

# The City Record

Official Publication of the Council of the City of Cleveland



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December the Tenth, Two Thousand and Fourteen

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**Frank G. Jackson**  
Mayor

**Kevin J. Kelley**  
President of Council

**Patricia J. Britt**  
City Clerk, Clerk of Council

**Ward Name**

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

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

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# DIRECTORY OF CITY OFFICIALS

## CITY COUNCIL – LEGISLATIVE

President of Council – Kevin J. Kelley

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

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

### MAYOR – Frank G. Jackson

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

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

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

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

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

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

Natasha Brandt, Manager, Internal Audit

#### **DIVISIONS:**

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

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

#### **DIVISIONS:**

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

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

#### **DIVISIONS:**

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

### DEPT. OF PUBLIC WORKS – Michael Cox, Director

#### **OFFICES:**

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

#### **DIVISIONS:**

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

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

#### **DIVISIONS:**

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

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

#### **DIVISIONS:**

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

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

#### **DIVISIONS:**

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

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

#### **DIVISIONS:**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

#### Judge Courtroom

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

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

# The City Record

71 OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 101

WEDNESDAY, DECEMBER 10, 2014

No. 5270

## CITY COUNCIL

MONDAY, DECEMBER 8, 2014

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

### PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2014-2017

#### MONDAY — Alternating

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

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

#### MONDAY

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

#### TUESDAY

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

#### TUESDAY — Alternating

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

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

#### WEDNESDAY — Alternating

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

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

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

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

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

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

15617 Corsica Avenue, Cleveland (Ward 8). Received.

#### File No. 1649-14.

From Michael McGrath, Director, Department of Public Safety, City of Cleveland. Notice of acceptance of 100 smoke detectors for the Division of Fire from The Home Depot at Steelyard Commons, to be distributed to homes in need. Received.

#### File No. 1660-14.

From Office of Equal Opportunity, City of Cleveland. Bi-Monthly Status Report for November, 2014, including City Resident Utilization Report. Received.

#### File No. 1663-14.

From Cuyahoga County Board of Elections. Certificate of Result of Election on Question or Issue for Issue 35 at the election on November 4, 2014. Received.

#### PLAT

#### File No. 1617-14.

Dedication Plat - Logan Avenue Extension, from East 97th Street to East 101st Street. Approved by Committees on Development Planning and Sustainability, and Municipal Services and Properties. Without objection, Plat approved.

#### FROM OHIO DIVISION OF LIQUOR CONTROL

#### File No. 1607-14.

RE: #8107930. Transfer of Ownership Application, C2 C2X. Short Cut Deli, Inc., 14005 Benwood Avenue (Ward 1). Received.

#### File No. 1608-14.

RE: #8900470. Transfer of Location Application, D2 D2X D3 D3A. Shiva Shakti Once Corp., 2044 Euclid Avenue (Ward 5). Received.

#### File No. 1609-14.

RE: #5597480. Transfer of Ownership Application, C1. Marwan Ohio, LLC, 1503 Spring Road, 1st Floor (Ward 12). Received.

#### File No. 1610-14.

RE: #9115272. Transfer of Ownership Application, D2 D2X D3 D6. 28th Street Partnership, LLC, 2801 Bridge Avenue (Ward 3). Received.

#### File No. 1611-14.

RE: #37269590165. Economic Development Transfer Application, D1 D2. Heinen's, Inc., 900 & 1010 Euclid Avenue (Ward 3). Received.

#### File No. 1612-14.

RE: #0081076. Transfer of Ownership Application, C1 C2. AIGO, LLC, 4360 Miles Road (Ward 1). Received.

### OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, December 8, 2014

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

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

Also present were: Chief of Staff Ken Silliman, Chief Operating Officer Darnell Brown, Chief of Government Affairs Valarie J. McCall, Chief of Education Monyka S. Price, Chief of Sustainability Jenita McGowan, Chief of Public Affairs Natoya Walker-Minor, and Directors Langhenry, Dumas, Smith, Spronz, Parrilla, McGrath, Cox, Rush, O'Leary, Southerington, Nichols, Griffin, Collier, Fumich, and Burrows.

Pursuant to Ordinance No. 2926-76, the opening prayer was offered by Rev. Dr. A. L. Owens, Second Ebenezer Missionary Baptist Church, Cleveland, Ohio (Ward 7). Pledge of Allegiance.

#### MOTION

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

#### COMMUNICATIONS

##### File No. 1616-14.

From Diana Holly, Asset Manager, Emerald Development & Economic Network, Inc. (EDEN). Notice of intent to utilize the multifamily funding programs of the Ohio Housing Finance Agency for the renovation of eight residential units at

**File No. 1613-14.**

RE: #9700399. New License Application, D5J. Winners CLE, Ltd., 5300 Riverside Drive (Ward 17). Received.

**File No. 1614-14.**

RE: #26325150005. Economic Development Transfer Application, D5. Family Ventures, LLC, 14731 Miles Road (Ward 1). Received.

**File No. 1615-14.**

RE: #8922859. Economic Development Transfer Application, D5. 3356 Warren, LLC, 3356 Warren Road (Ward 17). Received.

**CONDOLENCE RESOLUTIONS**

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

**Res. No. 1650-14**—Anthony E. Smith.

**Res. No. 1651-14**—Captain Bruce Hudec of The Goodtime III.

**Res. No. 1652-14**—Alton "Al" Lewis Holsey.

**Res. No. 1653-14**—George E. Dedek.

**Res. No. 1664-14**—Gary E. "Harry" Stroh.

**Res. No. 1665-14**—Robert T. Bennett.

**Res. No. 1666-14**—William Boyd.

**Res. No. 1667-14**—Katherine Drake.

**CONGRATULATIONS RESOLUTIONS**

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

**Res. No. 1654-14**—Judge Stuart A. Friedman.

**Res. No. 1655-14**—Judge Robert C. McClelland.

**Res. No. 1656-14**—Judge Deborah J. Nicastro.

**RECOGNITION RESOLUTION**

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

**Res. No. 1657-14**—The RISE Foundation of Dublin, Ireland.

**APPRECIATION RESOLUTIONS**

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

**Res. No. 1658-14**—Councilman Martin J. Sweeney.

**Res. No. 1659-14**—Cosandra Wheeler.

**FIRST READING EMERGENCY ORDINANCES REFERRED****Ord. No. 1625-14.**

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

**An emergency ordinance authorizing the Director of Public Works to apply for and accept a grant from the Ohio Department of Education for the 2015 Summer Food Service Program; authorizing the purchase by requirement contract of breakfasts and lunches and for food, food products, beverages, condiments and paper products to implement the grant, for**

**the Division of Recreation, Department of Public Works; and authorizing the Director to contract with various non-profit organizations for the implementation of the Program.**

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

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

**Section 1.** That the Director of Public Works is authorized to apply for and accept a grant in the approximate amount of \$400,000.00, from the Ohio Department of Education, to conduct the 2015 Summer Food Service Program for the purposes described in the summary; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the summary for the grant contained in the file described below.

**Section 2.** That the summary for the grant, File No. 1625-14-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

**Section 3.** That the Director of Public Works is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements during the grant term of unitized breakfasts and lunches for the breakfast and lunch program to be served at City recreation centers and at various non-profit agencies and other agencies or recreation facilities as determined by the Director, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Recreation, Department of Public Works. 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 shall determine.

**Section 4.** That provided the agencies meet the eligibility requirements of the Ohio Department of Education, the Director of Public Works is authorized to make one or more written contracts with the various non-profit organizations to implement this ordinance.

**Section 5.** That the Director of Public Works is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the grant period for the necessary items of various natural foods, food products, beverages, condiments and paper products, to be served as part of the meal program at Camp George L. Forbes, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Recreation, Department of Public Works. 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 shall determine.

**Section 6.** That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of

which purchases shall be made on order of the Commissioner of Purchases and Supplies under a delivery order against the contract or contracts certified by the Director of Finance.

**Section 7.** That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Public Works may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

**Section 8.** That, notwithstanding the provisions of Section 181.24 of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, bidders for the contract or contracts authorized by this ordinance shall be required to submit a bid bond in the amount of five percent of the amount of the bid, as required by United States Treasury Circular 570.

**Section 9.** That the costs of the contract or contracts authorized by this ordinance shall be paid from the fund or funds to which are credited the grant proceeds accepted under this ordinance.

**Section 10.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

**Ord. No. 1626-14.**

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

**An emergency ordinance authorizing the issuance and sale of bonds in the maximum principal amount of \$6,900,000 for the purpose of providing funds for housing and neighborhood development, and authorizing related matters.**

Whereas, this Council desires to issue bonds in an aggregate principal amount not to exceed \$6,900,000 (the "Series 2015 Bonds") to finance the costs of certain permanent improvements described in Section 1; and

Whereas, the Series 2015 Bonds shall be payable from and secured by income tax revenues of the City remaining after deposits required under the General Bond Ordinance (as defined in Section 2) are made to the escrow agent for the City's general obligation bonds; and

Whereas, the Director of Finance, as fiscal officer of this City, has certified to this Council that the estimated life or usefulness of the improvements to be financed with the proceeds of the Series 2015 Bonds is at least five years and the maximum maturity of the Series 2015 Bonds is 20 years, as evidenced by the certificate contained in File No. 1626-14-A; and

Whereas, the authorization for issuance of the Series 2015 Bonds is necessary to provide funds to pay the costs of certain permanent improvements described in Section 1 that are urgently needed for the benefit of the City, and as a result, this Ordinance constitutes an emergency measure



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

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

**Section 1. Purpose.** It is deemed necessary to issue the Series 2015 Bonds in an aggregate principal amount not to exceed \$6,900,000 for the purpose of providing funds to provide housing for individuals and families by constructing, renovating and rehabilitating single family homes by grants, loans, subsidies to loans and otherwise, 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 Sections 133.15(B) and 133.51 of the Ohio Revised Code and as otherwise permitted by law.

**Section 2. Authority, Security and Source of Payment.** The Series 2015 Bonds shall be issued pursuant to the Ohio Constitution, Chapters 133 and 176 of the Ohio Revised Code, the Charter of the City, and this Ordinance for the purpose stated in Section 1. The Series 2015 Bonds shall be payable from and secured by the income tax revenues of the City on a basis subordinate to the security given to the General Obligation Bonds of the City ("General Obligation Bonds") under Ordinance No. 1749-80 passed by the Council on October 8, 1980, as amended by Ordinance No. 1112-83 passed by the Council on May 6, 1983, and Ordinance No. 944-96, passed by the Council on June 10, 1996 (Ordinance No. 1749-80, as so amended and as the same may further be amended from time to time in accordance with its provisions, is referred to as the "General Bond Ordinance"). The debt service on the Series 2015 Bonds shall be payable from income tax collections remaining after depositing with the escrow agent under the General Bond Ordinance the amount required for the payment of debt service on the City's General Obligation Bonds issued and outstanding, from time to time, under the General Bond Ordinance. The Series 2015 Bonds shall be issued and secured under the terms of the Trust Indenture, dated as of April 1, 2008, between the City and U.S. Bank National Association, as trustee (the "Trustee"), as amended by Section 6.1 of the Second Supplemental Trust Indenture, dated as of June 1, 2010, between the City and the Trustee (together, the "Indenture"). The Indenture currently secures five series of Subordinate Lien Income Tax Bonds issued on May 1, 2008 (collectively, the "Series 2008 Bonds"), four series of Subordinate Lien Income Tax Bonds issued on June 23, 2010 (collectively, the "Series 2010 Bonds"), one series of Subordinate Lien Income Tax Bonds issued on November 29, 2012 (the "Series 2012 Bonds"), three series of Subordinate Lien Income Tax Bonds issued on May 30, 2013 (collectively, the "Series 2013 Bonds"), three series of Subordinate Lien Income Tax Bonds issued on February 11, 2014 (collectively, the "Series 2014A Bonds"), and three series of Subordinate Lien Income

Tax Bonds issued on June 11, 2014 (collectively, the "Series 2014B Bonds") and permits the issuance of additional bonds, from time to time, subject to certain restrictions. The Series 2008 Bonds, the Series 2010 Bonds, the Series 2012 Bonds, the Series 2013 Bonds, the Series 2014A Bonds, the Series 2014B Bonds, the Series 2015 Bonds and any additional bonds issued under the Indenture are collectively referred to in this Ordinance as the "Bonds."

**Section 3. Pledge and Covenant to Maintain Income Tax.** So long as Bonds are outstanding under the Indenture, the City pledges the municipal income taxes of the City and grants a lien thereon, subordinate to the lien granted in the General Bond Ordinance as security for the General Obligation Bonds of the City issued and outstanding under the General Bond Ordinance, to the full extent required to meet debt charges payable on the Bonds issued and outstanding, from time to time, under the Indenture. The City covenants to appropriate annually sufficient amounts from the income taxes to pay all debt charges on the General Obligation Bonds, the Bonds outstanding under the Indenture, any Parity Obligations and the Unrestricted Income Tax Obligations (each as defined in the Indenture). The City further covenants that so long as any Bonds are outstanding under the Indenture, the City shall not repeal or amend, or suffer the repeal of, any ordinance for the levy or collection of its income taxes in any manner or to such extent that the City would not be able to meet its obligations to the holders of the Bonds.

**Section 4. Terms of the Series 2015 Bonds.** The Series 2015 Bonds shall be issued in fully registered form. The Series 2015 Bonds may be issued in one or more series or subseries. The Series 2015 Bonds may be delivered only in book-entry form, and if so delivered, shall be registered in the name of the Depository (as defined in the Indenture) or its nominee, as registered owner, and immobilized in the custody of the Depository, and shall not be transferable or exchangeable (except for transfer to another Depository or its nominee) without further action by the City pursuant to the provisions of the Indenture and the Seventh Supplement identified in Section 7. The Series 2015 Bonds shall be designated "Housing and Neighborhood Development Bonds, Series 2015" and may contain such further designation as provided in the Certificate of Award identified below. The Series 2015 Bonds shall be issued in one lot as fully registered Series 2015 Bonds in denominations of \$5,000 or any whole multiple thereof. The Series 2015 Bonds shall be numbered as determined by the Director of Finance. The Series 2015 Bonds shall be signed by the officials of the City and in the manner set forth in the Indenture.

The Series 2015 Bonds shall be dated the date of their issuance and delivery or such other date specified in the certificate of award providing for the final terms of the Series 2015 Bonds and the sale of the Series 2015 Bonds in accordance with this Ordinance (the "Certificate of Award"). The Series 2015 Bonds shall bear interest from their date until the principal amount is paid at the rate or

rates per year specified in the Certificate of Award, provided that the yield (determined in accordance with the arbitrage provisions of the Internal Revenue Code of 1986, as amended) of the Series 2015 Bonds shall not exceed 8% per year, if sold as fixed rate obligations. Interest on the Series 2015 Bonds shall be payable semi-annually on April 1 and October 1, or such other dates specified in the Certificate of Award (the "Interest Payment Dates").

The provisions of Sections 9.98 to 9.983 of the Revised Code shall apply to the Series 2015 Bonds and pursuant to that authority and this Ordinance, the Director of Finance may determine in the Certificate of Award, based on the written advice of a financial advisor, that the City's best interests will be served by causing all or a portion of the Series 2015 Bonds to be obligations bearing interest at variable rates. If the Director of Finance so determines, then the Director of Finance shall specify in the Certificate of Award the method and procedure by which the variable rate of interest to be borne by the variable rate Series 2015 Bonds shall be determined; provided that the variable rate Series 2015 Bonds shall not bear interest at a rate in excess of 25% per year. The Director of Finance is authorized to enter into agreements in connection with the delivery of the variable rate Series 2015 Bonds, and from time to time thereafter so long as the variable rate Series 2015 Bonds are outstanding, with providers of Credit Support Instruments (as defined in Section 11) and others as may be determined by the Director of Finance, based on the written advice of a financial advisor, to be necessary or appropriate to provide for the method of determining the variable interest rates, permitting holders the right of tender, providing for liquidity or credit support for the payment of the variable rate Series 2015 Bonds upon tender for purchase or redemption, and providing for the repayment by the City of any amounts drawn under the Credit Support Instrument.

The Series 2015 Bonds shall mature in the years and principal amounts set forth in the Certificate of Award, provided that (i) each principal payment shall occur on an Interest Payment Date, and (ii) the final maturity date of the Series 2015 Bonds shall be no later than August 1, 2037; provided that the Series 2015 Bonds shall not have more than 20 annual principal installments. The Series 2015 Bonds stated to mature in any year may be issued as serial Series 2015 Bonds or as term Series 2015 Bonds payable prior to stated maturity pursuant to sinking fund redemption (the "Term Bonds"). The Director of Finance shall determine in the Certificate of Award whether any of the Series 2015 Bonds shall be issued as Term Bonds, any dates (the "Mandatory Redemption Dates") on which the principal amount of the Term Bonds shall be payable pursuant to mandatory sinking fund installments rather than at stated maturity and the amount of principal to be paid on each Mandatory Redemption Date (the "Mandatory Sinking Fund Redemption Requirements").

If any of the Series 2015 Bonds are issued as Term Series 2015 Bonds, the Term Bonds shall be redeemed pursuant to the Mandatory Sinking Fund Redemption Requirements at a

redemption price of 100% of the principal amount redeemed, plus interest accrued to the redemption date, on the Mandatory Redemption Dates. The aggregate of the moneys to be deposited with the Trustee for payment of principal of and interest on any Term Bonds shall include amounts sufficient to redeem on the Mandatory Redemption Dates the principal amount of Term Bonds payable on those dates pursuant to the Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as provided in the Indenture and the Seventh Supplement).

The Series 2015 Bonds may be subject to redemption prior to maturity by and at the option of the City, in whole or in part on any date, in whole multiples of \$5,000, on the redemption dates and at the redemption prices specified in the Certificate of Award, plus, in each case, accrued interest to the redemption date. Based on the written advice of a financial advisor, the Director of Finance may determine in the Certificate of Award that it is in the best interests of the City (i) for some or all of the Series 2015 Bonds not to be callable prior to their stated maturity, and (ii) for a premium to be payable on the redemption of any Series 2015 Bonds calculated in a manner to make the bondholder whole for the loss of the investment or calculated as a percentage in excess of 100% of the principal amount redeemed.

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

If and to the extent provided in the Certificate of Award, the Series 2015 Bonds may be secured by a Debt Service Reserve Fund to be held by the Trustee under the Indenture. The principal amount of the Series 2015 Bonds may include provision for funding the Debt Service Reserve Fund from the proceeds of the Series 2015 Bonds, subject to compliance with applicable federal tax laws.

The Director of Finance shall indicate in the Certificate of Award whether the Series 2015 Bonds are being issued as obligations the interest on which is excluded from gross income for federal income tax purposes ("Tax-Exempt Obligations").

**Section 5. Sale of Series 2015 Bonds.** The Series 2015 Bonds shall first be offered for purchase to the Trustees of the Sinking Fund and, if not purchased by them, shall be offered to the Treasury Investment Account for purchase and, if not purchased for that Account, shall be sold to the purchaser identified in the Certificate of Award (the "Original Purchaser"). The Certificate of Award shall specify the final terms of the Series 2015 Bonds in accordance with law, the provisions of this Ordinance, the written advice of a financial advisor retained under authority of Section 12 and the Original Purchaser's offer to purchase the Series 2015 Bonds, including: the principal amount of the Series 2015 Bonds (which shall not exceed the amount stated in Section 1), the purchase price (which

shall be not less than 97% of the principal amount plus accrued interest to their date of delivery), interest rate or rates, the amounts and years in which principal installments are payable (at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements), terms and conditions under which any Series 2015 Bonds may be redeemed prior to maturity at the option of the City, the Interest Payment Dates and the date of the Series 2015 Bonds (if different from those set forth in Section 3) and any other matters required in this Ordinance to be set forth in that Certificate. As appropriate under the Charter, the Mayor, Director of Finance, Director of Law, Clerk of Council and other appropriate officers of the City are, and each of them is, authorized to take such actions as are necessary, appropriate and in the best interest of the City to establish the terms and requirements for delivery of the Series 2015 Bonds and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, procedures, and conditions for the delivery of the Series 2015 Bonds to the Original Purchaser, to give all appropriate notices and certificates, to cause a true transcript of proceedings with reference to the issuance of the Series 2015 Bonds to be delivered to the Original Purchaser, to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance and to take all steps necessary to effect the due execution, authentication and delivery of the Series 2015 Bonds. The Director of Finance is authorized to sign and deliver on behalf of the City a bond purchase agreement between the City and the Original Purchaser (the "Bond Purchase Agreement"), approved as to form by the Director of Law, setting forth the terms and conditions on which the City agrees to sell the Series 2015 Bonds and the Original Purchaser agrees to buy the Series 2015 Bonds on terms consistent with this Ordinance and the Indenture, that are not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement or amendments to the Bond Purchase Agreement by the Director of Finance. It is determined that the terms of the Series 2015 Bonds, as provided in this Ordinance and as may be provided in or pursuant to the Certificate of Award, the Indenture and the Seventh Supplement, are in the best interest of the City and in compliance with all legal requirements.

**Section 6. Application of Proceeds.** The proceeds from the sale of the Series 2015 Bonds shall be applied as follows:

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

(b) to the Trustee, for deposit in the Interest Payment Account in the Debt Service Fund, the amount, if any, received by the City upon delivery of the Series 2015 Bonds as accrued interest from their dated date to the date of their delivery to the Original Purchaser;

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

(d) to the Trustee, for deposit in the Interest Payment Account in the Debt Service Fund, the amount, if any, received by the City upon delivery of the Series 2015 Bonds as original issue premium from the sale of the Series 2015 Bonds; and

(e) to the Trustee for deposit in the Project Fund, the balance of the proceeds.

**Section 7. Supplemental Indenture.** The Director of Finance is authorized to sign and deliver on behalf of the City a supplemental trust indenture (the "Seventh Supplement"), supplementing the Indenture to provide procedures for the authentication, registration and transfer of the Series 2015 Bonds, redemption of Series 2015 Bonds, payments under any Credit Support Instrument authorized by Section 11, application of the proceeds of the Series 2015 Bonds, defeasance of the Series 2015 Bonds, and other terms consistent with this Ordinance and the Certificate of Award and approved by the Director of Finance as not substantially adverse to the City. The Seventh Supplement shall be approved as to form by the Director of Law. The determination by the Director of Finance that the provisions of the Seventh Supplement are not substantially adverse to the City shall be conclusively evidenced by the Director's signing of the Seventh Supplement. As appropriate under the Charter, the Mayor, the Director of Finance, the Director of Law, the Clerk of Council and other appropriate officers of the City are, and each of them is, authorized to sign, acknowledge and deliver, in the name and on behalf of the City, such documents, certifications and instruments in addition to the Indenture and Seventh Supplement as may be necessary or appropriate to issue and sell the Series 2015 Bonds and to consummate the transactions authorized by this Ordinance.

**Section 8. Bond Anticipation Notes.** For the purpose of raising money in anticipation of the issuance of the Series 2015 Bonds for the purpose set forth in Section 1, notes of the City may be issued in an aggregate principal amount not to exceed \$6,900,000 (the "Notes") upon the direction of the Director of Finance to be set forth in a certificate providing for the final terms of the Notes and the sale of the Notes and signed by the Director of Finance (the "Note Certificate of Award"). The Notes, if sold as fixed rate obligations, shall bear interest at such rate, not exceeding 3% per year, and shall be payable on the date or dates, as shall be determined by the Director of Finance of the City in the Note Certificate of Award; shall be dated their date of issuance; shall mature on the date set forth in the Note Certificate of Award; shall be subject to redemption by the City at any time prior to maturity without penalty, unless the Director of Finance, based on the advice of a financial advisor, determines that it is in the best interest of the City in order to enhance the marketability of the Notes, that the Notes not be redeemable prior to maturity or that a premium be paid on their prior redemption; shall be designated

"Housing and Neighborhood Development Bond Anticipation Notes" or as otherwise provided in the Note Certificate of Award; shall be issued in such numbers and denominations as may be requested by the Note Purchaser (hereinafter defined); and shall be issued in fully registered form (which may be in a book entry only system). The provisions of Sections 9.98 to 9.983 of the Revised Code shall apply to the Notes and pursuant to that authority and this Ordinance, the Director of Finance may determine in the Certificate of Award, based on the written advice of a financial advisor, that the City's best interests will be served by causing all or a portion of the Notes to be obligations bearing interest at variable rates. If the Director of Finance so determines, then the Director of Finance shall specify in the Certificate of Award the method and procedure by which the variable rate of interest to be borne by the variable rate Notes shall be determined; provided that the variable rate Notes shall not bear interest at a rate in excess of 25% per year. The Director of Finance is authorized to enter into agreements in connection with the delivery of the variable rate Notes, and from time to time thereafter so long as the variable rate Notes are outstanding, with providers of Credit Support Instruments (as defined in Section 11) and others as may be determined by the Director of Finance, based on the written advice of a financial advisor, to be necessary or appropriate to provide for the method of determining the variable interest rates, permitting holders the right of tender, providing for liquidity or credit support for the payment of the variable rate Notes upon tender for purchase or redemption, and providing for the repayment by the City of any amounts drawn under the Credit Support Instrument. The Trustee shall be the authenticating agent, registrar, transfer agent and paying agent for the Notes. The Notes shall be signed by the officials of the City and in the manner set forth in the Indenture. The Notes shall first be offered for purchase to the Trustees of the Sinking Fund and, if not purchased by them, shall be offered to the Treasury Investment Account for purchase and, if not purchased for that Account, shall be sold at not less than par and accrued interest to one or more firms that have proposed to underwrite the Notes and have been selected by the Director of Finance based on an evaluation of the qualifications of those firms (the "Note Purchaser") in the principal amount set forth in a certificate of award to be executed by the Director of Finance (the "Note Certificate of Award"). The proceeds of such sale shall be paid into the proper fund or funds set forth in the Note Certificate of Award and used for the purpose for which the Notes are being issued under the provisions of this Ordinance.

**Section 9. Official Statement; Continuing Disclosure.** If, in the judgment of the Director of Finance, a disclosure document (each, an "Official Statement") is appropriate or necessary in connection with the sale of the Notes or the Series 2015 Bonds, the Director of Finance is authorized to prepare or cause to be prepared on behalf of the City an Official Statement with respect to the Notes or the Series 2015 Bonds, as the case may be,

and any necessary supplements and to authorize the use and distribution of each Official Statement and any supplements. The Director of Finance is authorized to sign on behalf of the City and in her official capacity each Official Statement and any supplements approved by her. The Director of Finance is authorized to sign and deliver on behalf of the City and in her official capacity such certificates in connection with the accuracy of each Official Statement and any supplements as may, in her judgment, be necessary or appropriate. The Director of Finance is also authorized to determine and certify on behalf of the City that such disclosure document is "deemed final" by the City within the meaning of Securities and Exchange Commission Rule 15c2-12 the "SEC Rule." The Director of Finance is authorized to contract for services for the production and distribution of preliminary and final Official Statements, including by printed and electronic means.

For the benefit of the holders and beneficial owners from time to time of the Notes or the Series 2015 Bonds, the City agrees, in accordance with, and as the only obligated person with respect to the Notes and the Series 2015 Bonds under the SEC Rule, to provide or cause to be provided such financial information and operating data and notices, in such manner as may be required for purposes of the SEC Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Director of Finance is authorized to prepare, or cause to be prepared, and to sign and deliver, in the name and on behalf of the City, a continuing disclosure agreement or certificate, which shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and beneficial owners of the Notes or the Series 2015 Bonds, as the case may be, in accordance with the SEC Rule. The performance of that agreement shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform it. The Director of Finance is further authorized to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices.

**Section 10. Federal Tax Considerations.** The representations and covenants in this Section apply only if the Series 2015 Bonds are issued as Tax-Exempt Obligations. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Series 2015 Bonds and any Notes in such manner and to such extent as may be necessary so that (i) the Series 2015 Bonds and any Notes will not (A) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Internal Revenue Code of 1986, as amended (the "Code") or (B) be treated other than as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (ii) the interest on the Series 2015 Bonds and any Notes will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (i) it will take or cause to be taken such

actions that may be required of it for the interest on the Series 2015 Bonds and any Notes to be and remain excluded from gross income for federal income tax purposes (ii) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (iii) it, or persons acting for it, will, among other acts of compliance (A) apply the proceeds of the Series 2015 Bonds and any Notes to the governmental purpose of the borrowing (B) restrict the yield on investment property (C) make timely and adequate payments to the federal government (D) maintain books and records and make calculations and reports and (E) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Director of Finance or any other officer of the City having responsibility for issuance of the Series 2015 Bonds and any Notes is hereby authorized (i) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Series 2015 Bonds and any Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or tax status of the Series 2015 Bonds and any Notes or interest thereon, or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing rebate amounts or payments or penalties or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, which action shall be in writing and signed by the officer (ii) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the intended tax status of the Series 2015 Bonds and any Notes and (iii) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Series 2015 Bonds and any Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Series 2015 Bonds and any Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on the Series 2015 Bonds and any Notes and the tax status of the Series 2015 Bonds and any Notes.

**Section 11. Credit Facilities and Ratings.** If the Director of Finance determines it to be in the best interests of the City, based on the written advice of a financial advisor, the Director of Finance may obtain an insurance policy, letter of credit, standby bond purchase agreement or other credit enhancement instrument as further security for the payment when due of the principal of and interest on all or any portion of the Series 2015 Bonds or any Notes (a "Credit Support Instrument"). The Director of Finance may request a rating on the



Series 2015 Bonds or Notes from one or more nationally recognized rating organizations, and do any and all things and take any and all actions required to secure a Credit Support Instrument and/or a rating or ratings on the Series 2015 Bonds or Notes. The Director of Finance may enter into one or more agreements for Credit Support Instruments containing terms not materially inconsistent with this Ordinance or the Indenture. The expenditure of the amounts necessary to secure Credit Support Instruments or obtain those ratings is authorized and approved, and the Director of Finance is authorized to provide for the payment of any such amounts from the proceeds of the Series 2015 Bonds or Notes to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

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

**Section 13. Open Meeting Determination.** It is found and determined that all formal actions of this Council and of any of its committees concerning and relating to the passage of this Ordinance were taken, and that all deliberations of this Council any of its committees that resulted in these formal actions were held, in meetings open to the public in compliance with all legal requirements, including, without limitation, Section 121.22 of the Revised Code.

**Section 14. Findings and Recitals of Validity.** It is hereby determined, represented and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Series 2015 Bonds and the Notes in order to make them legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of the Series 2015 Bonds or the Notes. It is further found and determined, and is represented and recited, that the provisions of Sections 28, 29, 32, 33 (including the provisions of Section 33 with respect to readings on three separate days or dispensing with such readings by a two-thirds vote of all members of the Council), 36, 37, 48 and all other applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this Ordinance was passed in conformity therewith.

**Section 15. Delivery to County Fiscal Officer.** The Director of Finance is authorized to forward a certified copy of this Ordinance and of the Certificate of Award for the Series 2015 Bonds and any Note Certificate of Award to the County Fiscal Officer of Cuyahoga County and to secure a receipt therefor.

**Section 16. Severability.** Each section and each part of each section of this Ordinance is declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is declared to be the controlling legislative intent that if any such section or part of a section or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstance, other than those as to which it is held invalid, shall not be affected thereby, and it is declared to be the legislative intent that the other provisions of this Ordinance would have been passed independently of such section, or parts of a section, so held to be invalid.

**Section 17. 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 and Section 16 of Article VIII of the Constitution of Ohio. Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance shall not apply to the Series 2015 Bonds or the Notes authorized herein.

Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding Series 2015 Bonds, notes, certificates of indebtedness, other obligations, trust indentures, trust agreements, or other agreements or contracts made or entered into by the City and for which consideration was duly received by the City prior to the passage of this Ordinance.

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

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

**Ord. No. 1627-14.  
By Council Member Kelley (by departmental request).**

**An emergency ordinance providing for the issuance and sale of revenue bonds in a principal amount not to exceed \$16,300,000 to provide funds for economic and community development in the city and authorizing related matters.**

Whereas, the City is authorized by virtue of the laws of the State of Ohio, including, without limitation, Section 13 of Article VIII of the Ohio Constitution and Chapter 165 of the Revised Code, among other things, to issue bonds to acquire, construct, equip, or improve one or more projects (as defined in Section 165.01 of the

Revised Code) for the purpose of creating or preserving jobs and employment opportunities and improving the economic welfare of the people of the City and of the State of Ohio, including providing money to make loans to others for such purposes; and

Whereas, to create and preserve jobs and employment opportunities, the City has issued bonds under its Core City Fund Program; and

Whereas, the City has determined to authorize as Additional Bonds under the Trust Indenture described in Section 1 another series of Economic and Community Development Revenue Bonds (the Series 2015 Bonds) for those purposes; and

Whereas, it is necessary to issue the Series 2015 Bonds and to do so as soon as possible to address financing needs of pending economic and community development projects and, as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public property, health, and safety and for the usual and daily operation of a municipal department; now, therefore,

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

**Section 1. Definitions.** In addition to the words and terms elsewhere defined in this Ordinance, including its preambles, unless the context or use clearly indicates another or different meaning or intent:

"Bond Fund" means the Core City Program Bond Retirement Fund held by the Trustee under the Trust Indenture.

"Bond Reserve Fund" means the Core City Program Bond Reserve Fund held by the Trustee under the Trust Indenture.

"Bonds" means the outstanding Series 2004 Bonds, the Series 2013A Bonds, the Series 2014 Bonds, the Series 2015 Bonds authorized by this Ordinance, and any subsequent series of Additional Bonds issued under the Trust Indenture.

"Book entry form" or "Book entry system" means a form or system under which (a) the ownership of book entry interests in the Bonds and the principal of and interest on the Bonds may be transferred only through a book entry, and (b) physical Bond certificates in fully registered form are issued only to a Depository or its nominee as registered owner, with the physical Bond certificates "immobilized" in the custody of the Depository or its agent. The book entry system is maintained by and is the responsibility of the Depository and not the City or the Bond Registrar. The book entry is the record that identifies, and records the transfer of the interests of, the owners of beneficial (book entry) interests in the Bonds.

"Certificate of Award" means the certificate authorized by Section 6, to be signed by the Director of Finance, setting forth and determining those terms or other matters pertaining to the Series 2015 Bonds and their amount, issuance, sale and delivery as this Ordinance requires or authorizes to be set forth or determined in it.

"Continuing Disclosure Agreement" means the agreement authorized by Section 11, which, together with the agreements of the City set forth in that Section, shall constitute the continuing disclosure agreement made by the City for the benefit of holders



and beneficial owners of the Series 2015 Bonds in accordance with the Rule.

"Corporation" means Cleveland Citywide Development Corporation, the community improvement corporation organized under Revised Code Chapter 1724 and designated by this Council as the "agency" of the City within the meaning of Revised Code Chapter 165.

"Credit Support Instrument" means a letter of credit, an insurance policy, standby bond purchase agreement, or other credit enhancement or liquidity device provided to enhance the security or liquidity of the Series 2015 Bonds.

"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 book entry interests in Bonds or the principal of and interest on the Bonds, 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.

"Economic Development Plan" means the plan of industrial, commercial, distribution and research development prepared by the Corporation and approved by this Council.

"Net Project Revenues" means Revenues, if any, remaining and available to pay debt charges on the Bonds after the application by the City of the Revenues to make grants or loans for additional economic development projects in the City.

"Nontax Revenues" means all moneys of the City which are not moneys raised by taxation, to the extent available for the purpose of paying debt charges on the Bonds, including, but not limited to the following: (a) grants from the United States of America and the State; (b) payments in lieu of taxes now or hereafter authorized by State statute; (c) fines and forfeitures which are deposited in the City's General Fund; (d) fees deposited in the City's General Fund for services provided and from properly imposed licenses and permits; (e) investment earnings on the City's General Fund; (f) investment earnings on other funds of the City that are credited to the City's General Fund; (g) proceeds from the sale of assets which are deposited in the City's General Fund; (h) gifts and donations; and (i) all rental payments which are deposited in the City's General Fund.

"Original Purchaser" means the original purchaser or original purchasers of the Series 2015 Bonds, as specified by the Director of Finance in the Certificate of Award.

"Proceedings" means, collectively, this Ordinance, the Certificate of Award, the Trust Indenture as amended and supplemented, including by the Sixth Supplement, the Continuing Disclosure Agreement and such other proceedings of the City, including the Series 2015 Bonds, that provide collectively for, among other things, the rights of holders and beneficial owners of the Series 2015 Bonds.

"Project" means each project or, collectively, all projects (as defined in Section 165.01 of the Revised Code) funded from the Series 2015 Bonds for the purpose of creating or preserving jobs and employment opportunities and improving the economic welfare

of the people of the City and of the State of Ohio, including providing money to make loans to others for such purposes, and including but not limited to the acquisition, construction, equipping, or improvement of multi-unit housing and commercial development and the preparation or remediation of sites for such purposes.

"Project Fund" means the Series 2015 Project Fund established pursuant to Section 10.

"Revenues" means the rentals, revenues, payments, repayments, income, charges, and moneys derived or to be derived from the use, lease, sublease, rental, sale, including installment sale or conditional sale, or other disposition of individual Projects, or derived or to be derived from a loan made for a Project.

