

# The City Record

Official Publication of the Council of the City of Cleveland



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December the Seventeenth, 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 17, 2014

No. 5271

## CITY COUNCIL

MONDAY, DECEMBER 15, 2014

The City Record  
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Address all communications to  
**PATRICIA J. BRITT**  
City Clerk, Clerk of Council  
216 City Hall

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

#### MONDAY — Alternating

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

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

#### MONDAY

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

#### TUESDAY

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

#### TUESDAY — Alternating

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

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

#### WEDNESDAY — Alternating

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

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

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

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

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

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

### OFFICIAL PROCEEDINGS CITY COUNCIL

NO MEETING

### THE CALENDAR

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

NONE

### BOARD OF CONTROL

December 10, 2014

The Regular meeting of the Board of Control convened in the Mayor's office on Wednesday, December 10, 2014 at 10:50 a.m. with Acting Director Horvath presiding.

Present: Acting Director Horvath, Director Dumas, Interim Director Dumas, Directors Cox, Parrilla, Acting Director Gehlmann, Directors Rush, Southerington, Nichols and O'Leary

Absent: Mayor Jackson, Directors Smith and Fumich.

Others: Melissa Burrows, Director, Office of Equal Opportunity.

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

Tiffany White, Commissioner, Division of Purchases & Supplies.

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

#### Resolution No. 547-14.

By Director Spronz.  
Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 734-14 passed by the Council of the City of Cleveland on June 9, 2014, Richard L. Bowen and Associates, Inc., is selected upon the nomination of the Director of Capital Projects

as the firm to be employed by contract to supplement the regularly employed staff of the several departments of the City to provide professional architectural/engineering services for the Rehabilitation and New Construction of Public Facilities for Public Works, Public Safety, and Public Health, Design Package 4: New City Kennel.

Be it further resolved that the Director of Capital Projects is authorized to enter into a written contract with Richard L. Bowen and Associates, Inc., based upon their proposal dated September 5, 2014 for a total cost not to exceed \$492,200.00, which contract shall be prepared by the Director of Law and shall provide for furnishing of professional services as stated in the proposal and shall contain such other terms and conditions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved that the employment of the following sub-consultants by Richard L. Bowen and Associates, Inc. is approved:

<u>Sub-Consultant</u>	<u>Percentage Amount</u>
Solar Testing Laboratories CSB	8.635% \$42,500.00
Knight and Stolar CSB/FBE	1.605% \$7,900.00
Pardo Consultants CSB/MBE	16.701% \$82,200.00
Michael Benza CSB	0.000% \$0.00
ARQ Architects Non-Certified	0.000% \$64,400.00

Yeas: Acting Director Horvath, Director Dumas, Interim Director Dumas, Directors Cox, Parrilla, Acting Director Gehlmann, Directors Rush, Southerington, Nichols and O'Leary.  
Nays: None.  
Absent: Mayor Jackson, Directors Smith and Fumich.

#### Resolution No. 548-14.

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

No. 129-22-135 located at 11710 Forest Avenue; and

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

Whereas, Leona Bostick has proposed to the City to purchase and develop the parcel for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 4 has either approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested, to execute an Official Deed for and on behalf of the City of Cleveland, with Leona Bostick for the sale and development of Permanent Parcel No. 129-22-135 located at 11710 Forest Avenue, according to the Land Reutilization Program in such manner as best carries out tile intent of the program.

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

Yeas: Acting Director Horvath, Director Dumas, Interim Director Dumas, Directors Cox, Parrilla, Acting Director Gehlmann, Directors Rush, Southerington, Nichols and O'Leary.

Nays: None.

Absent: Mayor Jackson, Directors Smith and Fumich.

#### **Resolution No. 549-14.**

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 133-16-039 located at 7733 Dercum Avenue; and

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

Whereas, Jack Collins has proposed to the City to purchase and develop the parcel for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 12 has either approved the

proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it.

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested, to execute an Official Deed for and on behalf of the City of Cleveland, with Jack Collins for the sale and development of Permanent Parcel No. 133-16-039 located at 7733 Dercum Avenue, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

Yeas: Acting Director Horvath, Director Dumas, Interim Director Dumas, Directors Cox, Parrilla, Acting Director Gehlmann, Directors Rush, Southerington, Nichols and O'Leary.

Nays: None.

Absent: Mayor Jackson, Directors Smith and Fumich.

#### **Resolution No. 550-14.**

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel Nos. 131-33-034 and 131-33-035 located at 3652 East 48th Street and 3654 East 48th Street; and

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

Whereas, Agnetha Bjorling has proposed to the City to purchase and develop the parcels for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 12 has either approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested, to execute an Official Deed for and on behalf of the City of Cleveland, with Agnetha Bjorling

for the sale and development of Permanent Parcel Nos., 131-33-034 and 131-33-035 located at 3652 East 48th Street and 3654 East 48th Street, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for the sale of the parcels shall be \$400.00, which amount is determined to be not less than the fair market value of the parcels for uses according to the Program.

Yeas: Acting Director Horvath, Director Dumas, Interim Director Dumas, Directors Cox, Parrilla, Acting Director Gehlmann, Directors Rush, Southerington, Nichols and O'Leary.

Nays: None.

Absent: Mayor Jackson, Directors Smith and Fumich.

#### **Resolution No. 551-14.**

By Director Rush.

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

Whereas, Under the Program, the City has acquired Permanent Parcel Nos. 002-13-057 and 002-36-088 located on Clinton Avenue and West 48th Street; and

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

Whereas, Alice Butts and Charles Butts have proposed to the City to purchase and develop the parcels for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 3 has either approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

2. The proposed purchasers of the parcels are neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.02 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested, to execute an Official Deed for and on behalf of the City of Cleveland, with Alice Butts and Charles Butts for the sale and development of Permanent Parcel Nos. 002-13-057 and 002-36-088 located on Clinton Avenue and West 48th Street, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for the sale of the parcels shall be \$2.00, which amount is determined to be not less than the fair market value of the parcels for uses according to the Program.

Yeas: Acting Director Horvath, Director Dumas, Interim Director Dumas, Directors Cox, Parrilla, Acting Director Gehlmann, Directors

Rush, Southerington, Nichols and O'Leary.  
Nays: None.  
Absent: Mayor Jackson, Directors Smith and Fumich.

**Resolution No. 552-14.**

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 007-31-137 located on West 31st Street; and

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

Whereas, Abigail Figueroa has proposed to the City to lease and develop the parcel for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 14 has either approved the proposed lease or has not disapproved or requested a hold of the proposed lease within 45 days of notification of it;

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested, to execute a lease for a term of three (3) years, for and on behalf of the City of Cleveland, with Abigail Figueroa for the lease and development of Permanent Parcel No. 007-31-137 located at on West 31st Street, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for the lease of the parcel shall be a one-time fee of \$3.00, which amount is determined to be not less than the fair market value of the parcel for uses according to the Program.

Yeas: Acting Director Horvath, Director Dumas, Interim Director Dumas, Directors Cox, Parrilla, Acting Director Gehlmann, Directors Rush, Southerington, Nichols and O'Leary.

Nays: None.  
Absent: Mayor Jackson, Directors Smith and Fumich.

JEFFREY B. MARKS,  
Secretary

**CIVIL SERVICE NOTICES**

**General Information**

Application blanks and information, regarding minimum entrance qualifications, scope of examination, and suggested reference materials may be obtained at the office of the

Civil Service Commission, Room 119, City Hall, East 6th Street, and Lakeside Avenue.

Application blanks must be properly filled out on the official form prescribed by the Civil Service Commission and filed at the office of the commission not later than the final closing date slated in the examination announcement.

**EXAMINATION RESULTS:** Each applicant whether passing or failing will be notified of the results of the examination as soon as the commission has graded the papers. Thereafter, eligible lists will be established which will consist of the names of those candidates who have been successful in all parts of the examination.

**PHYSICAL EXAMINATION:** All candidates for original entrance positions who are successful in other parts of the examinations must submit to a physical examination.

ROBERT BENNETT,  
President

**SCHEDULE OF THE BOARD OF ZONING APPEALS**

**MONDAY, DECEMBER 29, 2014**

**9:30 A.M.**

**REINSTATED FROM DECEMBER 8, 2014**

**Appeal of**

**Calendar No. 14-218:** Wolley Taxi Company

Wolley Taxi Company LLC, appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) and disputes the decision of the Commissioner of Assessments and Licenses to revoke licenses for two vehicles in their fleet (#7110 and #7116) in accordance with Section 443.36 of the Cleveland Codified Ordinances of the City of Cleveland, for violations of the Taxicab Rules and Regulations. (Filed November 4, 2014)

**SCHEDULE OF THE BOARD OF ZONING APPEALS**

**MONDAY, JANUARY 5, 2015**

**9:30 A.M.**

**Calendar No. 14-229:** 1326 West 116th Street (Ward 15)

House Under the Green Bottle, owner, proposes to demolish existing parking lot and install new parking lot with striping in a B2 Semi-Industry District. The owner appeals for relief from the following sections of the Cleveland Codified Ordinances:

1. Section 349.04(a) which states that 16 parking spaces are required and 9 are proposed.

2. Section 349.05(a) which states that no parking shall be located within 10 feet of a residential building.

3. Section 349.07(c)(1) which states the one driveway shall be permitted for each 100 feet of frontage. (Filed November 19, 2014)

**Calendar No. 14-231:** 1349 East 79th Street (Ward 7)

Cleveland Metropolitan School District, owner, proposes to erect one 10' - 3" x 6' - 4" x 7' - 2" high single faced non-illuminated identification sign and two 6' - 2" x 3' - 10" x 3' - 10" high double faced non-illuminated directional sign in a B1 Two-Family Residential District. The owner appeals for relief from the following sections of the Cleveland Codified Ordinances:

1. Section 350.13(a) which states that the maximum square footage allowed for identification signs is 40 square feet and 66 square feet are proposed. The maximum height allowed is 5 feet and 7' - 2" are proposed.

