill Creek tributary — County improvement — agreement — Cuyahoga County Board of Health (O 1962-06) .....	2333
Ticketmaster — agreement — ticket equipment and services — Division of Convention Center and Stadium (O 1961-06) .....	2333
Union Miles Development Corporation — agreement — Youth and Senior Recreation Program - Ward 2 NEF (O 2092-06) .....	2318

**Permits**

Zaremba Avenue LLC — public right-of-way — building foundation system — parking garage and residential building (O 1857-06) .....	2328
Anthony Celebrezze Federal Office Building — security devices — installing, using, and maintaining — U. S. General Services Administration — permit (O 1449-06) .....	2324
Gallop for Kids Run — HMA Promotions (O 2109-06) .....	2318
Taxi cabs — limit the number — Cleveland Hopkins International Airport (O 1761-A-06) .....	2341

**Personnel Department**

Workers compensation purposes — City of Cleveland become self-insured — feasibility study (O 1891-06) .....	2332
----------------------------------------------------------------------------------------------------------------	------

**Plats**

Wade Park Townhouses — A Residential Townhouse Development (F 2110-06) .....	2269
------------------------------------------------------------------------------	------

**Police Division**

Expense fund for the Chief of Police — amend Sec. 135.091 (O 1879-06) .....	2332
-----------------------------------------------------------------------------	------

**Port Control Department**

Air service consulting and advising services — professional consultants (O 1845-06) .....	2327
Business management consulting services — professional consultants (O 1846-06) .....	2327
Circadian Knight Corp. d/b/a Top Gun — Lease Agreement — office space — Burke Lakefront Airport (O 1847-06) .....	2342
International Women's Air and Space Museum, Inc. — lease — Burke Lakefront Airport (O 1852-06) .....	2342
Norfolk Southern Railway Company — license agreement — sewer line — Milepost CD-192.23 (O 1848-06) .....	2342
Planning studies — amend Ord. 2380-02 (O 1853-06) .....	2328
Promotions, and public service announcements — exchange of, or acceptance of, services — agreements — local, state, and federal agencies and non-profit organizations — Cleveland Hopkins International Airport and Burke Lakefront Airport and special events (O 1849-06) .....	2342
Taxi cabs — limit the number — Cleveland Hopkins International Airport (O 1761-A-06) .....	2341

**Public Improvements**

Public improvement projects — contracts — emergency services and acquire property rights — Greater Cleveland Regional Transit Authority rights-of-way — new Section 185.191 (O 2082-06) .....	2313
-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------

**Purchases and Supplies Division**

Daniel Morgan Elementary School (new construction) — E. 88th & E. 92nd Sts., & Wade Park Ave. to Morris Ct. (between) — sell City-owned property — Cleveland Municipal School District (O 1689-06).....	2326
New Grayton Rd. — New Lot 3A — sell City-owned property — Jonathan W. Ullrich (O 1887-06) .....	2332

**Recognition**

Bratton, Capt. Wayne E. (R 2130-06).....	2270
National City (R 2131-06).....	2270

**Recreation Centers**

Community United Head Start and Day Care, Inc. — lease — Earl B. Turner Recreation Center (O 1548-06) .....	2325
-------------------------------------------------------------------------------------------------------------	------

**Resolutions — Miscellaneous**

Great Lakes — restoration — Council support federal & state efforts (R 2106-06) .....	2322
Greater Cleveland Delta Foundation's new location — Life Development Center — Council's support (R 2107-06).....	2323
Main Street program — Council's support (R 2105-06).....	2322
Trans fats — banning from restaurants (R 2104-06) .....	2321

**Right-of-Way**

Zaremba Avenue LLC — public right-of-way — building foundation system — parking garage and residential building (O 1857-06) .....	2328
Anthony Celebrezze Federal Office Building — security devices — installing, using, and maintaining — U. S. General Services Administration — permit (O 1449-06) .....	2324
Friendship Baptist Church — public right-of-way — 3 banners (O 1856-06) .....	2328

**Safety Department**

Case Western Reserve University — agreement — police services — within the City (O 1878-06) .....	2332
Correction Division — transfer from Public Health Dept. to the Public Safety Dept. — new Sects. 135.57, 135.58, 135.59, 135.60, 135.61, 135.62, & 135.63 — amend Sects. 135.01 & 141.02 — repeal Sects. 141.06, 141.07, 141.071, 141.072, 141.08, 141.081, & 141.09 (O 1871-06) .....	2329
Expense fund for the Chief of Police — amend Sec. 135.091 (O 1879-06).....	2332
LifePak 12 defibrillators & LifePak 500 automatic external defibrillators — maintenance - Medtronic Physio-Control — contracts (O 1877-06) .....	2343