"Rule" means SEC Rule 15c2-12.

"Series 2004 Bonds" means the City's \$19,280,000 Taxable Economic and Community Development Revenue Bonds, Series 2004 (Core City Fund).

"Series 2013A Bonds" means the City's \$25,360,000 Taxable Economic and Community Development Refunding Revenue Bonds, Series 2013A (Core City Fund).

"Series 2014 Bonds" means the City's \$12,365,000 Taxable Economic and Community Development Refunding Revenue Bonds, Series 2014 (Core City Fund).

"Series 2015 Bonds" means the Bonds authorized by this Ordinance.

"Sixth Supplement" means the Sixth Supplemental Trust Indenture providing for the terms of the Series 2015 Bonds.

"State" means the State of Ohio.

"Trust Indenture" means the Trust Indenture dated as of December 15, 2003 between the City and the Trustee, as supplemented and amended from time to time.

"Trustee" means U.S. Bank National Association, as trustee, paying agent and registrar for the Bonds under the Trust Indenture.

Unless otherwise indicated, any reference to a Section is a reference to a Section of this Ordinance.

**Section 2. Authorized Principal Amount and Purpose.** This Council determines that each Project is a "project" as defined in Revised Code Chapter 165 and is consistent with the purposes of Section 13, Article VIII of the Ohio Constitution to benefit the people of the City and of the State by creating and preserving jobs and employment opportunities and improving the economic welfare of the people of the City and of the State. It is necessary and proper and in the best interest of the City to, and the City shall, issue the Series 2015 Bonds in an aggregate principal amount not to exceed \$16,300,000 for the purpose of providing the funds necessary for the Project. The final aggregate principal amount of the Series 2015 Bonds will be determined in the Certificate of Award as provided in Section 6.

**Section 3. Terms of Series 2015 Bonds.** The Series 2015 Bonds shall be dated the date of issuance or such other date as is designated in the Certificate of Award. The Series 2015 Bonds shall mature on the dates and in the respective principal amounts to be determined by the Director of Finance in the Certificate of Award in accordance with her determination of the best interest of, and financial advantages to, the City; provided that

the final maturity date shall be not later than 30 years from the date of issuance of the Series 2015 Bonds. The Series 2015 Bonds shall bear interest from their date at the rate or rates per year set forth in the Certificate of Award, or if any Series 2015 Bonds bear interest at a variable rate, at the rate determined pursuant to the Trust Indenture and the Certificate of Award. Interest on the Series 2015 Bonds shall be payable on the dates determined by the Director of Finance in the Certificate of Award, and the Series 2015 Bonds shall bear interest at those rates until the principal amount of the Series 2015 Bonds is paid or payment is provided for. If any Series 2015 Bonds bear interest at a fixed rate, that rate shall not exceed 8% per year (computed on the basis of a 360-day year consisting of twelve 30-day months) and interest shall be payable not more often than every six months and at maturity or at any earlier redemption date. If any Series 2015 Bonds bear interest at a variable rate or rates, those rates shall not exceed that set forth below, and interest shall be payable not more often than once a month and following purchase and at maturity or at any earlier redemption date.

The Series 2015 Bonds may be issued in one or more separate series, each bearing a distinctive designation, provided that the Series 2015 Bonds of each series satisfy the requirements of this Ordinance. Separate series of Series 2015 Bonds may be issued at the same or different times. The Series 2015 Bonds of each series shall be designated as provided in the applicable Certificate of Award. A separate Certificate of Award may be delivered for each Series.

In the event that the Director of Finance, based on the written advice of a financial advisor, determines that the City's best interests will be served by causing all or a portion of the Series 2015 Bonds to be obligations bearing interest at variable rates, redeemable by the City without penalty or premium on interest adjustment dates, then the Director of Finance is authorized to so specify in the Certificate of Award. If the Director of Finance so determines, then the Director of Finance shall specify in the Certificate of Award the method and procedure by which the variable rate of interest to be borne by the variable rate Series 2015 Bonds shall be determined, whether by reference to a market index, by a remarketing agent or otherwise; provided that the variable rate Series 2015 Bonds shall not bear interest at a rate in excess of 25% per year. Holders of variable rate Series 2015 Bonds may be given the right to tender their variable rate Series 2015 Bonds for purchase by the City at the times, on the terms, and subject to the conditions set forth in the Certificate of Award and any tender agreement; provided that tender rights shall be exercisable only at such times as a Credit Support Instrument is in place that provides for the payment of the purchase price payable to the tendering holder of a variable rate Bond. If the Director of Finance designates any Series 2015 Bonds as variable rate Series 2015 Bonds, and if the holders of the variable rate Series 2015 Bonds are to be entitled to tender the variable rate Series 2015 Bonds for purchase, then

the Director of Finance shall also designate in the Certificate of Award for those variable rate Series 2015 Bonds the provider or providers for any Credit Support Instrument, the tender agent or agents and the remarketing agent or agents, which designations shall be based on the determination of the Director of Finance, based on the written advice of a financial advisor, that the parties so designated possess the requisite resources and experience to provide the services required of them and that the terms on which the designated parties have agreed to provide such services are fair and commercially reasonable. The Director of Finance is authorized to enter into agreements in connection with the delivery of the variable rate Series 2015 Bonds, and from time to time thereafter so long as the variable rate Series 2015 Bonds are outstanding, with providers of Credit Support Instruments, tender agents (which may be the Trustee), remarketing agents, and others as may be determined by the Director of Finance, based on the written advice of a financial advisor, to be necessary or appropriate to provide for the method of determining the variable interest rates, permitting holders the right of tender, providing for liquidity or credit support for the payment of the variable rate Series 2015 Bonds upon tender for purchase or redemption, and providing for the repayment by the City of any amounts drawn under the Credit Support Instrument.

The Director of Finance, in connection with the original issuance of the Series 2015 Bonds, and regardless of the Series 2015 Bonds bearing interest at variable or fixed rates, is authorized to contract for one or more Credit Support Instruments, and to pay their costs from proceeds of the Series 2015 Bonds, if he determines that the Credit Support Instrument or Instruments will result in a savings in the cost of this financing to the City, based on the written advice of a financial advisor.

The Director of Finance, based on the written advice of a financial advisor, shall further determine and specify in the Certificate of Award whether any of the Series 2015 Bonds are subject to optional redemption prior to maturity, the earliest date on which redeemable Series 2015 Bonds shall be subject to prior redemption, which shall not be later than ten years from the first interest payment date, and the applicable redemption premium for the redeemable Series 2015 Bonds, which shall be not greater than 103% of the principal amount redeemed.

The Director of Finance shall indicate in the Certificate of Award whether the Series 2015 Bonds are being issued as obligations the interest on which is excluded from gross income for federal income tax purposes ("Tax-Exempt Obligations").

**Section 4. Registration, Transfer and Exchange.** The Series 2015 Bonds shall be issued only as fully registered Series 2015 Bonds. The Trustee shall act as the authenticating agent, registrar, transfer agent, and paying agent for the Series 2015 Bonds, except as otherwise provided in the Trust Indenture.

Principal of the Series 2015 Bonds shall be payable when due upon presentation and surrender of the Series 2015 Bonds at the office of the Trustee

designated in the Trust Indenture. Interest on each 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 Register (defined below in this Section) at the close of business on the record date provided in the Trust Indenture. The Trustee shall maintain and keep all books and records necessary for the registration, exchange, and transfer of Series 2015 Bonds as provided in the Trust Indenture (the "Register") so long as any of the Series 2015 Bonds remain outstanding. Subject to the provisions in the Trust Indenture, the person in whose name a Bond is registered on the Register shall be regarded as the absolute owner of that Bond for all purposes of the Proceedings. 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 Trustee shall be affected by any notice to the contrary, but the registration may be changed as provided in the Trust Indenture. 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.

Notwithstanding the foregoing, if and so long as the Series 2015 Bonds are issued in a book entry system, principal of and interest on the Series 2015 Bonds shall be payable in the manner provided in any agreement entered into by the Director of Finance, in the name and on behalf of the City, in connection with the book entry system.

Series 2015 Bonds may be exchanged for Series 2015 Bonds of any authorized denomination upon presentation and surrender at the office designated by the Trustee, 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 Trustee.

The Series 2015 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 Series 2015 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 book entry interest owners of Series 2015 Bonds in book entry form shall have no right to receive Series 2015 Bonds in the form of physical securities or certificates; (iii) ownership of book entry 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 book entry interests shall be made only by book entry by the Depository and its Participants; and (iv) the Series 2015 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 Series 2015 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 Director of

Finance, after making provision for notification of the book entry interest owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Series 2015 Bonds from the Depository, and authenticate and deliver 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 also is authorized to the extent necessary or required to enter into any agreements determined necessary in connection with the book entry system for the Series 2015 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 5. Execution of Series 2015 Bonds.**

Series 2015 Bonds shall be signed by the Mayor and the Director of Finance, in the name of the City and in their official capacities, provided that either or both of those signatures may be a facsimile, and shall bear the seal of the City or a facsimile thereof; provided that no Bond shall be valid or obligatory for any purpose or shall be entitled to any security or benefit under the Proceedings unless and until the certificate of authentication printed on the Bond is signed by the Trustee as authenticating agent, and authentication by the Trustee shall be conclusive evidence that the Bond so authenticated has been duly issued, signed and delivered under, and is entitled to the security and benefit of, the Proceedings. The certificate of authentication may be signed by any authorized officer or employee of the Trustee or by any other person acting as an agent of the Trustee and approved by the Director of Finance on behalf of the City. The same person need not sign the certificate of authentication on all of the Series 2015 Bonds.

Pursuant to Section 83 of the City's Charter, the Director of Law shall prepare the Series 2015 Bonds and shall endorse thereon her approval of the form and correctness thereof by her manual or facsimile signature. The Series 2015 Bonds shall be issued in the denominations as requested by the Original Purchaser and approved by the Director of Finance, in conformity with this Ordinance. The entire principal amount may be represented by a single bond certificate and may be issued as fully registered securities and in book entry or other uncertificated form if it is determined by the Director of Finance that issuance of fully registered securities in that form will facilitate the sale and delivery of the Series 2015 Bonds. The Series 2015 Bonds may be issued in the authorized denominations of either (a) \$100,000 each or in any denomination that is the sum of (i) \$100,000 and (ii) \$5,000 or any integral multiple thereof, and not exchangeable for other Series 2015 Bonds in denominations less than \$100,000, or (b) \$5,000 or any integral multiple thereof, as determined by the Director of Finance in the Certificate of Award to be in the best interests of the City. The Series 2015 Bonds shall not have coupons attached, shall be numbered as determined by the Director of Finance and shall express upon their

faces the purpose, in summary terms, for which they are issued and that they are issued pursuant to this Ordinance.

**Section 6. Sale of Series 2015 Bonds.** The Series 2015 Bonds shall be sold at not less than 97% of par plus accrued interest at private sale by the Director of Finance to the Original Purchaser in accordance with law and the provisions of this Ordinance. If the Director of Finance determines, based on the written advice of a financial advisor, that an underwriter is incapable of fully performing its duties or meeting its obligations in its capacity as Original Purchaser with respect to the Series 2015 Bonds, the Director of Finance is hereby authorized, in the name of and on behalf of the City, to take whatever action may be necessary to terminate that underwriter's standing as Original Purchaser. The Director of Finance shall sign the Certificate of Award referred to in this Ordinance, evidencing that sale to the Original Purchaser, cause the Series 2015 Bonds to be prepared, and have the Series 2015 Bonds signed and delivered, together with a true transcript of proceedings with reference to the issuance of the Series 2015 Bonds if requested by the Original Purchaser, to the Original Purchaser upon payment of the purchase price. The Director of Finance is authorized to sign and deliver, in the name and on behalf of the City, a bond purchase agreement between the City and the Original Purchaser, or representative thereof (the "Purchase Agreement"), in a form consistent with this Ordinance and as approved by the Director of Law. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Purchase Agreement from the proceeds of the Series 2015 Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose. The Mayor, the Director of Finance, the Clerk, the Director of Law, and other City officials, as appropriate, are each authorized 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.

**Section 7. Security for the Bonds.** The Series 2015 Bonds shall be special obligations of the City, and the debt charges on the Series 2015 Bonds, as well as the Series 2004 Bonds, the Series 2013A Bonds, the Series 2014 Bonds, and any Additional Bonds, shall be payable solely from the Net Project Revenues and the Nontax Revenues. The payment of debt charges on the Bonds is secured by the Trust Indenture and by a pledge of and lien on the Bond Fund held by the Trustee under the Trust Indenture. The Bonds are not and shall not be secured by an obligation or pledge of any money raised by taxation. The Bonds do not and shall not represent or constitute a debt or pledge of the faith and credit or taxing power of the City, and the owners thereof have and shall have no right to have taxes levied by the City for the payment of debt charges thereon. The Series 2015 Bonds shall contain a statement to that effect and to the effect that the Bonds are payable solely from the Net Project Revenues and the Nontax

Revenues and are not secured by an obligation or pledge of any money raised by taxation.

The City covenants and agrees that while the Bonds are outstanding, it will appropriate and maintain Nontax Revenues at such times and in such amounts as will be sufficient, together with the Net Project Revenues and any other funds available for the purpose, to pay the debt charges on the Bonds and will so restrict other obligations payable from Nontax Revenues prior to or on a parity with the Bonds as will ensure the continuing availability for appropriation of sufficient Nontax Revenues to pay debt charges when due.

In accordance with the Trust Indenture, there shall be deposited in the Bond Fund (i) any Net Project Revenues, and (ii) other Nontax Revenues on or prior to the date debt charges on the Bonds are due, in an amount sufficient to pay those debt charges. There shall be deposited in the Bond Reserve Fund from the proceeds of the Series 2015 Bonds or a Credit Support Instrument, the amount, if any, determined by the Director of Finance based on the written advice of a financial advisor, to enhance the marketability of the Series 2015 Bonds and to enable the City to stabilize its budget against fluctuations in the receipt of Nontax Revenues. Money in the Bond Fund and Bond Reserve Fund shall be applied and invested as provided in the Trust Indenture. Amounts drawn on the Bond Reserve Fund shall be restored to the extent, and over the period of time, provided in the Trust Indenture.

**Section 8. Payment of Debt Charges on the Series 2015 Bonds.** Nothing herein shall be construed as requiring the City to use or apply to the payment of debt charges on the Series 2015 Bonds any funds or revenues from any source other than Net Project Revenues and the Nontax Revenues. Subject to the requirements of Revised Code Section 176.04, nothing herein, however, shall be deemed to prohibit the City, of its own volition, from using, to the extent that it is authorized by law to do so, any other resources for the fulfillment of any of the terms, conditions or obligations of this Ordinance or of the Series 2015 Bonds.

The City will, solely from the proceeds of the Series 2015 Bonds or from the Net Project Revenues or the Nontax Revenues, pay or cause to be paid the debt charges on the Series 2015 Bonds on the dates, at the places and in the manner provided herein and in the Series 2015 Bonds. For that purpose, in each year while the Bonds are outstanding, this Council, after providing for the payment of debt charges payable on the City's general obligation securities in that year from sources available for that purpose, will appropriate Nontax Revenues required to pay, and for the purpose of paying, the debt charges due in that year on the Bonds (less other money available for the purpose) and any outstanding parity obligations payable from Nontax Revenues. Further, this Council will give effect to such appropriations in all ordinances it passes thereafter in that year appropriating money for expenditure and encumbrance and limit the other appropriations of Nontax Revenues in that year to the amount available after deducting the amount required for the payment of debt charges payable on the City's general obligation securities and to pay those debt

charges. The City covenants that, so long as any of the Bonds are outstanding, it shall not issue any additional obligations payable from the Nontax Revenues on a parity with the Bonds and any outstanding parity obligations payable from Nontax Revenues, unless, prior to passage of the ordinance authorizing such parity obligations, the Director of Finance shall have certified to this Council that the Nontax Revenues during the preceding calendar year, adjusted to reflect, if necessary, changes in the rates or charges resulting in the Nontax Revenues, aggregate in amount not less than 100% of the highest amount of (a) debt charges on the Bonds and (b) required payments on such proposed parity obligations and any outstanding parity obligations due in any succeeding calendar year.

Each obligation of the City required to be undertaken pursuant to this Ordinance and the Series 2015 Bonds is binding upon the City, and upon each officer or employee of the City as may from time to time have the authority under law to take any action on behalf of the City as may be necessary to perform all or any part of such obligation, as a duty of the City and of each of those officers and employees resulting from an office, trust or station within the meaning of Section 2731.01 of the Revised Code, providing for enforcement by writ of mandamus.

**Section 9. Supplemental Trust Indenture.** The City shall enter into the Sixth Supplement, supplementing the original Trust Indenture, to further provide for the terms of the Series 2015 Bonds. The Mayor and the Director of Finance shall sign and deliver, in the name and on behalf of the City, the Sixth Supplement in a form consistent with this Ordinance and approved by the Director of Law. The Mayor and the Director of Finance and other City officials, as appropriate, are authorized to take such actions and sign and deliver such related instruments as are necessary or appropriate to consummate the transactions contemplated by this Ordinance.

**Section 10. Project Fund; Deposit of Proceeds.** The proceeds from the sale of the Series 2015 Bonds are appropriated and shall be used for the purpose for which the Series 2015 Bonds are being issued. There is created by the City, as a separate fund or account, in the custody and control of the Trustee, a fund designated the "Core City Program Series 2015 Project Fund" (the "Project Fund"). That Project Fund shall be maintained separate and apart from the fund established as the project fund for any other series of Bonds issued under the Trust Indenture. The proceeds from the sale of the Series 2015 Bonds shall be deposited in the Project Fund. Additional funds, from whatever source, may be voluntarily deposited in the Project Fund by the City. Funds in the Project Fund may be used to pay costs of a Project, or to make loans to others to pay costs of that Project, consistent with Revised Code Chapter 165, following certification of the Project by the Corporation as being in accordance with the Economic Development Plan. Moneys in the Project Fund are appropriated for, and shall be used to pay, costs of Projects consistent with the requirements of this Ordinance. The City may establish additional accounts or



subaccounts within the Project Fund as necessary or convenient to ascertain the dates, amounts and sources of deposits. At such time as disbursements are to be made from the Project Fund to pay costs of a Project, the City shall direct the Trustee to transfer amounts in the Project Fund to the City for subsequent disbursement by, or reimbursement to, the City for Project purposes. Any portion of the proceeds of the Series 2015 Bonds to be used to pay interest on the Series 2015 Bonds shall be deposited in a capitalized interest subaccount of the Project Fund. Any accrued interest received from the sale of the Bonds shall be deposited in the Bond Fund.

**Section 11. 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 Series 2015 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 Series 2015 Bonds, as the case may be, and any necessary supplements and to authorize the use and distribution of each Official Statement and any supplements. The Director of Finance is authorized to sign on behalf of the City and in her official capacity each Official Statement and any supplements approved by her. The Director of Finance is authorized to sign and deliver on behalf of the City and in her official capacity such certificates in connection with the accuracy of each Official Statement and any supplements as may, in her judgment, be necessary or appropriate. The Director of Finance is also authorized to determine and certify on behalf of the City that such disclosure document is "deemed final" by the City within the meaning of Securities and Exchange Commission Rule 15c2-12 (the "SEC Rule"). The Director of Finance is authorized to contract for services for the production and distribution of preliminary and final Official Statements, including by printed and electronic means.

For the benefit of the holders and beneficial owners from time to time of the Series 2015 Bonds, the City agrees, in accordance with, and as the only obligated person with respect to the Series 2015 Bonds under the SEC Rule, to provide or cause to be provided such financial information and operating data and notices, in such manner as may be required for purposes of the SEC Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Director of Finance is authorized to prepare, or cause to be prepared, and to sign and deliver, in the name and on behalf of the City, a continuing disclosure agreement or certificate, which shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and beneficial owners of the Series 2015 Bonds, as the case may be, in accordance with the SEC Rule. The performance of that agreement shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform it. The Director of Finance is further authorized to establish procedures in order to

ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices.

**Section 12. Federal Tax Considerations.** The representations and covenants in this Section apply only if the Series 2015 Bonds are issued as Tax-Exempt Obligations. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Series 2015 Bonds and any Notes in such manner and to such extent as may be necessary so that (i) the Series 2015 Bonds and any Notes will not (A) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Internal Revenue Code of 1986, as amended (the "Code") or (B) be treated other than as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (ii) the interest on the Series 2015 Bonds and any Notes will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (i) it will take or cause to be taken such actions that may be required of it for the interest on the Series 2015 Bonds and any Notes to be and remain excluded from gross income for federal income tax purposes (ii) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (iii) it, or persons acting for it, will, among other acts of compliance (A) apply the proceeds of the Series 2015 Bonds and any Notes to the governmental purpose of the borrowing (B) restrict the yield on investment property (C) make timely and adequate payments to the federal government (D) maintain books and records and make calculations and reports and (E) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Director of Finance or any other officer of the City having responsibility for issuance of the Series 2015 Bonds and any Notes is hereby authorized (i) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Series 2015 Bonds and any Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or tax status of the Series 2015 Bonds and any Notes or interest thereon, or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing rebate amounts or payments or penalties or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, which action shall be in writing and signed by the officer (ii) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the intended tax status of the Series 2015 Bonds and any Notes and (iii) to give one or more appropriate certificates of the City,

for inclusion in the transcript of proceedings for the Series 2015 Bonds and any Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Series 2015 Bonds and any Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on the Series 2015 Bonds and any Notes and the tax status of the Series 2015 Bonds and any Notes.

**Section 13. Credit Facilities and Ratings.** If the Director of Finance determines it to be in the best interests of the City, based on the written advice of a financial advisor, the Director of Finance may obtain an insurance policy, letter of credit, standby bond purchase agreement or other credit enhancement instrument as further security for the payment when due of the principal of and interest on all or any portion of the Series 2015 Bonds (a "Credit Support Instrument"). The Director of Finance may request a rating on the Series 2015 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 Credit Support Instrument and/or a rating or ratings on the Series 2015 Bonds. The Director of Finance may enter into one or more agreements for Credit Support Instruments containing terms not materially inconsistent with this Ordinance or the Indenture. The expenditure of the amounts necessary to secure Credit Support Instruments or obtain those ratings is authorized and approved, and the Director of Finance is authorized to provide for the payment of any such amounts from the proceeds of the Series 2015 Bonds to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

**Section 14. Authorization of Hedging Arrangements.** This Council finds that by engaging in interest rate hedging arrangements with respect to Bonds the City may reduce its cost of borrowing by optimizing the relative amounts of fixed and variable rate obligations, or minimizing the risk of variations in its debt service costs, or obtaining savings by confirming rates of interest on Bonds in advance of their issuance. To permit the City to have the flexibility to undertake interest rate swap, swaption, rate cap, rate collar and other hedging transactions, from time to time, and to establish the procedures for approving those transactions, this Council authorizes the signing and delivery of one or more agreements (each, a "Hedge Agreement") and any related agreements necessary for the consummation of the transactions contemplated by each Hedge Agreement. The authorizations in this Section are supplemental to and not in derogation of any authority provided by any other ordinance of this Council concerning hedging arrangements.

Upon the determination of the Director of Finance, based on the written advice of a Financial Advisor, that it is to the financial advantage of the City and in the City's best interests that a hedging arrangement be undertaken by the City with respect to any Bonds issued or to be issued under the Trust Indenture, the Director of Finance may authorize one or

more interest rate hedge transactions in accordance with the applicable Hedge Agreement; provided that the term of each hedge transaction shall not exceed the final maturity of the Bonds to which the hedge relates.

The Director of Finance shall negotiate the terms of each Hedge Agreement. The City shall receive a written opinion of a Financial Advisor that the payments made or to be made by the counterparty to the City, or by the City to the counterparty, shall be fair value for the Hedge Agreement, considering, among other things, the credit of the City, the credit of the counterparty and the terms and conditions of the Hedge Agreement. The Director of Finance shall determine the terms and conditions of the Hedge Agreement, including without limitation, the time or times and procedures for the exercise by the counterparty or the City, as the case may be, of any option under the Hedge Agreement, whether the obligations of the City under the Hedge Agreement shall be secured by a Credit Support Instrument, and the rates to be paid by the counterparty to the City and by the City to the counterparty under the Hedge Agreement in the event of the exercise of the option. The approval of each interest rate hedge transaction by the Director of Finance shall be conclusively evidenced by the signing and delivery of the applicable Hedge Agreement by the Director of Finance.

The Director of Finance is authorized to enter into an amendment, modification or novation of any Hedge Agreement or any Credit Support Instrument securing a Hedge Agreement or to terminate any Hedge Agreement, in whole or in part, if the Director of Finance determines, based on the written advice of a Financial Advisor, that (a) the amendment, modification, novation or termination is (i) justified by the corresponding benefit to the City (ii) commercially reasonable based on then-current market conditions, and (iii) in the City's best interests, and (b) any payments made or to be made by the counterparty to the City, or by the City to the counterparty, are fair value for such amendment, modification, novation or termination, given the credit of the counterparty and the terms and conditions of the amendment, modification, novation or termination. To the extent that any amounts to be paid by the City in connection with any such amendment, modification, novation or termination are not paid from proceeds of the Series 2015 Bonds, those amounts shall be paid from Program Funds and Nontax Revenues appropriated for the purpose.

The City's obligations under any Hedge Agreement shall be payable from Net Project Revenues and Nontax Revenues. The obligation of the City to make payments under any Hedge Agreement does not and shall not represent or constitute a general obligation, debt, bonded indebtedness or a pledge of the faith and credit of the City or the State. Nothing gives any party to any Hedge Agreement the right to have excises, ad valorem or other taxes levied by the City or the State for the payment of any amounts due under any Hedge Agreement.

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

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

**Section 15. Certifications of Community Improvement Corporation.** Prior to delivery of the Series 2015 Bonds, the Core City Fund program shall be certified to be in accordance with the Plan by the Corporation as the agency of the City for industrial, commercial, distribution and research facilities development within the City. Each Project shall be so certified by the Corporation prior to receiving proceeds of the Bonds by loan or otherwise.

**Section 16. Captions, Headings, and Section References.** The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit, or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs, or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

**Section 17. Interpretation.** Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance shall not apply to the Series 2015 Bonds authorized herein. Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding bonds, the Series 2015 Bonds, certificates of indebtedness, other obligations, trust indentures, or other agreements or contracts made or entered into by the City.

**Section 18. Financial Advisor.** The Director of Finance may obtain the services of one or more financial advisors, from time to time, to assist the Director of Finance in making any of the determinations required by this Ordinance to be determined by the Director of Finance. The Director of Finance may rely on the written advice of any financial advisor so retained. Any financial advisor employed under the authority of this Ordinance shall be disinterested in the transaction and be independent of the Original Purchasers and any other party interested in the transaction.

**Section 19. Validity.** This Council finds and determines that this Ordinance was passed in compliance with all applicable provisions of the City's Charter and the rules of this Council. This Council further finds and determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Series 2015 Bonds in order to make them legal, valid, and binding special obligations of the City have been performed and have been met, or will at the time of delivery of the Series 2015 Bonds have been performed and have been met, in regular and due form as required by law, and that no limitation of indebtedness or taxation, either statutory or constitutional, is applicable to the issuance of the Series 2015 Bonds.

**Section 20. Compliance with Open Meeting Requirements.** This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating

to the passage of this Ordinance were taken in an open meeting of this Council or committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

**Section 21. Emergency.** This Ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

**Ord. No. 1628-14.**

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

**An emergency ordinance authorizing the issuance and sale of bonds in the maximum principal amount of \$34,000,000 for the purpose of providing funds to improve facilities for the discharge of governmental functions or for services otherwise benefitting public safety, health and welfare, and authorizing related matters.**

Whereas, this Council desires to issue bonds in an aggregate principal amount not to exceed \$34,000,000 (the "Series 2015 Bonds") to finance the costs of certain permanent improvements described in Section 1; and

Whereas, the Series 2015 Bonds shall be payable from and secured by income tax revenues of the City remaining after deposits required under the General Bond Ordinance (as defined in Section 2) are made to the escrow agent for the City's general obligation bonds; and

Whereas, the Director of Finance, as fiscal officer of this City, has certified to this Council that the estimated life or usefulness of the improvements to be financed with the proceeds of the Series 2015 Bonds is at least five years and the maximum maturity of the Series 2015 Bonds is 14 years, as evidenced by the certificate contained in File No. 1628-14-A; and

Whereas, the authorization for issuance of the Series 2015 Bonds is necessary to provide funds to pay the costs of certain permanent improvements described in Section 1 that are urgently needed for the benefit of the City, and as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health and safety, and for the usual daily operation of a municipal department; now, therefore,

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

**Section 1. Purpose.** It is deemed necessary to issue the Series 2015 Bonds in an aggregate principal amount not to exceed \$34,000,000 for the purpose of providing funds to improve facilities for the discharge of governmental functions or for services otherwise benefitting the public safety, health and welfare, including constructing, reconstructing, rehabilitating, installing, renovating, enlarging and otherwise improving buildings, structures and other facilities in, of and for City Hall, police stations, fire stations, emergency medical centers, service stations, waste collection, transfer and disposal facilities, correctional facilities, health facilities, maintenance facilities, kennels, parking

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

**Section 2. Authority, Security and Source of Payment.** The Series 2015 Bonds shall be issued pursuant to the Ohio Constitution, Chapter 133 of the Ohio Revised Code, the Charter of the City, and this Ordinance for the purpose stated in Section 1. The Series 2015 Bonds shall be payable from and secured by the income tax revenues of the City on a basis subordinate to the security given to the General Obligation Bonds of the City ("General Obligation Bonds") under Ordinance No. 1749-80 passed by the Council on October 8, 1980, as amended by Ordinance No. 1112-83 passed by the Council on May 6, 1983, and Ordinance No. 944-96, passed by the Council on June 10, 1996 (Ordinance No. 1749-80, as so amended and as the same may further be amended from time to time in accordance with its provisions, is referred to as the "General Bond Ordinance"). The debt service on the Series 2015 Bonds shall be payable from income tax collections remaining after depositing with the escrow agent under the General Bond Ordinance the amount required for the payment of debt service on the City's General Obligation Bonds issued and outstanding, from time to time, under the General Bond Ordinance. The Series 2015 Bonds shall be issued and secured under the terms of the Trust Indenture, dated as of April 1, 2008, between the City and U.S. Bank National Association, as trustee (the "Trustee"), as amended by Section 6.1 of the Second Supplemental Trust Indenture, dated as of June 1, 2010, between the City and the Trustee (together, the "Indenture"). The Indenture currently secures five series of Subordinate Lien Income Tax Bonds issued on May 1, 2008 (collectively, the "Series 2008 Bonds"), four series of Subordinate Lien Income Tax Bonds issued on June 23, 2010 (collectively, the "Series 2010 Bonds"), one series of Subordinate Lien Income Tax Bonds issued on November 29, 2012 (the "Series 2012 Bonds"), three series of Subordinate Lien Income Tax Bonds issued on May 30, 2013 (collectively, the "Series 2013 Bonds"), three series of Subordinate Lien Income Tax Bonds issued on February 11, 2014 (collectively, the "Series 2014A Bonds"), and three series of Subordinate Lien Income Tax Bonds issued on June 11, 2014 (collectively, the "Series 2014B Bonds") and permits the issuance of additional bonds, from time to time, subject to certain restrictions. The Series 2008 Bonds, the Series 2010 Bonds, the Series 2012 Bonds, the Series 2013 Bonds, the Series 2014A Bonds, the Series 2014B Bonds, the Series 2015 Bonds and any additional bonds issued under the Indenture are

collectively referred to in this Ordinance as the "Bonds."

**Section 3. Pledge and Covenant to Maintain Income Tax.** So long as Bonds are outstanding under the Indenture, the City pledges the municipal income taxes of the City and grants a lien thereon, subordinate to the lien granted in the General Bond Ordinance as security for the General Obligation Bonds of the City issued and outstanding under the General Bond Ordinance, to the full extent required to meet debt charges payable on the Bonds issued and outstanding, from time to time, under the Indenture. The City covenants to appropriate annually sufficient amounts from the income taxes to pay all debt charges on the General Obligation Bonds, the Bonds outstanding under the Indenture, any Parity Obligations and the Unrestricted Income Tax Obligations (each as defined in the Indenture). The City further covenants that so long as any Bonds are outstanding under the Indenture, the City shall not repeal or amend, or suffer the repeal of, any ordinance for the levy or collection of its income taxes in any manner or to such extent that the City would not be able to meet its obligations to the holders of the Bonds.

**Section 4. Terms of the Series 2015 Bonds.** The Series 2015 Bonds shall be issued in fully registered form. The Series 2015 Bonds may be issued in one or more series or subseries. The Series 2015 Bonds may be delivered only in book-entry form, and if so delivered, shall be registered in the name of the Depository (as defined in the Indenture) or its nominee, as registered owner, and immobilized in the custody of the Depository, and shall not be transferable or exchangeable (except for transfer to another Depository or its nominee) without further action by the City pursuant to the provisions of the Indenture and the Seventh Supplement identified in Section 7. The Series 2015 Bonds shall be designated "Public Facilities Improvement Bonds, Series 2015" and may contain such further designation as provided in the Certificate of Award identified below. The Series 2015 Bonds shall be issued in one lot as fully registered Series 2015 Bonds in denominations of \$5,000 or any whole multiple thereof. The Series 2015 Bonds shall be numbered as determined by the Director of Finance. The Series 2015 Bonds shall be signed by the officials of the City and in the manner set forth in the Indenture.

The Series 2015 Bonds shall be dated the date of their issuance and delivery or such other date specified in the certificate of award providing for the final terms of the Series 2015 Bonds and the sale of the Series 2015 Bonds in accordance with this Ordinance (the "Certificate of Award"). The Series 2015 Bonds shall bear interest from their date until the principal amount is paid at the rate or rates per year specified in the Certificate of Award, provided that the yield (determined in accordance with the arbitrage provisions of the Internal Revenue Code of 1986, as amended) of the Series 2015 Bonds shall not exceed 6% per year, if sold as fixed rate obligations. Interest on the Series 2015 Bonds shall be payable semi-annually on April 1 and October 1, or such other dates specified in the Certificate of Award (the "Interest Payment Dates").

The provisions of Sections 9.98 to 9.983 of the Revised Code shall apply to the Series 2015 Bonds and pursuant to that authority and this Ordinance, the Director of Finance may determine in the Certificate of Award, based on the written advice of a financial advisor, that the City's best interests will be served by causing all or a portion of the Series 2015 Bonds to be obligations bearing interest at variable rates. If the Director of Finance so determines, then the Director of Finance shall specify in the Certificate of Award the method and procedure by which the variable rate of interest to be borne by the variable rate Series 2015 Bonds shall be determined; provided that the variable rate Series 2015 Bonds shall not bear interest at a rate in excess of 25% per year. The Director of Finance is authorized to enter into agreements in connection with the delivery of the variable rate Series 2015 Bonds, and from time to time thereafter so long as the variable rate Series 2015 Bonds are outstanding, with providers of Credit Support Instruments (as defined in Section 11) and others as may be determined by the Director of Finance, based on the written advice of a financial advisor, to be necessary or appropriate to provide for the method of determining the variable interest rates, permitting holders the right of tender, providing for liquidity or credit support for the payment of the variable rate Series 2015 Bonds upon tender for purchase or redemption, and providing for the repayment by the City of any amounts drawn under the Credit Support Instrument.

The Series 2015 Bonds shall mature in the years and principal amounts set forth in the Certificate of Award, provided that (i) each principal payment shall occur on an Interest Payment Date, and (ii) the final maturity date of the Series 2015 Bonds shall be no later than August 1, 2031; provided that the Series 2015 Bonds shall not have more than 14 annual principal installments. The Series 2015 Bonds stated to mature in any year may be issued as serial Series 2015 Bonds or as term Series 2015 Bonds payable prior to stated maturity pursuant to sinking fund redemption (the "Term Bonds"). The Director of Finance shall determine in the Certificate of Award whether any of the Series 2015 Bonds shall be issued as Term Bonds, any dates (the "Mandatory Redemption Dates") on which the principal amount of the Term Bonds shall be payable pursuant to mandatory sinking fund installments rather than at stated maturity and the amount of principal to be paid on each Mandatory Redemption Date (the "Mandatory Sinking Fund Redemption Requirements").

If any of the Series 2015 Bonds are issued as Term Series 2015 Bonds, the Term Bonds shall be redeemed pursuant to the Mandatory Sinking Fund Redemption Requirements at a redemption price of 100% of the principal amount redeemed, plus interest accrued to the redemption date, on the Mandatory Redemption Dates. The aggregate of the moneys to be deposited with the Trustee for payment of principal of and interest on any Term Bonds shall include amounts sufficient to redeem on the Mandatory Redemption Dates the principal amount of Term Bonds payable on those dates pursuant to the Mandatory Sinking Fund



Redemption Requirements (less the amount of any credit as provided in the Indenture and the Seventh Supplement).