2. Section 350.13(b) which states that information signs required setback in a residential district is 20 feet and no setback is proposed. (Filed November 19, 2014)

**Calendar No. 14-233:** 2501 Thurman Avenue (Ward 3)

6603 Cedar Inc., owner, proposes to erect a new 18' - 8" x 38' single family townhouse on a parcel located in a B1 Two-Family Residential District. The owner appeals for relief from the following sections of the Cleveland Codified Ordinances:

1. Section 349.07(a) which states that off-street parking space shall be properly graded and drained within the lot.

2. Section 349.07(c) which states that a driveway used to provide accessibility to accessory off-street parking spaces shall be arranged to minimize traffic congestion.

3. Section 353.02(b) which states that the maximum height allowed is 35 feet and 40' - 8" are proposed.

4. Section 355.04(b) which states that the minimum required lot width is 40 feet and 23' - 8" are proposed.

5. Section 355.04(b) which states that the minimum required lot area is 4,800 square feet and 2,508 square feet are proposed.

6. Section 357.08(b)(1) which states that the required rear yard is 40 feet and 20 feet are proposed.

7. 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 within a Residence District and 0' are proposed.

8. Section 357.09(2)(B) which states that the minimum required interior yard is 3 feet and 0' are proposed, nor shall both interior side yards be less than 10' on the same premises and 3 feet are proposed.

9. Section 358.03(a) which states that fence located parallel to a driveway are required to be 75% open and a 4 foot solid masonry fence is proposed. (Filed November 20, 2014)

**Calendar No. 14-234:** 2503 Thurman Avenue (Ward 3)

6603 Cedar Inc., owner, proposes to erect a new 18' - 8" x 38' single family townhouse on a parcel located in a B1 Two-Family Residential District. The owner appeals for relief from the following sections of the Cleveland Codified Ordinances:

1. Section 349.07(a) which states that off-street parking space shall

be properly graded and drained within the lot.

2. Section 349.07(c) which states that a driveway used to provide accessibility to accessory off-street parking spaces shall be arranged to minimize traffic congestion.

3. Section 353.02(b) which states that the maximum height allowed is 35 feet and 40' - 8" are proposed.

4. Section 355.04(b) which states that the minimum required lot width is 40 feet and 18' - 8" are proposed.

5. Section 355.04(b) which states that the minimum required lot area is 4,800 square feet and 1,429 square feet are proposed.

6. Section 357.08(b)(1) which states that the required rear yard is 40 feet and 20 feet are proposed.

7. 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 within a Residence District and 0' are proposed.

8. Section 357.09(2)(B) which states that the minimum required interior yard is 3 feet and 0' are proposed, nor shall both interior side yards be less than 10' on the same premises and 0' feet are proposed.

9. Section 358.03(a) which states that fence located parallel to a driveway are required to be 75% open and a 4 foot solid masonry fence is proposed. (Filed November 20, 2014)

**Calendar No. 14-235:** 2505 Thurman Avenue (Ward 3)

6603 Cedar Inc., owner, proposes to erect a new 18' - 8" x 38' single family townhouse on a parcel located in a B1 Two-Family Residential District. The owner appeals for relief from the following sections of the Cleveland Codified Ordinances:

1. Section 349.07(a) which states that off-street parking space shall be properly graded and drained within the lot.

2. Section 349.07(c) which states that a driveway used to provide accessibility to accessory off-street parking spaces shall be arranged to minimize traffic congestion.

3. Section 353.02(b) which states that the maximum height allowed is 35 feet and 40' - 8" are proposed.

4. Section 355.04 (b) which states that the minimum required lot width is 40 feet and 23' - 8" are proposed.

5. Section 355.04(b) which states that the minimum required lot area is 4,800 square feet and 2,508 square feet are proposed.

6. Section 357.08(b)(1) which states that the required rear yard is 40 feet and 20 feet are proposed.

7. 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 within a Residence District and 0' are proposed.

8. Section 357.09(2)(B) which states that the minimum required interior yard is 3 feet and 0' are proposed, nor shall both interior side yards be less than 10' on the same premises and 3 feet are proposed.

9. Section 358.03(a) which states that fence located parallel to a driveway are required to be 75% open and a 4 foot solid masonry fence is proposed. (Filed November 20, 2014)

**Calendar No. 14-236:** 3401 Denison Avenue (Ward 12)

George Sevastos, owner, proposes to re-establish use as motor vehicle

sales in a C1 Multi-Family Residential District. The owner appeals for relief from the following sections of the Cleveland Codified Ordinances:

1. Section 337.07 which states that in a Multi-Family Residential District motor vehicle sales facility is not permitted.

2. Section 352.09 which states that an 8' wide transition strip is required along all sides where the lot abuts a Multi-Family Residential District.

3. Section 349.04(f) which states that the customer parking area must be equal to 25% of the total lot area and none is shown.

4. Section 359.02(a) which states that a nonconforming use that has been discontinued shall not thereafter be returned to such a nonconforming use. (Filed November 21, 2014)

**Calendar No. 14-238:** 1862 East 123rd Street (Ward 6)

East 123rd St. Properties LTD., owner, proposes to erect two new buildings to house 205 residential units, with 258 accessory off-street parking spaces in a C3 Semi-Industry District. The owner appeals for relief from the following sections of the Cleveland Codified Ordinances:

1. Section 355.04 which states that in a 'C' Area District, for a residential use, the maximum gross floor area of the building(s) cannot exceed one half the lot area. The proposed lot area is 93,149 square feet, allowing a maximum gross floor area of 46,574.5 square feet and 175,298 square feet are proposed.

2. Section 357.09(b)(2)(C) which states that the interior side yards must be equal to the height of the main building; in this case 16 feet are required. The varying interior side yards equal less than 16 feet.

3. Section 357.08(b)(2) which states that the rear yard must be equal to one half the height of the main building, in this case 34 feet, and an 11' - 4' rear yard is provided for the building on the rear property line.

4. Section 349.07(a) which states that all parking areas and vehicle maneuvering areas must be paved and some areas on plan are designated as "gravel parking area". (Filed November 21, 2014)

**POSTPONED FROM  
NOVEMBER 24, 2014**

**Calendar No. 14-205:** 5605 Detroit Avenue (Ward 15)

Muhammad Riaz, owner, proposes to change use of a 2 story boarding house to a convenience store with no use on the second floor on a corner parcel located in a C2 Local Retail Business District. The owner appeals for relief from the strict application of Section 352.07(b) of the Cleveland Codified Ordinances which states that a determination by the Board of Zoning Appeals is required prior to issuing a Building Permit or Certificate of Occupancy for any change of use when the proposed site is not in conformance with applicable landscape regulations. Pursuant to Section 352.08-352.12 an eight foot wide landscape transition strip providing 75% year round opacity is required in the rear of the lot where it abuts a Two-Family Residential District and a six foot wide landscape frontage strip providing 50% year round opacity is

required where the parking lot abuts West 57th Street and no landscaping is proposed. (Filed October 14, 2014 - No testimony)

Postponement made at the request of the Councilman to allow for more time for further review.

**POSTPONED FROM  
NOVEMBER 24, 2014**

**Calendar No. 14-207:** 5801 Ensign Avenue (Ward 5)

Carey Holdings Inc., owner, proposes to use property for storage of fill dirt on a parcel located in a C2 Semi-Industry District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 345.03 which states that outdoor storage of dusty materials not listed as a permitted use. Said use is first permitted in a General Industry District per Section 345.04(a)(1)(B).

2. Section 345.04(a)(1)(C)(3) which states that open yard storage requires a seven foot high, non-transparent fence.

3. Section 349.07(a) which states that all vehicle maneuvering areas shall be paved, and drained within the lot and no paving or grad shown. (Filed October 16, 2014)

Postponed at the request of the Councilwoman to allow for more time for review.

**POSTPONED FROM  
DECEMBER 1, 2014**

**Calendar No. 14-208:** 1310 East 125th Street (Ward 9)

Reginald Phillips, owner, proposes to change use from tool grind shop to auto detailing shop in a C2 Local Retail Business District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 343.01 which states that auto detailing is not permitted in a Local Retail Business District

2. Section 343.11(b)(2)(I)(2) states that auto detailing is first permitted in a General Retail Business District if located 100' from a Residential District.

3. Section 349.04(g) which states that 4 parking spaces are required and none are proposed.

4. Section 359.01 states that a substitution of a nonconforming use requires Board of Zoning Appeals approval. (Filed October 21, 2014)

Postponed in order to allow for design review to take place.

Secretary

**REPORT OF THE BOARD  
OF ZONING APPEALS**

**MONDAY, DECEMBER 15, 2014**

At the meeting of the Board of Zoning Appeals on Monday, December 15, 2014, the following appeals were scheduled for hearing before the Board.

The following appeals were **APPROVED:**

**Calendar No. 14-219:** 1446 West 48th Street

Scott Francis, owner, proposes to erect a 16' - 4" x 23' second floor

room addition to the existing single family residence in a B1 Two-Family Residential District

**Calendar No. 14-220:** 14407 Alger Road

Sigrid Nelsen, owner, proposes to construct a one car, 14' x 18' wood detached frame garage on a 40' x 105' parcel located in an A1 One-Family Residential District.

The following appeals were **DENIED:**

None.

The following appeal was **WITHDRAWN:**

**Calendar No. 14-141:** 1839 Fulton Road.

Alex Preedy, owner, proposes to erect a 4' x 14' deck addition on an irregular shaped parcel in a B1 Two Family Residential District.

The following appeal was reinstated and rescheduled for December 29, 2014:

**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. 14-192:** John Deadwyler 2489 East 79th Street. Postponed to January 20, 2015.

**Calendar No. 14-193:** Shelda Brantley 3650 East 143rd Street. Postponed to February 2, 2015.

**Calendar No. 14-215:** Clement Kollin 399 East 131st Street. Postponed to February 2, 2015.

**Calendar No. 14-222:** Badran, LLC. 12710 Miles Avenue. Postponed to January 20, 2015.

The following appeals were heard by the Board on December 8, 2014 and the decisions were adopted and approved on December 15, 2014:

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.