**Service Department**

Zaremba Avenue LLC — public right-of-way — building foundation system — parking garage and residential building (O 1857-06) .....	2328
Anthony Celebrezze Federal Office Building — security devices — installing, using, and maintaining — U. S. General Services Administration — permit (O 1449-06) .....	2324
Bessemer Avenue Extension Phase II project — final engineering services and Stage 3 services — Arcadis G & M of Ohio, Inc., formerly known as Arcadis FPS, Inc. — Contract No. 64009 (O 1855-06) .....	2328
Bridge projects (various) — Northeast Ohio Areawide Coordinating Agency — apply (O 1629-06) .....	2325
Cleveland St. — secondary name — W. 11th St. — between Rowley Ave. & Buhrer Ave. (O 1904-06) .....	2333
Community Development Grant (Recycle Ohio) Program 2007 — grant — Ohio Department of Natural Resources (O 1854-06).....	2328
Cornell Rd. Bridge, Woodland Ave./Kinsman Rd., E. 30th St., & Bellaire Rd. Rehabilitation Phase II Projects — state funding — District One Public Works Integrating Committee (O 1583-06) .....	2325
E. 115th St. & Euclid Ave. — acquisition of certain easement interests — eliminate poles — Euclid Corridor Transportation Project (O 1446-06) .....	2324
E. 117th St. (between Durant & Whitmore) — change name — Leonard B. Jackson St. (O 1585-06) .....	2325

E. 12th St. & St. Clair Ave. N.E. — intent to vacate (R 1862-06) ..... 2335

E. 140th St. (between Abel Ave. & Benwood Ave.) — designate — “Anna ‘Mama’ Chatman Way”  
(O 1642-06) ..... 2326

E. 59th St. — vacate (O 2083-06) ..... 2314

E. 66th Pl. (12 feet wide) — vacate a portion (R 1720-06) ..... 2335

East 34th Street Bridge — climbing system — Director of Transportation of the State of  
Ohio — consent of the City of Cleveland (O 1860-06) ..... 2328

Father John Kumse Way — Change the name — E. 156th Pl. — between Saranac Rd & Holmes Ave.  
(O 1861-06) ..... 2328

Flats East Bank Connector Project — grant — Northeast Ohio Areawide Coordinating Agency  
(O 1448-06) ..... 2324

Friendship Baptist Church — public right-of-way — 3 banners (O 1856-06) ..... 2328

Front-end loader dumpster containers and concrete receptacle lids — purchase — Division  
of Waste Collection and Disposal (O 1630-06) ..... 2326

Gallop for Kids Run — permit — HMA Promotions (O 2109-06) ..... 2318

Hamilton Ct., N.E. — vacate (O 2084-06) ..... 2314

New Grayton Rd. — New Lot 3A — sell City-owned property — Jonathan W. Ullrich  
(O 1887-06) ..... 2332

Penn Court N.W. — vacate (O 1269-06) ..... 2324

Processing of recyclables — Division of Waste Collection and Disposal (O 1859-06) ..... 2328

Public improvement projects — contracts — emergency services and acquire property rights —  
Greater Cleveland Regional Transit Authority rights-of-way — new Section 185.191  
(O 2082-06) ..... 2313

Richmond Ave., S.E. — vacate (O 2085-06) ..... 2314

Ridge Road Scale House and Ridge Road Transfer Station — clean and maintain scale pits —  
Division of Waste Collection and Disposal (O 1858-06) ..... 2328

Stuber Court N.E. — intent to vacate a portion (R 1578-06) ..... 2335

Triskett Rd. — resurfacing — amend Ord. No. 1228-98 (O 1631-06) ..... 2326

West Lakeside Avenue N.W. — intent to vacate (R 1468-06) ..... 2335

**Sewers**

Norfolk Southern Railway Company — license agreement — sewer line — Milepost CD-192.23 —  
Port Control (O 1848-06) ..... 2342

**State of Ohio**

East 34th Street Bridge — climbing system — Director of Transportation of the State of  
Ohio — consent of the City of Cleveland (O 1860-06) ..... 2328