The Series 2015 Bonds may be subject to redemption prior to maturity by and at the option of the City, in whole or in part on any date, in whole multiples of \$5,000, on the redemption dates and at the redemption prices specified in the Certificate of Award, plus, in each case, accrued interest to the redemption date. Based on the written advice of a financial advisor, the Director of Finance may determine in the Certificate of Award that it is in the best interests of the City (i) for some or all of the Series 2015 Bonds not to be callable prior to their stated maturity, and (ii) for a premium to be payable on the redemption of any Series 2015 Bonds calculated in a manner to make the bondholder whole for the loss of the investment or calculated as a percentage in excess of 100% of the principal amount redeemed.

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

If and to the extent provided in the Certificate of Award, the Series 2015 Bonds may be secured by a Debt Service Reserve Fund to be held by the Trustee under the Indenture. The principal amount of the Series 2015 Bonds may include provision for funding the Debt Service Reserve Fund from the proceeds of the Series 2015 Bonds, subject to compliance with applicable federal tax laws.

**Section 5. Sale of Series 2015 Bonds.** The Series 2015 Bonds shall first be offered for purchase to the Trustees of the Sinking Fund and, if not purchased by them, shall be offered to the Treasury Investment Account for purchase and, if not purchased for that Account, shall be sold to the purchaser identified in the Certificate of Award (the "Original Purchaser"). The Certificate of Award shall specify the final terms of the Series 2015 Bonds in accordance with law, the provisions of this Ordinance, the written advice of a financial advisor retained under authority of Section 12 and the Original Purchaser's offer to purchase the Series 2015 Bonds, including: the principal amount of the Series 2015 Bonds (which shall not exceed the amount stated in Section 1), the purchase price (which shall be not less than 97% of the principal amount plus accrued interest to their date of delivery), interest rate or rates, the amounts and years in which principal installments are payable (at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements), terms and conditions under which any Series 2015 Bonds may be redeemed prior to maturity at the option of the City, the Interest Payment Dates and the date of the Series 2015 Bonds (if different from those set forth in Section 3) and any other matters required in this Ordinance to be set forth in that Certificate. As appropriate under the Charter, the Mayor, Director of Finance, Director of Law, Clerk of Council and other appropriate officers of the City

are, and each of them is, authorized to take such actions as are necessary, appropriate and in the best interest of the City to establish the terms and requirements for delivery of the Series 2015 Bonds and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, procedures, and conditions for the delivery of the Series 2015 Bonds to the Original Purchaser, to give all appropriate notices and certificates, to cause a true transcript of proceedings with reference to the issuance of the Series 2015 Bonds to be delivered to the Original Purchaser, to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance and to take all steps necessary to effect the due execution, authentication and delivery of the Series 2015 Bonds. The Director of Finance is authorized to sign and deliver on behalf of the City a bond purchase agreement between the City and the Original Purchaser (the "Bond Purchase Agreement"), approved as to form by the Director of Law, setting forth the terms and conditions on which the City agrees to sell the Series 2015 Bonds and the Original Purchaser agrees to buy the Series 2015 Bonds on terms consistent with this Ordinance and the Indenture, that are not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement or amendments to the Bond Purchase Agreement by the Director of Finance. It is determined that the terms of the Series 2015 Bonds, as provided in this Ordinance and as may be provided in or pursuant to the Certificate of Award, the Indenture and the Seventh Supplement, are in the best interest of the City and in compliance with all legal requirements.

**Section 6. Application of Proceeds.** The proceeds from the sale of the Series 2015 Bonds shall be applied as follows:

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

(b) to the Trustee, for deposit in the Interest Payment Account in the Debt Service Fund, the amount, if any, received by the City upon delivery of the Series 2015 Bonds as accrued interest from their dated date to the date of their delivery to the Original Purchaser;

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

(d) to the Trustee, for deposit in the Interest Payment Account in the Debt Service Fund, the amount, if any, received by the City upon delivery of the Series 2015 Bonds as original issue premium from the sale of the Series 2015 Bonds; and

(e) to the Trustee for deposit in the Project Fund, the balance of the proceeds.

**Section 7. Supplemental Indenture.** The Director of Finance is authorized to sign and deliver on behalf of the City a supplemental trust indenture

(the "Seventh Supplement"), supplementing the Indenture to provide procedures for the authentication, registration and transfer of the Series 2015 Bonds, redemption of Series 2015 Bonds, payments under any Credit Support Instrument authorized by Section 11, application of the proceeds of the Series 2015 Bonds, defeasance of the Series 2015 Bonds, and other terms consistent with this Ordinance and the Certificate of Award and approved by the Director of Finance as not substantially adverse to the City. The Seventh Supplement shall be approved as to form by the Director of Law. The determination by the Director of Finance that the provisions of the Seventh Supplement are not substantially adverse to the City shall be conclusively evidenced by the Director's signing of the Seventh Supplement. As appropriate under the Charter, the Mayor, the Director of Finance, the Director of Law, the Clerk of Council and other appropriate officers of the City are, and each of them is, authorized to sign, acknowledge and deliver, in the name and on behalf of the City, such documents, certifications and instruments in addition to the Indenture and Seventh Supplement as may be necessary or appropriate to issue and sell the Series 2015 Bonds and to consummate the transactions authorized by this Ordinance.

**Section 8. Bond Anticipation Notes.**

For the purpose of raising money in anticipation of the issuance of the Series 2015 Bonds for the purpose set forth in Section 1, notes of the City may be issued in an aggregate principal amount not to exceed \$34,000,000 (the "Notes") upon the direction of the Director of Finance to be set forth in a certificate providing for the final terms of the Notes and the sale of the Notes and signed by the Director of Finance (the "Note Certificate of Award"). The Notes, if sold as fixed rate obligations, shall bear interest at such rate, not exceeding 3% per year, and shall be payable on the date or dates, as shall be determined by the Director of Finance of the City in the Note Certificate of Award; shall be dated their date of issuance; shall mature on the date set forth in the Note Certificate of Award; shall be subject to redemption by the City at any time prior to maturity without penalty, unless the Director of Finance, based on the advice of a financial advisor, determines that it is in the best interest of the City in order to enhance the marketability of the Notes, that the Notes not be redeemable prior to maturity or that a premium be paid on their prior redemption; shall be designated "Public Facilities Improvement Bond Anticipation Notes" or as otherwise provided in the Note Certificate of Award; shall be issued in such numbers and denominations as may be requested by the Note Purchaser (hereinafter defined); and shall be issued in fully registered form (which may be in a book entry only system). The provisions of Sections 9.98 to 9.983 of the Revised Code shall apply to the Notes and pursuant to that authority and this Ordinance, the Director of Finance may determine in the Certificate of Award, based on the written advice of a financial advisor, that the City's best interests will be served by causing all or a portion of the Notes to be obligations bearing interest at variable rates. If the Director of

Finance so determines, then the Director of Finance shall specify in the Certificate of Award the method and procedure by which the variable rate of interest to be borne by the variable rate Notes shall be determined; provided that the variable rate Notes shall not bear interest at a rate in excess of 25% per year. The Director of Finance is authorized to enter into agreements in connection with the delivery of the variable rate Notes, and from time to time thereafter so long as the variable rate Notes are outstanding, with providers of Credit Support Instruments (as defined in Section 11) and others as may be determined by the Director of Finance, based on the written advice of a financial advisor, to be necessary or appropriate to provide for the method of determining the variable interest rates, permitting holders the right of tender, providing for liquidity or credit support for the payment of the variable rate Notes upon tender for purchase or redemption, and providing for the repayment by the City of any amounts drawn under the Credit Support Instrument. The Trustee shall be the authenticating agent, registrar, transfer agent and paying agent for the Notes. The Notes shall be signed by the officials of the City and in the manner set forth in the Indenture. The Notes shall first be offered for purchase to the Trustees of the Sinking Fund and, if not purchased by them, shall be offered to the Treasury Investment Account for purchase and, if not purchased for that Account, shall be sold at not less than par and accrued interest to one or more firms that have proposed to underwrite the Notes and have been selected by the Director of Finance based on an evaluation of the qualifications of those firms (the "Note Purchaser") in the principal amount set forth in a certificate of award to be executed by the Director of Finance (the "Note Certificate of Award"). The proceeds of such sale shall be paid into the proper fund or funds set forth in the Note Certificate of Award and used for the purpose for which the Notes are being issued under the provisions of this Ordinance.

**Section 9. Official Statement; Continuing Disclosure.** If, in the judgment of the Director of Finance, a disclosure document (each, an "Official Statement") is appropriate or necessary in connection with the sale of the Notes or the Series 2015 Bonds, the Director of Finance is authorized to prepare or cause to be prepared on behalf of the City an Official Statement with respect to the Notes or the Series 2015 Bonds, as the case may be, and any necessary supplements and to authorize the use and distribution of each Official Statement and any supplements. The Director of Finance is authorized to sign on behalf of the City and in her official capacity each Official Statement and any supplements approved by her. The Director of Finance is authorized to sign and deliver on behalf of the City and in her official capacity such certificates in connection with the accuracy of each Official Statement and any supplements as may, in her judgment, be necessary or appropriate. The Director of Finance is also authorized to determine and certify on behalf of the City that such disclosure document is "deemed final" by the City within the meaning of Securities and Exchange Commission Rule 15c2-12 the "SEC

Rule." The Director of Finance is authorized to contract for services for the production and distribution of preliminary and final Official Statements, including by printed and electronic means.

For the benefit of the holders and beneficial owners from time to time of the Notes or the Series 2015 Bonds, the City agrees, in accordance with, and as the only obligated person with respect to the Notes and the Series 2015 Bonds under the SEC Rule, to provide or cause to be provided such financial information and operating data and notices, in such manner as may be required for purposes of the SEC Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Director of Finance is authorized to prepare, or cause to be prepared, and to sign and deliver, in the name and on behalf of the City, a continuing disclosure agreement or certificate, which shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and beneficial owners of the Notes or the Series 2015 Bonds, as the case may be, in accordance with the SEC Rule. The performance of that agreement shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform it. The Director of Finance is further authorized to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices.

**Section 10. Federal Tax Considerations.** The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Series 2015 Bonds and any Notes in such manner and to such extent as may be necessary so that (i) the Series 2015 Bonds and any Notes will not (A) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Internal Revenue Code of 1986, as amended (the "Code") or (B) be treated other than as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (ii) the interest on the Series 2015 Bonds and any Notes will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (i) it will take or cause to be taken such actions that may be required of it for the interest on the Series 2015 Bonds and any Notes to be and remain excluded from gross income for federal income tax purposes (ii) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (iii) it, or persons acting for it, will, among other acts of compliance (A) apply the proceeds of the Series 2015 Bonds and any Notes to the governmental purpose of the borrowing (B) restrict the yield on investment property (C) make timely and adequate payments to the federal government (D) maintain books and records and make calculations and reports and (E) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Director of Finance or any other officer of the City having responsibility for issuance of the Series 2015 Bonds and any Notes is hereby authorized (i) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Series 2015 Bonds and any Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or tax status of the Series 2015 Bonds and any Notes or interest thereon, or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing rebate amounts or payments or penalties or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, which action shall be in writing and signed by the officer (ii) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the intended tax status of the Series 2015 Bonds and any Notes and (iii) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Series 2015 Bonds and any Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Series 2015 Bonds and any Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on the Series 2015 Bonds and any Notes and the tax status of the Series 2015 Bonds and any Notes.

**Section 11. Credit Facilities and Ratings.** If the Director of Finance determines it to be in the best interests of the City, based on the written advice of a financial advisor, the Director of Finance may obtain an insurance policy, letter of credit, standby bond purchase agreement or other credit enhancement instrument as further security for the payment when due of the principal of and interest on all or any portion of the Series 2015 Bonds or any Notes (a "Credit Support Instrument"). The Director of Finance may request a rating on the Series 2015 Bonds or Notes from one or more nationally recognized rating organizations, and do any and all things and take any and all actions required to secure a Credit Support Instrument and/or a rating or ratings on the Series 2015 Bonds or Notes. The Director of Finance may enter into one or more agreements for Credit Support Instruments containing terms not materially inconsistent with this Ordinance or the Indenture. The expenditure of the amounts necessary to secure Credit Support Instruments or obtain those ratings is authorized and approved, and the Director of Finance is authorized to provide for the payment of any such amounts from the proceeds of the Series 2015 Bonds or Notes to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

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

**Section 13. Open Meeting Determination.** It is found and determined that all formal actions of this Council and of any of its committees concerning and relating to the passage of this Ordinance were taken, and that all deliberations of this Council any of its committees that resulted in these formal actions were held, in meetings open to the public in compliance with all legal requirements, including, without limitation, Section 121.22 of the Revised Code.

**Section 14. Findings and Recitals of Validity.** It is hereby determined, represented and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Series 2015 Bonds and the Notes in order to make them legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of the Series 2015 Bonds or the Notes. It is further found and determined, and is represented and recited, that the provisions of Sections 28, 29, 32, 33 (including the provisions of Section 33 with respect to readings on three separate days or dispensing with such readings by a two-thirds vote of all members of the Council), 36, 37, 48 and all other applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this Ordinance was passed in conformity therewith.

**Section 15. Delivery to County Fiscal Officer.** The Director of Finance is authorized to forward a certified copy of this Ordinance and of the Certificate of Award for the Series 2015 Bonds and any Note Certificate of Award to the County Fiscal Officer of Cuyahoga County and to secure a receipt therefor.

**Section 16. Severability.** Each section and each part of each section of this Ordinance is declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is declared to be the controlling legislative intent that if any such section or part of a section or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstance, other than those as to which it is held invalid, shall not be affected thereby, and it is declared to be the legislative intent that the other provisions of this Ordinance would have been passed independently of such section, or parts of a section, so held to be invalid.

**Section 17. Legislative Intent.** All terms, conditions, pledges, covenants

or agreements on the part of the City provided for in this Ordinance are made by the voluntary act of the City under its lawful authority, including its authority under its Charter and Article XVIII of the Constitution of Ohio. Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance shall not apply to the Series 2015 Bonds or the Notes authorized herein.

Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding Series 2015 Bonds, notes, certificates of indebtedness, other obligations, trust indentures, trust agreements, or other agreements or contracts made or entered into by the City and for which consideration was duly received by the City prior to the passage of this Ordinance.

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

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

**Ord. No. 1629-14.**

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

**An emergency ordinance authorizing the issuance and sale of bonds in the maximum principal amount of \$11,000,000 for the purpose of providing funds to improve municipal parks and recreation facilities and authorizing related matters.**

Whereas, this Council desires to issue bonds in an aggregate principal amount not to exceed \$11,000,000 (the "Series 2015 Bonds") to finance the costs of certain permanent improvements described in Section 1; and

Whereas, the Series 2015 Bonds shall be payable from and secured by income tax revenues of the City remaining after deposits required under the General Bond Ordinance (as defined in Section 2) are made to the escrow agent for the City's general obligation bonds; and

Whereas, the Director of Finance, as fiscal officer of this City, has certified to this Council that the estimated life or usefulness of the improvements to be financed with the proceeds of the Series 2015 Bonds is at least five years and the maximum maturity of the Series 2015 Bonds is 26 years, as evidenced by the certificate contained in File No. 1629-14-A; and

Whereas, the authorization for issuance of the Series 2015 Bonds is necessary to provide funds to pay the costs of certain permanent improvements described in Section 1 that are urgently needed for the benefit of the City, and as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health and safety, and for the usual

daily operation of a municipal department; now, therefore,

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

**Section 1. Purpose.** It is deemed necessary to issue the Series 2015 Bonds in an aggregate principal amount not to exceed \$11,000,000 for the purpose of providing funds to improve municipal parks and recreation facilities by constructing, reconstructing, rehabilitating, installing, renovating, enlarging and otherwise improving parks and recreation centers and areas, pools, aquatic facilities, skating rinks, greenhouses, bicycle paths, playgrounds, playfields, tracks, fields and related buildings, structures, walkways, pavement, safety surfaces and facilities, and providing necessary water systems, drainage, lighting, signage, fixtures, furnishings, equipment, safety modifications and site improvements, together with all necessary and incidental appurtenances and the acquisition of any required real estate and interests in real estate and the demolition of any existing buildings, structures, walkways and facilities, and to pay any capitalized interest and all expenses incurred in connection with the issuance of the securities, including all financing costs within the meaning of Section 133.01(K) of the Revised Code and such other costs of the foregoing permanent improvements that may be financed with the proceeds of securities as permitted by Section 133.15(B) of the Ohio Revised Code and as otherwise permitted by law.

**Section 2. Authority, Security and Source of Payment.** The Series 2015 Bonds shall be issued pursuant to the Ohio Constitution, Chapter 133 of the Ohio Revised Code, the Charter of the City, and this Ordinance for the purpose stated in Section 1. The Series 2015 Bonds shall be payable from and secured by the income tax revenues of the City on a basis subordinate to the security given to the General Obligation Bonds of the City ("General Obligation Bonds") under Ordinance No. 1749-80 passed by the Council on October 8, 1980, as amended by Ordinance No. 1112-83 passed by the Council on May 6, 1983, and Ordinance No. 944-96, passed by the Council on June 10, 1996 (Ordinance No. 1749-80, as so amended and as the same may further be amended from time to time in accordance with its provisions, is referred to as the "General Bond Ordinance"). The debt service on the Series 2015 Bonds shall be payable from income tax collections remaining after depositing with the escrow agent under the General Bond Ordinance the amount required for the payment of debt service on the City's General Obligation Bonds issued and outstanding, from time to time, under the General Bond Ordinance. The Series 2015 Bonds shall be issued and secured under the terms of the Trust Indenture, dated as of April 1, 2008, between the City and U.S. Bank National Association, as trustee (the "Trustee"), as amended by Section 6.1 of the Second Supplemental Trust Indenture, dated as of June 1, 2010, between the City and the Trustee (together, the "Indenture"). The Indenture currently secures five series of Subordinate Lien Income Tax Bonds issued on May 1, 2008 (collectively, the "Series 2008 Bonds"), four series of Subordinate Lien Income Tax Bonds issued on June 23,



2010 (collectively, the "Series 2010 Bonds"), one series of Subordinate Lien Income Tax Bonds issued on November 29, 2012 (the "Series 2012 Bonds"), three series of Subordinate Lien Income Tax Bonds issued on May 30, 2013 (collectively, the "Series 2013 Bonds"), three series of Subordinate Lien Income Tax Bonds issued on February 11, 2014 (collectively, the "Series 2014A Bonds"), and three series of Subordinate Lien Income Tax Bonds issued on June 11, 2014 (collectively, the "Series 2014B Bonds") and permits the issuance of additional bonds, from time to time, subject to certain restrictions. The Series 2008 Bonds, the Series 2010 Bonds, the Series 2012 Bonds, the Series 2013 Bonds, the Series 2014A Bonds, the Series 2014B Bonds, the Series 2015 Bonds and any additional bonds issued under the Indenture are collectively referred to in this Ordinance as the "Bonds."

**Section 3. Pledge and Covenant to Maintain Income Tax.** So long as Bonds are outstanding under the Indenture, the City pledges the municipal income taxes of the City and grants a lien thereon, subordinate to the lien granted in the General Bond Ordinance as security for the General Obligation Bonds of the City issued and outstanding under the General Bond Ordinance, to the full extent required to meet debt charges payable on the Bonds issued and outstanding, from time to time, under the Indenture. The City covenants to appropriate annually sufficient amounts from the income taxes to pay all debt charges on the General Obligation Bonds, the Bonds outstanding under the Indenture, any Parity Obligations and the Unrestricted Income Tax Obligations (each as defined in the Indenture). The City further covenants that so long as any Bonds are outstanding under the Indenture, the City shall not repeal or amend, or suffer the repeal of, any ordinance for the levy or collection of its income taxes in any manner or to such extent that the City would not be able to meet its obligations to the holders of the Bonds.

**Section 4. Terms of the Series 2015 Bonds.** The Series 2015 Bonds shall be issued in fully registered form. The Series 2015 Bonds may be issued in one or more series or subseries. The Series 2015 Bonds may be delivered only in book-entry form, and if so delivered, shall be registered in the name of the Depository (as defined in the Indenture) or its nominee, as registered owner, and immobilized in the custody of the Depository, and shall not be transferable or exchangeable (except for transfer to another Depository or its nominee) without further action by the City pursuant to the provisions of the Indenture and the Seventh Supplement identified in Section 7. The Series 2015 Bonds shall be designated "Parks and Recreation Facilities Improvement Bonds, Series 2015" and may contain such further designation as provided in the Certificate of Award identified below. The Series 2015 Bonds shall be issued in one lot as fully registered Series 2015 Bonds in denominations of \$5,000 or any whole multiple thereof. The Series 2015 Bonds shall be numbered as determined by the Director of Finance. The Series 2015 Bonds shall be signed by the officials of the City and in the manner set forth in the Indenture.

The Series 2015 Bonds shall be dated the date of their issuance and delivery or such other date specified in the certificate of award providing for the final terms of the Series 2015 Bonds and the sale of the Series 2015 Bonds in accordance with this Ordinance (the "Certificate of Award"). The Series 2015 Bonds shall bear interest from their date until the principal amount is paid at the rate or rates per year specified in the Certificate of Award, provided that the yield (determined in accordance with the arbitrage provisions of the Internal Revenue Code of 1986, as amended) of the Series 2015 Bonds shall not exceed 6% per year, if sold as fixed rate obligations. Interest on the Series 2015 Bonds shall be payable semi-annually on April 1 and October 1, or such other dates specified in the Certificate of Award (the "Interest Payment Dates").

The provisions of Sections 9.98 to 9.983 of the Revised Code shall apply to the Series 2015 Bonds and pursuant to that authority and this Ordinance, the Director of Finance may determine in the Certificate of Award, based on the written advice of a financial advisor, that the City's best interests will be served by causing all or a portion of the Series 2015 Bonds to be obligations bearing interest at variable rates. If the Director of Finance so determines, then the Director of Finance shall specify in the Certificate of Award the method and procedure by which the variable rate of interest to be borne by the variable rate Series 2015 Bonds shall be determined; provided that the variable rate Series 2015 Bonds shall not bear interest at a rate in excess of 25% per year. The Director of Finance is authorized to enter into agreements in connection with the delivery of the variable rate Series 2015 Bonds, and from time to time thereafter so long as the variable rate Series 2015 Bonds are outstanding, with providers of Credit Support Instruments (as defined in Section 11) and others as may be determined by the Director of Finance, based on the written advice of a financial advisor, to be necessary or appropriate to provide for the method of determining the variable interest rates, permitting holders the right of tender, providing for liquidity or credit support for the payment of the variable rate Series 2015 Bonds upon tender for purchase or redemption, and providing for the repayment by the City of any amounts drawn under the Credit Support Instrument.

The Series 2015 Bonds shall mature in the years and principal amounts set forth in the Certificate of Award, provided that (i) each principal payment shall occur on an Interest Payment Date, and (ii) the final maturity date of the Series 2015 Bonds shall be no later than August 1, 2043; provided that the Series 2015 Bonds shall not have more than 26 annual principal installments. The Series 2015 Bonds stated to mature in any year may be issued as serial Series 2015 Bonds or as term Series 2015 Bonds payable prior to stated maturity pursuant to sinking fund redemption (the "Term Bonds"). The Director of Finance shall determine in the Certificate of Award whether any of the Series 2015 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 sink-

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

If any of the Series 2015 Bonds are issued as Term Series 2015 Bonds, the Term Bonds shall be redeemed pursuant to the Mandatory Sinking Fund Redemption Requirements at a redemption price of 100% of the principal amount redeemed, plus interest accrued to the redemption date, on the Mandatory Redemption Dates. The aggregate of the moneys to be deposited with the Trustee for payment of principal of and interest on any Term Bonds shall include amounts sufficient to redeem on the Mandatory Redemption Dates the principal amount of Term Bonds payable on those dates pursuant to the Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as provided in the Indenture and the Seventh Supplement).

The Series 2015 Bonds may be subject to redemption prior to maturity by and at the option of the City, in whole or in part on any date, in whole multiples of \$5,000, on the redemption dates and at the redemption prices specified in the Certificate of Award, plus, in each case, accrued interest to the redemption date. Based on the written advice of a financial advisor, the Director of Finance may determine in the Certificate of Award that it is in the best interests of the City (i) for some or all of the Series 2015 Bonds not to be callable prior to their stated maturity, and (ii) for a premium to be payable on the redemption of any Series 2015 Bonds calculated in a manner to make the bondholder whole for the loss of the investment or calculated as a percentage in excess of 100% of the principal amount redeemed.

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

If and to the extent provided in the Certificate of Award, the Series 2015 Bonds may be secured by a Debt Service Reserve Fund to be held by the Trustee under the Indenture. The principal amount of the Series 2015 Bonds may include provision for funding the Debt Service Reserve Fund from the proceeds of the Series 2015 Bonds, subject to compliance with applicable federal tax laws.

**Section 5. Sale of Series 2015 Bonds.** The Series 2015 Bonds shall first be offered for purchase to the Trustees of the Sinking Fund and, if not purchased by them, shall be offered to the Treasury Investment Account for purchase and, if not purchased for that Account, shall be sold to the purchaser identified in the Certificate of Award (the "Original Purchaser"). The Certificate of Award shall specify the final terms of the Series 2015 Bonds in accordance with law, the provisions of this Ordinance, the written advice of a financial advisor retained under authority of Section 12 and the Original Purchaser's offer to purchase the Series 2015 Bonds,

including: the principal amount of the Series 2015 Bonds (which shall not exceed the amount stated in Section 1), the purchase price (which shall be not less than 97% of the principal amount plus accrued interest to their date of delivery), interest rate or rates, the amounts and years in which principal installments are payable (at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements), terms and conditions under which any Series 2015 Bonds may be redeemed prior to maturity at the option of the City, the Interest Payment Dates and the date of the Series 2015 Bonds (if different from those set forth in Section 3) and any other matters required in this Ordinance to be set forth in that Certificate. As appropriate under the Charter, the Mayor, Director of Finance, Director of Law, Clerk of Council and other appropriate officers of the City are, and each of them is, authorized to take such actions as are necessary, appropriate and in the best interest of the City to establish the terms and requirements for delivery of the Series 2015 Bonds and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, procedures, and conditions for the delivery of the Series 2015 Bonds to the Original Purchaser, to give all appropriate notices and certificates, to cause a true transcript of proceedings with reference to the issuance of the Series 2015 Bonds to be delivered to the Original Purchaser, to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance and to take all steps necessary to effect the due execution, authentication and delivery of the Series 2015 Bonds. The Director of Finance is authorized to sign and deliver on behalf of the City a bond purchase agreement between the City and the Original Purchaser (the "Bond Purchase Agreement"), approved as to form by the Director of Law, setting forth the terms and conditions on which the City agrees to sell the Series 2015 Bonds and the Original Purchaser agrees to buy the Series 2015 Bonds on terms consistent with this Ordinance and the Indenture, that are not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement or amendments to the Bond Purchase Agreement by the Director of Finance. It is determined that the terms of the Series 2015 Bonds, as provided in this Ordinance and as may be provided in or pursuant to the Certificate of Award, the Indenture and the Seventh Supplement, are in the best interest of the City and in compliance with all legal requirements.

**Section 6. Application of Proceeds.** The proceeds from the sale of the Series 2015 Bonds shall be applied as follows:

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

(b) to the Trustee, for deposit in the Interest Payment Account in the Debt Service Fund, the amount, if any,

received by the City upon delivery of the Series 2015 Bonds as accrued interest from their dated date to the date of their delivery to the Original Purchaser;

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

(d) to the Trustee, for deposit in the Interest Payment Account in the Debt Service Fund, the amount, if any, received by the City upon delivery of the Series 2015 Bonds as original issue premium from the sale of the Series 2015 Bonds; and

(e) to the Trustee for deposit in the Project Fund, the balance of the proceeds.

**Section 7. Supplemental Indenture.** The Director of Finance is authorized to sign and deliver on behalf of the City a supplemental trust indenture (the "Seventh Supplement"), supplementing the Indenture to provide procedures for the authentication, registration and transfer of the Series 2015 Bonds, redemption of Series 2015 Bonds, payments under any Credit Support Instrument authorized by Section 11, application of the proceeds of the Series 2015 Bonds, defeasance of the Series 2015 Bonds, and other terms consistent with this Ordinance and the Certificate of Award and approved by the Director of Finance as not substantially adverse to the City. The Seventh Supplement shall be approved as to form by the Director of Law. The determination by the Director of Finance that the provisions of the Seventh Supplement are not substantially adverse to the City shall be conclusively evidenced by the Director's signing of the Seventh Supplement. As appropriate under the Charter, the Mayor, the Director of Finance, the Director of Law, the Clerk of Council and other appropriate officers of the City are, and each of them is, authorized to sign, acknowledge and deliver, in the name and on behalf of the City, such documents, certifications and instruments in addition to the Indenture and Seventh Supplement as may be necessary or appropriate to issue and sell the Series 2015 Bonds and to consummate the transactions authorized by this Ordinance.

**Section 8. Bond Anticipation Notes.** For the purpose of raising money in anticipation of the issuance of the Series 2015 Bonds for the purpose set forth in Section 1, notes of the City may be issued in an aggregate principal amount not to exceed \$11,000,000 (the "Notes") upon the direction of the Director of Finance to be set forth in a certificate providing for the final terms of the Notes and the sale of the Notes and signed by the Director of Finance (the "Note Certificate of Award"). The Notes, if sold as fixed rate obligations, shall bear interest at such rate, not exceeding 3% per year, and shall be payable on the date or dates, as shall be determined by the Director of Finance of the City in the Note Certificate of Award; shall be dated their date of issuance; shall mature on the date set forth in the Note Certificate of Award; shall be subject to redemption by the City at any time prior to maturity without penalty, unless the Director of Finance, based on the advice of a financial advisor, determines that it is in the best interest of the City in order to enhance the marketability of

the Notes, that the Notes not be redeemable prior to maturity or that a premium be paid on their prior redemption; shall be designated "Parks and Recreation Facilities Bond Anticipation Notes" or as otherwise provided in the Note Certificate of Award; shall be issued in such numbers and denominations as may be requested by the Note Purchaser (hereinafter defined); and shall be issued in fully registered form (which may be in a book entry only system). The provisions of Sections 9.98 to 9.983 of the Revised Code shall apply to the Notes and pursuant to that authority and this Ordinance, the Director of Finance may determine in the Certificate of Award, based on the written advice of a financial advisor, that the City's best interests will be served by causing all or a portion of the Notes to be obligations bearing interest at variable rates. If the Director of Finance so determines, then the Director of Finance shall specify in the Certificate of Award the method and procedure by which the variable rate of interest to be borne by the variable rate Notes shall be determined; provided that the variable rate Notes shall not bear interest at a rate in excess of 25% per year. The Director of Finance is authorized to enter into agreements in connection with the delivery of the variable rate Notes, and from time to time thereafter so long as the variable rate Notes are outstanding, with providers of Credit Support Instruments (as defined in Section 11) and others as may be determined by the Director of Finance, based on the written advice of a financial advisor, to be necessary or appropriate to provide for the method of determining the variable interest rates, permitting holders the right of tender, providing for liquidity or credit support for the payment of the variable rate Notes upon tender for purchase or redemption, and providing for the repayment by the City of any amounts drawn under the Credit Support Instrument. The Trustee shall be the authenticating agent, registrar, transfer agent and paying agent for the Notes. The Notes shall be signed by the officials of the City and in the manner set forth in the Indenture. The Notes shall first be offered for purchase to the Trustees of the Sinking Fund and, if not purchased by them, shall be offered to the Treasury Investment Account for purchase and, if not purchased for that Account, shall be sold at not less than par and accrued interest to one or more firms that have proposed to underwrite the Notes and have been selected by the Director of Finance based on an evaluation of the qualifications of those firms (the "Note Purchaser") in the principal amount set forth in a certificate of award to be executed by the Director of Finance (the "Note Certificate of Award"). The proceeds of such sale shall be paid into the proper fund or funds set forth in the Note Certificate of Award and used for the purpose for which the Notes are being issued under the provisions of this Ordinance.

**Section 9. Official Statement; Continuing Disclosure.** If, in the judgment of the Director of Finance, a disclosure document (each, an "Official Statement") is appropriate or necessary in connection with the sale of the Notes or the Series 2015 Bonds, the Director of Finance is authorized to prepare or cause to be prepared on

behalf of the City an Official Statement with respect to the Notes or the Series 2015 Bonds, as the case may be, and any necessary supplements and to authorize the use and distribution of each Official Statement and any supplements. The Director of Finance is authorized to sign on behalf of the City and in her official capacity each Official Statement and any supplements approved by her. The Director of Finance is authorized to sign and deliver on behalf of the City and in her official capacity such certificates in connection with the accuracy of each Official Statement and any supplements as may, in her judgment, be necessary or appropriate. The Director of Finance is also authorized to determine and certify on behalf of the City that such disclosure document is "deemed final" by the City within the meaning of Securities and Exchange Commission Rule 15c2-12 the "SEC Rule." The Director of Finance is authorized to contract for services for the production and distribution of preliminary and final Official Statements, including by printed and electronic means.

For the benefit of the holders and beneficial owners from time to time of the Notes or the Series 2015 Bonds, the City agrees, in accordance with, and as the only obligated person with respect to the Notes and the Series 2015 Bonds under the SEC Rule, to provide or cause to be provided such financial information and operating data and notices, in such manner as may be required for purposes of the SEC Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Director of Finance is authorized to prepare, or cause to be prepared, and to sign and deliver, in the name and on behalf of the City, a continuing disclosure agreement or certificate, which shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and beneficial owners of the Notes or the Series 2015 Bonds, as the case may be, in accordance with the SEC Rule. The performance of that agreement shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform it. The Director of Finance is further authorized to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices.

**Section 10. Federal Tax Considerations.** The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Series 2015 Bonds and any Notes in such manner and to such extent as may be necessary so that (i) the Series 2015 Bonds and any Notes will not (A) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Internal Revenue Code of 1986, as amended (the "Code") or (B) be treated other than as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (ii) the interest on the Series 2015 Bonds and any Notes will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (i) it will take or cause to be taken such

actions that may be required of it for the interest on the Series 2015 Bonds and any Notes to be and remain excluded from gross income for federal income tax purposes (ii) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (iii) it, or persons acting for it, will, among other acts of compliance (A) apply the proceeds of the Series 2015 Bonds and any Notes to the governmental purpose of the borrowing (B) restrict the yield on investment property (C) make timely and adequate payments to the federal government (D) maintain books and records and make calculations and reports and (E) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Director of Finance or any other officer of the City having responsibility for issuance of the Series 2015 Bonds and any Notes is hereby authorized (i) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Series 2015 Bonds and any Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or tax status of the Series 2015 Bonds and any Notes or interest thereon, or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing rebate amounts or payments or penalties or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, which action shall be in writing and signed by the officer (ii) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the intended tax status of the Series 2015 Bonds and any Notes and (iii) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Series 2015 Bonds and any Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Series 2015 Bonds and any Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on the Series 2015 Bonds and any Notes and the tax status of the Series 2015 Bonds and any Notes.

**Section 11. Credit Facilities and Ratings.** If the Director of Finance determines it to be in the best interests of the City, based on the written advice of a financial advisor, the Director of Finance may obtain an insurance policy, letter of credit, standby bond purchase agreement or other credit enhancement instrument as further security for the payment when due of the principal of and interest on all or any portion of the Series 2015 Bonds or any Notes (a "Credit Support Instrument"). The Director of Finance may request a rating on the

Series 2015 Bonds or Notes from one or more nationally recognized rating organizations, and do any and all things and take any and all actions required to secure a Credit Support Instrument and/or a rating or ratings on the Series 2015 Bonds or Notes. The Director of Finance may enter into one or more agreements for Credit Support Instruments containing terms not materially inconsistent with this Ordinance or the Indenture. The expenditure of the amounts necessary to secure Credit Support Instruments or obtain those ratings is authorized and approved, and the Director of Finance is authorized to provide for the payment of any such amounts from the proceeds of the Series 2015 Bonds or Notes to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

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

**Section 13. Open Meeting Determination.** It is found and determined that all formal actions of this Council and of any of its committees concerning and relating to the passage of this Ordinance were taken, and that all deliberations of this Council any of its committees that resulted in these formal actions were held, in meetings open to the public in compliance with all legal requirements, including, without limitation, Section 121.22 of the Revised Code.

**Section 14. Findings and Recitals of Validity.** It is hereby determined, represented and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Series 2015 Bonds and the Notes in order to make them legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of the Series 2015 Bonds or the Notes. It is further found and determined, and is represented and recited, that the provisions of Sections 28, 29, 32, 33 (including the provisions of Section 33 with respect to readings on three separate days or dispensing with such readings by a two-thirds vote of all members of the Council), 36, 37, 48 and all other applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this Ordinance was passed in conformity therewith.

**Section 15. Delivery to County Fiscal Officer.** The Director of Finance is authorized to forward a certified copy of this Ordinance and of the Certificate of Award for the Series 2015 Bonds and any Note Certificate of Award to the County Fiscal Officer of Cuyahoga County and to secure a receipt therefor.



**Section 16. Severability.** Each section and each part of each section of this Ordinance is declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is declared to be the controlling legislative intent that if any such section or part of a section or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstance, other than those as to which it is held invalid, shall not be affected thereby, and it is declared to be the legislative intent that the other provisions of this Ordinance would have been passed independently of such section, or parts of a section, so held to be invalid.