Secretary

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

NO MEETING

**PUBLIC NOTICE**

NONE

**NOTICE OF PUBLIC HEARING**

NONE

**CITY OF CLEVELAND BIDS**

**For All Departments**

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

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

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

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

**FRIDAY, 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 LAKE-SIDE 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

**THURSDAY, JANUARY 15, 2015**

**File No. 147-14 — Labor and Materials needed to Clean Insulators, Bushings and Lighting Arrestors,** for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1595-13, passed by the Council of the City of Cleveland, January 27, 2014.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** TUESDAY, DECEMBER 30, 2014 AT 10:00 A.M. TOM L. JOHNSON BUILDING, CONFERENCE ROOM A, 1300 LAKESIDE AVENUE, CLEVELAND, OH 44114.

December 17, 2014 and December 24, 2014

**ADOPTED RESOLUTIONS AND ORDINANCES**

**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.**

Whereas, this Council is satisfied that there is good cause to vacate a portion of West 74th Street, 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:

The Vacation of a portion of West 74th Street

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and being part of Original Brooklyn Township lot number 28 as shown in the Langhorn and Dixon Allotment recorded in volume 4, page 33 of the Cuyahoga County Map Records, further described as follows:

Being all that portion of West 74th Street (14.00 feet wide) (formerly Chestnut Alley) extending from the north line of Clark Avenue S.W. (60.00 feet wide) northerly to the south right of way of Interstate 90.

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.

Adopted December 8, 2014.  
Effective December 10, 2014.

**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)**

Whereas, this Council is satisfied that there is good cause to vacate a portion of East 117th Street (50.00 Feet Wide) (formerly Luceil Street), 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 all that portion of East 117th Street (50.00 feet wide) (formerly Luceil Street) in the Marcus E. Cozad and Sarah L. Cozad Re-Allotment of part of Original 100 Acre Lots numbers 395, 396, 403 and 404 as shown by the recorded plat in volume 9, page 28 of Cuyahoga County Map Records, further described as follows:

Being all the portion of East 117th Street (50.00 feet wide) (formerly Luceil Street) extending from the southeasterly right of way of Euclid Avenue (width varies) to the north right of way of Mayfield Road (60.00 feet wide) (formerly State Street).

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.

Adopted December 8, 2014.  
Effective December 10, 2014.

**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 Kaptur, 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.

Adopted December 8, 2014.  
Effective December 10, 2014.

**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.

Adopted December 8, 2014.  
Effective December 10, 2014.

**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.

Adopted December 8, 2014.  
Effective December 10, 2014.

**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.

Adopted December 8, 2014.  
Effective December 10, 2014.

**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.

Adopted December 8, 2014.  
Effective December 10, 2014.

**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.

Adopted December 8, 2014.  
Effective December 10, 2014.

**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.

Adopted December 8, 2014.  
Effective December 10, 2014.

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

Adopted December 8, 2014.

Effective December 10, 2014.

**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.

Adopted December 8, 2014.

Effective December 10, 2014.

**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.

Adopted December 8, 2014.

Effective December 10, 2014.

**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.

Adopted December 8, 2014.

Effective December 10, 2014.

**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.

Adopted December 8, 2014.  
Effective December 10, 2014.

**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.

Adopted December 8, 2014.  
Effective December 10, 2014.

**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.**

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 Left Side Developments LLC, 2220 Superior Viaduct, Cleveland, Ohio 44113 ("Permittee"), to encroach into the public right-of-way of Washington Avenue by installing, using, and maintaining a handicap-accessible ramp and stair at the following location:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, being part of Original Brooklyn Township Lot 70;

Beginning at a 1 inch iron pin found at the intersection of Washington Avenue (66' wide) and West 24th Street (33' wide);

Thence South 35°07'42" East, along the centerline of said West 24th Street, 33.00 feet to a point;

Thence North 54°51'46" East along the Southwesterly extension of the southerly sideline of said Washington Avenue, 21.50 feet to the principal place of beginning;

Course 1 Thence North 35°08'14" West, 7.00 feet to a point;

Course 2 Thence North 54°51'46" East, 45.75 feet to a point;

Course 3 Thence South 35°08'14" East, 7.00 feet to the southerly sideline of said Washington Avenue;

Course 4 Thence South 54°51'46" West, along the southerly sideline of said Washington Avenue, 45.75 feet to the principal place of beginning according to a survey performed in August, 2014 by Richard A. Thompson Jr. P.S. #7388 of Polaris Engineering and Surveying. The bearings used herein are based on the Ohio Coordinate System of 1983, North Zone, 1986 adjustment.

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

**Section 2.** That Permittee 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 Permittee shall obtain all other required permits, including but not limited to Building Permits, 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, a prospective Permittee has properly indemnified 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 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 8, 2014.  
Effective December 10, 2014.

**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.**

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 Positively Cleveland, 334 Euclid Avenue, Cleveland, OH 44114 ("Permittee"), 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, at the following locations:

CP01 In front of Terminal Tower  
CP12 South side of Euclid Avenue and Public Square East Roadway  
CP13 South side of Euclid Avenue and in front of Visitors Center  
CP14 N.E. corner East 4th Street and Prospect Avenue

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

The exact placement of the signs and duct banks at the above-listed locations will be determined and approved by Director of Capital Projects in consultation with the Manager of Engineering and Construction after street-opening permit applications are submitted to Engineering and Construction

**Section 2.** That Permittee 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 and each exact location to be approved by the Manager of Engineering and Construction. That Permittee shall obtain all other required permits, including but not limited to Building Permits, 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, a prospective Permittee has properly indemnified 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 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 8, 2014.

Effective December 10, 2014.

**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.**

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 replacing existing underground lift stations with above-ground stations and other related improvements including sewer work, for the Department of Port Control, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

**Section 2.** That the Director of Port Control is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

**Section 3.** That the Director of Port Control 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 cost of the improvement and other expenditures authorized shall be paid from Fund No. 60 SF 001, Request No. RQS 3001, RL 2014-112.

**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 8, 2014.

Effective December 10, 2014.

**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 Sections 327.99 and 343.11 of the Codified Ordinances of Cleveland Ohio, 1976, as amended by Ordinance No. 899-06, passed August 9, 2006, and Ordinance No. 729-09, passed July 1, 2009, relating to hookah lounges and vapor lounges.**

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 the City of Cleveland, 1976 are supplemented by enacting new Section 347.121 to read as follows:

**Section 347.121 Hookah Lounges and Vapor Lounges**

(a) Where permitted in a particular use district, hookah lounges and vapor lounges, as described in Section 343.11, may only operate between 9:00 a.m. and 10:00 p.m. Sunday through Thursday and between 9:00 a.m. and 11:00 p.m. Friday and Saturday.

(b) Separation and Spacing. No such use shall be established within one thousand (1,000) feet of any school, playground, daycare, public park or other hookah lounge or vapor lounge, or within five hundred (500) feet of any church or religious building.

(c) Parking. Hookah lounges and vapor lounges shall provide a minimum of one off-street parking place for each employee and one for each seat based on the maximum seating capacity for the establishment.

**Section 2.** That Section 327.99, as amended by Ordinance No. 899-06, passed August 9, 2006, and Section 343.11 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 729-09, passed July 1, 2009 are amended to read as follows:

**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.

**Section 343.11 General Retail Business Districts**

(a) "General retail business" means an enterprise for profit for the convenience and service of, and dealing directly with, and accessible to, the ultimate consumer; neither injurious to adjacent premises or to the occupants thereof by reason of the emission of cinders, dust, fumes, noise, odors, refuse matter, smoke, vapor or vibrations; nor dangerous to life or property. It includes buildings or spaces necessary to a permitted use for making or storing articles to be sold at retail on the premises. Except as provided in division (b) of this section, it does not include any establishment which supplies a retail outlet other than that on the premises, or any building or use specifically mentioned as permitted only in a Semi-Industry or Industry District.

(b) *Permitted Buildings and Uses.* The following buildings and uses are permitted in a General Retail Business District; and no buildings or premises shall hereafter be erected, altered, used, arranged or designed to be used, in whole or in part for other than one (1) or more of the following specified uses:

(1) Except as otherwise provided in this Zoning Code, all uses permitted and as regulated in any Local Retail Business District;

(2) All retail business uses and buildings specified in division (b) of Section 343.01, and uses and buildings to provide for:

A. The sale of food and beverages of all kinds, including sale for consumption on the premises;

B. The sale of general merchandise, including sale in department stores;

C. The sale of apparel of all kinds;

D. The sale of furniture and household goods, including furniture and accessory furniture storage;

E. The sale of other goods or merchandise;

F. Eating places of all types;

G. Service establishments: service establishments permitted in a Local Retail Business District without limitation on the number of persons engaged in such work or business; mortuary or undertaking establishment; printing shop, provided not more than five (5) persons are engaged in such work or business; research laboratory, radio or television station, telephone exchange or transformer station, provided all buildings and structures except fences and barriers are located not less than fifteen (15) feet from a Residence District; hospital, sanitarium, convalescent home, rest home, nursing home, orphanage or home for the infirm or aged, provided that all main buildings are not less than fifteen (15) feet from any adjoining premises in a Residence District not used for a similar purpose; cat and dog hospital or pet shop, provided noise and odors are effectively confined to the premises;

H. Business offices and services: in addition to the uses permitted in Local Retail Districts, office buildings, banks, business colleges, private trade schools;

I. Automotive services: in addition to the uses permitted in Local Retail Districts:

1. Motor vehicle service station, as defined in Section 325.486, and meeting the provisions of Section 343.14;

2. Car wash, as defined in Section 325.111, and meeting the provisions of Section 343.14;

3. Motor vehicle service garage, as defined in Section 325.487, and meeting the provisions of Section 343.14;

4. Motor vehicle sales facility, as defined in Section 325.485, except for vehicles exceeding six thousand (6,000) pounds of gross vehicle weight.