**Street Vacation**

E. 12th St. & St. Clair Ave. N.E. — intent to vacate (R 1862-06) ..... 2335

E. 59th St. — vacate (O 2083-06) ..... 2314

E. 66th Pl. (12 feet wide) — vacate a portion (R 1720-06) ..... 2335

Hamilton Ct., N.E. — vacate (O 2084-06) ..... 2314

Penn Court N.W. — vacate (O 1269-06) ..... 2324

Richmond Ave., S.E. — vacate (O 2085-06) ..... 2314

Stuber Court N.E. — intent to vacate a portion (R 1578-06) ..... 2335

West Lakeside Avenue N.W. — intent to vacate (R 1468-06) ..... 2335

**Streets**

Bridges and Roadways Improvement Bonds — \$17,935,000 — issuance and sale of bonds  
(O 2070-06) ..... 2270

**Streets — Name**

Cleveland St. — secondary name — W. 11th St. — between Rowley Ave.  
& Buhner Ave. (O 1904-06) ..... 2333

E. 117th St. (between Durant & Whitmore) — change name — Leonard B. Jackson St.  
(O 1585-06) ..... 2325

**Studies**

Workers compensation purposes — City of Cleveland become self-insured — feasibility study  
(O 1891-06) ..... 2332

**Taxes**

Public purpose improvement (real property) — tax exempt — blight study —  
 Compensation Agreement — Tax Increment Financing Agreement —  
 Veterans Administration Urban Redevelopment Tax Increment  
 Equivalent Fund (O 2006-06) ..... 2323

Urban Redevelopment Tax Increment Equivalent Fund — establish — Declaring certain  
 improvements — public purpose — collection of service payments  
 (O 2088-06) ..... 2317

**Taxicabs**

Taxi cabs — limit the number — Cleveland Hopkins International Airport  
 (O 1761-A-06) ..... **2341**

Taxicabs — new Sec. 443.37 — amend Sects. 443.03, 443.06, & 443.26 — repeal Sec. 443.07  
 (O 1820-06) ..... 2327

**Union-Miles Development Corporation**

Youth and Senior Recreation Program — agreement Ward 2 NEF (O 2092-06) ..... 2318

**University Circle**

University Circle Design District (UCDD) — establish (O 1895-06) ..... 2334

University Circle Design District — creation — new Sec. 341.221 — repeal Sec. 341.06 —  
 performance bond for building alterations (O 1766-06)..... 2326

**Utilities Department**

Computer network equipment — purchase — Division of Cleveland Public Power  
 (O 2079-06) ..... 2312

Distribution water mains — cleaning and cement mortar lining — public improvement  
 (O 1843-06) ..... 2327

iTRACS — contracts — provide and install new and upgraded software —  
 Public Utilities (O 2077-06) ..... 2312

Keller II Water Tower — City of Brunswick — public improvement (O 1254-06) ..... 2324

Lakeside Ave., 1201 — public improvement — outside areas (O 2081-06)..... 2313

Promotional materials — purchase — Division of Cleveland Public Power  
 (O 2080-06) ..... 2312

TeleAtlas — contracts — GIS-related street centerline data subscription — Public Utilities  
 (O 2078-06) ..... 2312

**Vacant Buildings**

Vandalism of vacant buildings and structures — amend Sec. 623.08 (O 1965-06) ..... 2333

**Vacant Structures**

Vandalism of vacant buildings and structures — amend Sec. 623.08 (O 1965-06) ..... 2333

**Ward 01**

Lee Rd., 4344 — objection — liquor permit (R 2058-06) ..... **2339**

**Ward 02**

Community United Head Start and Day Care, Inc. — lease — Earl B. Turner Recreation Center  
 (O 1548-06) ..... 2325

Gray, Harry — condolence (R 2113-06) ..... 2269

Miles Ave., 9111 & 9119 — lease space — vehicle-storage parking — Division of Air Quality  
 (O 2010-06) ..... 2333

Richmond Ave., S.E. — vacate (O 2085-06) ..... 2314

Smith, Robert — condolence (R 2114-06) ..... 2269

Union Miles Development Corporation — agreement — Youth and Senior Recreation Program —  
 NEF (O 2092-06) ..... 2318

**Ward 03**

E. 120th St., 3509 — declare — blighted premises — acquire and sell premises — KidsHealth 2020 (O 1364-06) .....	2324
E. 140th St. (between Abel Ave. & Benwood Ave.) — designate — “Anna ‘Mama’ Chatman Way” (O 1642-06) .....	2326
Kinsman Rd. & E. 117th St. — Land Reutilization Program — Bethel Church of Christ (Holiness) USA (O 2089-06) .....	2315
Skipper Ray, Della — congratulation (R 2127-06) .....	2270