**Section 17. Legislative Intent.** All terms, conditions, pledges, covenants or agreements on the part of the City provided for in this Ordinance are made by the voluntary act of the City under its lawful authority, including its authority under its Charter and Article XVIII of the Constitution of Ohio. Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance shall not apply to the Series 2015 Bonds or the Notes authorized herein.

Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding Series 2015 Bonds, notes, certificates of indebtedness, other obligations, trust indentures, trust agreements, or other agreements or contracts made or entered into by the City and for which consideration was duly received by the City prior to the passage of this Ordinance.

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

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

**Ord. No. 1630-14.**

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

**An emergency ordinance authorizing the issuance and sale of bonds in the maximum principal amount of \$42,400,000 for the purpose of providing funds for bridges and roadways, and authorizing related matters.**

Whereas, this Council desires to issue bonds in an aggregate principal amount not to exceed \$42,400,000 (the "Series 2015 Bonds") to finance the costs of certain permanent improvements described in Section 1; and

Whereas, the Series 2015 Bonds shall be payable from and secured by income tax revenues of the City remaining after deposits required under the General Bond Ordinance (as defined in Section 2) are made to

the escrow agent for the City's general obligation bonds; and

Whereas, the Director of Finance, as fiscal officer of this City, has certified to this Council that the estimated life or usefulness of the improvements to be financed with the proceeds of the Series 2015 Bonds is at least five years and the maximum maturity of the Series 2015 Bonds is 21 years, as evidenced by the certificate contained in File No. 1630-14-A; and

Whereas, the authorization for issuance of the Series 2015 Bonds is necessary to provide funds to pay the costs of certain permanent improvements described in Section 1 that are urgently needed for the benefit of the City, and as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health and safety, and for the usual daily operation of a municipal department; now, therefore,

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

**Section 1. Purpose.** It is deemed necessary to issue the Series 2015 Bonds in an aggregate principal amount not to exceed \$42,400,000 for the purpose of providing funds to improve the municipal street system and related facilities, including streets, expressways, roadways, driveways, driveway approaches, retaining walls, underground vaults, sidewalks and pedestrian walkways, by acquiring, constructing, reconstructing, opening, extending, widening, grading, draining, paving, sealing, resurfacing, striping, lighting and curbing; removing or reconstructing underground vaults to preserve the public right of way; installing gutters, on-street bicycle facilities, bicycle paths, bike parking facilities, sidewalks and related pedestrian improvements; constructing, installing and improving bus stations, ADA ramps and streetscape entryways; constructing and improving culverts; constructing sanitary sewers, storm sewers and water lines; resetting and constructing catch basins and other storm water drainage facilities; constructing, reconstructing, replacing, renovating and rehabilitating bridges; acquiring any real estate and interests in real estate, including easements, necessary for such purpose; and installing street lighting and signs, signals, markings and other devices for traffic control purposes, together with all necessary and incidental appurtenances, and to pay any capitalized interest and all expenses incurred in connection with the issuance of the securities, including all financing costs within the meaning of Section 133.01(K) of the Revised Code and such other costs of the foregoing permanent improvements that may be financed with the proceeds of securities as permitted by Section 133.15(B) of the Ohio Revised Code and as otherwise permitted by law.

**Section 2. Authority, Security and Source of Payment.** The Series 2015 Bonds shall be issued pursuant to the Ohio Constitution, Chapter 133 of the Ohio Revised Code, the Charter of the City, and this Ordinance for the purpose stated in Section 1. The Series 2015 Bonds shall be payable from and secured by the income tax revenues of the City on a basis subordinate to the security given to the General Obligation Bonds of the City ("General Obligation Bonds") under Ordinance

No. 1749-80 passed by the Council on October 8, 1980, as amended by Ordinance No. 1112-83 passed by the Council on May 6, 1983, and Ordinance No. 944-96, passed by the Council on June 10, 1996 (Ordinance No. 1749-80, as so amended and as the same may further be amended from time to time in accordance with its provisions, is referred to as the "General Bond Ordinance"). The debt service on the Series 2015 Bonds shall be payable from income tax collections remaining after depositing with the escrow agent under the General Bond Ordinance the amount required for the payment of debt service on the City's General Obligation Bonds issued and outstanding, from time to time, under the General Bond Ordinance. The Series 2015 Bonds shall be issued and secured under the terms of the Trust Indenture, dated as of April 1, 2008, between the City and U.S. Bank National Association, as trustee (the "Trustee"), as amended by Section 6.1 of the Second Supplemental Trust Indenture, dated as of June 1, 2010, between the City and the Trustee (together, the "Indenture"). The Indenture currently secures five series of Subordinate Lien Income Tax Bonds issued on May 1, 2008 (collectively, the "Series 2008 Bonds"), four series of Subordinate Lien Income Tax Bonds issued on June 23, 2010 (collectively, the "Series 2010 Bonds"), one series of Subordinate Lien Income Tax Bonds issued on November 29, 2012 (the "Series 2012 Bonds"), three series of Subordinate Lien Income Tax Bonds issued on May 30, 2013 (collectively, the "Series 2013 Bonds"), three series of Subordinate Lien Income Tax Bonds issued on February 11, 2014 (collectively, the "Series 2014A Bonds"), and three series of Subordinate Lien Income Tax Bonds issued on June 11, 2014 (collectively, the "Series 2014B Bonds") and permits the issuance of additional bonds, from time to time, subject to certain restrictions. The Series 2008 Bonds, the Series 2010 Bonds, the Series 2012 Bonds, the Series 2013 Bonds, the Series 2014A Bonds, the Series 2014B Bonds, the Series 2015 Bonds and any additional bonds issued under the Indenture are collectively referred to in this Ordinance as the "Bonds."

**Section 3. Pledge and Covenant to Maintain Income Tax.** So long as Bonds are outstanding under the Indenture, the City pledges the municipal income taxes of the City and grants a lien thereon, subordinate to the lien granted in the General Bond Ordinance as security for the General Obligation Bonds of the City issued and outstanding under the General Bond Ordinance, to the full extent required to meet debt charges payable on the Bonds issued and outstanding, from time to time, under the Indenture. The City covenants to appropriate annually sufficient amounts from the income taxes to pay all debt charges on the General Obligation Bonds, the Bonds outstanding under the Indenture, any Parity Obligations and the Unrestricted Income Tax Obligations (each as defined in the Indenture). The City further covenants that so long as any Bonds are outstanding under the Indenture, the City shall not repeal or amend, or suffer the repeal of, any ordinance for the levy or collection of its income taxes in any manner or to such extent that the City would not be

able to meet its obligations to the holders of the Bonds.

**Section 4. Terms of the Series 2015 Bonds.** The Series 2015 Bonds shall be issued in fully registered form. The Series 2015 Bonds may be issued in one or more series or subseries. The Series 2015 Bonds may be delivered only in book-entry form, and if so delivered, shall be registered in the name of the Depository (as defined in the Indenture) or its nominee, as registered owner, and immobilized in the custody of the Depository, and shall not be transferable or exchangeable (except for transfer to another Depository or its nominee) without further action by the City pursuant to the provisions of the Indenture and the Seventh Supplement identified in Section 7. The Series 2015 Bonds shall be designated "Bridges and Roadway Improvement Bonds, Series 2015" and may contain such further designation as provided in the Certificate of Award identified below. The Series 2015 Bonds shall be issued in one lot as fully registered Series 2015 Bonds in denominations of \$5,000 or any whole multiple thereof. The Series 2015 Bonds shall be numbered as determined by the Director of Finance. The Series 2015 Bonds shall be signed by the officials of the City and in the manner set forth in the Indenture.

The Series 2015 Bonds shall be dated the date of their issuance and delivery or such other date specified in the certificate of award providing for the final terms of the Series 2015 Bonds and the sale of the Series 2015 Bonds in accordance with this Ordinance (the "Certificate of Award"). The Series 2015 Bonds shall bear interest from their date until the principal amount is paid at the rate or rates per year specified in the Certificate of Award, provided that the yield (determined in accordance with the arbitrage provisions of the Internal Revenue Code of 1986, as amended) of the Series 2015 Bonds shall not exceed 6% per year, if sold as fixed rate obligations. Interest on the Series 2015 Bonds shall be payable semi-annually on April 1 and October 1, or such other dates specified in the Certificate of Award (the "Interest Payment Dates").

The provisions of Sections 9.98 to 9.983 of the Revised Code shall apply to the Series 2015 Bonds and pursuant to that authority and this Ordinance, the Director of Finance may determine in the Certificate of Award, based on the written advice of a financial advisor, that the City's best interests will be served by causing all or a portion of the Series 2015 Bonds to be obligations bearing interest at variable rates. If the Director of Finance so determines, then the Director of Finance shall specify in the Certificate of Award the method and procedure by which the variable rate of interest to be borne by the variable rate Series 2015 Bonds shall be determined; provided that the variable rate Series 2015 Bonds shall not bear interest at a rate in excess of 25% per year. The Director of Finance is authorized to enter into agreements in connection with the delivery of the variable rate Series 2015 Bonds, and from time to time thereafter so long as the variable rate Series 2015 Bonds are outstanding, with providers of Credit Support Instruments (as defined in Section 11) and others as may be determined by the Director of

Finance, based on the written advice of a financial advisor, to be necessary or appropriate to provide for the method of determining the variable interest rates, permitting holders the right of tender, providing for liquidity or credit support for the payment of the variable rate Series 2015 Bonds upon tender for purchase or redemption, and providing for the repayment by the City of any amounts drawn under the Credit Support Instrument.

The Series 2015 Bonds shall mature in the years and principal amounts set forth in the Certificate of Award, provided that (i) each principal payment shall occur on an Interest Payment Date, and (ii) the final maturity date of the Series 2015 Bonds shall be no later than August 1, 2038; provided that the Series 2015 Bonds shall not have more than 21 annual principal installments. The Series 2015 Bonds stated to mature in any year may be issued as serial Series 2015 Bonds or as term Series 2015 Bonds payable prior to stated maturity pursuant to sinking fund redemption (the "Term Bonds"). The Director of Finance shall determine in the Certificate of Award whether any of the Series 2015 Bonds shall be issued as Term Bonds, any dates (the "Mandatory Redemption Dates") on which the principal amount of the Term Bonds shall be payable pursuant to mandatory sinking fund installments rather than at stated maturity and the amount of principal to be paid on each Mandatory Redemption Date (the "Mandatory Sinking Fund Redemption Requirements").

If any of the Series 2015 Bonds are issued as Term Series 2015 Bonds, the Term Bonds shall be redeemed pursuant to the Mandatory Sinking Fund Redemption Requirements at a redemption price of 100% of the principal amount redeemed, plus interest accrued to the redemption date, on the Mandatory Redemption Dates. The aggregate of the moneys to be deposited with the Trustee for payment of principal of and interest on any Term Bonds shall include amounts sufficient to redeem on the Mandatory Redemption Dates the principal amount of Term Bonds payable on those dates pursuant to the Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as provided in the Indenture and the Seventh Supplement).

The Series 2015 Bonds may be subject to redemption prior to maturity by and at the option of the City, in whole or in part on any date, in whole multiples of \$5,000, on the redemption dates and at the redemption prices specified in the Certificate of Award, plus, in each case, accrued interest to the redemption date. Based on the written advice of a financial advisor, the Director of Finance may determine in the Certificate of Award that it is in the best interests of the City (i) for some or all of the Series 2015 Bonds not to be callable prior to their stated maturity, and (ii) for a premium to be payable on the redemption of any Series 2015 Bonds calculated in a manner to make the bondholder whole for the loss of the investment or calculated as a percentage in excess of 100% of the principal amount redeemed.

If and to the extent provided in the Certificate of Award, the City may have the option to purchase any Bond which is redeemable by optional

redemption at a purchase price not less than the redemption price that would be payable if that Bond were called for optional redemption on the date of the proposed purchase. That election shall be exercised as provided in the Seventh Supplement.

If and to the extent provided in the Certificate of Award, the Series 2015 Bonds may be secured by a Debt Service Reserve Fund to be held by the Trustee under the Indenture. The principal amount of the Series 2015 Bonds may include provision for funding the Debt Service Reserve Fund from the proceeds of the Series 2015 Bonds, subject to compliance with applicable federal tax laws.

**Section 5. Sale of Series 2015 Bonds.**

The Series 2015 Bonds shall first be offered for purchase to the Trustees of the Sinking Fund and, if not purchased by them, shall be offered to the Treasury Investment Account for purchase and, if not purchased for that Account, shall be sold to the purchaser identified in the Certificate of Award (the "Original Purchaser"). The Certificate of Award shall specify the final terms of the Series 2015 Bonds in accordance with law, the provisions of this Ordinance, the written advice of a financial advisor retained under authority of Section 12 and the Original Purchaser's offer to purchase the Series 2015 Bonds, including: the principal amount of the Series 2015 Bonds (which shall not exceed the amount stated in Section 1), the purchase price (which shall be not less than 97% of the principal amount plus accrued interest to their date of delivery), interest rate or rates, the amounts and years in which principal installments are payable (at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements), terms and conditions under which any Series 2015 Bonds may be redeemed prior to maturity at the option of the City, the Interest Payment Dates and the date of the Series 2015 Bonds (if different from those set forth in Section 3) and any other matters required in this Ordinance to be set forth in that Certificate. As appropriate under the Charter, the Mayor, Director of Finance, Director of Law, Clerk of Council and other appropriate officers of the City are, and each of them is, authorized to take such actions as are necessary, appropriate and in the best interest of the City to establish the terms and requirements for delivery of the Series 2015 Bonds and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, procedures, and conditions for the delivery of the Series 2015 Bonds to the Original Purchaser, to give all appropriate notices and certificates, to cause a true transcript of proceedings with reference to the issuance of the Series 2015 Bonds to be delivered to the Original Purchaser, to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance and to take all steps necessary to effect the due execution, authentication and delivery of the Series 2015 Bonds. The Director of Finance is authorized to sign and deliver on behalf of the City a bond purchase agreement between the City and the Original Purchaser (the "Bond Purchase Agreement"),

approved as to form by the Director of Law, setting forth the terms and conditions on which the City agrees to sell the Series 2015 Bonds and the Original Purchaser agrees to buy the Series 2015 Bonds on terms consistent with this Ordinance and the Indenture, that are not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement or amendments to the Bond Purchase Agreement by the Director of Finance. It is determined that the terms of the Series 2015 Bonds, as provided in this Ordinance and as may be provided in or pursuant to the Certificate of Award, the Indenture and the Seventh Supplement, are in the best interest of the City and in compliance with all legal requirements.

**Section 6. Application of Proceeds.** The proceeds from the sale of the Series 2015 Bonds shall be applied as follows:

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

(b) to the Trustee, for deposit in the Interest Payment Account in the Debt Service Fund, the amount, if any, received by the City upon delivery of the Series 2015 Bonds as accrued interest from their dated date to the date of their delivery to the Original Purchaser;

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

(d) to the Trustee, for deposit in the Interest Payment Account in the Debt Service Fund, the amount, if any, received by the City upon delivery of the Series 2015 Bonds as original issue premium from the sale of the Series 2015 Bonds; and

(e) to the Trustee for deposit in the Project Fund, the balance of the proceeds.

**Section 7. Supplemental Indenture.** The Director of Finance is authorized to sign and deliver on behalf of the City a supplemental trust indenture (the "Seventh Supplement"), supplementing the Indenture to provide procedures for the authentication, registration and transfer of the Series 2015 Bonds, redemption of Series 2015 Bonds, payments under any Credit Support Instrument authorized by Section 11, application of the proceeds of the Series 2015 Bonds, defeasance of the Series 2015 Bonds, and other terms consistent with this Ordinance and the Certificate of Award and approved by the Director of Finance as not substantially adverse to the City. The Seventh Supplement shall be approved as to form by the Director of Law. The determination by the Director of Finance that the provisions of the Seventh Supplement are not substantially adverse to the City shall be conclusively evidenced by the Director's signing of the Seventh Supplement. As appropriate under the Charter, the Mayor, the Director of Finance, the Director of Law, the Clerk of Council and other appropriate officers of the City are, and each of them is, authorized to sign, acknowledge and deliver, in the name and on behalf of the City, such documents, certifications and instruments

in addition to the Indenture and Seventh Supplement as may be necessary or appropriate to issue and sell the Series 2015 Bonds and to consummate the transactions authorized by this Ordinance.

**Section 8. Bond Anticipation Notes.** For the purpose of raising money in anticipation of the issuance of the Series 2015 Bonds for the purpose set forth in Section 1, notes of the City may be issued in an aggregate principal amount not to exceed \$42,400,000 (the "Notes") upon the direction of the Director of Finance to be set forth in a certificate providing for the final terms of the Notes and the sale of the Notes and signed by the Director of Finance (the "Note Certificate of Award"). The Notes, if sold as fixed rate obligations, shall bear interest at such rate, not exceeding 3% per year, and shall be payable on the date or dates, as shall be determined by the Director of Finance of the City in the Note Certificate of Award; shall be dated their date of issuance; shall mature on the date set forth in the Note Certificate of Award; shall be subject to redemption by the City at any time prior to maturity without penalty, unless the Director of Finance, based on the advice of a financial advisor, determines that it is in the best interest of the City in order to enhance the marketability of the Notes, that the Notes not be redeemable prior to maturity or that a premium be paid on their prior redemption; shall be designated "Bridges and Roadway Improvement Bond Anticipation Notes" or as otherwise provided in the Note Certificate of Award; shall be issued in such numbers and denominations as may be requested by the Note Purchaser (hereinafter defined); and shall be issued in fully registered form (which may be in a book entry only system). The provisions of Sections 9.98 to 9.983 of the Revised Code shall apply to the Notes and pursuant to that authority and this Ordinance, the Director of Finance may determine in the Certificate of Award, based on the written advice of a financial advisor, that the City's best interests will be served by causing all or a portion of the Notes to be obligations bearing interest at variable rates. If the Director of Finance so determines, then the Director of Finance shall specify in the Certificate of Award the method and procedure by which the variable rate of interest to be borne by the variable rate Notes shall be determined; provided that the variable rate Notes shall not bear interest at a rate in excess of 25% per year. The Director of Finance is authorized to enter into agreements in connection with the delivery of the variable rate Notes, and from time to time thereafter so long as the variable rate Notes are outstanding, with providers of Credit Support Instruments (as defined in Section 11) and others as may be determined by the Director of Finance, based on the written advice of a financial advisor, to be necessary or appropriate to provide for the method of determining the variable interest rates, permitting holders the right of tender, providing for liquidity or credit support for the payment of the variable rate Notes upon tender for purchase or redemption, and providing for the repayment by the City of any amounts drawn under the Credit Support Instrument. The Trustee shall be the authenticating agent,

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

**Section 9. Official Statement; Continuing Disclosure.** If, in the judgment of the Director of Finance, a disclosure document (each, an "Official Statement") is appropriate or necessary in connection with the sale of the Notes or the Series 2015 Bonds, the Director of Finance is authorized to prepare or cause to be prepared on behalf of the City an Official Statement with respect to the Notes or the Series 2015 Bonds, as the case may be, and any necessary supplements and to authorize the use and distribution of each Official Statement and any supplements. The Director of Finance is authorized to sign on behalf of the City and in her official capacity each Official Statement and any supplements approved by her. The Director of Finance is authorized to sign and deliver on behalf of the City and in her official capacity such certificates in connection with the accuracy of each Official Statement and any supplements as may, in her judgment, be necessary or appropriate. The Director of Finance is also authorized to determine and certify on behalf of the City that such disclosure document is "deemed final" by the City within the meaning of Securities and Exchange Commission Rule 15c2-12 the "SEC Rule." The Director of Finance is authorized to contract for services for the production and distribution of preliminary and final Official Statements, including by printed and electronic means.

For the benefit of the holders and beneficial owners from time to time of the Notes or the Series 2015 Bonds, the City agrees, in accordance with, and as the only obligated person with respect to the Notes and the Series 2015 Bonds under the SEC Rule, to provide or cause to be provided such financial information and operating data and notices, in such manner as may be required for purposes of the SEC Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Director of Finance is authorized to prepare, or cause to be prepared, and to sign and deliver, in the name and on behalf of the City, a continuing disclosure agreement or certificate, which shall constitute the continuing disclosure agreement made by the City for the benefit of the



holders and beneficial owners of the Notes or the Series 2015 Bonds, as the case may be, in accordance with the SEC Rule. The performance of that agreement shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform it. The Director of Finance is further authorized to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices.

**Section 10. Federal Tax Considerations.** The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Series 2015 Bonds and any Notes in such manner and to such extent as may be necessary so that (i) the Series 2015 Bonds and any Notes will not (A) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Internal Revenue Code of 1986, as amended (the "Code") or (B) be treated other than as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (ii) the interest on the Series 2015 Bonds and any Notes will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (i) it will take or cause to be taken such actions that may be required of it for the interest on the Series 2015 Bonds and any Notes to be and remain excluded from gross income for federal income tax purposes (ii) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (iii) it, or persons acting for it, will, among other acts of compliance (A) apply the proceeds of the Series 2015 Bonds and any Notes to the governmental purpose of the borrowing (B) restrict the yield on investment property (C) make timely and adequate payments to the federal government (D) maintain books and records and make calculations and reports and (E) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Director of Finance or any other officer of the City having responsibility for issuance of the Series 2015 Bonds and any Notes is hereby authorized (i) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Series 2015 Bonds and any Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or tax status of the Series 2015 Bonds and any Notes or interest thereon, or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing rebate amounts or payments or penalties or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, which action shall be in writing and signed by the officer (ii) to take any and all other actions, make or obtain calculations, make

payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the intended tax status of the Series 2015 Bonds and any Notes and (iii) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Series 2015 Bonds and any Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Series 2015 Bonds and any Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on the Series 2015 Bonds and any Notes and the tax status of the Series 2015 Bonds and any Notes.

**Section 11. Credit Facilities and Ratings.** If the Director of Finance determines it to be in the best interests of the City, based on the written advice of a financial advisor, the Director of Finance may obtain an insurance policy, letter of credit, standby bond purchase agreement or other credit enhancement instrument as further security for the payment when due of the principal of and interest on all or any portion of the Series 2015 Bonds or any Notes (a "Credit Support Instrument"). The Director of Finance may request a rating on the Series 2015 Bonds or Notes from one or more nationally recognized rating organizations, and do any and all things and take any and all actions required to secure a Credit Support Instrument and/or a rating or ratings on the Series 2015 Bonds or Notes. The Director of Finance may enter into one or more agreements for Credit Support Instruments containing terms not materially inconsistent with this Ordinance or the Indenture. The expenditure of the amounts necessary to secure Credit Support Instruments or obtain those ratings is authorized and approved, and the Director of Finance is authorized to provide for the payment of any such amounts from the proceeds of the Series 2015 Bonds or Notes to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

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

**Section 13. Open Meeting Determination.** It is found and determined that all formal actions of this Council and of any of its committees concerning and relating to the passage of this Ordinance were taken, and that all deliberations of this Council any of its committees that resulted in these formal actions were held, in meetings open to the public in compliance with all legal requirements, including, without limitation, Section 121.22 of the Revised Code.

**Section 14. Findings and Recitals of Validity.** It is hereby determined, represented and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Series 2015 Bonds and the Notes in order to make them legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of the Series 2015 Bonds or the Notes. It is further found and determined, and is represented and recited, that the provisions of Sections 28, 29, 32, 33 (including the provisions of Section 33 with respect to readings on three separate days or dispensing with such readings by a two-thirds vote of all members of the Council), 36, 37, 48 and all other applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this Ordinance was passed in conformity therewith.

**Section 15. Delivery to County Fiscal Officer.** The Director of Finance is authorized to forward a certified copy of this Ordinance and of the Certificate of Award for the Series 2015 Bonds and any Note Certificate of Award to the County Fiscal Officer of Cuyahoga County and to secure a receipt therefor.

**Section 16. Severability.** Each section and each part of each section of this Ordinance is declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is declared to be the controlling legislative intent that if any such section or part of a section or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstance, other than those as to which it is held invalid, shall not be affected thereby, and it is declared to be the legislative intent that the other provisions of this Ordinance would have been passed independently of such section, or parts of a section, so held to be invalid.

**Section 17. Legislative Intent.** All terms, conditions, pledges, covenants or agreements on the part of the City provided for in this Ordinance are made by the voluntary act of the City under its lawful authority, including its authority under its Charter and Article XVIII of the Constitution of Ohio. Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance shall not apply to the Series 2015 Bonds or the Notes authorized herein.

Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding Series 2015 Bonds, notes, certificates of indebtedness, other obligations, trust indentures, trust agreements, or other agreements or contracts made or entered into by the City and for which consideration was duly received by the City prior to the passage of this Ordinance.

**Section 18. Emergency Measure.** This Ordinance is declared to be an emergency measure for the immediate preservation of the public peace, property, health and safety of the City

by providing funds to pay the costs of certain permanent improvements which are urgently needed for the benefit of the City and for the usual daily operation of a municipal department, and, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest date allowed by law.

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

**Ord. No. 1631-14.**

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

**An emergency ordinance authorizing the Director of Capital Projects to issue a permit to The Board of Park Commissioners of the Cleveland Metropolitan Park District to encroach into the public right-of-way of Scranton Road by installing, using, and maintaining an overhead pedestrian bridge as part of Segment 1A of the Lake Link Trail; authorizing the Director of Public Works to execute a deed of easement for certain easement interests in property needed to implement the improvement and declaring the easement interest not needed for the City's public use; and authorizing one or more agreements to implement Segment 1A of the Lake Link Trail Project.**

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 Capital Projects is authorized to issue a permit, revocable at the will of Council, to The Board of Park Commissioners of the Cleveland Metropolitan Park District, 4101 Fulton Parkway, Cleveland, Ohio 44144 ("Metroparks"), to encroach into the public right-of-way above Scranton Road by installing, using, and maintaining an overhead pedestrian bridge, at the following location:

**Encroachment**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Brooklyn Township Lot No. 70, also being part of Scranton Road (60 feet wide), and further described as follows:

Commencing at the intersection of the easterly right of way of said Scranton Road with the northeasterly right of way of University Road (60 feet wide); Thence North 03° 22' 38" East, 168.45 feet along the easterly right of way of said Scranton Road to the Point of Beginning;

**Course #1**

Thence North 50° 11' 51" West, 74.57 feet to the westerly right of way of said Scranton Road to a point;

**Course #2**

Thence North 03° 22' 38" East, 7.36 feet along the westerly right of way of said Scranton Road to an angle point in said right of way;

**Course #3**

Thence North 01° 40' 55" West, 32.14 feet along the westerly right of way of said Scranton Road to a point;

**Course #4**

Thence South 50° 11' 51" East, 78.09 feet to the easterly right of way of said Scranton Road;

**Course #5**

Thence South 03° 22' 38" West, 37.28 feet along the easterly right of way of said Scranton Road to the Point of Beginning and containing 0.052 acres.

This legal description was prepared from record information by Jarrod R. Schnell, P.S. # 8623, for Cleveland Metroparks.

The bearings are based on the easterly right of way of Scranton Road being North 03° 22' 38" East as shown on said Consolidation and Lot Split, recorded in Volume 363 Page 45, of Cuyahoga County Map Records.

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

**Section 2.** That Metroparks may assign the permit only with the prior written consent of the Director of Capital Projects. That the encroaching structure(s) permitted by this ordinance shall conform to plans and specifications first approved by the Manager of Engineering and Construction. That Metroparks shall obtain all other required permits, including but not limited to Building Permits, and shall enter into a bridge maintenance agreement with City before installing the encroachment(s).

**Section 3.** That the Director of Law shall prepare the permit authorized by this ordinance and shall incorporate such additional provisions as the director determines necessary to protect and benefit the public interest. The permit shall be issued only when, in the opinion of the Director of Law, Metroparks has obtained and will maintain insurance acceptable to the City that will protect the City against any loss that may result from the encroachment(s) permitted.

**Section 4.** That the permit shall reserve to the City reasonable right of entry to the encroachment location(s).

**Section 5.** That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that an easement interest in the following-described property is not needed for the City's public use:

**PERMANENT EASEMENT**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Brooklyn Township Lot No. 70, also being part of "Parcel 2" as described in deed to City of Cleveland recorded in AFN 201409230510, Cuyahoga County Deed Records, and further described as follows:

Commencing at the intersection of the easterly right of way of Scranton Road (60 feet wide) with the northeasterly right of way of University Road (60 feet wide); Thence along the easterly right of way of said Scranton Road, North 03° 22' 38" East, 110.00 feet to the Point of Beginning;

**Course #1**

Thence North 03° 22' 38" East, 112.74 feet along the easterly right of way of said Scranton Road to an angle point in said right of way;

**Course #2**

Thence North 01° 40' 55" West, 30.00 feet along the easterly right of way of said Scranton Road;

**Course #3**

Thence South 51° 30' 00" East, 130.00 feet;

**Course #4**

Thence South 38° 41' 11" East, 254.52 feet;

**Course #5**

Thence South 23° 00' 00" West, 60.00 feet to the northeasterly line of land described in deed to City of Cleveland recorded in Volume 3359 Page 261, Cuyahoga County Deed Records;

**Course #6**

Thence North 51° 39' 37" West, 310.00 feet along the northeasterly line of said City of Cleveland land and along the northeasterly line of land described in deed to Scranton-Averell, Inc. recorded in Volume 11674 Page 493, Cuyahoga County Deed Records, to the Point of Beginning and containing 0.732 acres.

This legal description was prepared from record information by Jarrod R. Schnell, P.S. # 8623, for Cleveland Metroparks.

The bearings are based on the easterly right of way of Scranton Road being North 03° 22' 38" East as shown on the Consolidation and Lot Split, recorded in Volume 363 Page 45, of Cuyahoga County Map Records.

**Section 6.** That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey a permanent, exclusive easement interest in the above-described City property to Metroparks at no cost, subject to any conditions stated in this ordinance including specifically, but not limited to, Metroparks' construction and operation of the Lake Link Trail and bridge improvement and maintenance of the improvement in perpetuity at no cost to the City, and in consideration of the public benefit to Cleveland residents of the use of the multi-purpose trail improvement, which is determined to be fair market value.

**Section 7.** That the easement shall be exclusive and the purpose of the easement shall be to allow Metroparks to construct, operate and maintain a trail and bridge abutment on the Scranton Road Towpath Trail parcel just north of University Road which will connect the Towpath Trail with Metroparks' Rivergate Park and the City's Crooked River Skate Park near the Columbus Road Lift Bridge in connection with Segment 1A of the Lake Link Trail improvement.

**Section 8.** That the duration of the easement shall be perpetual; that the easement may include reasonable rights-of-entry to the City and to Metroparks; that the easement shall not be assignable without the consent of the Director of Public Works; that the easement shall require that Metroparks provide reasonable insurance, and pay any applicable taxes and assessments.

**Section 9.** That the conveyance referred to above shall be made by official deed of easement prepared by the Director of Law and executed by the Director of Public Works on behalf of the City of Cleveland. The deed of easement shall contain any additional terms and conditions as

are required to protect the interest of the City. The Directors of Public Works and Law are authorized to execute any other documents, including without limitation, contracts for right of entry, as may be necessary to effect the purpose and intent of this ordinance.

**Section 10.** That the Directors of Capital Projects and Public Works are authorized to enter into one or more agreements as needed to effectuate this ordinance including, but not limited to, a bridge maintenance agreement with Metroparks.

**Section 11.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Referred to Directors of Public Works, Capital Projects, City Planning Commission, Finance, Law; Committees on Municipal Services and Properties, Development Planning and Sustainability, Finance.

**Ord. No. 1646-14.**

**By Council Member Cimperman.**  
**An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 343.24, establishing a Regional Visitor Destination Overlay District (RVD).**

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 343.24 to read as follows:

Section 343.24 Regional Visitor Destination Overlay District (RVD)

(a) *Purpose.* Regional Visitor Destination Overlay Districts are established for the purpose of permitting signage that will contribute to the visual vibrancy and economic vitality of compact urban districts that draw large numbers of visitors from throughout the region to patronize entertainment, restaurant and hotel uses.

(b) *District Definition.* A Regional Visitor Destination Overlay District is an area at least 15 acres but not more than 100 acres in size that includes (as currently existing or under construction) restaurants and/or entertainment venues constituting at least 75,000 square feet of floor area.

(c) *District Designation.* Each Regional Visitor Destination Overlay District shall be established pursuant to legislation adopted by City Council in accordance with the regulations of Chapter 333 and the provisions of this section. Each Regional Visitor Destination Overlay District shall be shown on the Zoning Map of the City of Cleveland as an overlay district, supplementing the regulations of the applicable underlying zoning districts. A Regional Visitor Destination Overlay District shall be mapped only where the underlying zoning districts permit entertainment, restaurant and hotel uses.

(d) *Applicability to Signs.* Signs located in a Regional Visitor Destination Overlay District shall be governed by the provisions of this section.

(e) *Design Review.* All permit applications for signs in a Regional Visitor Destination Overlay District shall be reviewed by the City Planning Commission or Landmarks Commission, as applicable, in accordance with the design guidelines of division 341.07(i) for review by the City Planning Commission and with the provisions of Chapter 161 for review by the Landmarks Commission, as well as in accordance with any design guidelines adopted by the applicable Commission for the subject district and in accordance with the conditions herein.

(f) *Size and Placement of Signs.* In reviewing permit applications for signs in a Regional Visitor Destination Overlay District, the City Planning Commission or Landmarks Commission, as applicable, may approve signs that are larger than that otherwise permitted or are placed in locations not otherwise permitted if the Commission determines that the placement and design of such signage are compatible with the subject building and nearby properties and will enhance the visual image of the Regional Visitor Destination Overlay District.

(g) *Animated and Electronically Changeable Signs.* In the interest of enhancing the vibrancy of the Regional Visitor Destination Overlay District, signs that display animated images or electronically changeable copy, including off-premises advertising, are permitted and their use is encouraged, subject to approval by the City Planning Commission or Landmarks Commission, as applicable, in accordance with applicable design guidelines.

(h) *Appeals.* Appeals from the decision of the City Planning Commission or Landmarks Commission to approve or disapprove permit applications for signs shall be made to the Board of Zoning Appeals.

**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 City Planning Commission, Law; Committee on Development Planning and Sustainability.

**Ord. No. 1647-14.**

**By Council Member Cimperman.**  
**An emergency ordinance rescinding Ordinance No. 650-08, passed May 5, 2008.**

Whereas, on May 5, 2008, this Council passed Ordinance No. 650-08 to authorize the petition for the creation of the Flats East Bank Community Authority, in compliance with Chapter 349 of the Ohio Revised Code; and

Whereas, subsequent to passage of such ordinance, Chapter 349 was amended and the development plan was further developed such that new authority is required and Ordinance No. 650-08 is no longer pertinent or necessary; 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 hereby rescinds Ordinance No. 650-08, passed May 5, 2008.

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

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

**Ord. No. 1648-14.**

**By Council Member Cimperman.**  
**An emergency ordinance authorizing the Director of Economic Development and the Clerk of Council to execute and sign, on behalf of the City of Cleveland, the Petition for the creation of the Flats East Bank Community Authority; and to determine that the petition for the creation of the Flats East Bank Community Authority complies with the requirements of Section 349.03(A) of the Revised Code.**

Whereas, based on expressed development interest in the area of Cleveland generally bounded (a) on the north by the CSX railroad tracks (b) on the east by the easterly lines of Permanent Parcel Nos. 101-12-004 and 101-12-007 and 101-01-005 (c) on the south by (i) the northerly right-of-way line of Main Avenue (ii) the southerly line of Permanent Parcel Nos. 101-13-007 and 101-13-008, and (iii) the southerly line of the Main Avenue Bridge, and (d) on the West by the Cuyahoga River (as more accurately defined in the Petition hereinafter referenced, the "District"), the City of Cleveland (the "City") engaged in a cooperative dialogue with the development community, the Cleveland-Cuyahoga County Port Authority (the "Port Authority") and various other interested persons with respect to the possible development and redevelopment of the District; and

Whereas, in furtherance of the development and redevelopment of the District, the City further engaged in a cooperative dialogue with Flats East Development LLC, an Ohio limited liability company (the "Developer"); and

Whereas, acting under the authority of Ordinance No. 579-06, the City entered into that certain Project Development Agreement effective as of May 22, 2006 with Flats East Development LLC and the Port Authority (as amended from time to time, the "Project Development Agreement"); and

Whereas, the Developer has performed the necessary analysis to produce a viable, market-based development program for the District as required by Chapter 349 of the Revised Code; and

Whereas, the Developer is a "developer" within the meaning of Section 349.01(E) of the Revised Code and will carry out a "new community development program" for the District within the meaning of Section 349.01(B) of the Revised Code; and

Whereas, a proposed petition (the "Petition") to create the Flats East Bank Community Authority is presently on file with the Clerk of Cleveland City Council ("Clerk of Council"); and



Whereas, subject to the subsequent filing of the Petition with the Cuyahoga County Council, Cleveland City Council, as the "organizational board of commissioners" as that term is defined in Section 349.01(F) of the Revised Code, is required to determine whether such petition complies with Section 349.03(A) of the Revised Code as to form and substance; and

Whereas, upon the determination of City Council that the Petition is sufficient and has been filed in accordance with Section 349.03(A) of the Revised Code, City Council is required to fix the time and place of a hearing on the Petition for the establishment of a new community authority, which time shall not be less than thirty (30) days nor more than forty-five (45) days after the filing date of the Petition when all "proximate cities" have signed the Petition; and

Whereas, an emergency exists in that it is immediately necessary to authorize the Director of Economic Development and the Clerk of Council to execute and sign the aforementioned Petition so that the Flats East Bank Community Authority may proceed to creation expeditiously and in order to comply with the conditions set forth in Chapter 349 of the Revised Code in order to facilitate the development and redevelopment of that portion of the City comprising the District, said immediate action being in the interest of the City in order to preserve, enhance and protect public health, peace, property and safety, now, therefore,

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

**Section 1.** That the Director of Economic Development and the Clerk of Council are authorized to execute and sign on behalf of the City of Cleveland and Cleveland City Council the Petition no later than [date] \_\_\_\_\_, for the purpose of filing that Petition with the Cuyahoga County Council under Chapter 349 of the Revised Code to create as a new community authority known as the Flats East Bank Community Authority. The signature of the Director of Economic Development and the Clerk of Council on that Petition shall indicate the approval of that Petition by the "proximate city" (within the meaning of section 349.01(m) of the Revised Code).