J. House trailer or travel trailer park, as defined in RC 3733.01, when approved by the Board of Zoning Appeals after public hearing, and when used and maintained in conformity with any conditions specified in such approval;

K. Signs: signs permitted in accordance with the requirements of Chapter 350;

L. Amusement and recreation: armory, assembly hall, bowling alley, dance hall, video and pinball arcade, pool and billiards theater, skating rink or other social, sport or recreational center operated as a business, all such uses subject to the regulations of Section 347.12 and adult entertainment uses, subject to Section 347.07, provided that the place or building in which any such amusement or recreation use is operated is sufficiently sound-insulated to confine the noise to the premises;

M. Transportation services: railroad station; public service station; bus passenger station; bus terminal, provided the roadway of the street upon which the bus entrance or exit is located is at least forty-four (44) feet wide between curbs;

N. Office, display or sales space of a wholesale, jobbing or distributing establishment and specifically mentioned as permitted only in a less restricted district, in connection with which not more than twenty-five percent (25%) of the floor area of the building or part of the building occupied by the establishment is used for making, assembling, remodeling, repairing, altering, finishing or refinishing its products or merchandise and provided that:

1. Any resulting cinders, dust, fumes, noise, odors, refuse matter, smoke, vapor or vibration is effectively confined to the premises;

2. The ground floor premises facing upon and visible from a major street upon which the premises abut shall be used only for entrances, offices or display;

3. Adequate off-street loading and unloading facilities are provided and so designed that any standing vehicles using them shall be within the property lines and be either not visible from streets within Retail Business, Local Retail Business or Residence District, or not nearer than fifty (50) feet to such streets.

O. Retail poultry business: either as a main use or as an accessory use, including the storing and killing of poultry or game to be sold entirely at retail upon the premises and directly to the ultimate consumer, provided that the enterprise is conducted in strict compliance with all applicable statutes, laws, rules and regulations, including those requiring rat-proofing, and that adjacent premises or the occupants thereof are not injured by reason of the emission of dust, odor, smoke or noise or the accumulation of refuse or offal, and provided further that the buildings in which the killing, storing and selling are done are either detached masonry structures or part of a masonry building used entirely for the handling of poultry and/or game.

1. A detached masonry structure used for slaughtering or for storing of live poultry shall have not less than one hundred (100) square feet of floor area and shall be located at least ten (10) feet from any other building or part thereof on the same lot which is used for human habitation, or as a place where other food is prepared, placed, kept or sold.

2. Where the slaughtering room is part of a masonry building used entirely for the handling of poultry and/or game, such slaughtering room shall be separated from the sales or storage room by a solid masonry wall in which there may be only one (1) opening not greater than four (4) square feet in size, located not less than four (4) feet above the floors of both rooms, equipped with either a self-closing window or self-closing door. Such slaughtering room shall be entered only from outside the building.

3. In either case, such slaughtering room shall be used only for killing, flicking and dressing and shall be not less than twenty-five (25) feet from the boundary of the premises upon which it is located. All offal and refuse must be kept in covered containers within such slaughtering room until removed from the premises.

Such slaughtering room and every building, room or space used for storage or sale of poultry or game in connection therewith shall be not less

than three hundred (300) feet from any Residence District, church, school, playground, library or building of Institutional H Occupancy classification.

P. Tattooing and body piercing. As used in this division:

1. "Body Piercing" means the piercing of any part of the body by someone other than a physician licensed under RC Chapter 4731, who utilizes a needle or other instrument for the purpose of inserting an object into the body for non-medical purposes; body piercing includes ear piercing except when the ear piercing procedure is performed on the ear with an ear piercing gun.

2. "Tattoo" means any method utilizing needles or other instruments by someone other than a physician licensed under RC Chapter 4731, to permanently place designs, letters, scrolls, figures, symbols or any other marks upon or under the skin of a person with ink or any other substance resulting in an alteration of the appearance of the skin.

Q. Kennels, either as a main use or an accessory use, provided that all odors, fumes, and noise be confined to the premises and the lot upon which the kennel is located is greater than one hundred (100) feet from a residence district.

1. Notwithstanding division (d)(3) of Section 329.03, the Board, on application for a use variance, may permit a Kennel in any use district.

2. The limitations stated in divisions (b) and (c) of Section 329.03 shall not apply when deciding whether to issue a use variance for a Kennel, the Board shall evaluate the applicant Kennel's probable impact on the overall tranquility of the surrounding properties by considering all odors, noises, and fumes that will emanate from the lot on which the applicant Kennel is located.

R. Any other building, use or service similar to the uses herein listed in the type of services or goods sold, in the number of persons or cars to be attracted to the premises or in the effect upon adjacent areas in more restricted use districts;

S. Any accessory use customarily incident to a use authorized by this section, except that no use specified in divisions (b) and (c) of Section 345.04 as prohibited or permitted only by special permit in a General Industry District shall be permitted as an accessory use;

T. Hookah Lounge: any facility, establishment or location with patron seating or that is classified or seeks classification as an Assembly use as defined in the Ohio Building Code whose business operation, includes the smoking of tobacco or any organic or synthetic material, including but not limited to plants, herbs or tobacco, through one or more hookah pipes (also commonly referred to as a hookah, waterpipe, shisha or narghile), including but not limited to establishments known variously as hookah bars, hookah lounges, or hookah cafes that are exempt from the Smoke Free Workplace Act under Section 3794.03 of the Revised Code;

U. Vapor Lounge: any facility, establishment or location, whether fixed or mobile, with patron seating or that is classified or seeks classification as an Assembly use as defined in the Ohio Building Code whose business operation includes the utilization of a heating element that vaporizes a substance that releases nicotine, tobacco, flavored vapor, or vapor

or fumes from any other organic or synthetic material including but not limited to plants, herbs or tobacco, through one or more electronic or battery operated delivery device, including any device known as an electronic cigarette (also commonly referred to as e-cig, e-cigarette, e-pipe, electronic cigarillo, hookah pen, vape pen, vape pipe or any other electronic cigarette product), including but not limited to establishments known variously as vape bars, vape lounges, e-cigarette bars or vape cafes.

(3) Hotels;

(4) Motels;

(5) Charitable institutions, including correctional halfway houses, as regulated in Section 347.15; and notwithstanding any Section of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Cuyahoga County Youth Intervention Center, providing temporary detention and shelter for juveniles, to be located at East 93rd Street, and Quincy Avenue.

**Section 3.** That Section 327.99, as amended by Ordinance No. 899-06, passed August 9, 2006, and existing Section 347.11 of the Codified Ordinances of Cleveland, Ohio, 1976, are amended by Ordinance No. 729-09, passed July 1, 2009 is repealed.

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

Passed December 8, 2014.

Effective December 10, 2014.

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**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, 5, and 8 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.**

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

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

**Section 1.** That the title and Sections 1, 2, 3, 5, and 8 of Ordinance No. 456-12, passed June 4, 2012, are amended to read as follows:

An Emergency Ordinance determining the method of making the public improvement of constructing general non-capital repairs and non-capital improvements at Cleveland Hopkins International Airport and Burke Lakefront Airport, on an as-needed basis; authorizing the Director of Port Control to enter into one or more contracts for the making of the improvement; authorizing design services, if needed; and to enter into various written standard purchase and requirement contracts necessary for the purchase of materials equipment, supplies, and services to implement the repairs and improvements, on an as-needed basis, by contracts executed in 2015, with an option to extend the authority for years 2016 and 2017 with additional legislative authority of this Council.

**Section 1.** That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing general non-capital repairs and non-capital improvements at Cleveland Hopkins International Airport and Burke Lakefront Airport, for routine maintenance and emergency repairs, as needed, to critical airport assets including but not limited to, pavements, lighting, terminal/roadway infrastructure and navigational aids (the "Improvement"), for the Department of Port Control, by one or more design-build or engineer-procure-construct contracts duly let to the person, firm, or corporation or combination of them submitting the best proposal, taking into consideration the engineering and design, the construction method, the proposed design and construction costs, the total life-cycle costs, the qualifications of the proposed design professional and construction firm, and the other objectives of the Improvement, by contracts executed in 2015, with an option to extend the authority for years 2016 and 2017 with additional legislative authority of this Council. The selection of the person, firm, or corporation to design and construct the Improvement shall be made by the Board of Control on the nomination of the Director of Port Control from a list of qualified and available persons, firms, or corporations, as may be determined by the Director of Port Control after making a full and complete canvass for the purpose of compiling the list. The Board of Control shall fix the total compensation to be paid for all design and construction and procurement necessary for the Improvement. The contract or contracts shall be prepared by the Director of Law, approved by the Director of Port Control, and certified by the Director of Finance.

**Section 2.** That, alternatively to Section 1 of this ordinance, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the Improvement described in Section 1 of this ordinance for the Department of Port Control, by one or more contracts duly let to the lowest responsible bidder after competitive bidding upon a unit basis for the Improvement.

That the Director of Port Control 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 to implement the repairs and improvements by contracts executed in 2015, with an option to extend the authority for years 2016 and 2017 with additional legislative authority of this Council.

**Section 3.** That, alternatively to Section 1 of this ordinance, the Director of Port Control 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 design the Improvement described

in Section 1 by contracts executed in 2015, with an option to extend the authority for years 2016 and 2017 with additional legislative authority of this Council.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Port Control from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Port Control 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 Port Control, and certified by the Director of Finance.

**Section 5.** That the Director of Port Control is authorized to make one or more written standard purchase contracts and written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, by contracts executed in 2015, with an option to extend the authority for years 2016 and 2017 with additional legislative authority of this Council, for the necessary items of materials, equipment, supplies, and services necessary to implement the Improvement, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Port Control. 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 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.

**Section 2.** That the existing title and Sections 1, 2, 3, 5, and 8 of Ordinance No. 456-12, passed June 4, 2012, 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 8, 2014.

Effective December 10, 2014.

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**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.**

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 9 of Ordinance No. 1690-12, passed December 3, 2012, is amended to read as follows:

**Section 9.** That this Council authorizes payment to the State of the

City's share of the Improvement from Fund Nos. 20 SF 380, 20 SF 383, 20 SF 394, 20 SF 500, 20 SF 506, 20 SF 510, 20 SF 520, 20 SF 528, 20 SF 534, 20 SF 540, 20 SF 546, and any and all funds approved by the Director of Finance, including future bond funds if issued for this purpose. Request No. RQS 0103, RL 2012-185 and RQS 0103, RL 2014-151.

**Section 2.** That existing Section 9 of Ordinance No. 1690-12, passed December 3, 2012, is repealed.

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

Passed December 8, 2014.