**Ward 04**

Cornell Rd. Bridge, Woodland Ave./Kinsman Rd., E. 30th St., & Bellaire Rd. Rehabilitation Phase II Projects — state funding — District One Public Works — Integrating Committee (O 1583-06) .....	2325
Mt. Auburn Rd., 9621 — objection — withdraw — liquor permit (R 2102-06) .....	2321

**Ward 05**

Bridge projects (various) — Northeast Ohio Areawide Coordinating Agency — apply (O 1629-06) .....	2325
Cedar Ave., 7002 — objection — withdraw — liquor permit (R 2100-06) .....	2321
Cornell Rd. Bridge, Woodland Ave./Kinsman Rd., E. 30th St., & Bellaire Rd. Rehabilitation Phase II Projects — state funding — District One Public Works — Integrating Committee (O 1583-06) .....	2325
E. 93rd St., 3230 — objection — liquor permit (R 2057-06) .....	2339
E. 93rd St., 3230 — objection — liquor permit (R 2098-06) .....	2320
East 34th Street Bridge — climbing system — Director of Transportation of the State of Ohio — consent of the City of Cleveland (O 1860-06) .....	2328
Friendship Baptist Church — public right-of-way — 3 banners (O 1856-06) .....	2328
Gallop for Kids Run — permit — HMA Promotions (O 2109-06) .....	2318
Kinsman Ave., 7535 — objection — liquor permit (R 2099-06) .....	2320
St. Catherine Ave. (south) — change the Use, Area and Height District — General Retail Business District, a ‘C’ Area District and a ‘2’ Height District (O 1896-06) .....	2334

**Ward 06**

Bridge projects (various) — Northeast Ohio Areawide Coordinating Agency — apply (O 1629-06) .....	2325
Cornell Rd. Bridge, Woodland Ave./Kinsman Rd., E. 30th St., & Bellaire Rd. Rehabilitation Phase II Projects — state funding — District One Public Works Integrating Committee (O 1583-06) .....	2325
Cranwood Pkwy., 19200 — lease property — M.B.D. Realty, LLC. — store and maintain vehicles — House of Corrections (O 2009-06) .....	2333
University Circle Design District (UCDD) — establish (O 1895-06) .....	2334

**Ward 07**

Consortium for Community/Economic Development — Housing Community Services Program — NEF (O 2091-06) .....	2316
Daniel Morgan Elementary School (new construction) — E. 88th & E. 92nd Sts., & Wade Park Ave. to Morris Ct. (between) — sell City-owned property — Cleveland Municipal School District (O 1689-06) .....	2326
E. 60th St. — Land Reutilization Program — Eric Payne (O 1889-06) .....	2332
E. 60th St. — Land Reutilization Program — William Ladd and Noami R. Franklin Ladd (O 1888-06) .....	2332
E. 66th Pl. (12 feet wide) — vacate a portion (R 1720-06) .....	2335
E. 66th St. — Land Reutilization Program — Viola M. Super and Lucius C. Oldham, Jr. (O 1890-06) .....	2332
E. 70th St. — Land Reutilization Program — Lawrence Calloway (O 1810-06) .....	2326
E. 70th St., Zoeter & Lawnview Aves. — Land Reutilization Program — New Mount Zion Baptist Church (O 1461-06) .....	2339
E. 84th St. — Land Reutilization Program — Lillian Roberts (O 1733-06) .....	2341
Kosciuszko, Sowinski, Pulaski Aves. — Land Reutilization Program — Cleveland Municipal School District (O 1811-06) .....	2326



**Ward 08**

Bridge projects (various) — Northeast Ohio Areawide Coordinating Agency — apply (O 1629-06) .....	2325
E. 105th St., 1570 — declare property — blighted premises — acquire and sell premises — FEDCO Services, LLC (O 1278-06) .....	2324
E. 105th St., 907 — objection — withdraw — liquor permit (R 2103-06) .....	2321
Johnson Coutts, Edythe Gwendolyn — condolence (R 2116-06) .....	2269
Smith, Troy — congratulation (R 2121-06) .....	2270
University Circle Design District (UCDD) — establish (O 1895-06) .....	2334