**Section 2.** That the Clerk of Council shall file the Petition, File No. \_\_\_\_\_ with the Cuyahoga County Council no later than the close of business on [enter date one day following date \_\_\_\_\_ from \_\_\_\_\_ Section 1] \_\_\_\_\_

**Section 3.** That this Council has examined the Petition to create the Flats East Bank Community Authority and determines that such Petition complies with the requirements of Section 349.03(A) of the Revised Code as to form and substance.

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

#### FIRST READING EMERGENCY RESOLUTION REFERRED

**Res. No. 1624-14.**

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

**An emergency resolution declaring the intent to vacate a portion of Logan Court N.E.**

Whereas, this Council is satisfied that there is good cause to vacate a portion of Logan Court N.E., as described; and

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

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

**Section 1.** That this Council declares its intent to vacate a portion of the following described real property:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being part of Original 100 Acre Lot No. 401, also known as being part of the Logan Company's Subdivision as shown in Volume 40, Page 20 of Cuyahoga County Map Records (C.C.M.R.) and more fully bounded and described as follows:

**BEGINNING AT A POINT** at the intersection of the southerly Right-of-way of Logan Court (40 feet wide) as shown in the Marsh and Cody Brothers' Re-Subdivision recorded in Volume 14, Page 48 of C.C.M.R., with the easterly Right-of-Way of East 97th Street (formerly known as North Logan Avenue) (56 feet wide);

Thence North 00° 02' 30" East, along said easterly Right-of-Way, 8.00 feet to a point;

Thence South 89° 56' 38" East, parallel with the centerline of Logan Court, as aforesaid, 189.91 feet to the **PRINCIPAL PLACE OF BEGINNING** of a parcel of land herein described;

Thence Easterly 66.18 feet along the arc of a curve deflecting to the left having a radius of 172.00 feet and a chord of 65.77 feet which bears North 79° 02' 01" East to a point of reverse curvature;

Thence Easterly 53.53 feet along the arc of a curve deflecting to the right having a radius of 141.50 feet and a chord of 53.21 feet which bears North 78° 50' 58" East to a point of tangency;

Thence North 89° 41' 16" East, 13.06 feet to a point;

Thence South 00° 11' 02" West, 23.00 feet to a point;

Thence North 89° 56' 38" West, 129.77 feet to the **PRINCIPAL PLACE OF BEGINNING**, be the same more or less, and containing 0.0363 Acres of land, subject to all legal highways and easements, according to a survey prepared by Louise A. Veverka, dated May 5th, 2014.

Bearings are based on the centerline of East 97th Street being North 00° 02' 30" East as shown in Volume 127, Page 12 of C.C.M.R. and are to indicate angles only.

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

**Section 2.** That this resolution is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately

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

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

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

**Ord. No. 1618-14.**

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

**An emergency ordinance authorizing the Director of Finance, on behalf of the Cleveland Municipal Court, to enter into 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, for the Cleveland Municipal Court, each for a period of one year, with a one-year option to renew, exercisable by the Director of Finance.**

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

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

**Section 1.** That the Director of Finance, 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, 2015, with one (1) option to renew for one year, exercisable by the Director of Finance. The cost of the contract shall not exceed \$276,000, and if the option is exercised, the cost for the optional year shall not exceed \$281,000.

**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, 2015, with one (1) option to renew for one year, exercisable by the Director of Finance. The cost of the contract shall not exceed \$159,500, and if the option is exercised, the cost for the optional year shall not exceed \$162,500.

**Section 3.** The cost of the contracts shall be paid from funds appropriated for this purpose in budget year 2015.

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

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 1619-14.  
By Council Members Cimperman  
and Kelley (by departmental  
request).**

**An emergency ordinance to amend Section 8 of Ordinance No. 265-14, passed March 17, 2014, as amended by Ordinance No. 1001-14, passed August 20, 2014, relating to applying for and accepting a grant from the U.S. Department of Health and Human Services for the Moms First Program and authorizing contracts in connection with the grant.**

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

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

**Section 1.** That Section 8 of Ordinance No. 265-14, passed March 17, 2014, as amended by Ordinance No. 1001-14, passed August 20, 2014, is amended to read as follows:

Section 8. That the cost of the contract or contracts shall be paid from the fund or funds to which are credited the grant proceeds that are accepted under this ordinance and from Fund No. 01-5005-6320, RQS 5005, RL 2014-96 and from funds appropriated for this purpose in budget year 2015.

**Section 2.** That existing Section 8 of Ordinance No. 265-14, passed March 17, 2014, as amended by Ordinance No. 1001-14, passed August 20, 2014, is repealed.

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

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 1620-14.  
By Council Members Brancatelli  
and Kelley (by departmental  
request).**

**An emergency ordinance authorizing the Director of Economic Development to apply for and accept a Capital Improvement - Community Recreation Project grant from the State of Ohio Department of Natural Resources to assist with constructing certain infrastructure improvements in the Flats East Bank development area; and authorizing the Director to enter into one or more contracts with Flats East Development LLC, or its designee, to implement the project.**

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 apply for and accept a Capital Improvement - Community Recreation Project grant in an amount up to \$3,500,000, from the State of Ohio Department of Natural Resources, to assist with constructing certain infrastructure improvements in the Flats East Bank development area, to be used to implement the project as described in the executive summary

below; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the executive summary for the grant contained in the file described below and in any subsequent grant amendments, which amendments will be filed with Council.

**Section 2.** That the executive summary for the grant, File No. 1620-14-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

**Section 3.** That the Director of Economic Development is authorized to enter into one or more contracts with Flats East Development, LLC, or its designee, to implement the grant project.

**Section 4.** That the contract or contracts authorized by this ordinance shall be prepared by the Director of Law.

**Section 5.** That the cost of the contract or contracts authorized will be paid from the fund or subfunds that are credited the proceeds of the grant accepted under this ordinance.

**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 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 1621-14.  
By Council Members Zone and Kelley (by departmental request).**

**An emergency ordinance to amend Sections 1 and 2 of Ordinance No. 298-14, passed April 21, 2014, relating to the transfer of responsibility of answering cellular 9-1-1 calls made within the City of Cleveland from the County to the City.**

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

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

**Section 1.** That Sections 1 and 2 of Ordinance No. 298-14, passed April 21, 2014, are amended to read as follows:

Section 1. That the Director of Public Safety is authorized to enter into an agreement with Cuyahoga County to transfer the responsibility of directly answering 9-1-1 cellular calls made within the City of Cleveland from the County's CECOMS to the City of Cleveland Department of Public Safety's PSAP for a period of one year, with two two-year options to renew, exercisable by the Director of Public Safety (the "Transfer Agreement").

Section 2. That the Transfer Agreement shall provide that the City receive up to \$600,000 annually from the County to support the City's increased responsibilities following the transfer. That under the Transfer

Agreement, the parties agree that the amount of the County's payments to the City under the Transfer Agreement is contingent upon the amount of funding the County receives from the State of Ohio Wireless Government Assistance Fund.

**Section 2.** That existing Sections 1 and 2 of Ordinance No. 298-14, passed April 21, 2014, are repealed.

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

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 1622-14.  
By Council Members Zone and Kelley (by departmental request).**

**An emergency ordinance authorizing the Director of Public Safety to enter into an agreement with Cuyahoga County and the Regional Forensic Science Laboratory of the Cuyahoga County Medical Examiner's Office to provide law enforcement-related scientific testing services, for a term of eleven 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 Safety is authorized to enter into an agreement with Cuyahoga County and the Regional Forensic Science Laboratory of the Cuyahoga County Medical Examiner's Office to provide law enforcement-related scientific testing services, for a term of eleven years, beginning January 1, 2015.

**Section 2.** That the cost of the first year of the agreement shall be paid from funds appropriated for this purpose in budget year 2015. The remaining years of the contract will be paid through annual appropriations.

**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.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 1623-14.  
By Council Members Dow, K. Johnson, Brancatelli, Kelley (by departmental request).**

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

Whereas, under Resolution No. 1502-13, adopted November 25, 2013, this Council declared its intention to vacate a portion of Logan 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 April 10, 2014, the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

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

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

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

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

The southerly 8.00 feet of Logan Court N.E. (40.00 feet wide)

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio of part of the original 100 acre lot 401 and being the southerly 8.00 feet of Logan Court N.E. (40.00 feet wide) extending easterly from the east right of way of East 97th Street (56.00 feet wide) to its easterly terminus.

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

**Section 2.** That there is reserved to the City of Cleveland an easement of full width as described above for Dominion East Ohio Gas, Cleveland Public Power and the Illuminating Company

That no structures shall be erected on the premises described in this easement except those constructed under the approval of, and in compliance with, plans approved by Dominion East Ohio Gas, Cleveland Public Power, the Illuminating Company and the City of Cleveland.

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

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

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

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 1632-14.**

**By Council Member Sweeney.**

**An emergency ordinance authorizing the Director of the Department of Community Development to enter into an agreement with the Cleveland Tenants Organization for the Tenant Advocacy and Rental Information Center Program through the use of Ward 16 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 the Department of Community Development be authorized to enter into an agreement with the Cleveland Tenants Organization for the Tenant Advocacy and Rental Information Center Program for the public purpose of providing advocacy and counseling support for city of Cleveland residents in the area of housing services through the use of Ward 16 Neighborhood Equity Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$25,000 and shall be paid from Fund No. 10 SF 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 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 1633-14.**

**By Council Member Sweeney.**

**An emergency ordinance authorizing the Director of the Department of Community Development to enter into an agreement with L'Arche Cleveland for the Developmental Disabilities Social Services Support Program through the use of Ward 16 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 the Department of Community Development be authorized to enter into an agreement with L'Arche Cleveland for the Developmental Disabilities Social Services Support Program for the public purpose of providing social support services to Cleveland residents with developmental disabilities through the use of Ward 16 Neighborhood Equity Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$25,000 and shall be paid from Fund No. 10 SF 166.

**Section 3.** 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 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 1634-14.**

**By Council Member Sweeney.**

**An emergency ordinance authorizing the Director of the Department of Community Development to enter into an agreement with the Greater Cleveland Sports Commission for the Urban Youth Initiative Program through the use of Ward 16 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 the Department of Community Development be authorized to enter into an agreement with the Greater Cleveland Sports Commission for the Urban Youth Initiative Program for the public purpose of providing educational sessions on bicycle safety, healthy eating, exercise and bicycle maintenance to youths residing in the city of Cleveland through the use of Ward 16 Neighborhood Equity Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$25,000 and shall be paid from Fund No. 10 SF 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 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 1635-14.**

**By Council Members Zone, Keane, Kelley and Sweeney.**

**An emergency ordinance authorizing the Director of the Department of Public Works to enter into agreement with Irish American Archives Society, Inc. for the Johnny Kilbane Sculpture Project through the use of Wards 15, 13, 16, and 17 Casino Revenue Funds.**

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

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

**Section 1.** That the Director of the Department of Public Works is hereby authorized to enter into agreement with Irish American Archives Society, Inc. for the Johnny Kilbane Sculpture Project for the public purpose of honoring the historic achievements of Cleveland boxer Johnny Kilbane, world featherweight champion from 1912 - 1923 through the use of



Ward(s) 15, 13, 16, and 17 Casino Revenue 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 188.

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

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

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

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

**Res. No. 1636-14.**

**By Council Member Polensek.**

**An emergency resolution urging the Social Security Administration to place a moratorium on Social Security Office closings and service cuts.**

Whereas, the Social Security Administration (SSA) has seen its budget frozen or reduced in each of the past several years resulting in 11,000 fewer staff to handle an ever increasing work load of retirement and disability applications, as well as the other essential services that SSA field offices provide to the public; and

Whereas, in recent years, SSA has closed more than 70 field offices and hundreds of contract stations around the country, and reduced hours so that offices are open to the public only until noon on Wednesdays and close 1 hours early on other weekdays; and

Whereas, these closures represent a 28 percent reduction in time spent helping people face-to-face to gain access to their benefits under Social Security; and

Whereas, Social Security beneficiaries have always received, have had the right to receive, and indeed have already paid to receive, the highest quality personal service offered to more than 53 million program participants; and

Whereas, high-quality service is threatened both by budget cuts and by a concerted effort on the part of the agency to nearly eliminate field offices and personal service as described in a recent document produced by a seven member panel of the National Academy of Public Administration under contract to the Social Security Administration, which included three former high-ranking SSA officials; and

Whereas, the SSA 2014-2018 Agency Strategic Plan specifically cites the "Vision 2025" plan referenced above, and thereby has signaled high-level support for this approach that is hostile to the interests of the American people; and

Whereas, public confidence in SSA's ability to deliver on its

promises is being threatened by the continuous announcements of office closures, reduced office hours around the nation, and service reductions at field offices; and

Whereas, SSA has decided to stop providing two essential documents at SSA field offices, the Social Security Number Printout and the Benefit Verification statement, and 11 million people who came in last year to get these documents will be told they must go online and print them out, request that prospective employers verify their Social Security Numbers, ask other service-providers to get the information themselves, or contract the Call Center and wait a week or more to receive these vital verifications needed to receive assistance from other service-providers or to verify eligibility to work; and

Whereas, this Council supports the Alliance for Retired Americans' work for the passage of legislation introduced by Rep. Brian Higgins (D-NY) and John Duncan (R-TN), H.R. 3997, the Social Security Accountability Act of 2014, to impose an immediate moratorium on further closures until SSA explains its plan for future closings, the reasoning for it, and how it will mitigate the impact on the public; and

Whereas, this Council supports the work of the Alliance for Retired Americans, the American Federation of Government Employees (AFGE) and other unions to work with the Social Security Works Coalition, the Leadership Council of Aging Organizations and community organizations to expand the resources and front-line staffing available for SSA operations and fight to restore field office service delivery as the most critical part of the SSA infrastructure; and

Whereas, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health or safety, now, therefore,

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

**Section 1.** That this Council urges the Social Security Administration to place a moratorium on Social Security Office closings and service cuts.

**Section 2.** That the Clerk of Council is directed to transmit copies of this Resolution to Michael B. Williams, AFGE Local 3448, Labor Market Relations VP, Congresswomen Fudge and Kaptor, U.S. Senators Portman and Brown, and Governor Kasich.

**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 16. Nays 0. Read second time. Read third time in full. Adopted. Yeas 16. Nays 0.

**Res. No. 1637-14.**

**By Council Member Sweeney.**

**An emergency resolution supporting Catholic Charities Housing Corporation in its effort to develop affordable housing for senior citizens on the**

**campus of St. Vincent de Paul Parish located at 13400 Lorain Avenue in Cleveland.**

Whereas, Cleveland City Council has recognized the need for affordable housing in our neighborhoods; and

Whereas, the Catholic Charities Housing Corporation has developed a comprehensive plan to identify those areas that would be appropriate for housing developments for seniors; and

Whereas, the Catholic Charities Housing Corporation has proposed the new construction of a 38 unit, three story elevator building comprised of 10 one bedroom units and 28 two bedroom units which will be affordable to seniors; and

Whereas, the development will meet the Enterprise Green Communities Version 3.0 criteria or LEED Certification by the U.S. Green Building Council, and will also include amenities such as community gathering space, laundry facilities, green space and parking; and

Whereas, Catholic Charities Housing Corporation will apply for funding under the Low Income Housing Tax Credit Program and the City of Cleveland Housing Trust Fund; and

Whereas, the proposal involves utilizing an under-used parking lot, including demolition of two structures which are no longer in use; and

Whereas, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health or safety, now, therefore,

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

**Section 1.** That this Council supports the efforts of Catholic Charities Housing Corporation to develop a 38 unit senior housing complex on the campus of St. Vincent de Paul Parish located at 13400 Lorain Avenue in Cleveland to provide affordable housing for senior citizens.

**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 16. Nays 0. Read second time. Read third time in full. Adopted. Yeas 16. Nays 0.

**Res. No. 1638-14.**

**By Council Member Conwell.**

**An emergency resolution supporting the proposal of Famicos Foundation to the Ohio Housing Finance Agency for the use of low-income housing tax credits.**

Whereas, each year the Ohio Housing Finance Agency allocates housing credits for affordable housing developments throughout Ohio using a competitive proposal process; and

Whereas, Famicos Foundation is proposing to develop up to 40 single-family housing units in the Cleveland East submarket as defined by the Ohio Housing Finance Agency, in Cleveland, Ohio; and

Whereas, the development will include the construction of new or rehabilitated lease-purchase housing and the elimination of blight within the area bounded by Superior Avenue, East 105th Street, Ashbury Avenue and the Cleveland/East Cleveland boarder; and

Whereas, 100% of these homes will be affordable to families with incomes at or below 60% of the area median income and no housing units will be market rate; and

Whereas, the Famicos Foundation proposal will benefit the citizens of the City; and

Whereas, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health or safety, now, therefore,

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

**Section 1.** That this Council supports the proposal of Famicos Foundation to the Ohio Housing Finance Agency for the use of low-income housing tax credits.

**Section 2.** That the Clerk of Council is directed to transmit a copy of this resolution to the Executive Director of the Famicos Foundation.

**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 16. Nays 0. Read second time. Read third time in full. Adopted. Yeas 16. Nays 0.

**Res. No. 1639-14.**

**By Council Member Dow.**

**An emergency resolution objecting to a New C1 Liquor Permit at 1735 East 36th Street.**

Whereas, Council has been notified by the Division of Liquor Control of an application for a New C1 Liquor Permit at Tink Holl Enterprises, Inc., DBA Tink Holl Market, 1735 East 36th Street, Cleveland, Ohio 44114, Permanent Number 8942130; and

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

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

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

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

Whereas, the place for which the permit is sought is so located with

respect to the neighborhood that it substantially interferes with public decency, sobriety, peace or good order; and

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

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

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

**Section 1.** That Council does hereby record its objection to a New C1 Liquor Permit at Tink Holl Enterprises, Inc., DBA Tink Holl Market, 1735 East 36th Street, Cleveland, Ohio 44114, Permanent Number 8942130; and requests the Superintendent of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Adopted. Yeas 16. Nays 0.

**Res. No. 1640-14.**

**By Council Member Cleveland.**

**An emergency resolution objecting to the transfer of location of a D2, D2X, D3 and D3A Liquor Permit to 2044 Euclid Avenue.**

Whereas, Council has been notified by the Division of Liquor Control of an application for the transfer of location of a D2, D2X, D3 and D3A Liquor Permit from Pink Slips, Inc., 4995-97 Denison Avenue, 1st floor and basement, Cleveland, Ohio 44102, Permanent Number 6932324 to Shiva Shakti One Corp., DBA Bombay Chaat, 2044 Euclid Avenue, Cleveland, Ohio 44115, Permanent Number 8900470; and

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

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

Whereas, the place for which the permit is sought has not conformed to the building, safety or health

requirements of the governing body of this County or City; and

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of location of a D2, D2X, D3 and D3A Liquor Permit from Pink Slips, Inc., 4995-97 Denison Avenue, 1st floor and basement, Cleveland, Ohio 44102, Permanent Number 6932324 to Shiva Shakti One Corp., DBA Bombay Chaat, 2044 Euclid Avenue, Cleveland, Ohio 44115, Permanent Number 8900470; and requests the Superintendent of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Adopted. Yeas 16. Nays 0.

**Res. No. 1641-14.**

**By Council Member Dow.**

**An emergency resolution objecting to the transfer of liquor license of a C2 Liquor Permit to 2701 Chester Avenue.**

Whereas, Council has been notified by the Division of Liquor Control of an application for the transfer of liquor license of a C2 Liquor Permit from AJD Gas, LLC, DBA Liberty Gas USA, 13939 Lorain Avenue, Cleveland, Ohio 44111, Permanent Number 0003708 to AJD Gas, LLC, DBA Liberty Gas USA, 2701 Chester Avenue, Cleveland, Ohio 44114, Permanent Number 00037080001; and

Whereas, the granting of this application for a liquor permit to

this high crime area, which is already saturated with other liquor outlets, is contrary to the best interests of the entire community; and

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of liquor license of a C2 Liquor Permit from AJD Gas, LLC, DBA Liberty Gas USA, 13939 Lorain Avenue, Cleveland, Ohio 44111, Permanent Number 0003708 to AJD Gas, LLC, DBA Liberty Gas USA, 2701 Chester Avenue, Cleveland, Ohio 44114, Permanent Number 00037080001; and requests the Superintendent of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Adopted. Yeas 16. Nays 0.

**Res. No. 1642-14.**

**By Council Member Brancatelli.**

**An emergency resolution objecting to the transfer of ownership of a C1 Liquor Permit to 1503 Spring Road, 1st floor.**

Whereas, Council has been notified by the Division of Liquor Control of an application for the transfer of ownership of a C1 Liquor Permit from Sarkis, LLC, 1503 Spring Road, 1st floor, Cleveland, Ohio 44109, Permanent Number 77446580005 to Marwan Ohio, LLC, 1503 Spring Road, 1st floor, Cleveland, Ohio 44109, Permanent Number 5597480; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a C1 Liquor Permit from Sarkis, LLC, 1503 Spring Road, 1st floor, Cleveland, Ohio 44109, Permanent Number 77446580005 to Marwan Ohio, LLC, 1503 Spring Road, 1st floor, Cleveland, Ohio 44109, Permanent Number 5597480; and requests the Superintendent of the Division 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 16. Nays 0. Read second time. Read third time in full. Adopted. Yeas 16. Nays 0.

**Res. No. 1643-14.**

**By Council Member Brady.**

**An emergency resolution objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 3590 Bosworth Road.**

Whereas, Council has been notified by the Division of Liquor Control of an application for the transfer of ownership of a C2 and C2X Liquor Permit from Steve's Deli, LLC, DBA Steve's Deli, 3590 Bosworth Road, 1st floor and basement, Cleveland, Ohio 44111, Permanent Number 8575105 to FJN 3596, Inc., 3590 Bosworth Road, Cleveland, Ohio 44111, Permanent Number 2600068; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a C2 and C2X Liquor Permit from Steve's Deli, LLC, DBA Steve's Deli, 3590 Bosworth Road, 1st floor and basement, Cleveland, Ohio 44111, Permanent Number 8575105 to FJN 3596, Inc., 3590 Bosworth Road, Cleveland, Ohio 44111, Permanent Number 2600068; and requests the Superintendent of the Division 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 16. Nays 0. Read second time. Read third time in full. Adopted. Yeas 16. Nays 0.

**Res. No. 1644-14.**

**By Council Member Reed.**

**An emergency resolution objecting to the transfer of ownership of a C1 and C2 Liquor Permit to 3750 Martin Luther King Jr. Boulevard.**

Whereas, Council has been notified by the Division of Liquor Control of an application for the transfer of ownership of a C1 and C2 Liquor Permit from E 116 Savmor Food, Inc., DBA Martin Luther King Savmor, 3750 Martin Luther King Jr. Boulevard, 1st floor and basement, Cleveland, Ohio 44105, Permanent Number 2402515 to Savmor 116 Deli, Inc., 3750 Martin Luther King Jr. Boulevard, 1st floor and basement, Cleveland, Ohio 44105, Permanent Number 77601640005; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a C1 and C2 Liquor Permit from E 116 Savmor Food, Inc., DBA Martin Luther King Savmor, 3750 Martin Luther King Jr. Boulevard, 1st floor and basement, Cleveland, Ohio 44105, Permanent Number 2402515 to Savmor 116 Deli, Inc., 3750 Martin Luther King Jr. Boulevard, 1st

floor and basement, Cleveland, Ohio 44105, Permanent Number 77601640005; and requests the Superintendent of the Division 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 16. Nays 0. Read second time. Read third time in full. Adopted. Yeas 16. Nays 0.

**Res. No. 1645-14.**

**By Council Member Dow.**

**An emergency resolution withdrawing objection to the transfer of location of a D1, D2 and D6 Liquor Permit at 3211 Payne Avenue and repealing Resolution No 1138-14, objecting to said transfer.**

Whereas, this Council objected to the transfer of location of a D1, D2 and D6 Liquor Permit to Wonton Gourmet Cleveland, Inc., DBA Wonton Gourmet, 3211 Payne Avenue, Cleveland, Ohio 44114, Permanent No. 9750087 by Resolution No. 1138-14 adopted by the Council on September 8, 2014; 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 the transfer of location of a D1, D2 and D6 Liquor Permit to Wonton Gourmet Cleveland, Inc., DBA Wonton Gourmet, 3211 Payne Avenue, Cleveland, Ohio 44114, Permanent No. 9750087, be and the same is hereby withdrawn and Resolution No. 1138-14, 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 16. Nays 0. Read second time. Read third time in full. Adopted. Yeas 16. Nays 0.

**Res. No. 1661-14.**

**By Council Member Conwell.**

**An emergency resolution withdrawing objection to the transfer of ownership of a C1 and C2 Liquor Permit at 10643 St. Clair Avenue and repealing Resolution No. 1196-14, objecting to said permit.**

Whereas, this Council objected to a transfer of ownership of a C1 and C2 Liquor Permit to 10643 Sufian, LLC, DBA EZ Exchange II, 10643 St. Clair Avenue, Cleveland, Ohio 44108 by Resolution No. 1196-14 adopted by the Council on September 15, 2014; and

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

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

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

**Section 1.** That objection to the transfer of ownership of a C1 and C2 Liquor Permit to 10643 Sufian, LLC, DBA EZ Exchange II, 10643 St. Clair Avenue, Cleveland, Ohio 44108, Permanent Number 6548248, be and the same is hereby withdrawn and Resolution No. 1196-14, 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 16. Nays 0. Read second time. Read third time in full. Adopted. Yeas 16. Nays 0.

**Res. No. 1662-14.**

**By Council Member Conwell.**

**An emergency resolution withdrawing objection to the transfer of location of a C1 and C2 Liquor Permit at 917 East 105th Street and repealing Resolution No 1262-14, objecting to said transfer.**

Whereas, this Council objected to the transfer of location of a C1 and C2 Liquor Permit to Nadeen Foods, Inc., 917 East 105th Street, Cleveland, Ohio 44108, Permanent No. 6280919 by Resolution No. 1262-14 adopted by the Council on September 29, 2014; 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 the transfer of location of a C1 and C2 Liquor Permit to Nadeen Foods, Inc., 917 East 105th Street, Cleveland, Ohio 44108, Permanent No. 6280919, be and the same is hereby withdrawn and Resolution No. 1262-14, 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 16. Nays 0. Read second time. Read third time in full. Adopted. Yeas 16. Nays 0.

#### SECOND READING EMERGENCY ORDINANCES PASSED

##### Ord. No. 1246-14.

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

An emergency ordinance authorizing the Director of Capital Projects to issue a permit to Left Side Developments LLC to encroach into the public right-of-way of Washington Avenue by installing, using, and maintaining a new handicap-accessible ramp and stair.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

##### Ord. No. 1351-14.

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

An emergency ordinance authorizing the Director of Capital Projects to issue a permit to Positively Cleveland to encroach into the public right-of-way within the downtown area by installing, using, and maintaining 4 way-finding signs and electric duct banks.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

##### Ord. No. 1352-14.

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

An emergency ordinance determining the method of making the public improvement of replacing existing underground lift stations with above-ground stations and other related improvements including sewer work; and authorizing the Director of Port Control to enter into one or more public improvement contracts for the making of the improvement.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

##### Ord. No. 1396-14.

By Council Member Brady.

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976 by enacting new Section 347.121 and to amend Section 343.11 of the Codified Ordinances of Cleveland Ohio, 1976, as amended by Ordinance No. 729-09, passed July 1, 2009, relating to hookah lounges and vapor lounges.

Approved by Directors on Building and Housing, City Planning Commission, Finance, Law; Passage recommended by Committees on Development Planning and Sustainability, Finance, when amended, as follows:

1. In the title, line 4, after "amend" strike "Section" and insert "**Sections 327.99 and**"; and in line 6, before "729.09" insert "**899-06, passed August 9, 2006, and Ordinance No.**".

2. In Section 1, at new Section 347.121(c), lines 1 and 2, strike "35 off-street parking places per establishment" and insert "**one off-street parking place for each employee and one for each seat based on the maximum seating capacity for the establishment**".

3. In Section 2, line 1, after "That" insert "**Section 327.99, as amended by Ordinance No. 899-06, passed August 9, 2006, and**"; and in line 2, strike "is" and insert "**are**".

4. In Section 2, line 3, before Section 343.11, insert the following new code section:

##### "Section 327.99 Penalty

(a) Except as provided in divisions (c) and (d) below, any person, firm or corporation who violates any of the provisions of this Zoning Code or who fails to comply shall, for each and every violation or failure, be fined not less than one hundred dollars (\$100.00), nor more than five hundred dollars (\$500.00) or imprisoned for not less than ten (10) days, nor more than ninety (90) days, or both. A separate offense shall be deemed committed each day during or on which such violation or failure to comply is permitted to exist under notification thereof.

(b) The imposition of any penalty under this division shall not be construed as excusing or permitting the continuance of any violation, and when the violation constitutes a nuisance, any owner of the premises, whether the owner at the time the violation was committed or his or her assignee, shall be deemed guilty of a violation of this Zoning Code each day he or she permits such nuisance to continue unabated after due notice from the Director of Building and Housing of the existence of such nuisance.

(c) Any person, firm, or corporation who violates any provision of Section 337.16 of this Zoning Code or who fails to comply shall, for each and every violation or failure, be fined not less than two hundred fifty dollars (\$250.00), nor more than five hundred dollars (\$500.00) which fine shall not be reduced, waived or suspended. In addition, imprisonment for not less than ten (10) days nor more than ninety (90) days may be imposed. A separate offense shall be deemed committed each day during or on which such violation or failure to comply is permitted to exist after notification thereof.

(d) Whoever violates Sections 337.23, 347.121, 347.02, 347.10, 349.02, 349.04, 349.13, 350.19, 357.13 or, 357.14 or Section 347.08 as a first offense of that section shall be fined not more than one hundred fifty dollars (\$150.00). In addition to any other method of enforcement provided for in this chapter, the above listed minor misdemeanors may be enforced by the issuance of a citation in compliance with Rule 4.1 of the Ohio Rules of Criminal Procedure.

(e) Whoever violates Section 347.08 as a second offense of that section shall be fined not more than two hundred fifty dollars (\$250.00) or imprisoned for not more than thirty (30) days, or both. Whoever violates Section 347.08 as a third or subsequent offense of that section shall be fined not more than one thousand dollars (\$1,000.00) or imprisoned for not more than six (6) months, or both.

5. In Section 2, at amended Section 343.11(b)(2)T, line 1, after "location" insert "**with patron seating or that is classified or seeks classification as an Assembly use as defined in the Ohio Building Code**"; and in line 5, after "between 'cafes' and the semicolon, insert "**that are exempt from the Smoke Free Workplace Act under Section 3794.03 of the Revised Code**".

6. In Section 2, at amended Section 343.11(b)(2)U, line 1, after "mobile," insert "**with patron seating or that is classified or seeks classification as an Assembly use as defined in the Ohio Building Code**".

7. In Section 3, line 1, after "That" insert "**Section 327.99, as amended by Ordinance No. 899-06, passed August 9, 2006, and**"; and in line 2, strike "is" and insert "**are**".

Amendments agreed to.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. 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. 1446-14.

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

An emergency ordinance to amend the title and sections 1, 2, 3 and 5 of Ordinance No. 456-12, passed June 4, 2012, relating to contracts for general non-capital repairs and non-capital improvements, for the Department of Port Control.

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

1. In the title, line 2; in Section 1, line 1, and in Section 2, line 1, strike "and 5," and insert "**, 5, and 8**" in all three places.

2. In Section 1, after amended Section 5, insert new Section 8 to read as follows:

"Section 8. That the cost of the contracts authorized under this ordinance, including any option years exercised, shall not exceed an aggregate amount of \$500,000, and shall be paid from Fund Nos. 60 SF 001, RQS 3001, RL 2012-10."

Amendments agreed to.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. 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. 1447-14.**

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

An emergency ordinance to amend Section 9 of Ordinance No. 1690-12, passed December 3, 2012, relating to giving consent to the Director of Transportation for constructing the North Coast Harbor pedestrian bridge and causing payment to the State.

Approved by Directors of Capital Projects, Finance, Law; Passage recommended by Committees on Municipal Services and Properties, Finance, when amended, as follows:

1. In Section 1, at amended Section 9, at the end, strike the period and insert **"and RQS 0103, RL 2014-151."** Amendment agreed to.

The rules were suspended. Yeas 13. Nays 3. Read second time. Read third time in full. Passed. Yeas 13. Nays 3.

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

Those voting nay: Council Members Brady, Conwell, Reed.

Absent: Council Member Polensek. 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. 1448-14.**

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a Safety Intervention Grant from the Ohio Bureau of Workers Compensation for funding to acquire forcible entry and extrication equipment; and to enter into various written standard purchase and requirement contracts needed for the purchase of the equipment.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 1449-14.**

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

An emergency ordinance authorizing the Director of Economic Development to apply for and accept a grant from the United States Department of Housing and Urban Development for the Brownfields Economic Development Initiative; authorizing the Director to apply for a HUD 108 loan to supplement the financing received from the BEDI authorized above, for the redevelopment of City-owned property located in the vicinity of East 55th, East 63rd, and Euclid Avenue, formerly known as the Ohio Knitting Mills building site; and authorizing a contract with Hemingway Development, LLC, or its designee, to implement the project.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 1450-14.**

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the County Public Safety and Justice Services for the Cleveland Sexual Assault Advocate Project for the FY 2014 Violence Against Women Act; and authorizing the Director to enter into one or more contracts with the Cleveland Rape Crisis Center to implement the grant.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 1451-14.**

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

An emergency ordinance authorizing the Director of Economic Development to apply for and accept a grant from the United States Department of Housing and Urban Development Initiative Empowerment Zone Program, to partially finance a portion of the tenant build-out of The Beauty Shoppe, to be located at 7012 Euclid Avenue; and authorizing the Director to enter into one or more contracts with Victory Midtown Landlord, LLC, or its designee, to implement the project.

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

1. In Section 2, line 1, strike "File No. 1451-14-A," and insert **"File No. 1451-14-B,"**

Amendment agreed to.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. 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. 1452-14.**

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the County Public Safety and Justice Services for the FY 2014 Violence Against Women Act (VAWA) grant for the Cleveland Domestic Violence Program.

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

1. In Section 2, line 6, strike "RL 2013-142" and insert **"RL 2014-135"**.

Amendment agreed to.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. 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. 1457-14.**

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

An emergency ordinance authorizing the Director of Port Control to consent to the assignment of Contract No. RC 2013-22 from Hi-Lite Markings, Inc. to Hi-Lite Airfield Services, LLC; and to exercise the first option to renew the contract for labor and materials necessary to remove rubber and any other contaminants from paved surfaces for the various divisions of the Department of Port Control.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 1461-14.**

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

An emergency ordinance authorizing the Director of Port Control to enter into a Lease Agreement with BoxCast, LLC for the lease of space in the passenger terminal building at Burke Lakefront Airport for operation of a technology-based video streaming firm, for the Department of Port Control, for a period of two years, with three one-year options to renew, the first and second of which are exercisable by the Director of Port Control.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 1464-14.**

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

An emergency ordinance authorizing the Director of Port Control to enter into a Lease Agreement with SP+, fka Standard Parking Corporation for the lease of space in the terminal building at Cleveland Hopkins International Airport for operation of a valet parking operations office and customer service window, for the Department of Port Control, for a period of two years, with two one-year options to renew, the first of which is exercisable through additional legislative authority.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 1465-14.**

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

An emergency ordinance authorizing the Director of Port Control to enter into a Lease Agreement with T & G Flying Club, Inc. for the lease of space in the passenger terminal building at Burke Lakefront Airport for operation of a flight school for training and instruction of student pilots, for the Department of Port Control, for a period of two years, with three one-year options to renew, the first and second of which are exercisable by the Director of Port Control.