Effective December 10, 2014.

**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.**

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

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

**Section 1.** That the Director of Public Safety is authorized to apply for and accept a Safety Intervention Grant in the approximate amount of \$27,375, and any other funds that become available during the grant term, from the Ohio Bureau of Workers Compensation to provide funding to acquire forcible entry and extrication equipment; 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 this ordinance.

**Section 2.** That the City is obligated to provide cash matching funds in the sum of \$9,125 from Fund No. 10 SF 526, RQS 6001, RL 2014-136.

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

**Section 4.** That the Director of Public Safety is authorized to make one or more written standard purchase contracts and written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, the period of requirements to be determined by the director, for the necessary items of forcible entry and extrication equipment, including any appurtenances or accessories, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Fire, Department of Public Safety. 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 5.** That the costs of the contract or contracts shall be paid from the fund or funds to which are credited the grant funds accepted under this ordinance, from the cash match, and 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 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 Safety may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

**Section 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 8, 2014.

Effective December 10, 2014.

**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.**

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 grant in an amount up to \$3,000,000 from the United States Department of Housing and Urban Development ("HUD") Brownfields Economic Development Initiative ("BEDI") for the redevelopment of approximately eleven acres 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 (the "Improvement"); 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 File No. 1449-14-A.

**Section 2.** That the Director of Economic Development is authorized to apply for and accept HUD 108 funding in an amount up to \$10,000,000 to supplement the financing received from the BEDI authorized above for the Improvement.

**Section 3.** That the Director of Economic Development is authorized to enter into one or more agreements with the United States Department of Housing and Urban Development to receive the HUD 108 funds. The Director is authorized to file all papers and execute all documents necessary to receive the funds under the loan agreements; and the loan funds are appropriated for the purposes set forth in this ordinance.

**Section 4.** That upon execution of the agreements the Director of Economic Development is authorized to repay the loan funds under the terms and conditions of the agreements, from the fund or funds to be determined by the Director of Finance.

**Section 5.** That the Director of Economic Development is authorized to enter into one or more contracts or memoranda of understanding with various agencies, entities, or individuals to implement the program as described in the above described file.

**Section 6.** That the Director of Economic Development is also authorized to make payments associated with the Improvement.

**Section 7.** That the contract or contracts authorized by this ordinance shall be prepared by the Director of Law.

**Section 8.** 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 9.** That the Director of Economic Development is authorized to enter into one or more agreements with Hemingway Development, LLC, or its designee, to implement the project.

**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.

Passed December 8, 2014.

Effective December 10, 2014.

**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.**

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

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

**Section 1.** That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$29,998.80, and any other



funds that may become available during the grant term, from the County Public Safety and Justice Services, to conduct the Cleveland Sexual Assault Advocate Project for the FY 2014 Violence Against Women Act (VAWA); that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the application for the grant contained in the file described below.

**Section 2.** That the application for the grant, File No. 1450-14-A, made a part of this ordinance as if fully rewritten, including the obligation of the City of Cleveland to provide cash matching funds in the amount of \$9,999.60, payable from Fund No. 10 SF 027, 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. (RQS 6001, RL 2014-133)

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

**Section 4.** That the Director of Public Safety is authorized to enter into one or more contracts with the Cleveland Rape Crisis Center to implement the grant as described in the file.

**Section 5.** 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 and the cash match.

**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 8, 2014.

Effective December 10, 2014.

**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 Economic 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.**

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 grant in an amount up to \$600,000, from the United States Department of Housing and Urban Development Economic Development Initiative ("EDI") Empowerment Zone Program, to partially

finance a portion of the tenant build-out of The Beauty Shoppe, to be located at 7012 Euclid Avenue, 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 summary for the grant contained in the file described below.

**Section 2.** That the summary for the grant, File No. 1451-14-B, 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 Victory Midtown Landlord, LLC, or its designee, to implement the 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.

Passed December 8, 2014.

Effective December 10, 2014.

**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.**

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

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

**Section 1.** That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$83,672.82 and any other funds that may become available during the grant term from the County Public Safety and Justice Services to conduct the FY 2014 Violence Against Women Act (VAWA) grant for the Cleveland Domestic Violence 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 award letter and application for the grant contained in the file described below.

**Section 2.** That the award letter and application for the grant, File No. 1452-14-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, including the obligation of the City of Cleveland to provide cash matching funds in the sum of \$27,890.94 from Fund No. 10 SF 027, is approved in all respects and shall not be changed without additional legislative authority. (RQS 6001, RL 2014-135).

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

**Section 4.** 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 Safety 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. 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 and the cash match.

**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 8, 2014.

Effective December 10, 2014.

**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.**

Whereas, under the authority of Ordinance No. 745-12, passed June 4, 2012, the Director of Port Control entered into Contract No. RC 2013-22 with Hi-Lite Markings, Inc. to provide labor and materials necessary to remove rubber and any other contaminants from paved surfaces for the various divisions of the Department of Port Control for a period of two years, with two one-year options to renew, the first of which requires additional legislative authority; and

Whereas, Hi-Lite Markings, Inc. and Hi-Lite Airfield Services, LLC, have requested consent of the City to assignment of Contract No. RC 2013-22 to Hi-Lite Airfield Services, LLC and Hi-Lite Airfield Services, LLC has stated its intention to undertake the delivery obligations of Hi-Lite Markings, Inc.; and

Whereas, as stated above, Ordinance No. 745-12 requires further legislation before exercising the first option to renew on this contract; and

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

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

**Section 1.** That the Director of Port Control is authorized to consent to the request of Hi-Lite Markings, Inc. and Hi-Lite Airfield Services, LLC to assign the delivery obligations of Hi-Lite Markings, Inc. under Contract No. RC 2013-22 to Hi-Lite Airfield Services, LLC to provide labor and materials necessary to remove rubber and any other contaminants from paved surfaces for the various divisions of the Department of Port Control.

**Section 2.** That the Director of Port Control is authorized to execute all documents and do all things necessary and appropriate to effect such consent to assignment. A copy of the assignment shall be filed in the office of the Commissioner of Accounts.

**Section 3.** That this assignment shall be prepared and approved by the Director of Law.

**Section 4.** That the Director of Port Control is authorized to exercise the first option to renew Contract No. RC 2013-22 for an additional year with Hi-Lite Airfield Services, LLC, to provide labor and materials necessary to remove rubber and any other contaminants from paved surfaces for the various divisions of the Department of Port Control. This ordinance constitutes the additional legislative authority required by Ordinance No. 745-12 to exercise this option.

**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 8, 2014.

Effective December 10, 2014.

**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.**

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

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

**Section 1.** That the Director of Port Control is authorized to enter into a Lease Agreement ("Lease") with BoxCast, LLC ("Lessee") for use and occupancy of approximately 3,645 square feet of office space located in the terminal building at Burke Lakefront Airport and generally known as Suite No. 220 ("Leased Premises") for operation of a technology-based video streaming firm.

**Section 2.** The term of the Lease shall be for a two year period, with three one-year options to renew, the first and second of which are exercisable by the Director of Port Control.

The third one-year option to renew may not be exercised without additional legislative authority.

**Section 3.** That the per annum rental rate shall be based on fair market value as determined by independent third-party appraisals.

**Section 4.** That the Lease may authorize Lessee to make improvements to the Leased Premises subject to approval of the Director of Port Control and appropriate City agencies and officials.

**Section 5.** That the Director of Port Control, the Director of Law, and other appropriate City officials will have the authority to execute any other documents and certificates, and may take any other actions that may be necessary or appropriate to implement this ordinance.

**Section 6.** That the Lease authorized shall be prepared by the Director of Law.

**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 8, 2014.

Effective December 10, 2014.

**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.**

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

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

**Section 1.** That the Director of Port Control is authorized to enter into a Lease Agreement ("Lease") with SP+, fka Standard Parking Corporation ("Lessee") for use and occupancy of approximately 170 square feet of office space located in the terminal building at Cleveland Hopkins International Airport ("Leased Premises") for operation of a valet parking operations office and customer service window.

**Section 2.** The term of the Lease shall be for a two year period, with two one-year options to renew. The first one-year option to renew may not be exercised without additional legislative authority. If such additional legislative authority is granted and the one-year option to renew is exercised, then the second one-year option to renew may be exercisable at the option of the Director of Port Control, without the necessity of obtaining additional authority of this Council.

**Section 3.** That the per annum rental rate shall be \$32,908.60, payable in monthly installments of \$2,742.38.

The annual rental rate for space in the terminal building of the Cleveland Hopkins International Airport shall be calculated annually under the formula contained in the Master Agreement and Lease, as amended, by and between the City of Cleveland and the various signatory airlines.

**Section 4.** That the Lease may authorize Lessee to make improvements to the Leased Premises subject to approval of the Director of Port Control and appropriate City agencies and officials.

**Section 5.** That the Director of Port Control, the Director of Law, and other appropriate City officials will have the authority to execute any other documents and certificates, and may take any other actions that may be necessary or appropriate to implement this ordinance.

**Section 6.** That the Lease authorized shall be prepared by the Director of Law.

**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 8, 2014.

Effective December 10, 2014.

**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.**

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

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

**Section 1.** That the Director of Port Control is authorized to enter into a Lease Agreement ("Lease") with T & G Flying Club, Inc. ("Lessee") for use and occupancy of approximately 715 square feet of office space located in the terminal building at Burke Lakefront Airport and generally known as Suite No. 195 ("Leased Premises") for operation of a flight school for training and instruction of student pilots.

**Section 2.** The term of the Lease shall be for a two year period, with three one-year options to renew, the first and second of which are exercisable by the Director of Port Control. The third one-year option to renew may not be exercised without additional legislative authority.

**Section 3.** That the per annum rental rate shall be based on fair market value as determined by independent third-party appraisals.

**Section 4.** That the Lease may authorize Lessee to make improvements to the Leased Premises subject to approval of the Director of Port

Control and appropriate City agencies and officials.

**Section 5.** That the Director of Port Control, the Director of Law, and other appropriate City officials will have the authority to execute any other documents and certificates, and may take any other actions that may be necessary or appropriate to implement this ordinance.