**Ward 09**

Bridge projects (various) — Northeast Ohio Areawide Coordinating Agency — apply (O 1629-06) .....	2325
E. 115th St. & Euclid Ave. — acquisition of certain easement interests — eliminate poles — Euclid Corridor Transportation Project (O 1446-06) .....	2324
E. 117th St. (between Durant & Whitmore) — change name — Leonard B. Jackson St. (O 1585-06) .....	2325
Justus Cozad House, The — designate — Cleveland Landmark (O.1817-06)	
Smith, Troy — congratulation (R 2121-06) .....	2270
University Circle Design District (UCDD) — establish (O 1895-06) .....	2334
Wade Park Townhouses — A Residential Townhouse Development — Plat (F 2110-06) .....	2269

**Ward 10**

Collinwood Athletic Complex — concession agreement — food and beverage concession (O 1684-06) .....	2326
Deise Ave., Maxwell Ave., Aspinwall Ave., E. 140th St. (parcels bounded by) — Change the Use Districts — Residence Industry (O 1549-06) .....	2334
E. 150th St. (east) — north of St. Clair Ave. — change the Use and Area Districts — Multi-Family Residential District and a 'C' Area District (O 1897-06) .....	2334
Euclid Ave. (north), east of Avalon Rd. — change the Use, Area and Height District — Multi-Family Residential District, a 'D' Area District and a '3' Height District (O 1973-06) .....	2335

**Ward 11**

Brentar, Jerome A. — condolence (R 2111-06) .....	2269
Brentar, Jerry — condolence (R 2117-06) .....	2269
Contorno, Donna — condolence (R 2118-06) .....	2269
Father John Kumse Way — Change the name — E. 156th Pl. — between Saranac Rd & Holmes Ave. (O 1861-06) .....	2328
Knaus, Andrew — condolence (R 2119-06) .....	2269
Shawnee Ave. property (south side near intersection of Neff Rd. & E. 185th St.) — change the zoning — Family Residential District (O 1765-06) .....	2334
Tiverton Rd., — Land Reutilization Program — Collinwood and Nottingham Villages Development Corporation (O 2090-06) .....	2315

**Ward 12**

Broadway Ave., 6542 — objection — liquor permit (R 2095-06) .....	2319
Broadway Ave., 6542 — objection — liquor permit (R 2096-06) .....	2319
E. 59th St. — vacate (O 2083-06) .....	2314
Woolen Mills Project — grant — U. S. Environmental Protection Agency — Morgana Avenue aka 6118 Broadway Ave. — environmental cleanup — URS Corporation — contracts (O 1881-06) .....	2332

**Ward 13**

Zaremba Avenue LLC — public right-of-way — building foundation system — parking garage and residential building (O 1857-06) .....	2328
Bratton, Capt. Wayne E. — recognition (R 2130-06) .....	2270
Center St., 2019 — redevelopment agreement — The K & D Group (O 2053-06) .....	2334
Cleveland St. — secondary name — W. 11th St. — between Rowley Ave. & Buhrer Ave. (O 1904-06) .....	2333
E. 12th St. & St. Clair Ave. N.E. — intent to vacate (R 1862-06) .....	2335
E. 2nd St., 2123 — objection — withdraw — liquor permit (R 2056-06) .....	2339