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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 1467-14.**

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

An emergency ordinance authorizing the Director of Port Control to exercise the second option to renew Contract No. PS 2013-056 with Downtown Cleveland Alliance to provide professional services needed to implement the Common Area Maintenance Agreement at the North Coast Harbor.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 1511-14.**

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the United States Department of Justice for the FY 14 National Forum on Youth Violence Prevention Program; and authorizing the Director to enter into one or more contracts with the Partnership for A Safer Cleveland to implement the grant.

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

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

Those voting yea: Council Members Brady, Brancatelli, Cimperman, Cleveland, Conwell, Cummins, Dow, K. Johnson, Keane, Kelley, Mitchell, Pruitt, Reed, Sweeney and Zone.

Those voting nay: Council Member J. Johnson.

Absent: Council Member Polensek.

**Ord. No. 1514-14.**

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

An emergency ordinance giving consent of the City of Cleveland to the Director of Transportation of the State of Ohio for rehabilitating MLK Boulevard Bridge project No. 5:029M; to apply for and accept any gifts or grants for this purpose from any public or private entity; authorizing one or more contracts with consultants, and agreements with public and private entities; authorizing the Director of Capital Projects to enter into any relative agreements; and authorizing the Commissioner of Purchases and Supplies to acquire, accept, and record for right-of-way purposes any real property and easements necessary to make the improvement.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 1515-14.**

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

An emergency ordinance giving consent of the City of Cleveland to the Director of Transportation of the State of Ohio for rehabilitating MLK Boulevard Bridge project No. 5:055M; to apply for and accept any gifts or grants for this purpose from any public or private entity; authorizing one or more contracts with consultants, and agreements with public and private entities; authorizing the Director of Capital Projects to enter into any relative agreements; and authorizing the Commissioner of Purchases and Supplies to acquire, accept, and record for right-of-way purposes any real property and easements necessary to make the improvement.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 1517-14.**

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

An emergency ordinance authorizing the Director of Capital Projects to issue a permit to the Prosperity Social Club, Inc. to encroach into the public right-of-way above Starkweather Avenue with three security/surveillance cameras and electrical connection to be attached to a Cleveland Public Power utility pole (by separate permission of the pole's owner).

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 1518-14.**

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

An emergency ordinance authorizing the Director of Port Control to exercise the first option to renew Contract No. PS 2013-22 with Leidos, Inc. to acquire licenses for mandatory environmental compliance and to perform other services necessary for the compliance for the Department of Port Control.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 1519-14.**

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

An emergency ordinance authorizing the Director of Economic Development to enter into one or more forgivable loan agreements with Playhouse Square Foundation, or its designee, to provide development assistance to partially finance the renovation and related costs associated with renovating the lobby of the Ohio Theater at 1501 Euclid Avenue.

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

1. In Section 6, line 2, after "assistance to" insert "enter into a workforce development agreement with the City."

2. Insert new Section 7 to read as follows:

**"Section 7. That the contracts authorized in this legislation will require the recipient of financial assistance to comply with Chapters 187, Cleveland Area Business Code, Chapter 188, Fannie M. Lewis Cleveland Resident Employment Law and Chapter 189, Cleveland Fair Employment Law."**

3. Renumber existing Section 7 to new "Section 8".

Amendments agreed to.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. 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. 1522-14.**

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

An emergency ordinance authorizing the Director of Capital Projects to employ one or more professional consultants to provide architectural and related services needed for various capital improvement projects, for the Division of Architecture and Site Development, Office of Capital Projects, on an as-needed basis, for a period up to two years, and executed no later than December 31, 2016.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 1523-14.**

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

An emergency ordinance authorizing the Director of Capital Projects to employ one or more professional consultants to provide various engineering, testing, and related services needed for various capital improvement projects, for the Division of Engineering and Construction, Office of Capital Projects, on an as-needed basis, for a period up to two years, and executed no later than December 31, 2016.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 1525-14.**

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

An emergency ordinance authorizing the Director of Public Safety to accept a grant from the United States Department of Justice for the FY 2013 COPS Hiring Program.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 1552-14.**

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

An emergency ordinance to amend the title and Section 17 of Ordinance No. 1325-12, passed December 3, 2012, relating to improving the East 79th Street bridge; and to supplement the ordinance by adding new Section 16a to cause payment to the State for the City's share of the improvement.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 1553-14.**

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

An emergency ordinance authorizing the Director of Economic Development to apply for and accept a grant from the Northeast Ohio Regional Sewer District to partially finance a portion of the sewer and stormwater infrastructure improvements in association with the Flats East Bank Phase II Development; and authorizing one or more contracts with Flats East Development, LLC, or its designee, to implement the project.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 1554-14.**

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Institute for Intergovernmental Research for the FY 14 Nationwide Crime Analysis Capability Building Project; and authorizing the Director to enter into one or more contracts with various agencies, entities, or individuals to implement the grant.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 1555-14.**

By Council Member Kelley (by departmental request).

An emergency ordinance approving the collective bargaining agreement with the Teamsters, Local 507; and to amend Section 9 of Ordinance No. 385-14, passed March 31, 2014, relating to compensation for various classifications.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 1558-14.**

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

An emergency ordinance authorizing the Director of Port Control to enter into one or more contracts without competitive bidding with Exelis for the purchase of not to exceed seventy-five vehicle squitter units, including installation and maintenance, for the Division of Cleveland Hopkins International Airport, Department of Port Control, for a period of one year with three one-year options to renew, the second of which requires additional legislative authority.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 1568-14.**

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

An emergency ordinance authorizing the Director of Economic Development to file any documents necessary, including but not limited to, a Petition for Zone Certification, to the Ohio Director of Development Services Agency to obtain approval to change the maximum term of tax abatements from ten to fifteen years, as now allowed under Ohio law.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 1569-14.**

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell a portion of City-owned property no longer needed for public use located at 9845 Darrow Road in Twinsburg, Ohio, to the City of Twinsburg; and authorizing the Director of Public Utilities to execute a deed of easement granting certain temporary ingress, egress, and construction rights in property no longer needed for public use and located at 9845 Darrow Road which are necessary for the City of Twinsburg's SR 91 widening/Glenwood Drive Roundabout Project.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 1570-14.**

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

An emergency ordinance authorizing the Director of Economic Development to enter into a Tax Increment Financing Agreement with Gateway Huron, LLC, or its designee, to provide funding for the NuCLEus redevelopment project; to provide for payments to the Cleveland City School District; and to declare certain improvements to real property to be a public purpose.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 1571-14.**

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

An emergency ordinance authorizing the Director of Economic Development to enter into contracts with Gateway Huron, LLC, or its designee, to provide economic development assistance to partially finance the development of Project NuCLEus Building A and Building B and other associated costs necessary to redevelop the property.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 1572-14.**

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

An emergency ordinance to amend Sections 135.16, 135.17, 135.18, 135.180, 603.02, 603.03, 603.031, 603.04, 603.072, 603.09, 603A.04, 603A.05, 603A.06, 603A.07, 603A.10, 603A.13, 603A.16, 604.06 and 604.99, of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances, relating to animals, animal control and animal safety; to supplement the Codified Ordinances by enacting new Section 603.032 relating to seizure and impoundment of animals; and to change the name of the Division of Animal Control Services to the Division of Animal Care and Control.

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

1. In the title, line 4, after "603.09," insert "**603.091**."

2. In Sections 1 and 2, after line 10 and before the line beginning "Section 603A.04", insert "**Section 603.091, as amended by Ordinance No. 712-11, passed June 6, 2011**," in both places.

3. In Section 1, after amended Section 603.09, insert the following new amended codified ordinance section:

**"Section 603.091 Neglect of Animals**  
**(a) No owner or keeper of a dog, cat, or other domestic animal shall cause any condition that may lead to permanent injury, death, or harm to such animal, including confining an animal in a motor vehicle under any conditions that may endanger the well being of the domestic animal.**

(b) No person shall keep any animal in a place that is unsanitary, including any place where there is an accumulation of feces or other waste, or foul odor, or insect or rodent infestation.

(c) No person who owns or keeps an animal shall fail to provide the animal all of the following needs:

(1) Clean, potable drinking water at all times, and suitable food, of sufficient quality and quantity as to ensure normal growth and the maintenance of normal body weight;

(2) Food and water receptacles that are kept clean and disinfected, and located so as to avoid contamination by feces or other wastes;

(3) Regular exercise sufficient to maintain the animal's good health;

(4) Necessary veterinary care;

(5) Shelter from the elements, including heat, cold, wind, rain, snow or excessive direct sunlight. If the animal is housed outside, a structure for shelter and protection must be provided that is suitable for the species, age, condition, size, and type of that animal. The structure must be completely enclosed and insulated, having a single entrance/exit secured with a flap or door or similar device. The structure shall be moisture-resistant, wind-resistant, and of suitable size and type to allow the animal to stand, turn about freely, lie in a normal position, and regulate proper body temperature. The structure shall be made of a durable material with a solid, moisture-proof floor and a floor raised at least two inches from the ground. Suitable drainage shall be provided so that water cannot be reasonably expected to gather and stand within ten feet of the structure, and so the animal has access to a dry area at all times. Proper bedding of straw or similar material, that remains dry, must be utilized inside the structure. All structures required by this section shall be subject to all building and zoning regulations.

(d) No person who shelters an animal from the elements by means of an animal shelter, a cage, or a pen shall fail to conform it to the following requirements:

(1) The shelter, cage or pen shall be appropriate to the animal's size, weight, and other characteristics, with sufficient space to allow the animal to turn about freely and lie in a normal position;

(2) The shelter, cage or pen shall provide sufficient shade to allow the animal to escape the direct rays of the sun at all times;

(3) The shelter, cage or pen shall be regularly cleaned and sanitized.

(e) Whoever violates this section is guilty of neglect of animals, a misdemeanor of the first degree."

Amendments agreed to.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. 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. 1573-14.**

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

An emergency ordinance authorizing the Director of Economic Development to enter into a tri-party agreement with the County of Cuyahoga and The Superlative Group, an Ohio

corporation, regarding naming rights and a corporate sponsorship marketing program for the Medical Mart and Convention Center and for Malls B and C, for a period of two years, with one option to renew for three years, exercisable by the Director of Economic Development.

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

1. In Section 5, at the end, strike the period and insert "subject to legislative authority consistent with all terms of that certain Definitive Agreement dated November 18, 2010." Amendment agreed to.

The rules were suspended. Yeas 13. Nays 2. Read second time. Read third time in full. Passed. Yeas 13. Nays 2.

Those voting yea: Council Members Brady, Brancatelli, Cleveland, Conwell, Cummins, Dow, K. Johnson, Keane, Kelley, Mitchell, Pruitt, Sweeney and Zone.

Those voting nay: Council Members Reed and J. Johnson.

Absent: Council Member Polensek. Pursuant to Rule 19 of the Rules of Council, Council Member Cimperman recused himself from the vote regarding Ordinance No. 1573-14.

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. 1577-14.**

By Council Member Kelley (by departmental request)

An emergency ordinance approving in its entirety the Fact-Finder's report, findings and recommendations in the matter of the City of Cleveland and Municipal Foremen & Laborers Local 1099, including Non-Supervisory and Supervisory; and to amend Sections 26, 27, and 49 of Ordinance No. 385-14, passed March 31, 2014, relating to compensation for various classifications.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 1591-14.**

By Council Member Kelley (by departmental request)

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

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 1592-14.**

By Council Member Kelley (by departmental request).

An emergency ordinance authorizing the issuance and sale of one or more series of Subordinate Lien Income Tax Refunding Bonds to refund currently outstanding general obligation and subordinate lien

income tax bonds of the City to obtain debt service savings or restructure the City's outstanding debt and authorizing and approving related matters.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 1593-14.**

By Council Member Kelley (by departmental request).

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

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 1594-14.**

By Council Member Kelley (by departmental request).

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

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 1595-14.**

By Council Member Kelley (by departmental request).

An emergency ordinance to make temporary appropriations for the current payrolls and other ordinary expenses of the City of Cleveland from the period from January 1, 2015 until the effective date of the annual appropriation ordinance for the fiscal year ending December 31, 2015.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 1597-14.**

By Council Member Kelley.

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

Approved by Committee on Finance.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.



**Ord. No. 1598-14.**

By Council Member Kelley.  
An emergency ordinance authorizing the Clerk of Council to enter into contract with Mita Marketing LLC for the professional services necessary to assist Cleveland City Council with communications and public relations.  
Approved by Committee on Finance.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 1599-14.**

By Council Member Kelley.  
An emergency ordinance authorizing the Clerk of Council to enter into an agreement with Solar Systems Networking Inc. for the professional services necessary to advise and assist in the maintenance and performance of computer technology projects and to provide specific computer technology services for Cleveland City Council.  
Approved by Committee on Finance, when amended, as follows:  
1. Section 1, line 7, strike "amendment," and insert "agreement".  
Amendment agreed to.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. 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. 1600-14.**

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 1601-14.**

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 1602-14.**

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**SECOND READING EMERGENCY RESOLUTIONS ADOPTED**

**Res. No. 1245-14.**

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

An emergency resolution declaring the intent to vacate a portion of West 74th Street.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Adopted. Yeas 16. Nays 0.

**Res. No. 1526-14.**

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

An emergency resolution declaring the intent to vacate a portion of East 117th Street (50.00 feet wide) (formerly Luceil Street)

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Adopted. Yeas 16. Nays 0.

**MOTION**

On the motion of Council Member Zone, the absence of Council Member Michael D. Polensek is hereby authorized. Seconded by Council Member Cleveland.

The Council Meeting adjourned at 9:03 p.m. to meet at the call of the chair. The next regular meeting if Council will be on Monday, January 5, 2015, at 7:00 p.m. in the Council Chamber.

Patricia J. Britt  
City Clerk, Clerk of Council

**THE CALENDAR**

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

NONE

**BOARD OF CONTROL**

December 3, 2014

The Regular meeting of the Board of Control convened in the Mayor's office on Wednesday, December 3, 2014 at 10:36 a.m. with Director Langhenry presiding.

Present: Directors Langhenry, Dumas, Interim Director Dumas, Directors Cox, Parrilla, McGrath, Southerington, Nichols, Fumich and O'Leary.

Absent: Mayor Jackson, Directors Smith and Rush.

Others: Melissa Burrows, Director, Office of Equal Opportunity, Tiffany White, Commissioner, Division of Purchases & Supplies.

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

**Resolution No. 543-14.**

By Director Dumas.

Resolved, by the Board of Control of the City of Cleveland that the conditional bid of AT & T Mobility National Accounts LLC, except for such terms and conditions as are unacceptable to the Director of Law, for an estimated quantity of wireless cellular services, Part 1, all items, Part 2, items 1-2, 4-11, 11a-m, Part 3, all items, Part 4, all items, and Part 5, all items, for the Division of Information Technology and Services, Department of Finance, for a period of one year starting with the date of execution of a contract or the day following the expiration of the currently effective contract for such services, with two one-year options to renew, received on October 31, 2014, under the authority of Ordinance No. 305-14, passed by Cleveland City Council on March 17, 2014, which on the basis of the estimated quantity would amount to \$383,793.20, is affirmed and approved as the lowest and best bid, and the Director of Finance is requested to enter into a requirement contract for the services, labor and materials necessary for the specified items.

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

Yeas: Directors Langhenry, Dumas, Interim Director Dumas, Directors Cox, Parrilla, McGrath, Southerington, Nichols, Fumich and O'Leary.

Nays: None.  
Absent: Mayor Jackson, Directors Smith and Rush.

**Resolution No. 544-14.**

By Director Dumas.

Resolved, by the Board of Control of the City of Cleveland that all bids received on October 31, 2014, for an estimated quantity of wireless cellular services, Part 2, item 3, for the Division of Information Technology and Services, Department of Finance, under the authority of Ordinance No. 305-14, passed March 17, 2014, are rejected.

Yeas: Directors Langhenry, Dumas, Interim Director Dumas, Directors Cox, Parrilla, McGrath, Southerington, Nichols, Fumich and O'Leary.

Nays: None.  
Absent: Mayor Jackson, Directors Smith and Rush.

**Resolution No. 545-14.**

By Director Dumas.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on November 7, 2014 for an estimated quantity of

the purchase of labor and materials necessary to repair, replace or maintain various types of valves, actuators and appurtenances, for the Division of Water, Department of Public Utilities, under the authority of Ordinance No. 850-14, passed August 20, 2014, are rejected.

Yeas: Directors Langhenry, Dumas, Interim Director Dumas, Directors Cox, Parrilla, McGrath, Southerington, Nichols, Fumich and O'Leary.

Nays: None.

Absent: Mayor Jackson, Directors Smith and Rush.

**Resolution No. 546-14.**

By Director McGrath.

Be it resolved, by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 1128-14, passed by the Council of the City of Cleveland on October 13, 2014, Taser International, Inc. is selected from a list of firms determined after a full and complete canvass by the Director of Public Safety as the firm to be employed by contract to supplement the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services and equipment necessary to implement a Body Worn Camera System including, but not limited to, licenses, storage, and extended warranty maintenance for a period of one year with two one-year options to renew, for the Division of Police, Department of Public Safety.

Be it further resolved that the Director of Public Safety is authorized to enter into a contract with Taser International, Inc. based upon its proposal dated October 27, 2014, which contract shall be prepared by the Director of Law, shall provide for rendering the above-mentioned professional services and equipment as described in the proposal for an amount not to exceed \$2,400,000.00, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Yeas: Directors Langhenry, Dumas, Interim Director Dumas, Directors Cox, Parrilla, McGrath, Southerington, Nichols, Fumich and O'Leary.

Nays: None.

Absent: Mayor Jackson, Directors Smith and Rush.

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 stated in the examination announcement.

**EXAMINATION RESULTS:** Each applicant whether passing or failing will be notified of the results of the examination as soon as the commission has graded the papers. Thereafter, eligible lists will be established which will consist of the names of those candidates who have been successful in all parts of the examination.

**PHYSICAL EXAMINATION:** All candidates for original entrance positions who are successful in other parts of the examinations must submit to a physical examination.

ROBERT BENNETT,  
President

**SCHEDULE OF THE BOARD  
OF ZONING APPEALS**

**MONDAY, DECEMBER 29, 2014**

**9:30 A.M.**

**Calendar No. 14-239:** 5027 Lorain Avenue (Ward 3)

Enrique Maldonado, owner, proposes to establish use as a Motor Vehicle Sales Facility with office trailer on a 40' x 132' lot in a C2 Local Retail Business District and a Pedestrian Retail Overlay District. The owner appeals for relief from the following sections of the Cleveland Codified Ordinances:

1. 343.01(b) which states that Motor Vehicle Sales Facility is not permitted in a Local Retail Business District but is first permitted in General Retail Business District per Section 343.11(b)(2)(I)(4).

2. Section 347.11(a) which states that open sales lots are required to be a minimum width of 60 feet and 40 feet are proposed.

3. Section 352.08 through 325.12 which state that a four foot wide landscaped frontage strip is required where the property abuts the street, and a landscape plan is required; no landscape plan is submitted.

4. Section 349.08 which states that an opaque wall, fence or four foot wide landscape strip is required to screen parking spaces from adjoining lot containing residential units.

5. Section 358.05(a)(2) which states that a maximum six foot high fence is permitted in the side yard and an eight foot high fence/gate is proposed.

6. Section 343.23(e)(1) which states that an open sales lot is prohibited in a Pedestrian Retail Overlay District. (Filed November 24, 2014)

**Calendar No. 14-240:** 5901 Franklin Boulevard (Ward 15)

Jon B. Post, owner, proposes to establish use of first floor of front building on lot as an antique shop in a B1Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.03(a)(b) which states that an antique shop is not permitted in a Two-Family Residential District.

2. Section 359.02 (a) which states that a nonconforming use of a

building or premises which has been discontinued shall not thereafter be returned to such nonconforming use.

3. Section 359.02(b) A nonconforming use shall be considered discontinued:

(1) When the intent of the owner to discontinue the use is express; or

(2) When the use is voluntarily discontinued for six (6) months or more. The intent to voluntarily discontinue a use may be implied from acts or the failure to act, including, but not limited to, the removal of and failure to replace the characteristic equipment and furnishings; or

(3) The cessation of business operations for two (2) years or more unless the cessation of business operations was caused by factors out of the control of the business such as the disability or illness of the proprietor or governmental action unrelated to the behavior of the business. If the business operations have ceased for more than two (2) years, the presence of characteristic equipment and furnishings is not relevant;

(4) When it has been replaced by a conforming use; or

(5) When it has been changed to another use under permit from the Board of Zoning Appeals.

4. Section 358.04 which states that fences in the front yard cannot exceed 4 feet in height and 5' - 6" are proposed (Filed November 26, 2014)

**Calendar No. 14-242:** 5100 Biddulph Avenue (Ward 13)

Cleveland Board of Education (Rhodes High School) owner, proposes to erect a 4' x 8' x 8' high single faced illuminated identification message center ground sign in a B1 Two-Family Residential District. The owner appeals for relief from Section 350.13(g) of the Cleveland Codified Ordinances which states that a ground mounted message center sign for a community facility requires Board of Zoning Appeals approval. (Filed November 26, 2014)

**Calendar No. 14-246:** 2173 West 6th Street (Ward 3)

Laura Firman, owner, proposes to erect a 21' - 9" x 47' and 3 story frame single family residence with detached garage in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 355.04(b) which states that the maximum gross floor area allowed in 1,250 square feet and 1,350 square feet are proposed.

2. Section 357.09(2)(A) which states that no building shall be erected less than 10 feet from a main building on an adjoining lot and the owner is proposing 3' - 3" and 4'.

3. Section 357.09(2)(C) which states that the required interior side yards must equal 8 feet and the owner is proposing 2 feet and 1 foot for the dwelling and 0 feet for the covered walkway.

4. Section 357.13 which states that a light-well is not a permitted front yard encroachment.

5. Section 357.13(b) which states that light-wells and an open balcony

must be less than 10 feet from the property line and the owner is proposing 4 feet and 3 feet 8 inches. (Filed December 5, 2014)

**POSTPONED FROM DECEMBER 8, 2014**

**Calendar No. 14-217:** 4770 Broadview Road (Ward 13)

Julie Adams House, owner, proposes to change use to a supervised residential drug/liquor recovery program facility in a C1 Local Retail Business District. The owner appeals for relief from the strict application of the following Sections of the Cleveland Codified Ordinances:

1. Section 343.019(b)(1) which states that a supervised residential drug/liquor recovery program is first permitted in a General Retail Business District.

2. Sections 352.08 through 352.12 which require an eight foot wide landscape transition strip providing at least 75% year round opacity where abutting a residential District.

3. Section 352.07 which states that an extension of non-conforming landscaping must receive Board of Zoning Appeals approval. (Filed November 4, 2014)

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

**Violation Notice**

**Calendar No. 14-225:** 4770 Broadview Road (Ward 13)

Julie Adams House Inc., owner, appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances and disputes the Notice of Violation V14005225 issued on February 27, 2014 by the Cleveland Department of Building and Housing for failure to comply with Section 327.02 regarding establishing use as a rehabilitation center for women without a Certificate of Occupancy. (Filed November 12, 2014)

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

Secretary

**REPORT OF THE BOARD OF ZONING APPEALS**

**MONDAY, DECEMBER 8, 2014**

At the meeting of the Board of Zoning Appeals on Monday, December 8, 2014, the following appeals were scheduled for hearing before the Board.

The following appeals were **APPROVED:**

**Calendar No. 14-216:** 1444 West 48th Street

Scott Francis, owner, appealed to install air conditioner unit in the interior side yard of a parcel located in a B1 Two-Family Residential District.

**Calendar No. 14-232:** 4218 West 143rd Street

Mr. Hoover, owner, appealed to change the existing non-conforming single family residence attached flat roof garage to a gable roof on a parcel located in an A1 One-Family Residential District.

The following appeals were **DENIED:**

None.

The following appeals were **WITHDRAWN:**

**Calendar No. 14-184:** 2341 East 79th Street

Fairfax Development Organization, owner, and Cleveland Botanical Garden lessee, appeals to erect 50 linear feet of 6 foot high chain link fence in the front yard of a parcel located in a C1 Multi-Family Residential District.

**Calendar No. 14-185:** 2345 East 79th Street

Fairfax Development Organization, owner, and Cleveland Botanical Garden lessee, appeals to erect 50 linear feet of 6 foot high chain link fence in the front yard of a parcel located in a C1 Multi-Family Residential District.

**Calendar No. 14-186:** 2347 East 79th Street

Fairfax Development Organization, owner, and Cleveland Botanical Garden lessee, appeals to erect 50 linear feet of 6 foot high chain link fence in the front yard of a parcel located in a C1 Multi-Family Residential District.

**Calendar No. 14-187:** 2535 East 79th Street

Fairfax Development Organization, owner, and Cleveland Botanical Garden lessee, appeals to erect 50 linear feet of 6 foot high chain link fence in the front yard of a parcel located in a C1 Multi-Family Residential District.

The following appeal was **DISMISSED:**

**Calendar No. 14-218:** Wolley Taxi Company

Wolley Taxi Company appealed the decision of Assessments and Licenses to revoke the licenses for two vehicles in their fleet.

The following appeals were **POSTPONED:**

**Calendar No. 14-217:** Julie Adams House

4770 Broadview Road. Postponed to December 29, 2014.

**Calendar No. 14-225:** Julie Adams House/Appeal from VN

4770 Broadview Road. Postponed to December 29, 2014.

The following appeal was rescheduled:

**Calendar No. 14-211:** Buckeye-FDBTS, LLC

12915 Buckeye Road. Postponement changed from January 12, 2015 to December 22, 2014.

The following appeals were heard by the Board on December 1, 2014 and the decisions were adopted and approved on December 8, 2014:

The following appeals were **APPROVED:**

**Calendar No. 14-209:** 2925 Jay Avenue

Patrick Sullivan, owner, proposes to construct a 3,000 square foot, two-story, single family house on a 4,300 square foot lot located in a B1 Two-Family Residential District.

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

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

**Calendar No. 14-212:** 3000 Bridge Avenue

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

The following appeal was heard by the Board on November 24, 2014 and the decisions were adopted and approved on December 8, 2014:

**Calendar No. 14-204:** 15402 Macauley Road

Michael Dubson, owner, appeals the decision rendered by the City of Cleveland Parking Violations Bureau Waste Collection and Photo Safety Division and the violation information described on Civil Infraction Ticket Number WC00199786, issued August 12, 2014 for the property located at 15402 Macauley Road and failure to comply with Section 551.111(B) in the Cleveland Codified Ordinances.

The following appeals were heard by the Board on October 13, 2014 and the decisions were adopted and approved on December 8, 2014:

**Calendar No. 14-148:** 602 Marquardt Ave.

Cleveland Bricks, owner, proposes to erect a two story, 1885 square foot townhouse on a 2,252 square foot parcel located in a B1 Two-Family Residential District.

**Calendar No. 14-149:** 604 Marquardt Ave.

Cleveland Bricks, owner, proposes to erect a two story, 1,730 square foot townhouse on a 2,252 square foot parcel located in a B1 Two-Family Residential District.

**Calendar No. 14-150:** 606 Marquardt Ave.

Cleveland Bricks, owner, proposes to erect a two story, 1893 square foot townhouse on a 2,252 square foot parcel located in a B1 Two-Family Residential District.

**Calendar No. 14-151:** 608 Marquardt Ave.

Cleveland Bricks, owner, proposes to erect a two story, 1,362 square foot townhouse on a 2,252 square foot parcel located in a B1 Two-Family Residential District.

Secretary



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

Re: Report of the Meeting of  
December 3, 2014

As required by the provisions of Section 3103.20(2) of the Codified Ordinances of the City of Cleveland, Ohio 1976, the following brief of action of the subject meeting is given for publication in the City Record:

\* \* \*

**Docket A-173-14.**

RE: Appeal of NDNMD, Inc., Owner of the Property, located on the premises known as 7260 Neville Avenue (aka 7275 Wentworth Avenue) from a NOTICE OF VIOLATION — FIRE CODE, dated August 5, 2014, the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, that after reviewing all the facts of the case, a motion is in order at this time to DENY any request for additional time and to REMAND the property to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Saab.

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

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**Docket A-186-14.**

RE: Appeal of Sarah Gardner, Owner of the One Dwelling Unit Single-Family Residence Two & One-half Story Frame Property, located on the premises known as 11619 Hamlen Avenue from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated September 4, 2014 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until June 15, 2015 in which to complete abatement of the exterior maintenance violations; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Saab.

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

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**Docket A-187-14.**

RE: Appeal of Tamekia Madden, Owner of the R-2 Residential — Non-transient; Apartments (Shared Egress) Property, located on the premises known as 12702 Gay Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated September 17, 2014 of the Director of the Department of

Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until February 1, 2015 in which to submit plans to the Building Department and obtain all required permits for renovation of the property, and until December 1, 2015 for completion of the project, noting that failure to meet either date will result in the property being REMANDED immediately: The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Saab.

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

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**Docket A-189-14.**

RE: Appeal of Anna Chambers, Owner of the One Dwelling Unit Single-Family Residence Two & One-half Story Frame Property, located on the premises known as 1785 East 47th Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated August 20, 2014 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until January 15, 2015 in which to remove all combustibles from the property and two (2) weeks after that date to submit a plan to the Building Department to obtain all required permits for renovation of the property, and to grant the Appellant until August 1, 2015 to complete abatement of all violations on the property. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Saab.

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

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**Docket A-190-14.**

RE: Appeal of Anderson Russell, Owner of the Two Dwelling Units Two-Family Residence Two & One-half Story Frame Property, located on the premises known as 11421 Carolina Road from a CONDEMNATION ORDER — MAIN STRUCTURE & GARAGE, dated September 19, 2014 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until January 15, 2015 in which to obtain all required permits to demolish the garage, cleaning and removing all debris for abatement of the garage violation; and to grant the Appellant until June 15, 2015 to complete abatement of all violations on the property; the property is REMANDED at this time to

the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Maschke.

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

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**Docket A-191-14.**

RE: Appeal of Gabriel Pardamean C/O GMS Services, Owner of the Property, located on the premises known as 5323 Mound Avenue (aka 3586 East 54th Street, Apt. 3) from SUSPENDED OR ABANDONED PERMIT #B13017195, dated October 9, 2014 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the SUSPENDED OR ABANDONED PERMIT #B13017195 was properly issued, and to uphold the revocation of that permit, and to DENY the appeal request for additional time; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Maschke.

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

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**Docket A-195-14.**

RE: Appeal of WMW Management C/O William Sr. & Jr. M. Tetzlaff, Owners of the B Business — Offices, Laboratories, Adult School Three Story Masonry Walls Wood Floors Semi-Industry Property, located on the premises known as 8200 Harvard Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated August 20, 2014 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until January 15, 2015 in which to clear the building completely of combustibles and to reestablish the boarding; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Saab.

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

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**Docket A-196-14.**

RE: Appeal of Eva Caraballo, Owner of the Two Dwelling Units Two-Family Residence Two & One-half Story Frame Property, located on the premises known as 2490 Scranton Road from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated September 17, 2014, of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of

Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until July 1, 2015 in which to complete abatement of the violations; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Saab.

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

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**Docket A-215-14.**

RE: Appeal of Matthew Martinez, Owner of the Two Dwelling Units Two-Family Residence Two Story Frame Property, located on the premises known as 3098 West 112th Street from a NOTICE OF VIOLATION — INTERIOR/EXTERIOR MAINTENANCE, dated October 24, 2014 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until June 1, 2015 in which to complete abatement of all violations on the property, with the priority on the porch railing; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Saab.

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

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**Docket A-219-14.**

RE: Appeal of Lei Wei, Owner of the Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property, located on the premises known as 9520 Orleans Avenue from a NOTICE OF VIOLATION — INTERIOR/EXTERIOR MAINTENANCE, dated October 15, 2014 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until June 1, 2015 in which to complete abatement of all violations on the property; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Saab.

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

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**Docket A-222-14.**

RE: Appeal of Gateway Economic Development Corporation, Owner of the Property, located on the premises known as 2401 Ontario Street from an ADJUDICATION ORDER,

dated October 17, 2014 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to accept the stair entrance design presented, omitting the lower two (2) landings and allowing breaks in the railing at the terrace entrances, and that this is a safe solution to the code requirements. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Saab.

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

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**Docket A-226-14.**

RE: Appeal of NDNMD, Inc., Owner of the Property, located on the premises known as 7260 Neville Avenue (aka 7275 Wentworth Avenue) from a CEASE USE ORDER — FIRE CODE, dated October 16, 2014, the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, that after reviewing all the facts of the case, a motion is in order at this time to DENY any request for additional time and to REMAND the property to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Saab.

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

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**EXTENSION OF TIME:**

**Docket A-158-14.**

Tian Jin LLC — 11012 Notre Dame Avenue:

A motion is in order at this time to grant the Appellant until December 24, 2014 to obtain all required permits, and until April 15, 2015 to complete abatement of all violations on the property; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Maschke.

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

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**APPROVAL OF RESOLUTIONS:**

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

- A-180-14 — EV Bishoff
- A-181-14 — Wanda Maultsby
- A-182-14 — Donald & Cynthia Grimes
- A-183-14 — Hilbert & Patricia Bridges

- A-184-14 — Khadija Kelley
- A-185-14 — Dana S. Paterson
- A-188-14 — Left Side Developments, LLC

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

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**APPROVAL OF MINUTES:**

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

November 19, 2014

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

\* \* \*

JOSEPH F. DENK  
Chairman

**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 appended schedule, and will be opened and read in Room 128, City Hall, immediately thereafter.**

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

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

**Where invitations for bids are advertised, the following notice shall be included in the advertisement: "Pursuant to the MBE/FBE Code, each prime bidder, each minority business enterprise ("MBE") and each female business enterprise ("FBE") must be certified before doing business with the City. Therefore, any prime contractor wishing to receive credit for using an MBE**

or FBE should ensure that applications for certification as to MBE or FBE status compliance with the Code, affirmative action in employment and, if applicable, joint venture status, are submitted to the office of Equal Opportunity ("OEO") prior to the date of bid opening or submission of proposals or as specified by the Director. Failure to comply with the business enterprise code or with representations made on these forms may result in cancellation of the contract or other civil or criminal penalties."

**FRIDAY, DECEMBER 19, 2014**

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

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

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

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

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

**WEDNESDAY, JANUARY 7, 2015**

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

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

December 3, 2014 and December 10, 2014

**FRIDAY, JANUARY 2, 2015**

**File No. 145-14 — Jefferson Avenue Green Infrastructure Improvements (Re-bid)**, for the Division

of Architecture and Site Development, Department of Public Works and Mayor's Office of Capital Projects, as authorized by Ordinance No. 727-13, passed by the Council of the City of Cleveland, May 20, 2013.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, DECEMBER 19, 2014 AT 10:00 A.M. CLEVELAND CITY HALL, ROOM 517A, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

December 10, 2014 and December 17, 2014

**FRIDAY, JANUARY 9, 2015**

**File No. 144-14 — Landscape Maintenance at Various Public Utilities (Re-bid)**, for the various Divisions of Public Utilities, Department of Public Utilities, as authorized by Ordinance No. 863-13, passed by the Council of the City of Cleveland, August 14, 2013.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, DECEMBER 18, 2014 AT 2:30 P.M. CARL B. STOKES PUBLIC UTILITIES BUILDING, 2ND FLOOR ATRIUM CONFERENCE ROOM, 1201 LAKESIDE AVENUE, CLEVELAND, OH 44114.

December 10, 2014 and December 17, 2014

**WEDNESDAY, JANUARY 14, 2015**

**File No. 146-14 — Exterior Facade and Ticketing Lobby Rehabilitation**, for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance Nos. 1587-09 and 1588-09, passed by the Council of the City of Cleveland, November 30, 2009 and November 30, 2009, respectively.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** MONDAY, DECEMBER 22, 2014 AT

2:00 P.M. THE FSS BUILDING, 6C-24C CONFERENCE ROOM, 5301 WEST HANGAR ROAD, CLEVELAND, OHIO 44135.

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

December 10, 2014 and December 17, 2014

**ADOPTED RESOLUTIONS AND ORDINANCES**

**Res. No. 1603-14.**

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

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

Whereas, in early 2013, H.B. 5 was introduced in the Ohio House in an attempt to create uniformity in the collection and administration of municipal income taxes in Ohio; and

Whereas, however, the bill extends the concept of uniformity into areas that will impact the tax revenue collected by communities like Cleveland; and

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

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

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

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

Whereas, the City of Cleveland has already lost \$30 million due to state cuts in the Local Government Fund, the accelerated phase-out of Tangible Personal Property reimbursement and cuts to the Commercial Activity Tax, and has lost \$5.5 million because of the elimination of the estate tax; and



Whereas, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health or safety, now, therefore,

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

**Section 1.** That this Council hereby opposes Am. Sub. H.B. 5 which, if passed as currently proposed, will have serious financial impact on cities and villages of Ohio.

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

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

Adopted December 1, 2014.

Effective December 1, 2014.

**Res. No. 1604-14.**

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

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

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

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

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

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

Whereas, more time is needed for community discussion of what personnel schools really need to help students thrive, and what expectations should be set for all public schools; and

Whereas, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health or safety, now, therefore,

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

**Section 1.** That this Council urges the Ohio State Board of Education to wait 90 days to allow more community

input before voting on its intent to eliminate the "5 of 8" rule.