**Section 6.** That the Lease authorized shall be prepared by the Director of Law.

**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 8, 2014.

Effective December 10, 2014.

**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.**

Whereas, under the authority of Ordinance No. 1607-11, passed March 26, 2012 and Ordinance No. 1253-12, passed September 24, 2012, the Director of Port Control entered into 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; and

Whereas, Ordinance Nos. 1607-11 and 1253-12 require further legislation before exercising the second option to renew on this contract; and

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

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

**Section 1.** That the Director of Port Control is authorized to exercise the second option to renew Contract No. PS 2013-056 for an additional year at a cost not to exceed, \$339,696.00, with Downtown Cleveland Alliance to provide professional services needed to implement the Common Area Maintenance Agreement at the North Coast Harbor, including maintenance, marketing, public relation and event management of Port Control properties at North Coast Harbor and Harbor West. This ordinance constitutes the additional legislative authority required by Ordinance Nos. 1607-11 and 1253-12 to exercise this option. (RQS 3001, RL 2014-127)

**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 8, 2014.

Effective December 10, 2014.

**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.**

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

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

**Section 1.** That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$20,000, and any other funds that may become available during the grant term from the United States Department of Justice to conduct the FY 14 National Forum on Youth Violence Prevention 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 project abstract for the grant contained in the file described below.

**Section 2.** That the project abstract for the grant, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in File No. 1511-14-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 Safety is authorized to extend the term of the grant during the grant term.

**Section 4.** 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 Safety 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 5.** That the Director of Public Safety is authorized to enter into one or more contracts with the Partnership for A Safer Cleveland to implement the grant as described in the file.

**Section 6.** 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 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 8, 2014.

Effective December 10, 2014.

**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. 5029M; 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.**

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: rehabilitating MLK Boulevard Bridge project No. 5:029M, PID 98548 located south of East Boulevard in the City of Cleveland (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-aid funds set aside by the Director of Transportation for the financing of the Improvement from 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.

**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 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 10.** That the Director of Capital Projects is authorized to apply for and accept any gifts or grants for this purpose from any public or private entity, including but not limited to NOACA; and 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 this ordinance.

**Section 11.** That, when appropriate, the Director of Capital Projects is authorized to enter into one or more contracts with the railroads, Greater Cleveland Regional Transit Authority, the Northeast Ohio Regional Sewer District and other entities to obtain services or to acquire property rights such as easements and licenses, necessary to construct the improvements described in this ordinance.

**Section 12.** That the Director of Capital Projects is authorized to accept cash contributions from public or private entities, for infrastructure restoration costs associated with relocating, rehabilitating or reconstructing utility infrastructure for the Improvement. That the Director of Capital Projects is authorized to enter into agreements with the entities for this purpose.

**Section 13.** 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 14.** 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.

**Section 15.** 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 16.** That the Director of Capital Projects is authorized to enter into any agreements necessary to implement the Improvement.

**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 gift or grant proceeds accepted under this ordinance, cash matches, cash contributions accepted and appropriated under this ordinance, and from any and all funds approved by the Director of Finance, including future bond funds if issued for this purpose.

**Section 18.** 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 19.** 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 8, 2014.

Effective December 10, 2014.

**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.**

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: rehabilitating MLK Boulevard Bridge project No. 5:055M, PID 98550 located south of Jeptha Drive in the City of Cleveland (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-aid funds set aside by the Director of Transportation for the financing of the Improvement from 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.

**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 high-way 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 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 10.** That the Director of Capital Projects is authorized to apply for and accept any gifts or grants for this purpose from any public or private entity, including but not limited to NOACA; and 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 this ordinance.

**Section 11.** That, when appropriate, the Director of Capital Projects is authorized to enter into one or more contracts with the railroads, Greater Cleveland Regional Transit Authority, the Northeast Ohio Regional Sewer District and other entities to obtain services or to acquire property rights such as easements and licenses, necessary to construct the improvements described in this ordinance.

**Section 12.** That the Director of Capital Projects is authorized to accept cash contributions from public or private entities, for infrastructure restoration costs associated with relocating, rehabilitating or reconstructing utility infrastructure for the Improvement. That the Director of Capital Projects is authorized to enter into agreements with the entities for this purpose.

**Section 13.** 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 14.** 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.

**Section 15.** 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 16.** That the Director of Capital Projects is authorized to enter into any agreements necessary to implement the Improvement.

**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 gift or grant proceeds accepted under this ordinance, cash matches, cash contributions accepted and appropriated under this ordinance, and from any and all funds approved by the Director of Finance, including future bond funds if issued for this purpose.

**Section 18.** 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 19.** 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 8, 2014.  
Effective December 10, 2014.

**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).**

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 Prosperity Social Club, Inc. ("Permittee"), 1109 Starkweather Avenue, Cleveland, Ohio 44113 to encroach into the public right-of-way above Starkweather Avenue by installing, using, and maintaining 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) at the location more fully described as follows:

South Side of Starkweather in front of 1109 Starkweather Ave.

Pole #518813

**Section 2.** That Permittee may assign the permit only with the written consent of the Director of Capital Projects. That nothing in this ordinance grants or shall be considered to grant to Permittee any right, privilege, or permission to use, or to attach or affix any object to, poles; Permittee shall obtain such permission from the respective pole owner.

**Section 3.** That the encroaching objects permitted by this ordinance shall conform to plans and specifications first approved by the Manager of Engineering and Construction. That Permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroachments.

**Section 4.** 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, a prospective Permittee has properly indemnified the City against any loss that may result from the encroachment(s) permitted.

**Section 5.** That the Permit shall reserve reasonable right of entry to the encroachment location to the City.

**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 8, 2014.  
Effective December 10, 2014.

**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.**

Whereas, under the authority of Ordinance No. 499-10, passed June 7, 2010, as amended by Ordinance No. 1624-10, passed December 6, 2010, and Ord. No. 1435-11, passed October 31, 2011, the Director of Port Control entered into 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 Divisions of Cleveland Hopkins International Airport, Burke Lakefront Airport, and the Division of Harbors; and

Whereas, Ordinance No. 499-10, as amended, requires further legislation before exercising the first option to renew on this contract; and

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

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

**Section 1.** That the Director of Port Control is authorized to exercise the first option to renew Contract No. PS 2013-22 for an additional year with Leidos, Inc. to acquire licenses for mandatory environmental compliance and to perform other services necessary for the compliance for the Divisions of Cleveland Hopkins International Airport, Burke Lakefront Airport, and the Division of Harbors. This ordinance constitutes the additional legislative authority required by Ordinance No. 499-10, as amended, to exercise this option.

**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 8, 2014.

Effective December 10, 2014.

**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.**

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

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

**Section 1.** That the Director of Economic Development is authorized to enter into 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.

**Section 2.** That the terms of the loan or loans shall be according to the terms set forth in the Summary contained in File No. 1519-14-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 are approved in all respects and shall not be changed without additional legislative authority.

**Section 3.** That the total cost of the contract or contracts shall not exceed \$1,000,000, and shall be paid from Fund No. 17 SF 008, Request No.

**Section 4.** That the Director of Economic Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal regulations and the fees are appropriated to cover costs incurred in the preparation of the loan applications, closing and servicing of the loans. The fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

**Section 5.** That the contract and other appropriate documents needed to complete the transactions authorized by this legislation shall be prepared by the Director of Law.

**Section 6.** The contracts authorized in this legislation will require the recipient of financial assistance to enter into a workforce development agreement with the City work with, and/or cause their Tenants to work with, The Workforce Investment Board for Workforce Area No. 3 to identify and solicit qualified candidates for job opportunities related to the City's contracts, and place special emphasis on the hard to employ, including but not limited to the disabled and persons who have been convicted of or have pled guilty to a criminal offense, unless the criminal conviction or related circumstances relate to the duties for the particular job sought.

**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.

**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 8, 2014.

Effective December 10, 2014.

**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.**

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 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 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. The contract or contracts shall be executed no later than December 31, 2016.

The selection of the consultant or consultants for the services shall be made by the Board of Control on the nomination of the Director of 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 authorized shall be prepared by the Director of Law, approved by the Director of Capital Projects, and certified by the Director of Finance.

**Section 2.** That the cost of the contract or contracts authorized in this ordinance shall be paid from any and all funds approved by the Director of Finance, including future bond funds if issued for this purpose.

**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 8, 2014.

Effective December 10, 2014.

**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.**

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 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 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. The contract or contracts shall be executed no later than December 31, 2016.

The selection of the consultant or consultants for the services shall be made by the Board of Control on the nomination of the Director of 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 authorized shall be prepared by the Director of Law, approved by the Director of Capital Projects, and certified by the Director of Finance.

**Section 2.** That the cost of the contract or contracts authorized in this ordinance shall be paid from any and all funds approved by the Director of Finance, including future bond funds if issued for this purpose.

**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 8, 2014.  
Effective December 10, 2014.

**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.**

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 accept a grant from the United States Department of Justice in the approximate amount of \$1,250,000 and other funds that become available during the grant term, to conduct the FY 2013 COPS Hiring 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 memorandum contained in the file described below.

**Section 2.** That the memorandum for the grant, File No. 1525-14-A, made a part of this ordinance as if fully rewritten, including the obligation of the City of Cleveland to provide cash matching funds in the amount of \$1,046,510, from funds appropriated for this purpose in budget year 2015,

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 Safety is authorized to extend the term of the grant during the grant term.

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

Passed December 8, 2014.  
Effective December 10, 2014.

**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.**

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

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

**Section 1.** That the title and Section 17 of Ordinance No. 1325-12, passed December 3, 2012, are amended to read as follows:

An Emergency Ordinance authorizing the Director of Capital Projects to employ one or more professional consultants to design the improvement to the East 79th Street Bridge; authorizing the Commissioner of Purchases and Supplies to acquire and record for right-of-way purposes such real property as is necessary to make the public improvement; authorizing the Director to enter into any agreements relative thereto; authorizing the Director to apply for and accept gifts and grants from any public or non-profit entity for the improvement; authorizing the Director to accept cash contributions from the Greater Cleveland Regional Transit Authority, Northeast Ohio Regional Sewer District, and private utility companies for costs associated with the improvement and to enter into agreements; giving consent of the City of Cleveland to the State of Ohio for the improvement to the East 79th Street Bridge; and to cause payment to the State for the City's share of the improvement.