Flats East Bank Connector Project — grant — Northeast Ohio Areawide Coordinating Agency (O 1448-06) .....	2324
Hamilton Ct., N.E. — vacate (O 2084-06) .....	2314
Jennings Rd. — north of Beltline St., south of I-71 — change zoning of land — Unrestricted Industry District, an 'A' Area District and a '3' Height District (O 1898-06) .....	2334
Katzel, Rhoda — congratulation (R 2123-06) .....	2270
Lakeside Ave., 1201 — public improvement — outside areas (O 2081-06) .....	2313
Latina, Lanee — congratulation (R 2122-06) .....	2270
National City — recognition (R 2131-06) .....	2270
Penn Court N.W. — vacate (O 1269-06) .....	2324
Public Square, 140 & Ontario St., 2000 — Park Building — development agreement — Howells and Howells Enterprises, LLC (O 1883-06) .....	2332
Scranton Rd., 2065 — residential condominium units, green space, and parking — development agreement — J. Christopher Enterprises, Inc. (O 1882-06) .....	2332
Stuber Court N.E. — intent to vacate a portion (R 1578-06) .....	2335
System Property Development Company, Inc. — buy City-owned property — (east corner) Huron Rd. & E. 4th St. — payment — System Parking Development Company, Inc. (O 1577-06) .....	2325
Urban Redevelopment Tax Increment Equivalent Fund — establish — Declaring certain improvements — public purpose — collection of service payments (O 2088-06) .....	2317
Valley View Hope VI Development Project Phase I — contract — Valleyview Phase I, L.P. — amend Ord. 1472-06 (O 2087-06) .....	2316
WECO Fund, Inc. — contracts — funds to be lent — small businesses — located on Public Square to E. 30th St. (O 2086-06) .....	2316
West Lakeside Avenue N.W. — intent to vacate (R 1468-06) .....	2335
<b>Ward 15</b>	
Denison Ave., 2101 — objection — withdraw — liquor permit (R 2101-06) .....	2321
Jennings Rd. — north of Beltline St., south of I-71 — change zoning of land — Unrestricted Industry District, an 'A' Area District and a '3' Height District (O 1898-06) .....	2334
<b>Ward 16</b>	
Ridge Road Scale House and Ridge Road Transfer Station — clean and maintain scale pits — Division of Waste Collection and Disposal (O 1858-06) .....	2328
<b>Ward 17</b>	
Bridge Brigade — congratulation (R 2128-06) .....	2270
Bridge projects (various) — Northeast Ohio Areawide Coordinating Agency — apply (O 1629-06) .....	2325
Fabrizi, Frank — condolence (R 2120-06) .....	2269
Hawk, Sr. Donna — congratulation (R 2129-06) .....	2270
Vargo, Dr. Edward G. — condolence (R 2112-06) .....	2269
W. 65th St. & Storer Ave. (northwest corner) — change the Use District — Shopping Center District (O 1885-06) .....	2334
<b>Ward 18</b>	
Cudell Improvement Incorporated — agreement — Winterfest Program — Urban Development Action Grant Funds (O 2108-06) .....	2318
<b>Ward 19</b>	
Bosworth Ave., 3655-57 — objection — withdraw — liquor permit (R 2094-06) .....	2319
D'Emilia, Alfonso — congratulation (R 2124-06) .....	2270
Kole, Peter C. — congratulation (R 2125-06) .....	2270
Russ, Dick — congratulation (R 2126-06) .....	2270
W. 117th St., 3029 — objection — withdraw — liquor permit (R 2097-06) .....	2320
<b>Ward 20</b>	
Kemer, Tom — condolence (R 2115-06) .....	2269
Triskett Rd. — resurfacing — amend Ord. No. 1228-98 (O 1631-06) .....	2326
<b>Ward 21</b>	
Bridge projects (various) — Northeast Ohio Areawide Coordinating Agency — apply (O 1629-06) .....	2325
Kemer, Tom — condolence (R 2115-06) .....	2269

**Waste Collection and Disposal Division**

Front-end loader dumpster containers and concrete receptacle lids — purchase  
(O 1630-06) ..... 2326

Processing of recyclables (O 1859-06) ..... 2328

Ridge Road Scale House and Ridge Road Transfer Station — clean and maintain scale pits  
(O 1858-06) ..... 2328

**Water Division**

Distribution water mains — cleaning and cement mortar lining — public improvement  
(O 1843-06) ..... 2327

**Water Mains**

Distribution water mains — cleaning and cement mortar lining — public improvement  
(O 1843-06) ..... 2327

**Western Reserve Area Agency on Aging**

Family Caregiver Support Program — grant — Community Development — contracts — implement  
the program (O 1893-06) ..... 2332

**Zoning**

Deise Ave., Maxwell Ave., Aspinwall Ave., E. 140th St. (parcels bounded by) —  
Change the Use Districts — Residence Industry (O 1549-06) ..... 2334

E. 150th St. (east) — north of St. Clair Ave. — change the Use and Area Districts —  
Multi-Family Residential District and a 'C' Area District  
(O 1897-06) ..... 2334

Euclid Ave. (north), east of Avalon Rd. — change the Use, Area and Height District —  
Multi-Family Residential District, a 'D' Area District and a '3' Height District  
(O 1973-06) ..... 2335

Jennings Rd. — north of Beltline St., south of I-71 — change zoning of land —  
Unrestricted Industry District, an 'A' Area District and a '3' Height District  
(O 1898-06) ..... 2334

Shawnee Ave. property (south side near intersection of Neff Rd. & E. 185th St.) —  
change the zoning — Family Residential District (O 1765-06) ..... 2334

St. Catherine Ave. (south) — change the Use, Area and Height District — General Retail  
Business District, a 'C' Area District and a '2' Height District  
(O 1896-06) ..... 2334

University Circle Design District (UCDD) — establish (O 1895-06) ..... 2334

W. 65th St. & Storer Ave. (northwest corner) — change the Use District —  
Shopping Center District (O 1885-06) ..... 2334