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

Adopted December 1, 2014.

Effective December 3, 2014.

**Ord. No. 974-13.**

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

**An emergency ordinance to amend Section 551.041, 551.05, 551.111 and 551.991 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 773-A-80, passed December 14, 1981 and Ordinance No. 1291-11, passed December 9, 2011 relating to setting out an excessively large quantity of waste for collection prohibited, applicability, penalty, and civil infractions.**

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 following sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 551.041, as amended by Ordinance No. 697-10, passed August 18, 2010;

Section 551.05, as amended by Ordinance No. 773-A-80, passed December 14, 1981, and

Sections 551.111 and 551.991 as amended by Ordinance No. 1291-11, passed December 9, 2011 are amended to read as follows:

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

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

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

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

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

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

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

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

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

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

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

(c) As used in this section:

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

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

**Section 551.05 Special Waste**

(a) No furniture, tires, yard waste, bundle of brush, tree trunk or other such special waste shall be routinely collected by the regular waste collectors. Any solid waste, other than furniture, appliances or other such bulk items, that is so large that it cannot be contained in approved containers, shall be securely tied in compact bundles not to exceed one hundred (100) pounds in weight and shall be placed in a location convenient for collection.

(b) Special Waste generally includes, but is not limited to, large bulk items such as refrigerators, furniture, mattresses, couches, shelving, fencing, house doors, storm windows, televisions, and bicycles.

**Section 551.111 Setting out an Excessively Large Quantity of Waste for Collection Prohibited; Applicability; Penalty**

(a) No person shall set out for collection on a parcel's tree lawn or other designated place for collection, in a manual collection zone, a quantity of solid waste, exceeding five approved waste containers, twenty bags of yard waste, twenty bundles of brush or tree trunks, four tires, or three special waste items as described in division (b) of Section 551.05.

(b) No person shall set out for collection on a parcel's tree lawn or other designated place for collection, in an automated collection zone, a quantity of solid waste exceeding twenty bags

of yard waste, twenty bundles of brush or tree trunks, four tires, or three special waste items as described in division (b) of Section 551.05.

(c) *Applicability.* The offenses established in this section are applicable without regard to whether the offender:

(1) Sets the waste out due to an eviction, a house or garage cleanout, or for any other reason;

(2) Uses or intends to use a public or private vendor or entity for its disposal;

(3) Sets out the waste for the purpose of staging it for eventual disposal.

(d) *Penalty.* Any person who violates this section is liable for the civil infraction established under Section 551.991 and is guilty of a special misdemeanor for which the maximum penalty shall be three hundred fifty dollars (\$350.00).

**Section 551.991 Civil Infractions**

(a) *Civil Enforcement System Established.* The City of Cleveland adopts a civil enforcement system for the infractions established by this section. This civil enforcement system imposes monetary liability on the responsible parties as defined in division (m).

In addition to any other means of enforcement provided for in these Codified Ordinances, each of the following sections may be enforced through the issuance of a ticket to the responsible parties as defined in division (m):

(1) Section 551.04, division (d), relating to the early set out of waste.

(2) Section 551.04, division (e), relating to failing to remove a waste container after collection.

(3) Section 551.111, division (a) and division (b), relating to excessively large quantity of waste for collection.

(4) Section 551.041, division (a), relating to automated waste collection and recycling infractions.

Any person who violates any of the foregoing prohibitions has committed an infraction for which liability is imposed by division (b) upon the responsible parties as defined in division (m).

(b) *Liability Imposed.* Each owner of a parcel at which an infraction has occurred is liable to the City of Cleveland in the amounts established in divisions (f) and (g).

(c) *Noncriminal Offense; No Conviction.* The infractions established by this section are noncriminal. The imposition of liability upon the responsible parties under this section shall not be deemed a conviction for any purpose.

(d) *Other Costs and Penalties Not Abrogated.* Nothing in this section shall be construed as altering or limiting the effects of any other section of these Codified Ordinances, the criminal penalties imposed by any such other section, or the ability of a law enforcement officer to enforce those sections.

(e) *Tickets - Service; Contents.* If a violation of division (a) is observed by an employee of the Division of Waste Collection and Disposal or any other City employee whose duties include the enforcement of this section, then the Director of Public Works shall cause the responsible parties to be issued a ticket. The ticket shall be served by sending it via regular U.S. mail, postage prepaid, to the parcel owner(s) at the

tax mailing address shown in the records of the County Recorder.

The date of mailing of the ticket shall be deemed to be the date of issuance of the ticket. If the mailing is unreturned, then it shall establish that the respondents were given actual or constructive notice of the imposition of liability under this section.

The ticket shall identify the parcel owner(s) as respondents. The ticket shall state that the respondents are responsible parties for the commission of a civil infraction under this section.

The ticket shall inform the respondents of the procedure to file an appeal and the time frame for filing it. The ticket shall state that failure to appeal the ticket or pay the costs imposed not later than twenty (20) days from the date of issuance of the ticket shall constitute a waiver of the right to contest the ticket and shall be considered an admission. The ticket shall further state that if the ticket is not appealed or paid in that time frame, then a default finding of civil liability shall be imposed upon respondents for the costs established in divisions (f) and (g).

The ticket may be in any format that includes all of the elements required by this section.

(f) *Penalties Established.* The costs imposed by this section upon the responsible parties for the commission of an infraction contrary to division (a) shall be assessed in accordance with the following schedule:

Section	Civil Penalty
551.111, division (a)	\$100.00. However, if the quantity of solid waste exceeds ten approved waste containers, forty bags of yard waste, forty bundles or brush or tree trunks, eight tires, or six special waste items, the civil penalty shall be \$350.00.
551.111, division (b)	\$100.00. However, if the quantity of solid waste exceeds ten approved waste containers, forty bags of yard waste, forty bundles of brush or tree trunks, or six special waste items, the civil penalty shall be \$350.00.
551.04, division (d)	\$100.00
551.04, division (e)	\$100.00
551.041, division (a)	\$100.00

The costs established by this section are imposed upon the responsible parties both as civil penalties and to reimburse the City for a portion of the costs incurred by it in the enforcement of infractions, and for some infractions, the increased costs of solid waste disposal.

(g) *Late Penalties.* Late penalties shall be assessed in accordance with the following schedule:

(1) If the costs established in division (f) remain unpaid twenty (20) days after the ticket is issued or twenty (20) days after the conclusion of all appeals, an additional twenty dollars (\$20.00) shall be assessed; and

(2) If the costs established in division (f) remain unpaid forty (40) days after the ticket is issued or forty (40) days after the conclusion of all appeals, an additional forty dollars (\$40.00) shall be added to the twenty dollars (\$20.00) assessed under division (g)(1) for a total additional penalty of sixty dollars (\$60.00) in such a case.

(h) *Appeals - Timing.* Any respondent or other person who is potentially liable for the costs imposed by this section may appeal the imposition of liability to the Director of Public Works or his or her designee, which may include the Clerk of the Cleveland Municipal Court in his or her capacity as Parking Violations Bureau Administrator or otherwise, in the manner described in the ticket. As used in divisions (h) (i) and (j) of this section, "Director" means the Director of Public Works or his or her designee.

The appeal shall be taken not later than twenty (20) days from the date of issuance of the ticket. Failure to appeal the ticket or pay the costs imposed within this time period shall constitute a waiver of the right to contest the ticket and shall be considered an admission.

(i) *Appeal - Process.* The Director shall establish an administrative appeal process for persons to appeal tickets issued under this section. The administrative appeal process shall allow the appellant the right to present appellant's case in person and may allow for evidence to be presented ex-parte. The strict rules of evidence applicable to courts of law shall not apply in any administrative hearing or ex-parte review. The ticket charging the offense shall constitute prima facie evidence that the offense identified in the ticket occurred and that the parcel owner(s) to whom the ticket was mailed are the responsible parties as defined in division (m) and are liable to the City of Cleveland for the costs imposed by this section.

If the Director finds by a preponderance of evidence that an appellant is liable under this section for the costs assessed, then the Director shall dismiss the appeal and order the appellant to pay the costs identified in the ticket.

If the Director finds by a preponderance of evidence that an appellant is liable under this section for the costs assessed but that there are reasons for the commission of the infraction that mitigate the offense, then the Director shall dismiss the appeal and order the appellant to pay the costs identified in the ticket, but may in the interest of equity reduce the costs assessed.

If the Director finds by a preponderance of evidence that the appellant is not liable under this section for the costs assessed, then the Director shall dismiss the ticket and grant the appeal.

(j) *Appeal of the Director's Decision.* Any person subject to an adverse decision of the Director may appeal that decision to the Board of Zoning Appeals. The notice of appeal shall be in writing and shall be filed with the Board of Zoning Appeals within ten (10) days of the decision of the Director. The Board shall approve, modify or annul the finding from which the appeal is taken.

(k) *Collection.* The costs imposed by this section may be enforced and collected by means of a civil action or any other means provided for in these Codified Ordinances or the Ohio Revised Code.

(l) *Rules and Regulations.* The Director of Public Works may issue rules and regulations to carry out the provisions of these sections, which shall be effective thirty (30) days after their publication in the City Record.

(m) *Definitions.* As used in this section:

(1) "Director" means the Director of Public Works and in the case of appeals, the Director of Public Works or his or her designee.

(2) "Owner" or "parcel owner" mean the person(s) shown in the records of the County Recorder as having legal title to the parcel on which someone has failed to adhere to division (a).

(3) "Person" includes an individual, corporation, business trust, estate, trust, partnership, and association. (RC 1.59(C))

(4) "Responsible party" and "responsible parties" has the same meaning as "owner" or "parcel owner".

**Section 2.** That the following existing sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 551.041, as amended by Ordinance No. 697-10, passed August 18, 2010;

Section 551.05, as amended by Ordinance No. 773-A-80, passed December 14, 1981, and

Sections 551.111 and 551.991 as amended by Ordinance No. 1291-11, passed December 9, 2011 are repealed.

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

Passed December 1, 2014.  
Effective December 3, 2014.

**Ord. No. 1345-14.  
By Council Members Cimperman and Kelley (by departmental request).**

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

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

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

**Section 1.** That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$2,613,900, and any other funds as they become available during the grant term, from the Ohio Department of Health and the Academy of Educational Development, to conduct the 2015-2017 Federal AIDS Prevention Program, for the purposes in the summary and according thereto; that the Director of Public Health is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and the funds are appropriated for the purposes in the executive summary for the grant.

**Section 2.** That the executive summary for the grant, File No. 1345-14-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

**Section 3.** That the Director of Public Health is authorized to enter into

one or more contracts to implement the program as described in the summary contained in the file with the following agencies, in the following approximate annual amounts:

<u>Agency</u>	<u>Amount</u>
AIDS Taskforce of Greater Cleveland	\$ 65,000
Cleveland Treatment Center	106,400
Free Clinic of Greater Cleveland	71,360
MetroHealth Medical Center	130,000
Northeast Ohio Neighborhood Health Services, Inc. ("NEON")	60,000
Planned Parenthood of Greater Ohio	75,000
Recovery Resources	56,000
Cleveland PRIDE	1,500
	<u>TOTAL\$</u>
565,260	

In addition, the approximate sum of \$107,543 is annually appropriated to the Department of Public Health for administrative costs of implementing this program and the approximate sum of \$198,497 is appropriated to the Department of Public Health for the operation of the Disease Intervention Specialist Services Program and services conducted by the Department.

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

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

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

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

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

Passed December 1, 2014.  
Effective December 3, 2014.

**Ord. No. 1346-14.  
By Council Members Cimperman and Kelley (by departmental request).**

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

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

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

**Section 1.** That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$15,000, and any other funds that may become available during the grant term from the Ohio Department of Health to conduct the 2014-15 Healthy Weight Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the executive summary for the grant contained in the file described below.

**Section 2.** That the executive summary for the grant, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in File No. 1346-14-A, is made a part of this ordinance as if fully rewritten, is approved in all respects, and shall not be changed without additional legislative authority.

**Section 3.** That the Director of Public Health is authorized to extend the term of the grant during the grant term.

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

**Section 5.** That, unless expressly prohibited by the grant agreement, under Section 108(B) of the Charter, purchases made under the grant agreement may be made through cooperative arrangements with other governmental agencies. The Director of Public Health may sign all documents and do all things that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process. The contracts will be paid from the fund or funds to which are credited any grant funds accepted under this ordinance.

**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 1, 2014.  
Effective December 3, 2014.

**Ord. No. 1347-14.  
By Council Members Cimperman and Kelley (by departmental request).**

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



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

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

**Section 1.** That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$393,864, and any other funds as they become available during the grant term, from the Ohio Department of Health, to conduct the 2014 STD Control Prevention Program, for the purposes in the summary and budget and according thereto; that the Director of Public Health is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes in the summary for the grant.

**Section 2.** That the summary for the grant, File No. 1347-14-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

**Section 3.** That the Director of Public Health is authorized to enter into one or more contracts with various agencies or entities to implement the grant as described in the file.

**Section 4.** That the Director of Public Health shall have the authority to extend the term of the grant during the grant term.

**Section 5.** That the Director of Public Health is authorized to enter into an agreement with the Ohio Department of Health for the City to receive payments from the Medicaid programs to implement this ordinance.

**Section 6.** That the Director of Public Health is authorized to charge and accept fees from participants of this program and to deposit those fees into a revolving fund which will be used to provide additional materials, equipment, supplies, and services under the program described in the file, and the funds are appropriated for that purpose.

**Section 7.** That in addition, the approximate sum of \$33,593 is annually appropriated to the Department of Public Health for administrative costs of implementing this program and the approximate sum of \$97,695 is appropriated to the Department of Public Health for the operation of the Disease Intervention Specialist Services Program and services conducted by the Department.

**Section 8.** That the Director of Public Health shall deposit the grant accepted under this ordinance into a fund or funds designated by the Director of Finance to implement the program as described in the file and appropriated for that purpose.

**Section 9.** That, unless expressly prohibited by the grant agreement, under Section 108(b) of the Charter, purchases made under the grant agreement may be made through cooperative arrangements with other governmental agencies. The Director of Public Health may sign all documents and do all things that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

**Section 10.** That the costs of the contract or contracts authorized by this ordinance shall be paid from the fund

or funds to which are credited the grant proceeds, Medicaid payments accepted under this ordinance, and from the fund or funds to which are credited any fees received under this program.

**Section 11.** 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 1, 2014.  
Effective December 3, 2014.

**Ord. No. 1348-14.**  
**By Council Members K. Johnson, Kelley, J. Johnson and Polensek (by departmental request).**

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

Whereas, under Article VIII, Section 2k of the Ohio Constitution, the State of Ohio is authorized to issue bonds and other obligations of the State for the purpose of financing public infrastructure capital improvements of political subdivisions as designated by law; and

Whereas, under Section 164.03 of the Revised Code, the District One Public Work Integrating Committee has been created to evaluate applications for state financing of capital improvement projects of local subdivisions in Cuyahoga County; 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 Mayor is authorized to apply to the District One Public Works Integrating Committee for state funding for the following infrastructure capital improvements:

1. U.S. Route 42 (Pearl Road) from Brookpark Road to Interstate 71;
2. Scranton Road/Carter Road from Fairfield Avenue to Columbus Road;
3. Clark Avenue from Lorain Avenue to West 41st Street;
4. East 152nd Street from Woodworth Road to Waterloo Road

**Section 2.** That the Mayor is authorized to apply to the District One Public Works Integrating Committee for state funding to obtain credit enhancements and loan assistance in support of the city's bonds issued for bridge and road improvements.

**Section 3.** That the Mayor is authorized to accept one or more grants from the Ohio Public Works Commission, acting by and through its Director, and to apply for and accept grants

or other funding from other public or private entities, to finance the public improvements of rehabilitation of US Route 42, Scranton/Carter Roads, Clark Avenue, and East 152nd Street, more fully described in Section 1 of this ordinance (the "Improvement"); that the Mayor is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in this ordinance.

**Section 4.** That, provided the City sells bonds in 2015 authorized for the purposes of this ordinance, the City of Cleveland is obligated to provide cash matching funds in the amount of the local share, in the approximate aggregate amount of \$4,937,837.

**Section 5.** That, provided the City sells bonds in 2015 authorized for the purposes of this ordinance, the Director of Capital Projects 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 design, engineering and construction services necessary for the Improvement.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Capital Projects from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Capital Projects 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 shall be prepared by the Director of Law, approved by the Director of Capital Projects and certified by the Director of Finance.

**Section 6.** That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement as described in this ordinance, for the Office of Capital Projects, 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 7.** That, provided the City sells bonds in 2015 authorized for the purposes of this ordinance, the Director of Capital Projects is authorized to enter into one or more contracts for the making of the 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 8.** That the Director of Capital Projects is authorized to accept cash contributions from public or private entities, NEORS, and GCRTA for infrastructure restoration costs associated with relocating, rehabilitating or reconstructing utility infrastructure for the Improvement and costs associated with implementing green infrastructure features to address combined sewer overflows. That the Director of Capital Projects is authorized to enter into agreements with the entities for this purpose.

**Section 9.** That the Director of Capital Projects is authorized to enter into one or more agreements with private utility companies to pay charges for the installation of underground lines in connection with the Improvement.

**Section 10.** That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Commissioner of Purchases and Supplies is authorized to acquire, accept, and record for right-of-way purposes any real property and easements necessary to make the Improvement. The consideration to be paid for the property and easements shall not exceed fair market value to be determined by the Board of Control.

**Section 11.** That the Director of Capital Projects is authorized to execute, on behalf of the City, all documents necessary to acquire, accept, and record the property and easements and to employ and pay all fees for title companies, surveys, escrows, appraisers, and all other costs necessary for the acquisition of the property and easements.

**Section 12.** That the Director of Capital Projects is authorized to enter into one or more Local Project Administration agreements with the Ohio Department of Transportation to fund and construct the Improvement.

**Section 13.** That the Director of Capital Projects is authorized to apply for and accept Federal Transportation Enhancement grant funds from Federal Highway Administration, to construct the Improvement. The Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in this ordinance.

**Section 14.** That the Director of Capital Projects is authorized to apply to NOACA to pursue economic assistance, on behalf of the City of Cleveland, for the Improvement.

**Section 15.** That the Director of Capital Projects is authorized to accept the funds from NOACA for the Improvement, and those funds are appropriated for the purposes stated in this ordinance.

**Section 16.** That the Mayor or Director of Capital Projects is authorized to file all papers and execute all documents necessary to receive the funds under this ordinance; and that the funds are appropriated for the purposes described in the ordinance.

**Section 17.** That the cost of the contracts, payments, property acquisition, cash matches, and other expenditures authorized shall be paid from the fund or funds to which are credited any grant proceeds authorized under this ordinance, the fund or funds to which are credited any funds received under the Local Project Administration agreement, the fund or funds to which are credited any funds secured by NOACA, fund or funds to which are credited any proceeds from the sale of 2015 bonds if authorized by this Council and sold for this purpose, from cash contributions accepted and appropriated under this ordinance, and from any other funds approved by the Director of Finance for this purpose.

**Section 18.** 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 1, 2014.

Effective December 3, 2014.

**Ord. No. 1349-14.**  
**By Council Members Reed, K. Johnson and Kelley (by departmental request).**

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

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. Consent.** That it is declared to be in the public interest that the consent of the City of Cleveland is given to the County of Cuyahoga (the "County") to construct the following improvement under plans, specifications, and estimates approved by the County: resurfacing of Turney Road from Warner Road to the Cleveland south corporation line (County ID No. 1082) (the "Improvement").

**Section 2. Cooperation**

(a) That the City will cooperate with the County in the Improvement.

(b) That the County will arrange for the preparation of construction plans and specifications, including necessary engineering reports for the Improvement, under Current Cuyahoga County standards for construction of County roads and bridges.

(c) That the County will arrange for the supervision and administration of the construction project.

(d) That the City agrees to assume and contribute 100% of the cost of any items included in the construction contract at the request of the City, which are determined by the County to be not eligible or made necessary by the Improvement.

**Section 3. Funding**

(a) That the City agrees to cooperate with the County in the cost of the Improvement by an allocation from the County Motor Vehicle License Tax Fund; and by applying to the County to use the License Tax Funds for the Improvement.

(b) That if funds administered by the Ohio Public Works Commission are used for the Improvement, the amount of the funds shall be applied to the County's share of the costs specified in this ordinance.

**Section 4. Maintenance.** That upon completion of the Improvement, the City will keep the highway open to traffic at all times; and

(a) Maintain the Improvement in accordance with the provisions of the statutes relating thereto and make ample financial provisions for the maintenance;

(b) Maintain the right-of-way and keep it free of obstructions in a manner satisfactory to the County and hold the right-of-way inviolate for public highway purposes and permit no signs, posters, billboards, roadside stands or other private installations within the right-of-way limits;

(c) That the County shall continue to maintain the structural elements of any bridge (defined as a structure with a span of twenty feet or greater) located within the limits of the Improvement under the applicable sections of the Revised Code; and

(d) After construction of the Improvement is complete, the City agrees to follow and maintain post-construction Best Management Practices as outlined in the Municipal Storm Water Permit that is filed with the Ohio Environmental Protection Agency.

**Section 5. Traffic.** That on completion of the Improvement, the City will keep the highway open to traffic at all times; and

(a) Place and maintain all traffic control devices conforming to the Ohio Manual of Uniform Traffic Control Devices on the Improvement in compliance with the provisions of Section 4511.11 of the Revised Code and other related sections of the Revised Code;

(b) That the street or highway within the limits of the Improvement is designated a through highway as provided in division (A) (6) of Section 4511.07 of the Revised Code;

(c) That stop signs affecting the movement of traffic on the street or highway within the Improvement shall be removed, and no stop signs shall be erected on same except at its intersection with another through highway where traffic does not warrant the installation of a traffic control signal but where the warrants for a "Four-Way Stop" as provided in the above-mentioned Manual are met;

(d) That no rule or regulation shall be enacted restricting the use of the Improvement by any class of vehicle or vehicle load permitted by the Revised Code to use a public highway. Any existing rule or regulation so restricting road usage is rescinded; and

(e) The City shall regulate parking in the following manner: Prohibit parking under Section 4511.66 of the Revised Code unless otherwise controlled by local ordinance or resolution.

**Section 6. Right-of-Way**

(a) That all existing street and public right-of-way within the City which is necessary for the Improvement shall be made available.

(b) That in the event any additional right-of-way is required, the City will arrange for the acquisition.

**Section 7. Utilities**

(a) That the City will make arrangements with and obtain arrangements from all privately-owned public utility companies whose lines or structures will be affected by the Improvement, and the companies have agreed to make any and all necessary arrangements in such a manner as to be clear of any construction called for by the plans for the Improvement, and the companies have agreed to make necessary rearrangements immediately after notification by the City.

(b) That the County will participate in the costs of alterations of governmentally-owned utility facilities which come within the provisions of Section 8204 (Utility

Reimbursement Eligibility) of the Ohio Department of Transportation's Real Estate Policies and Procedures Manual to the same extent that it participates in the other costs of the Improvement, provided, however, that such participation will not extend to any additions or betterments of existing facilities.

(c) That it is agreed that the City shall, at its own expense, make all rearrangements of water mains, service, lines, fire hydrants, valve boxes, sanitary sewers, or other city-owned utilities and/or appurtenances there-to which do not comply with the Provisions of Section 8204 (Utility Reimbursement Eligibility) of the Ohio Department of Transportation's Real Estate Policies and Procedures Manual, whether inside or outside the corporate limits, as may be necessary to conform to the Improvement.

(d) That the construction, reconstruction, and/or arrangement of all utilities shall be done in a manner as not to interfere unduly with the operation of the contractor constructing the Improvement, and all backfilling of trenches made necessary by utility rearrangements shall be performed under the provisions of the ODOT Construction and Material Specifications.

#### **Section 8. Miscellaneous**

(a) That if the County is formally requested by ordinance of this Council to include the construction of sanitary sewers, water lines, area sewers (drainage of area surrounding the Improvement), sidewalks, alternate bid items, or other items in the Improvement that are in addition to those now existing and not provided for elsewhere in this ordinance, the County will do so, provided that the construction meets with the approval of the County and the City involved in this Improvement; and that the City agrees to pay, or make arrangements for the payment of the cost of the construction, cost of preliminary and design engineering, and construction supervision.

(b) For purposes of this ordinance, the agent for the County and liaison officer shall be the County Engineer of Cuyahoga County, Ohio, and/or such members of his staff as he may designate.

(c) That the City agrees to conduct this transaction by electronic means and agrees that all documents requiring County signatures may be executed by electronic means, and that the electronic signatures affixed by the County to the documents shall have the same legal effect as if that signature was manually affixed to a paper version of the document. The City also agrees on behalf of the aforementioned entities and persons to be bound by the provisions of Chapters 304 and 1306 of the Revised Code as they pertain to electronic transactions, and to comply with the electronic signature policy of the County.

**Section 9.** That the Director of Capital Projects is authorized to enter into agreements necessary to complete the Improvement.

**Section 10.** That the Director of Capital Projects is authorized to apply to the County for approval to use County Motor Vehicle License Tax funds to pay for the Improvement, to accept the funds and to file all papers and execute all documents necessary to receive the funds; and that the funds are appropriated for the purposes set forth above.

**Section 11.** That, notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Commissioner of Purchases and Supplies is authorized to acquire, accept, and record for right-of-way purposes any real property and easements as is necessary to make the improvements described in this ordinance. The consideration to be paid for the property and easements shall not exceed fair market value to be determined by the Board of Control.

**Section 12.** That the Director of Capital Projects is authorized to execute on behalf of the City all documents necessary to acquire, accept, and record the property and easements and to employ and pay all fees for title companies, surveys, escrows, appraisers, and all other costs necessary for the acquisition of the property and easements.

**Section 13.** That this Council requests the County to proceed with the Improvement.

**Section 14.** That the Clerk of Council is directed to transmit to the County three (3) certified copies of this ordinance immediately on its taking effect.

**Section 15.** 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 1, 2014.

Effective December 3, 2014.

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#### **Ord. No. 1350-14. By Council Members Pruitt and Kelley (by departmental request).**

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

Whereas, under Ordinance No. 910-98, passed February 14, 2000, this Council authorized, among other things, that Cleveland Public Power shall receive from the general fund an amount equal to eighty-five percent (85%) of the tax remittances due the City collected by Cleveland Public Power under Section 5727.81 of the Revised Code; and

Whereas, under Ordinance No. 1886-02, passed October 28, 2002, this Council directed that the general fund shall retain all of the tax remittances collected by Cleveland Public Power during 2003; and

Whereas, under Ordinance No. 2088-03, passed October 27, 2003, this Council directed that the general fund shall retain all of the tax remittances collected by Cleveland Public Power during 2004; and

Whereas, under Ordinance No. 2197-04, passed January 10, 2005, this Council directed that the general fund shall retain all of the tax remittances collected by Cleveland Public Power during 2004; and

Whereas, Ordinance No. 2068-05, passed November 21, 2005, repealed a portion of Ordinance No. 1886-02 relating to the increase in incremental

charges and collection of tax remittances described in Ordinance No. 910-98; and

Whereas, under Ordinance No. 158-06, passed March 20, 2006, this Council directed that the general fund shall retain all of the tax remittances collected by Cleveland Public Power during 2005; and

Whereas, under Ordinance No. 1842-06, passed February 5, 2007, this Council directed that the general fund shall retain all of the tax remittances collected by Cleveland Public Power during 2006; and

Whereas, under Ordinance No. 1768-07, passed December 10, 2007, this Council directed that the general fund shall retain 50% of the tax remittances collected by Cleveland Public Power during 2007, and 50% of the tax remittances shall be transferred to Cleveland Public Power on an annual basis; and

Whereas, under Ordinance No. 1248-09, passed September 28, 2009, this Council directed that the General Fund retains all of the tax remittances collected by Cleveland Public Power during 2009 and 2010; and

Whereas, under Ordinance No. 1560-10, passed November 29, 2010, this Council directed the retention and use of revenue by the general fund from tax remittance collected by Cleveland Public Power during the years 2011 and 2012; and

Whereas, under Ordinance No. 193-13, passed March 18, 2013, this Council directed the retention and use of revenue by the general fund from tax remittance collected by Cleveland Public Power during the years 2013 and 2014; and

Whereas, legislative authority is necessary to clarify that the general fund shall receive all tax remittances collected by Cleveland Public Power during 2015 and 2016 and transfer 50% of the tax receipts collected in 2015 and 2016 back to Cleveland Public Power; 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 as an exception to Ordinance No. 910-98, passed February 14, 2000, as amended by Ordinance No. 1886-02, passed October 28, 2002, partially repealed by Ordinance No. 2068-05, passed November 21, 2005; Ordinance No. 2088-03, passed October 27, 2003; Ordinance No. 2197-04, passed January 10, 2005; Ordinance No. 158-06, passed March 20, 2006; Ordinance No. 1842-06, passed February 5, 2007; Ordinance No. 1768-07, passed December 10, 2007; Ordinance No. 1248-09, passed September 28, 2009; Ordinance No. 1560-10, passed November 29, 2010; and Ordinance No. 193-13, passed March 18, 2013, the general fund shall receive all tax remittances collected under Section 5727.81 of the Revised Code during calendar years 2015 and 2016 and shall transfer 50% of the tax receipts collected in 2015 and 2016 back to Cleveland Public Power.

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

Passed December 1, 2014.

Effective December 3, 2014.



**Ord. No. 1383-14.  
By Council Members Cimperman  
and Kelley (by departmental  
request).**

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

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

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

**Section 1.** That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$330,068 and any other funds that may become available during the grant term, from the Alcohol Drug Addiction and Mental Health Services Board of Cuyahoga County to conduct the 2015 Mental Health and Substance Abuse Prevention Program; that the Director of Public Health is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the executive summary for the grant contained in the file described below.

**Section 2.** That the executive summary for the grant, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in File No. 1383-14-A, is made a part of this ordinance as if fully rewritten, is approved in all respects, and shall not be changed without additional legislative authority.

**Section 3.** That the Director of Public Health is authorized to enter into one or more agreements with the Alcohol Drug Addiction and Mental Health Services Board of Cuyahoga County for the City to receive payments from the Medicaid programs for alcohol drug addiction and mental health services provided by the City.

**Section 4.** That the Director of Public Health shall have the authority to extend the term of the grant during the grant term.

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

**Section 6.** That the Director of Public Health is authorized to charge and accept fees from participants of this program, according to the sliding fee scale placed in the file, and to deposit those fees into a revolving fund which will be used to provide additional materials equipment, supplies, and services under the program described in the file, and the funds are appropriated for that purpose.

**Section 7.** That, unless expressly prohibited by the grant agreement, under Section 108(b) of the Charter, purchases made under the grant agreement may be made through cooperative arrangements with other governmental agencies. The Director of Public Health may sign all documents and do all things that are necessary to make the purchases, and may enter into one or more contracts

with the vendors selected through that cooperative process.

**Section 8.** That the costs of the contract or contracts authorized by this ordinance shall be paid from the fund or funds to which are credited the grant proceeds, Medicaid payments accepted under this ordinance, and from the fund or funds to which are credited any fees received under this program.

**Section 9.** 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 1, 2014.  
Effective December 3, 2014.

**Ord. No. 1384-14.  
By Council Members Cimperman  
and Kelley (by departmental  
request).**

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

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

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

**Section 1.** That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$706,817 and any other funds that may become available during the grant term, from the Ohio Department of Health to conduct the Title X Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the executive summary for the grant contained in the file described below.

**Section 2.** That the executive summary for the grant, File No. 1384-14-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, and shall not be changed without additional legislative authority, is approved in all respects, including the obligation to devote program income from first and third party billings.

**Section 3.** That the Director of Public Health is authorized to enter into one or more agreements necessary for the City to receive payments from Medicare, Medicaid and Medicaid HMOs to implement the grant as described in the file.

**Section 4.** That the Director of Public Health is authorized to enter into one or more contracts with various entities, including but not limited to, The MetroHealth System, a county hospital, organized under R.C. 339

and Case Western Reserve University ID Alliance, necessary to implement the grant as described in the file.

**Section 5.** That the Director of Public Health is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the purchase or lease, during the grant term, of television and radio advertising time and other media, for the Department of Public Health.

**Section 6.** That the Director of Public Health is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements during the grant term of the necessary items of materials, equipment, supplies, and services needed to implement the grant as described in the file, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public Health. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 7.** That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance.

**Section 8.** That, unless expressly prohibited by the grant agreement, under Section 108(b) of the Charter, purchases made under the grant agreement may be made through cooperative arrangements with other governmental agencies. The Director of Public Health may sign all documents and do all things that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

**Section 9.** That the Director of Public Health is authorized to charge and accept fees from participants of this program and to deposit those fees into a revolving fund which will be used to provide additional materials, equipment, supplies, and services under the program described in the file, and the funds are appropriated for that purpose.

**Section 10.** That the Director of Public Health shall have the authority to extend the term of the grant during the grant term.

**Section 11.** That the Director of Public Health shall deposit the grant accepted under this ordinance into a fund or funds designated by the Director of Finance to implement the program as described in the file and appropriated for that purpose.

**Section 12.** That the cost of the contract or contracts authorized by this ordinance shall be paid from the fund or funds which are credited the grant proceeds, the first and third party billings, and from the Medicaid reimbursements accepted under this ordinance.

**Section 13.** 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 1, 2014.

Effective December 3, 2014.

**Ord. No. 1418-14.**  
**By Council Members Brancatelli and Kelley (by departmental request).**

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

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 employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to provide grant writing services needed to assist the City with preparing the applications needed to receive the grants identified in this ordinance.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Community Development from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Community Development 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 Community Development, and certified by the Director of Finance.

**Section 2.** That the Director of Community Development is authorized to apply for and accept either the Lead Hazard Reduction Demonstration or Lead Hazard Control Grant, in the amount of up to approximately \$3,500,000 and to apply for and accept the Healthy Homes grant in the amount of up to approximately \$500,000, and any other funds that may become available during the grant terms, both from the U.S. Department of Housing and Urban

Development to conduct the Lead Hazard Reduction Demonstration or Lead Hazard Control Grant and the Healthy Homes Programs; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grants; and that the funds are appropriated for the purposes described in the Executive Summary contained in the file below.

**Section 3.** That the Executive Summary, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in File No. 1418-14-A, are made a part of this ordinance as if fully rewritten, are approved in all respects, and shall not be changed without additional legislative authority.

**Section 4.** That the Director of Community Development shall have the authority to extend the term of the grants during the grant terms.

**Section 5.** That the Director of Community Development shall deposit the grants accepted under this ordinance into a fund or funds designated by the Director of Finance to implement the programs as described in the file and appropriated for those purposes.

**Section 6.** That the Director of Community Development is authorized to make one or more written standard purchase and/or written requirement purchase contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the period during the grant terms, for each or all of the following items: materials, equipment, supplies, and services needed to implement the grant and for the rental of furniture and other household articles to supply and accommodate displaced persons during lead abatement performed under the grants as described in the file, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Department of Community Development. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines.

**Section 7.** That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase or procurement under the contract, each of which purchases or procurements shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance.

**Section 8.** That, unless expressly prohibited by the grant agreements, under Section 108(b) of the Charter, purchases or procurements made under the grant agreements may be made through cooperative arrangements with other governmental agencies. The Director of Community Development may sign all documents and do all things that are necessary to make the purchases or procurements, and may enter into one or more contracts with the vendors selected through that cooperative process.

**Section 9.** That the Director of Community Development is authorized to enter into one or more contracts with or make payments to various entities, agencies, or individuals to implement the grants as described in the file.

**Section 10.** That the costs of the contract or contracts authorized by this ordinance and administrative costs

shall be paid from the fund or funds to which are credited the grant proceeds accepted under this ordinance, except for the professional services for grant writing authorized in Section 1 of this ordinance, which shall be paid from Fund No. 14 SF 040, RQS 8006, RL 2014-121.

**Section 11.** 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 1, 2014.

Effective December 3, 2014.

**Ord. No. 1439-14.**  
**By Council Members Brancatelli, K. Johnson and Kelley (by departmental request).**

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

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 it is declared to be in the public interest that the consent of the City of Cleveland is given to the Director of Transportation of the State of Ohio ("the State") to construct the following improvement under plans, specifications, and estimates approved by the State: repairing pavement along Broadview Road between Brookpark Road and Pearl Road, PID No. 98624 (the "Improvement").

**Section 2.** That the City proposes to cooperate with the State in the cost of the Improvement by assuming and contributing the entire cost and expense of the Improvement, less the amount of federal funds allocated by the Federal Highway Administration, United States Department of Transportation. The City agrees to assume one hundred percent (100%) of the cost of preliminary engineering, right-of-way and environmental documentation. Also, the City agrees to assume and contribute 100% of the cost of any items included in the construction contract at the request of the City, which are determined by the State not eligible or made necessary by the Improvement. The share of the cost of the City is estimated in the amount of \$400,000, but the estimated amount is to be adjusted in order that the City's ultimate share of the Improvement shall correspond with the percentages of actual costs when the actual costs are determined.