**Section 17.** That the cost of the contracts, property acquisition, and other expenditure authorized in this ordinance shall be paid from Fund Nos. 20 SF 380, 20 SF 534, 20 SF 540, 20 SF 546, 20 SF 394, 20 SF 500, 20 SF 506, 20 SF 510, 20 SF 520, 20 SF 528, 20 SF 554, 20 SF 563, 20 SF 657, 52 SF 001, 54 SF 001, and 58 SF 001, and any and all funds approved by the Director of Finance, including future bond funds if issued for this purpose, RQS 0103, RL 2012-117 and RQS 0103, RL 2014-145.

**Section 2.** That the existing title and Section 17 of Ordinance No. 1325-12, passed December 3, 2012, are repealed.

**Section 3.** That Ordinance No. 1325-12, passed December 3, 2012, is supplemented by adding new Section 16a to read as follows:

**Section 16a.** That the City authorizes payment to the State of Ohio for the City's share of the improvement.

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

Passed December 8, 2014.  
Effective December 10, 2014.

**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.**

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 grant in an amount up to \$518,420, 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 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 summary for the grant contained in the file described below.

**Section 2.** That the summary for the grant, File No. 1553-14-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 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.  
 Passed December 8, 2014.  
 Effective December 10, 2014.

**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.**

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

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

**Section 1.** That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$300,000, and any other funds that may become available during the grant term from the Institute

for Intergovernmental Research to conduct the FY 14 Nationwide Crime Analysis Capability Building Project; 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 budget and proposal for the grant contained in the file described below.

**Section 2.** That the budget and proposal for the grant, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in File No. 1554-14-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 Safety is authorized to extend the term of the grant during the grant term.

**Section 4.** 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 Safety 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 5.** That the Director of Public Safety is authorized to enter into one or more contracts with various agencies, entities, or individuals, including but not limited to, Cuyahoga County, the Northeast Ohio Regional Fusion Center, Kent State University, Elsie Day, and David Licate to implement the grant as described in the file.

**Section 6.** 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 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 8, 2014.  
 Effective December 10, 2014.

**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.**

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 division (B) of Section 4117.10 of the Revised Code, this Council approves the collective bargaining agreement with the Teamsters, Local 507, under the terms contained in File No. 1555-14-A, for the period from April 1, 2013 through March 31, 2016, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit under the following schedule:

Increase	Approximate Date of Increase
1%	April 1, 2013
2%	April 1, 2014
2%	April 1, 2015

**Section 2.** That Section 9 of Ordinance No. 385-14, passed March 31, 2014, is amended to read as follows:

**Section 9. Teamsters Local 507.** That salaries in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

		Minimum	Maximum
1	Correctional Officer.....	\$16.95	\$18.98
2	Guard.....	16.95	17.91

**Section 3.** That existing Section 9 of Ordinance No. 385-14, passed March 31, 2014, is repealed.

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

Passed December 8, 2014.  
 Effective December 10, 2014.

**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 peri-**

**od of one year with three one-year options to renew, the second of which requires additional legislative authority.**

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

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

**Section 1.** That this Council determines that the within commodities are non-competitive and cannot be

secured from any source other than Exelis. Therefore the Director of Port Control is authorized to make one or more written contracts with Exelis on the basis of its proposal dated November 7, 2014, for the purchase of not to exceed seventy-five vehicle squitter units, including installation, and for maintenance of the units for a period of one year with three one-year options to renew, to be purchased by the Commissioner of Purchases and Supplies, for the Division



of Cleveland Hopkins International Airport, Department of Port Control. The first of the one-year options to renew may be exercised by the Director of Port Control, without the necessity of obtaining additional authority of this Council. The second of the one-year options to renew may not be exercised without additional legislative authority. If such additional legislative authority is granted and the second of the one-year options to renew is exercised, then the third of the one-year options to renew may be exercisable at the option of the Director of Port Control, without the necessity of obtaining additional authority of this Council.

**Section 2.** That The contract or contracts authorized shall be paid from Fund Nos. 60 SF 141 and 60 SF 317, RQS 3001, RL 2014-141.

**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 8, 2014.

Effective December 10, 2014.

**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.

Whereas, under Ordinance No. 948-95, passed June 19, 1995, this Council designated the City of Cleveland as an Urban Jobs and Enterprise Zone under Section 5809.61-62 of the Revised Code; and

Whereas, Ordinance No. 948-95 authorized the Director of Economic Development to file any documents necessary to obtain the certification by the Ohio Director of Development of the proposed Urban Jobs and Enterprise Zone pursuant to Section 5709.61-62 of the Revised Code and this Council requested that the Ohio Director of Development grant the certification, which it did; and

Whereas, the City desires to increase the term of its tax abatements from 10 years to 15 years, as now allowed under Ohio law, and needs to obtain the approval of the Director of Development to grant the change to the City of Cleveland's certification which was obtained under the authority of Ordinance No. 948-85; 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 Economic Development is authorized 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.

**Section 2.** That a copy of the legislative summary, a copy of the Petition for Zone Certification, and a copy of the letter dated November 6, 2014 addressed to the Chief Legal Counsel of the Cleveland Board of Education are placed in File No. 1568-14-A.

**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 8, 2014.

Effective December 10, 2014.

**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.

Whereas, the Director of Public Utilities has requested the sale of a portion of the City-owned property located at 9845 Darrow Road in Twinsburg, Ohio, to the City of Twinsburg necessary for the City of Twinsburg's SR 91 widening/Glenwood Drive Roundabout Project; and

Whereas, the City of Twinsburg has requested the Director of Public Utilities to convey certain temporary easement rights in City-owned property located at 9845 Darrow Road to the City of Twinsburg; and

Whereas, the City of Twinsburg requires a temporary easement needed for ingress, egress, and construction purposes; and

Whereas, both the requested portion of the City-owned property located at 9845 Darrow Road and the temporary easement area are not needed for the City's public use and are not useful in the City's operation of the Water Division ("CWD"); and

Whereas, the aggregate book value of the requested portion of the City-owned property located at 9845 Darrow Road is less than one percent (1%) of the book value of CWD's total assets as of year-end 2013; and

Whereas, the sale proceeds for the portion of the City-owned property located at 9845 Darrow Road shall be deposited in Fund No. 52 SF 300 and shall be applied to the City-owned property or facilities at 9845 Darrow Road and shall otherwise be applied to any lawful purpose of CWD; and

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

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

**Section 1.** That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that the portion of property located at 9845 Darrow Road and further identified as a portion of Summit County Permanent Parcel No. 64-01410 is no longer needed for the City's public use and described as follows:

**Parcel 4-WD**

Situated in the City of Twinsburg, County of Summit, State of Ohio and being a part of Original Twinsburg Township Lot 10, Tract 2 as conveyed to City of Cleveland (hereinafter known as the "Grantor") by O.R. 439, Page 972 of said county records:

Being a parcel of land lying on the right and right side of the centerline of right of way of S.R. 91 as part of the SUM-91-21.11 Centerline Plat recorded in Reception No. \_\_\_\_\_ of the records of Summit County and being bounded and described as follows:

Beginning at the intersection of the centerline of right of way of S.R. 91 (variable width) with the centerline of right of way of Post Rd (60 feet wide), said intersection point being witnessed by a 1 inch iron pin in a monument box found bearing North 90 Degrees 00 Minutes 00 Seconds West, a distance of 0.22 feet; thence North 10 Degrees 54 Minutes 08 Seconds East, along the centerline of right of way of said S.R. 91, a distance of 36.17 feet to a point; thence South 79 Degrees 05 Minutes 52 Seconds East, perpendicular to said centerline, a distance of 30.00 feet to the intersection point of the east right of way line of said S.R. 91 with the north right of way line of said Post Rd, said intersection point being the southwest corner of the Grantor's parcel and being 30.00 feet right of Sta. 633+12.52 of the centerline of right of way of S.R. 91, said corner also being the TRUE PLACE OF BEGINNING for the parcel hereinafter described, thence in a clockwise direction along the following ten (10) courses and distances:

1. Thence North 10 Degrees 54 Minutes 08 Seconds East, along the Grantor's west line and the east right of way line of said S.R. 91, a distance of 56.71 feet to a point;

2. Thence northerly along said line and a tangential curve to the right having a radius of 2834.79 feet, a central angle of 04 Degrees 32 Minutes 25 Seconds, a chord bearing North 13 Degrees 10 Minutes 20 Seconds East, a chord distance of 224.58 feet, an arc length of 224.64 feet to a point;

3. Thence North 15 Degrees 26 Minutes 33 Seconds East, along said line, a distance of 90.94 feet to the Grantor's northwest corner and the southwest corner of a parcel conveyed to The City of Twinsburg (Reception #54306275);

4. Thence North 87 Degrees 51 Minutes 43 Seconds East, along the Grantor's north line and the south line of said City of Twinsburg parcel, a distance of 9.44 feet to a 5/8 inch by 30 inch rebar with cap "GPD" set;

5. Thence South 15 Degrees 26 Minutes 33 Seconds West, a distance of 93.79 feet to a 5/8 inch by 30 inch rebar with cap "GPD" set;

6. Thence southerly along a tangential curve to the left having a radius of 2825.79 feet, a central angle of 04 Degrees 32 Minutes 25 Seconds, a chord bearing South 13 Degrees 10

Minutes 20 Seconds West, a chord distance of 223.86 feet, an arc length of 223.92 feet to a 5/8 inch by 30 inch rebar with cap "GPD" set;

7. Thence South 10 Degrees 54 Minutes 08 Seconds West, a distance of 0.45 feet to a 5/8 inch by 30 inch rebar with cap "GPD" set;

8. Thence southeasterly along a tangential curve to the left having a radius of 44.00 feet, a central angle of 68 Degrees 03 Minutes 54 Seconds, a chord bearing South 23 Degrees 07 Minutes 49 Seconds East, a chord distance of 49.25 feet, an arc length of 52.27 feet to a 5/8 inch by 30 inch rebar with cap "GPD" set;

9. Thence South 57 Degrees 09 Minutes 46 Seconds East, a distance of 15.65 feet to a 5/8 inch by 30 inch rebar with cap "GPD" set on the Grantor's south line and the north right of way line of said Post Rd.;

10. Thence North 89 Degrees 44 Minutes 53 Seconds West, along said line, a distance of 51.97 feet to the TRUE PLACE OF BEGINNING.