**Section 3.** That the Director of Capital Projects is authorized to enter into one or more agreements with the State necessary to complete the planning and construction of the Improvement, which agreements shall contain terms and conditions that the Director of Law determines shall best protect the public interest.

**Section 4. Utilities and Right-of-Way Statement.** The City agrees to acquire and/or make available to ODOT, under current State and Federal regulations, all necessary right-of-way required for the Improvement. The City also understands that right-of-way costs include eligible utility costs. The City agrees to be responsible for all utility accommodation, relocation, and reimbursement and agrees that all such accommodations, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

**Section 5. Maintenance.** Upon completion of the Improvement, and unless otherwise agreed, the City shall: (1) provide adequate maintenance for the Improvement under all applicable state and federal laws, including, but not limited to, 23 USC 116; (2) provide ample financial provisions, as necessary, for the maintenance of the Improvement; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

**Section 6.** That the Director of Capital Projects is authorized to enter into contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Improvement and to enter into contracts with the Director of Transportation necessary to complete the above described project. Upon the request of ODOT, the Director of Capital Projects is also authorized to assign all rights, title, and interests of the City to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

**Section 7.** That the City agrees that if Federal Funds are used to pay the cost of any consultant contract, the City shall comply with 23 CFR 172 in the selection of its consultant and the administration of the consultant contract. Further, the City agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consultant contracts. The City agrees to require, as a scope of services clause, that all plans prepared by the consultant must conform to ODOT's current design standards and that the consultant shall be responsible for ongoing consultant involvement during the construction phase of the Improvement. The City agrees to include a completion schedule acceptable to ODOT and to assist ODOT in rating the consultant's performance through ODOT's Consultant Evaluation System.

**Section 8.** That this Council requests the State to proceed with the Improvement.

**Section 9.** That the Director of Capital Projects is authorized to enter into any agreements necessary to implement the improvement.

**Section 10.** That the Clerk of Council is authorized and directed to transmit to the State three (3) certified copies of this ordinance immediately on its taking effect, and it shall become the basis for proceeding with the Improvement.

**Section 11.** That this Council authorizes payment to the State of the City's share of the Improvement from Fund Nos. 20 SF 520, 20 SF 528, 20 SF 534, 20 SF 540, 20 SF 546, 20 SF 554, and

20 SF 563, and any all funds approved by the Director of Finance, including future bond funds if issued for this purpose, Request No. RQS 0103, RL 2014-128.

**Section 12.** 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 1, 2014.

Effective December 3, 2014.

**Ord. No. 1440-14,  
By Council Members Cleveland, K.  
Johnson and Kelley (by departmental  
request).**

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

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 it is declared to be in the public interest that the consent of the City of Cleveland is given to the Director of Transportation of the State of Ohio ("the State") to construct the following improvement under plans, specifications, and estimates approved by the State: repairing pavement on Community College Avenue between East 22nd Street and East 40th Street, PID No. 98804 (the "Improvement").

**Section 2.** That the City proposes to cooperate with the State in the cost of the Improvement by assuming and contributing the entire cost and expense of the Improvement, less the amount of federal funds allocated by the Federal Highway Administration, United States Department of Transportation. The City agrees to assume one hundred percent (100%) of the cost of preliminary engineering, right-of-way and environmental documentation. Also, the City agrees to assume and contribute 100% of the cost of any items included in the construction contract at the request of the City, which are determined by the State not eligible or made necessary by the Improvement. The share of the cost of the City is estimated in the amount of \$240,000, but the estimated amount is to be adjusted in order that the City's ultimate share of the Improvement shall correspond with the percentages of actual costs when the actual costs are determined.

**Section 3.** That the Director of Capital Projects is authorized to enter into one or more agreements with the State necessary to complete the planning and construction of the Improvement, which agreements shall contain terms and conditions that the Director of Law determines shall best protect the public interest.

**Section 4. Utilities and Right-of-Way Statement.** The City agrees to acquire and/or make available to

ODOT, under current State and Federal regulations, all necessary right-of-way required for the Improvement. The City also understands that right-of-way costs include eligible utility costs. The City agrees to be responsible for all utility accommodation, relocation, and reimbursement and agrees that all such accommodations, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

**Section 5. Maintenance.** Upon completion of the Improvement, and unless otherwise agreed, the City shall: (1) provide adequate maintenance for the Improvement under all applicable state and federal laws, including, but not limited to, 23 USC 116; (2) provide ample financial provisions, as necessary, for the maintenance of the Improvement; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

**Section 6.** That the Director of Capital Projects is authorized to enter into contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Improvement and to enter into contracts with the Director of Transportation necessary to complete the above described project. Upon the request of ODOT, the Director of Capital Projects is also authorized to assign all rights, title, and interests of the City to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

**Section 7.** That the City agrees that if Federal Funds are used to pay the cost of any consultant contract, the City shall comply with 23 CFR 172 in the selection of its consultant and the administration of the consultant contract. Further, the City agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consultant contracts. The City agrees to require, as a scope of services clause, that all plans prepared by the consultant must conform to ODOT's current design standards and that the consultant shall be responsible for ongoing consultant involvement during the construction phase of the Improvement. The City agrees to include a completion schedule acceptable to ODOT and to assist ODOT in rating the consultant's performance through ODOT's Consultant Evaluation System.

**Section 8.** That this Council requests the State to proceed with the Improvement.

**Section 9.** That the Director of Capital Projects is authorized to enter into any agreements necessary to implement the improvement.

**Section 10.** That the Clerk of Council is authorized and directed to transmit to the State three (3) certified copies of this ordinance immediately on its taking effect, and it shall become the basis for proceeding with the Improvement.

**Section 11.** That this Council authorizes payment to the State of the City's share of the Improvement from Fund Nos. 20 SF 520, 20 SF 528, 20 SF 534, 20 SF 540, 20 SF 546, 20 SF 554, and 20 SF 563, and any all funds approved by the Director of Finance, including future bond funds if issued for this



purpose, Request No. RQS 0103, RL 2014-137.

**Section 12.** 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 1, 2014.  
Effective December 3, 2014.

**Ord. No. 1441-14.**

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

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

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 it is declared to be in the public interest that the consent of the City of Cleveland is given to the Director of Transportation of the State of Ohio ("the State") to construct the following improvement under plans, specifications, and estimates approved by the State: repairing pavement along East Boulevard and Ford Drive between Euclid Avenue and St. Clair Avenue, PID No. 98805 (the "Improvement").

**Section 2.** That the City proposes to cooperate with the State in the cost of the Improvement by assuming and contributing the entire cost and expense of the Improvement, less the amount of federal funds allocated by the Federal Highway Administration, United States Department of Transportation. The City agrees to assume one hundred percent (100%) of the cost of preliminary engineering, right-of-way and environmental documentation. Also, the City agrees to assume and contribute 100% of the cost of any items included in the construction contract at the request of the City, which are determined by the State not eligible or made necessary by the Improvement. The share of the cost of the City is estimated in the amount of \$460,000, but the estimated amount is to be adjusted in order that the City's ultimate share of the Improvement shall correspond with the percentages of actual costs when the actual costs are determined.

**Section 3.** That the Director of Capital Projects is authorized to enter into one or more agreements with the State necessary to complete the planning and construction of the Improvement, which agreements shall contain terms and conditions that the Director of Law determines shall best protect the public interest.

**Section 4. Utilities and Right-of-Way Statement.** The City agrees to acquire and/or make available to ODOT, under current State and Federal regulations, all necessary right-of-way required for the Improvement.

The City also understands that right-of-way costs include eligible utility costs. The City agrees to be responsible for all utility accommodation, relocation, and reimbursement and agrees that all such accommodations, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

**Section 5. Maintenance.** Upon completion of the Improvement, and unless otherwise agreed, the City shall: (1) provide adequate maintenance for the Improvement under all applicable state and federal laws, including, but not limited to, 23 USC 116; (2) provide ample financial provisions, as necessary, for the maintenance of the Improvement; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

**Section 6.** That the Director of Capital Projects is authorized to enter into contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Improvement and to enter into contracts with the Director of Transportation necessary to complete the above described project. Upon the request of ODOT, the Director of Capital Projects is also authorized to assign all rights, title, and interests of the City to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

**Section 7.** That the City agrees that if Federal Funds are used to pay the cost of any consultant contract, the City shall comply with 23 CFR 172 in the selection of its consultant and the administration of the consultant contract. Further, the City agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consultant contracts. The City agrees to require, as a scope of services clause, that all plans prepared by the consultant must conform to ODOT's current design standards and that the consultant shall be responsible for ongoing consultant involvement during the construction phase of the Improvement. The City agrees to include a completion schedule acceptable to ODOT and to assist ODOT in rating the consultant's performance through ODOT's Consultant Evaluation System.

**Section 8.** That this Council requests the State to proceed with the Improvement.

**Section 9.** That the Director of Capital Projects is authorized to enter into any agreements necessary to implement the improvement.

**Section 10.** That the Clerk of Council is authorized and directed to transmit to the State three (3) certified copies of this ordinance immediately on its taking effect, and it shall become the basis for proceeding with the Improvement.

**Section 11.** That this Council authorizes payment to the State of the City's share of the Improvement from Fund Nos. 20 SF 520, 20 SF 528, 20 SF 534, 20 SF 540, 20 SF 546, 20 SF 554, and 20 SF 563, and any all funds approved by the Director of Finance, including future bond funds if issued for this purpose, Request No. RQS 0103, RL 2014-142.

**Section 12.** 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 1, 2014.  
Effective December 3, 2014.

**Ord. No. 1442-14.**

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

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

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 it is declared to be in the public interest that the consent of the City of Cleveland is given to the Director of Transportation of the State of Ohio ("the State") to construct the following improvement under plans, specifications, and estimates approved by the State: repairing pavement along Harvard Avenue from the west corporation line to East 93rd Street, PID No. 98807 (the "Improvement").

**Section 2.** That the City proposes to cooperate with the State in the cost of the Improvement by assuming and contributing the entire cost and expense of the Improvement, less the amount of federal funds allocated by the Federal Highway Administration, United States Department of Transportation. The City agrees to assume one hundred percent (100%) of the cost of preliminary engineering, right-of-way and environmental documentation. Also, the City agrees to assume and contribute 100% of the cost of any items included in the construction contract at the request of the City, which are determined by the State not eligible or made necessary by the Improvement. The share of the cost of the City is estimated in the amount of \$320,000, but the estimated amount is to be adjusted in order that the City's ultimate share of the Improvement shall correspond with the percentages of actual costs when the actual costs are determined.

**Section 3.** That the Director of Capital Projects is authorized to enter into one or more agreements with the State necessary to complete the planning and construction of the Improvement, which agreements shall contain terms and conditions that the Director of Law determines shall best protect the public interest.

**Section 4. Utilities and Right-of-Way Statement.** The City agrees to acquire and/or make available to ODOT, under current State and Federal regulations, all necessary right-of-way required for the Improvement. The City also understands that right-of-way costs include eligible utility costs. The City agrees to be responsible for all utility accommodation,

relocation, and reimbursement and agrees that all such accommodations, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

**Section 5. Maintenance.** Upon completion of the Improvement, and unless otherwise agreed, the City shall: (1) provide adequate maintenance for the Improvement under all applicable state and federal law, including, but not limited to, 23 USC 116; (2) provide ample financial provisions, as necessary, for the maintenance of the Improvement; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

**Section 6.** That the Director of Capital Projects is authorized to enter into contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Improvement and to enter into contracts with the Director of Transportation necessary to complete the above described project. Upon the request of ODOT, the Director of Capital Projects is also authorized to assign all rights, title, and interests of the City to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

**Section 7.** That the City agrees that if Federal Funds are used to pay the cost of any consultant contract, the City shall comply with 23 CFR 172 in the selection of its consultant and the administration of the consultant contract. Further, the City agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consultant contracts. The City agrees to require, as a scope of services clause, that all plans prepared by the consultant must conform to ODOT's current design standards and that the consultant shall be responsible for ongoing consultant involvement during the construction phase of the Improvement. The City agrees to include a completion schedule acceptable to ODOT and to assist ODOT in rating the consultant's performance through ODOT's Consultant Evaluation System.

**Section 8.** That this Council requests the State to proceed with the Improvement.

**Section 9.** That the Director of Capital Projects is authorized to enter into any agreements necessary to implement the improvement.

**Section 10.** That the Clerk of Council is authorized and directed to transmit to the State three (3) certified copies of this ordinance immediately on its taking effect, and it shall become the basis for proceeding with the Improvement.

**Section 11.** That this Council authorizes payment to the State of the City's share of the Improvement from Fund Nos. 20 SF 520, 20 SF 528, 20 SF 534, 20 SF 540, 20 SF 546, 20 SF 554, and 20 SF 563, and any all funds approved by the Director of Finance, including future bond funds if issued for this purpose, Request No. RQS 0103, RL 2014-129.

**Section 12.** 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 1, 2014.  
Effective December 3, 2014.

**Ord. No. 1443-14.**  
**By Council Members Cimperman, Cleveland, K. Johnson and Kelley (by departmental request).**

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

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 it is declared to be in the public interest that the consent of the City of Cleveland is given to the Director of Transportation of the State of Ohio ("the State") to construct the following improvement under plans, specifications, and estimates approved by the State: repairing pavement along Prospect Avenue between Ontario Street and East 22nd Street, PID No. 98802 (the "Improvement").

**Section 2.** That the City proposes to cooperate with the State in the cost of the Improvement by assuming and contributing the entire cost and expense of the Improvement, less the amount of federal funds allocated by the Federal Highway Administration, United States Department of Transportation. The City agrees to assume one hundred percent (100%) of the cost of preliminary engineering, right-of-way and environmental documentation. Also, the City agrees to assume and contribute 100% of the cost of any items included in the construction contract at the request of the City, which are determined by the State not eligible or made necessary by the Improvement. The share of the cost of the City is estimated in the amount of \$240,000, but the estimated amount is to be adjusted in order that the City's ultimate share of the Improvement shall correspond with the percentages of actual costs when the actual costs are determined.

**Section 3.** That the Director of Capital Projects is authorized to enter into one or more agreements with the State necessary to complete the planning and construction of the Improvement, which agreements shall contain terms and conditions that the Director of Law determines shall best protect the public interest.

**Section 4. Utilities and Right-of-Way Statement.** The City agrees to acquire and/or make available to ODOT, under current State and Federal regulations, all necessary right-of-way required for the Improvement. The City also understands that right-of-way costs include eligible utility costs. The City agrees to be responsible for all utility accommodation, relocation, and reimbursement and agrees that all such accommodations, relocations, and reimbursements

shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

**Section 5. Maintenance.** Upon completion of the Improvement, and unless otherwise agreed, the City shall: (1) provide adequate maintenance for the Improvement under all applicable state and federal laws, including, but not limited to, 23 USC 116; (2) provide ample financial provisions, as necessary, for the maintenance of the Improvement; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

**Section 6.** That the Director of Capital Projects is authorized to enter into contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Improvement and to enter into contracts with the Director of Transportation necessary to complete the above described project. Upon the request of ODOT, the Director of Capital Projects is also authorized to assign all rights, title, and interests of the City to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

**Section 7.** That the City agrees that if Federal Funds are used to pay the cost of any consultant contract, the City shall comply with 23 CFR 172 in the selection of its consultant and the administration of the consultant contract. Further, the City agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consultant contracts. The City agrees to require, as a scope of services clause, that all plans prepared by the consultant must conform to ODOT's current design standards and that the consultant shall be responsible for ongoing consultant involvement during the construction phase of the Improvement. The City agrees to include a completion schedule acceptable to ODOT and to assist ODOT in rating the consultant's performance through ODOT's Consultant Evaluation System.

**Section 8.** That this Council requests the State to proceed with the Improvement.

**Section 9.** That the Director of Capital Projects is authorized to enter into any agreements necessary to implement the improvement.

**Section 10.** That the Clerk of Council is authorized and directed to transmit to the State three (3) certified copies of this ordinance immediately on its taking effect, and it shall become the basis for proceeding with the Improvement.

**Section 11.** That this Council authorizes payment to the State of the City's share of the Improvement from Fund Nos. 20 SF 520, 20 SF 528, 20 SF 534, 20 SF 540, 20 SF 546, 20 SF 554, and 20 SF 563, and any all funds approved by the Director of Finance, including future bond funds if issued for this purpose, Request No. RQS 0103, RL 2014-134.

**Section 12.** 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 1, 2014.  
Effective December 3, 2014.

**Ord. No. 1444-14.**

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

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

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 it is declared to be in the public interest that the consent of the City of Cleveland is given to the Director of Transportation of the State of Ohio ("the State") to construct the following improvement under plans, specifications, and estimates approved by the State: repairing pavement along West 117th Street between Bellaire Road and Clifton Boulevard, PID No. 98854 (the "Improvement").

**Section 2.** That the City proposes to cooperate with the State in the cost of the Improvement by assuming and contributing the entire cost and expense of the Improvement, less the amount of federal funds allocated by the Federal Highway Administration, United States Department of Transportation. The City agrees to assume one hundred percent (100%) of the cost of preliminary engineering, right-of-way and environmental documentation. Also, the City agrees to assume and contribute 100% of the cost of any items included in the construction contract at the request of the City, which are determined by the State not eligible or made necessary by the Improvement. The share of the cost of the City is estimated in the amount of \$144,000, but the estimated amount is to be adjusted in order that the City's ultimate share of the Improvement shall correspond with the percentages of actual costs when the actual costs are determined.

**Section 3.** That the Director of Capital Projects is authorized to enter into one or more agreements with the State necessary to complete the planning and construction of the Improvement, which agreements shall contain terms and conditions that the Director of Law determines shall best protect the public interest.

**Section 4. Utilities and Right-of-Way Statement.** The City agrees to acquire and/or make available to ODOT, under current State and Federal regulations, all necessary right-of-way required for the Improvement. The City also understands that right-of-way costs include eligible utility costs. The City agrees to be responsible for all utility accommodation, relocation, and reimbursement and agrees that all such accommodations, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

**Section 5. Maintenance.** Upon completion of the Improvement, and unless otherwise agreed, the City shall: (1) provide adequate maintenance for the Improvement under all applicable state and federal laws, including, but not limited to, 23 USC 116; (2) provide ample financial provisions, as necessary, for the maintenance of the Improvement; (3) maintain the right-of-way, keeping it free of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

**Section 6.** That the Director of Capital Projects is authorized to enter into contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Improvement and to enter into contracts with the Director of Transportation necessary to complete the above described project. Upon the request of ODOT, the Director of Capital Projects is also authorized to assign all rights, title, and interests of the City to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

**Section 7.** That the City agrees that if Federal Funds are used to pay the cost of any consultant contract, the City shall comply with 23 CFR 172 in the selection of its consultant and the administration of the consultant contract. Further, the City agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consultant contracts. The City agrees to require, as a scope of services clause, that all plans prepared by the consultant must conform to ODOT's current design standards and that the consultant shall be responsible for ongoing consultant involvement during the construction phase of the Improvement. The City agrees to include a completion schedule acceptable to ODOT and to assist ODOT in rating the consultant's performance through ODOT's Consultant Evaluation System.

**Section 8.** That this Council requests the State to proceed with the Improvement.

**Section 9.** That the Director of Capital Projects is authorized to enter into any agreements necessary to implement the improvement.

**Section 10.** That the Clerk of Council is authorized and directed to transmit to the State three (3) certified copies of this ordinance immediately on its taking effect, and it shall become the basis for proceeding with the Improvement.

**Section 11.** That this Council authorizes payment to the State of the City's share of the Improvement from Fund Nos. 20 SF 520, 20 SF 528, 20 SF 534, 20 SF 540, 20 SF 546, 20 SF 554, and 20 SF 563, and any all funds approved by the Director of Finance, including future bond funds if issued for this purpose, Request No. RQS 0103, RL 2014-139.

**Section 12.** 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 1, 2014.  
Effective December 3, 2014.

**Ord. No. 1445-14.**

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

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

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 it is declared to be in the public interest that the consent of the City of Cleveland is given to the Director of Transportation of the State of Ohio ("the State") to construct the following improvement under plans, specifications, and estimates approved by the State: repairing pavement along West Boulevard between West 105th Street and Madison Avenue, PID No. 98801 (the "Improvement").

**Section 2.** That the City proposes to cooperate with the State in the cost of the Improvement by assuming and contributing the entire cost and expense of the Improvement, less the amount of federal funds allocated by the Federal Highway Administration, United States Department of Transportation. The City agrees to assume one hundred percent (100%) of the cost of preliminary engineering, right-of-way and environmental documentation. Also, the City agrees to assume and contribute 100% of the cost of any items included in the construction contract at the request of the City, which are determined by the State not eligible or made necessary by the Improvement. The share of the cost of the City is estimated in the amount of \$500,000, but the estimated amount is to be adjusted in order that the City's ultimate share of the Improvement shall correspond with the percentages of actual costs when the actual costs are determined.

**Section 3.** That the Director of Capital Projects is authorized to enter into one or more agreements with the State necessary to complete the planning and construction of the Improvement, which agreements shall contain terms and conditions that the Director of Law determines shall best protect the public interest.

**Section 4. Utilities and Right-of-Way Statement.** The City agrees to acquire and/or make available to ODOT, under current State and Federal regulations, all necessary right-of-way required for the Improvement. The City also understands that right-of-way costs include eligible utility costs. The City agrees to be responsible for all utility accommodation, relocation, and reimbursement and agrees that all such accommodations, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

**Section 5. Maintenance.** Upon completion of the Improvement, and unless otherwise agreed, the City shall: (1) provide adequate maintenance for the Improvement under all applicable state and federal laws, including, but not limited to, 23 USC 116; (2) provide ample financial provisions, as necessary, for the maintenance of the Improvement; (3) maintain the right-of-way, keeping it free



of obstructions; and (4) hold said right-of-way inviolate for public highway purposes.

**Section 6.** That the Director of Capital Projects is authorized to enter into contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Improvement and to enter into contracts with the Director of Transportation necessary to complete the above described project. Upon the request of ODOT, the Director of Capital Projects is also authorized to assign all rights, title, and interests of the City to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

**Section 7.** That the City agrees that if Federal Funds are used to pay the cost of any consultant contract, the City shall comply with 23 CFR 172 in the selection of its consultant and the administration of the consultant contract. Further, the City agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consultant contracts. The City agrees to require, as a scope of services clause, that all plans prepared by the consultant must conform to ODOT's current design standards and that the consultant shall be responsible for ongoing consultant involvement during the construction phase of the Improvement. The City agrees to include a completion schedule acceptable to ODOT and to assist ODOT in rating the consultant's performance through ODOT's Consultant Evaluation System.

**Section 8.** That this Council requests the State to proceed with the Improvement.

**Section 9.** That the Director of Capital Projects is authorized to enter into any agreements necessary to implement the improvement.

**Section 10.** That the Clerk of Council is authorized and directed to transmit to the State three (3) certified copies of this ordinance immediately on its taking effect, and it shall become the basis for proceeding with the Improvement.

**Section 11.** That this Council authorizes payment to the State of the City's share of the Improvement from Fund Nos. 20 SF 520, 20 SF 528, 20 SF 534, 20 SF 540, 20 SF 546, 20 SF 554, and 20 SF 563, and any all funds approved by the Director of Finance, including future bond funds if issued for this purpose, Request No. RQS 0103, RL 2014-131.

**Section 12.** 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 1, 2014.

Effective December 3, 2014.

**Ord. No. 1469-14.**  
**By Council Member Cimperman.**  
**An emergency ordinance authorizing the continuation of Section 343.23 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance 1648-12, passed November 26,**

**2012, relating to drive-through lanes in pedestrian retail overlay districts for a period of two years from the effective date of this ordinance.**

Whereas, pursuant to Ordinance 1648-12, passed November 26, 2012, this Council amended Codified Ordinances Section 343.23, relating to drive-through lanes in pedestrian retail overlay districts; and

Whereas, pursuant to section 3 of Ordinance 1648-12, this Council must by ordinance, expressly authorize the continuation Section 343.23 as amended by Ordinance 1648-12 before December 3, 2014, or a different Section 343.23 shall be enacted in its place; and

Whereas, this Council wishes to authorize the continuation of Section 343.23, as amended by Ordinance 1648-12, passed November 26, 2012 for a period of two years from the effective date of this ordinance; 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 hereby authorizes the continuation of Section 343.23 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance 1648-12, passed November 26, 2012, relating to drive-through lanes in pedestrian retail overlay districts for a period of two years from the effective date of this ordinance.

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

Passed December 1, 2014.

Effective December 1, 2014.

**Ord. No. 1507-14.**  
**By Council Members Keane, Kelley and Brancatelli (by departmental request).**

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

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 second and sixth whereas clauses, and Sections 1 and 2 of Ordinance No. 561-14, passed June 2, 2014, are amended to read as follows:

WHEREAS, Cumberland TCC, LLC, a Delaware limited liability company owned by CUMBERLAND LAKEFRONT, LLC, an Ohio limited liability company ("Cumberland") and TC NE METRO DEVELOPMENT, INC., a Delaware corporation or another wholly owned subsidiary of TRAMMELL CROW COMPANY, LLC, a Delaware limited liability company ("TCC", and together with the Cumberland, "Developer") would like to enter into a Multi-Phased Option to

Lease Agreement ("Option Agreement") with the City in order for Developer to market the Project Site for future development; and

Whereas, Developer agrees to undertake the following development at the Project Site ("Development Objectives") according to the following Phases:

**Phase 1:**

Area A (Voinovich Parking Lot, approximately 1 acre)

Development may include retail uses such as a restaurant, public restrooms, and facilities supporting waterfront attractions. Building height may be one or two stories.

Area B (Skate Park, approximately 1/2 acre)

Development may include restaurants, and general retail. Building height may be two or three stories.

Area C (Parcel between Rock and Roll Hall of Fame Museum and Great Lakes Science Center, approximately 1 acre)

Development may include restaurants, general retail, a hotel, and/or facilities supporting Great Lakes Science Center and Rock and Roll Hall of Fame.

**Phase 2:**

Area D (Dock 32, approximately 6 acres)

Development may include at least 200 residential units, at least 60,000 square feet of office space, parking, hotels, restaurants, and general retail. Building height may be six stories.

**Phase 3:**

Area E (Dock 30, approximately 6 acres)

Development may include at least 350 residential units, office, general retail, and parking. Building may be eight stories.

**Phase 4:**

Area F (Dock 28B, approximately 6 acres)

Development may include at least 350 residential units, office, general retail, and parking. Building height may be ten stories; and;

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 (Purchases and Supplies) and 183 (Real Estate Transactions) of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Port Control is authorized to enter into the Option Agreement and related Lease Agreements with Developer for the Project Site as illustrated by the Phase map with lease area and street and park borderlines subject to slight variations at the discretion of the Developer and approval of the City Planning Commission, and placed in File No. 561-14-D.

Section 2. That following the date the Option Agreement is fully executed or June 15, 2015, whichever is earlier ("Effective Date"), the Developer shall have the right to exercise its option to lease each Phase of the Project pursuant to the Option Agreement as follows:

**Phase I:** Developer shall have the option to lease Sites A-D for a period of one (1) year following the Effective Date.

**Phase II:** Developer shall have the option to lease Site D for a period of two (2) years following the Effective Date.

**Phase III:** Developer shall have the option to lease Site E for a period of three (3) years following the Effective Date.

**Phase IV:** Developer shall have the option to lease Site F for a period of four (4) years following the Effective Date.

In the event the Developer is diligently working toward completion of the development of a Phase, then the date for exercise of the option to lease for that Phase of the Project may be extended for an additional period of one (1) year, exercisable by the Director of Port Control, with prior notification to the President of City Council.

**Section 2.** That the second and sixth whereas clauses, and Sections 1 and 2 of Ordinance No. 561-14, passed June 2, 2014, are repealed.

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

Passed December 1, 2014.

Effective December 3, 2014.

**Ord. No. 1509-14.**

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

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

Whereas, under Ordinance No. 425-14, passed April 14, 2014, this Council authorized the Director of Economic Development to enter into an amendment to Contract No. 50034, as amended, with Emerald Research Park, Ltd. ("Emerald") to forgive payment of \$30,000 per acre by Emerald to the City, upon the sale of 4.5 acres to Oatey Company, or its designee, within Emerald Park, for a total of \$135,000; and

Whereas, Oatey Company has negotiated the purchase of an additional 3.05 acres with Emerald Research Park, LTD that will be used to construct a larger facility; and

Whereas, a contract amendment is necessary in order to include the additional 3.05 acres in the payment forgiveness, for a total of \$91,500; and

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

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

**Section 1.** That Section 3 of Ordinance No. 425-14, passed April 14, 2014, is amended to read as follows:

**Section 3.** That the terms of the tax abatement shall be in accordance

with the terms in the Summary contained in File No. 425-14-B. These terms shall not be amended, nor shall the tax abatement be assignable or transferable to any entity, without the prior legislative authorization by Cleveland City Council.

**Section 2.** That existing Section 3 of Ordinance No. 425-14, passed April 14, 2014, is repealed.

**Section 3.** The Director of Economic Development is authorized to enter into an amendment to Contract No. 50034 with Emerald Research Park, Ltd. ("Emerald") to increase the amount of acreage that payment is being forgiven on by 3.05 acres for a total of 7.55 acres, for a total of \$226,500. All other terms and conditions of the agreement, as amended, shall remain the same.

**Section 4.** That the contract amendment shall be prepared by the Director of Law.

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

Passed December 1, 2014.

Effective December 3, 2014.

**Ord. No. 1516-14.**

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

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

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 Cleveland Housing Network for professional services necessary to provide administration and other related services for the Division of Water's discount affordability program on the basis of its proposal received on September 10, 2014, in the total sum of \$182,887, for the Department of Public Utilities, for a period of one year, with one one-year option to renew, exercisable by the Director of Public Utilities. The contract or contracts shall be paid from Fund No. 52 SF 001, Request No. RQS 2002, RL 2014-105.

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

Passed December 1, 2014.

Effective December 3, 2014.

**Ord. No. 1520-14.**

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

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

Whereas, in *Argersinger v. Hamlin* and *Scott v. Illinois*, the United States Supreme Court held that no indigent criminal defendant may be sentenced to a term of imprisonment unless he or she has been afforded the right to assistance of counsel in their defense; and

Whereas, the Cleveland Municipal Court, through the City of Cleveland, is obligated to provide counsel for an indigent person charged with violation of City ordinances with the possibility of a sentence including incarceration; and

Whereas, under Section 120.14 of the Revised Code, a county public defender commission may contract with any municipal corporation within the County served by the county public defender to provide legal representation on behalf of the municipal corporation; and

Whereas, the Cleveland Municipal Court, the district of which encompasses Bratenahl and the City of Cleveland, recommends that the Cuyahoga County Public Defender Commission should provide indigent defense; and

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

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

**Section 1.** That the Director of Finance, on behalf of the Cleveland Municipal Court, is authorized to enter into contract with the Cuyahoga County Public Defender Commission for legal services necessary to defend indigents charged with violation of ordinances of the City of Cleveland, provided the violation may result in incarceration, for a period of one year beginning January 1, 2015, at an estimated cost of \$1,922,185, with one option for an additional consecutive one-year period, exercisable by the Director of Finance, payable from funds appropriated in budget year 2015 for this purpose.

**Section 2.** That two percent (2%) of any payment received by the City and/or Cleveland Municipal Court from the financing of defense counsel for indigent persons shall be utilized by participants in a court exchange program between Cleveland Municipal Court and the Cleveland Municipal School District.

**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 1, 2014.

Effective December 3, 2014.

**Ord. No. 1521-14.  
By Council Members Pruitt and Kelley (by departmental request).**

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

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 repairing or replacing roofs and appurtenances, including but not limited to roofing systems, for the Divisions of Water, Water Pollution Control, Cleveland Public Power, and the Office of Radio Communications, Department of Public Utilities, by one or more public improvement by requirement contracts duly let to the lowest responsible bidder or bidders on a unit basis for the improvement.

**Section 2.** 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 period of two years for the making of the above public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement for a period not to exceed the specified term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the Divisions of Water, Water Pollution Control, Cleveland Public Power, and the Office of Radio Communications, 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.

**Section 3.** That the Director of Public Utilities is authorized to apply and pay for permits, licenses, or other authorizations required by any regulatory agency or public authority to permit performance of the work authorized by this ordinance.

**Section 4.** 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 period of two years of the necessary items of maintaining, testing, and evaluating

roofs, roofing systems, and appurtenances; repairing water damage to structures and structure components caused by leaky roofs; and for repairing or replacing roofs and appurtenances, including but not limited to roofing systems, which are not covered under the public improvement contract authorized above, 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 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.

**Section 5.** That the costs of the contract or contracts shall not exceed \$1.1 million dollars and shall be paid from the fund or funds to which are credited the proceeds of the sale of future bonds issued for this purpose and shall also be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a delivery order against the contract or contracts certified by the Director of Finance. (RL RQN 2002, RL 2014-51)

**Section 6.** That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Public Utilities may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

**Section 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 1, 2014.  
Effective December 3, 2014.

secondary and honorary designation of "Steve Harvey Way".

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

Passed December 1, 2014.  
Effective December 3, 2014.

**Ord. No. 1596-14.  
By Council Member Cimperman.  
An emergency ordinance consenting and approving the issuance of a permit for The Santa Shuffle on December 13, 2014, sponsored by Hermes Sports and Events.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of The Santa Shuffle on December 13, 2014, start: Starkweather & Scranton; Starkweather east to Professor; Professor north to Fairfield; Fairfield west to West 11th and (finish line); provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed December 1, 2014.  
Effective December 3, 2014.

**COUNCIL COMMITTEE MEETINGS**

**Monday, December 8, 2014  
9:00 a.m.**

**Committee of the Whole:** Present: Kelley, Chair; Brady, Brancatelli, Cimperman, Cleveland, Conwell, Cummins, Dow, J. Johnson, K. Johnson, Keane, Mitchell, Polensek, Pruitt, Reed, Zone. *Authorized Absence:* Sweeney.

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

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

**Ord. No. 1557-14.  
By Council Member Conwell and J. Johnson (by departmental request).**

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

Whereas, the citizens of Cleveland want to recognize Steve Harvey with a street sign designation of "Steve Harvey 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 East 112th Street between Primrose Avenue and Superior Avenue is designated with a



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O—Ordinance; R—Resolution; F—File  
 Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;  
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**City Council**

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Dedek, George E. — Condolence (R 1653-14) .....	1800
Developmental Disabilities Social Services Support Program — L'Arche Cleveland — agreement — Community Development (Ward 16 NEF) (O 1633-14) .....	1825
Hudec, Captain Bruce of The Goodtime III — Condolence (R 1651-14) .....	1800
Johnny Kilbane Sculpture Project — Irish American Archives Society, Inc. — agreement — Works Department (Ward(s) 15, 13, 16 and 17) (O 1635-14) .....	1825
Stroh, Gary E. "Harry" — Condolence (R 1664-14) .....	1800
Supporting Catholic Charities Housing Corporation — develop affordable housing for senior citizens — St. Vincent de Paul Parish — Lorain Ave., 13400 (R 1637-14) .....	1826
Sweeney, Councilman Martin J. — Appreciation (R 1658-14) .....	1800
Tenant Advocacy and Rental Information Center Program — Cleveland Tenants Organization — agreement — Community Development (Ward 16 NEF) (O 1632-14) .....	1825
Urban Youth Initiative Program — educational sessions on bicycle safety, healthy eating, exercise and bicycle maintenance — Greater Cleveland Sports Commission — agreement — Community Development (Ward16 NEF) (O 1634-14) .....	1825

**Ward 17**

Dedek, George E. — Condolence (R 1653-14) .....	1800
Hudec, Captain Bruce of The Goodtime III — Condolence (R 1651-14) .....	1800



Johnny Kilbane Sculpture Project — Irish American Archives Society, Inc. — agreement — Works Department (Ward(s) 15, 13, 16 and 17) (O 1635-14) .....	1825
Riverside Dr., 5300 — new application — liquor permit (F 1613-14) .....	1800
Stroh, Gary E. "Harry" — Condolence (R 1664-14) .....	1800
Sweeney, Councilman Martin J. — Appreciation (R 1658-14) .....	1800
The RISE Foundation of Dublin, Ireland — Recognition (R 1657-14) .....	1800
Warren Rd., 3356 — transfer to another taxing district — liquor permit (F 1615-14) .....	1800

#### **Waste Collection And Disposal Division**

Excessively Large Quantity of Waste Disposal — Civil Infractions — Amend Section 551.05, 551.111 and 551.991 (O 974-13) .....	1841
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#### **Water Division**

Discount affordability program — Cleveland Housing Network — professional services — contracts — Utilities Department (O 1516-14) .....	1854
Roofs, roof systems and appurtenances — Cleveland Public Power Division — Water Pollution Control Division (O 1521-14) .....	1855

#### **Water Pollution Control Division (WPC)**

Roofs, roof systems and appurtenances — Cleveland Public Power Division — Water Division (O 1521-14) .....	1855
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#### **Zoning Code**

Hookah lounges and vapor lounges — amend Section 343.11- enact Section 347.121 — Building and Housing Department (O 1396-14) .....	1830
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