The above described tract contains 0.0926 acres, more or less, and subject to all easements, restrictions and covenants of record.

The above described area is contained within Summit County Parcel Number 64-01410.

The Basis of Bearing is Grid North of the Ohio State Plane Coordinate System, North Zone, NAD83 (CORS96).

**Section 2.** That the conveyance to sell a portion of Summit County Permanent Parcel No. 64-01410, authorized in Section 1, shall be made by warranty deed prepared by the Director of Law and executed by the Director of Public Utilities on behalf of the City of Cleveland. The deed shall contain necessary provisions, including restrictive reversionary interests as may be specified by the Board of Control or Director of Law, which shall protect the parties as their respective interests require.

**Section 3.** 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 a temporary interest in the following described property is not needed for the City's public use:

**Parcel 4-TV**

Situated in the City of Twinsburg, County of Summit, State of Ohio and being a part of Original Twinsburg Township Lot 10, Tract 2 as conveyed to City of Cleveland (hereinafter known as the "Grantor") by O.R. 439, Page 972 of said county records:

Being a parcel of land lying on the right side of the centerline of right of way of S.R. 91 as part of the SUM-91-21.11 Centerline Plat recorded in Reception No. \_\_\_\_\_ of the records of Summit County and being bounded and described as follows:

Beginning at the intersection of the centerline of right of way of S.R. 91 (variable width) with the centerline of right of way of Post Rd (60 feet wide), said intersection point being witnessed by a 1 inch iron pin in a monument box found bearing North 90 Degrees 00 Minutes 00 Seconds West (due west), a distance of 0.22 feet; thence North 10 Degrees 54 Minutes 08 Seconds East, along the centerline of right of way of said S.R. 91, a distance of 36.17 feet to a point; thence South 79 Degrees 05 Minutes 52 Seconds East, perpendicular to said centerline, a distance of 30.00 feet to

the intersection point of the east right of way line of said S.R. 91 with the north right of way line of said Post Rd, said intersection point being the southwest corner of the Grantor's parcel; thence South 89 Degrees 44 Minutes 53 Seconds East, along the Grantor's south line and the north right of way line of said Post Rd., a distance of 51.97 feet to a 5/8 inch by 30 inch rebar with cap "GPD" set; thence North 57 Degrees 09 Minutes 46 Seconds West, a distance of 15.65 feet to a 5/8 inch by 30 inch rebar with cap "GPD" set; thence northwesterly along a tangential curve to the right having a radius of 44.00 feet, a central angle of 07 Degrees 08 Minutes 39 Seconds, a chord bearing North 53 Degrees 35 Minutes 27 Seconds West, a chord distance of 5.48 feet, an arc length of 5.49 feet to a point, said point being 61.62 feet right of Sta. 633 + 30.33 of the centerline of right of way of S.R. 91 and also being the TRUE PLACE OF BEGINNING for the parcel hereinafter described, thence in a clockwise direction along the following nine (9) courses and distances:

1. Thence northwest along a non-tangential curve to the right having a radius of 44.00 feet, a central angle of 60 Degrees 55 Minutes 15 Seconds, a chord bearing North 19 Degrees 33 Minutes 30 Seconds West, a distance of 44.61 feet, an arc length of 46.78 feet to a 5/8 inch by 30 inch rebar with cap "GPD" set;

2. Thence North 10 Degrees 54 Minutes 08 Seconds East, a distance of 0.45 feet to a 5/8 inch by 30 inch rebar with cap "GPD" set;

3. Thence north along a tangential curve to the right having a radius of 2825.79 feet, a central angle of 04 Degrees 32 Minutes 25 Seconds, a chord bearing North 13 Degrees 10 Minutes 20 Seconds East, a distance of 223.86 feet, an arc length of 223.92 feet to a 5/8 inch by 30 inch rebar with cap "GPD" set;

4. Thence North 15 Degrees 26 Minutes 33 Seconds East, a distance of 93.79 feet to a 5/8 inch by 30 inch rebar with cap "GPD" set on the Grantor's north line and the south line of a parcel conveyed to The City of Twinsburg (Reception #54306275);

5. Thence North 87 Degrees 51 Minutes 43 Seconds East along said line, a distance of 7.34 feet to a point;

6. Thence South 15 Degrees 26 Minutes 33 Seconds West, a distance of 96.01 feet to a point;

7. Thence south along a tangential curve to the left having a radius of 2818.79 feet, a central angle of 04 Degrees 32 Minutes 25 Seconds, a chord bearing South 13 Degrees 10 Minutes 20 Seconds West, a distance of 223.31 feet, an arc length of 223.37 feet to a point;

8. Thence South 10 Degrees 54 Minutes 08 Seconds West, a distance of 0.45 feet to a point;

9. Thence South 11 Degrees 11 Minutes 56 Seconds East, a distance of 41.50 feet to the TRUE PLACE OF BEGINNING.

The above described tract contains 0.0586 acres, more or less, and subject to all easements, restrictions and covenants of record.

The above described area is contained within Summit County Parcel Number 64-01410.

The Basis of Bearing is Grid North of the Ohio State Plane Coordinate System, North Zone, NAD83 (CORS96).

**Section 4.** That the easement shall be exclusive but access to the City's

facility shall be maintained at all times and the purpose of the easement for ingress, egress, and construction purposes necessary for the City of Twinsburg's SR 91 widening/Glenwood Drive Roundabout Project.

**Section 5.** That the duration of the temporary easement shall be until construction of Twinsburg's SR 91 widening/Glenwood Drive Roundabout Project is complete; that the temporary easement shall not be assignable without the consent of the Director of Public Utilities; that the temporary easement shall require that the City of Twinsburg provide reasonable insurance; pay any applicable taxes and assessments; and shall contain such other terms and conditions that the Director of Law determines to be necessary to protect and benefit the City.

**Section 6.** That the conveyance of the temporary easement referenced above shall be made by deed of easement prepared by the Director of Law and executed by the Director of Public Utilities on behalf of the City of Cleveland. The Directors of Public Utilities and Law are authorized to execute any other documents, including without limitation, contracts for right of entry, as may be necessary to effect the improvement.

**Section 7.** That the Commissioner of Purchases and Supplies is authorized to convey the above-described property and temporary easement interest to the City of Twinsburg subject to any conditions stated in this ordinance, at an appraisal price of \$9,345, which includes compensation for the disturbed landscaping and concrete that will be removed to accommodate the City of Twinsburg's SR 91 widening/Glenwood Drive Roundabout Project, which price is determined to be fair market value.

**Section 8.** That the proceeds from the sale of the portion of City-owned property located at 9845 Darrow Road shall be deposited in Fund No. 52 SF 300 and shall be applied to the City-owned property or facilities at 9845 Darrow Road and shall otherwise be applied to any lawful purpose of CWD.

**Section 9.** That the Director of Public Utilities is authorized to enter into one or more agreements necessary to effectuate the real estate transactions authorized in 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.

Passed December 8, 2014.

Effective December 10, 2014.

**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.**

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

Whereas, under the authority of Ordinance No. 1410-14, passed November 17, 2014, and prior to the adoption of this ordinance, the City approved and completed both the acquisition and conveyance of fee title to certain real property, which is more particularly described in the documents set forth this ordinance (the "Real Property"); and

Whereas, the Real Property is to be developed in accordance with the Cleveland 2020 Citywide Plan, which proposes the redevelopment of surface parking lots and vacant buildings to multi-story, mixed-use developments, a copy of which is placed in the file for this ordinance; and

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

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

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

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

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

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

**Section 1.** That the improvements to be constructed by Gateway Huron, LLC, or its designee, ("Redeveloper"), as more fully described in File No. 1570-14-A ("Improvements") on the Real Property, are declared to be a public purpose for purposes of Section 5709.41 of the Revised Code.

**Section 2.** That one hundred percent (100%) of the Improvements are declared exempt from real property taxation for a period of 30 years; and that in no event shall the exemption period extend beyond 2045.

**Section 3.** That, under Section 5709.41 of the Revised Code, Redeveloper (or the owners of the Improvements) shall make service payments for a period of 30 years in lieu of the exempt taxes to the Cuyahoga County Treasurer; the payments shall be charged and collected in the same manner, and shall be in an amount not less than the taxes that would have been paid had the Improvements not been exempt from taxation.

**Section 4.** That a portion of the service payments collected under Section 3 of this ordinance shall be distributed by the Cuyahoga County Treasurer to the Treasurer of the District

in the amount of the taxes that would have been payable to the District had the Improvement not been exempt from taxation.

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

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

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

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

Passed December 8, 2014.

Effective December 10, 2014.

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**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.**

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

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

**Section 1.** That, the Director of Economic Development is authorized to enter into a loan agreement under the Vacant Property Initiative with Gateway Huron, LLC, or its designee, to provide economic development assistance to partially finance the development of Project NuCLEus Building A and other associated costs necessary to redevelop the property.

**Section 2.** That, the Director of Economic Development is authorized to enter into a loan agreement under the Vacant Property Initiative with Gateway Huron, LLC, or its designee, to provide economic development assistance to partially finance the development of Project NuCLEus Building B and other associated costs necessary to redevelop the property.

**Section 3.** That the terms of the loans shall be according to the terms set forth in the Summary contained in File No. 1571-14-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 are approved in all respects and shall not be changed without additional legislative authority.

**Section 4.** That the contracts authorized in Sections 1 and 2 of this ordinance shall not exceed \$180,000 for Building A and \$180,000 for Building B, and shall be paid from Fund No. 17 SF 008, Request No. RQS 9501, RL 2014-146.

**Section 5.** That the Director of Economic Development is authorized to accept such collateral as set forth in the files referenced above in order to secure repayment of the loans. Any loan agreement, security instrument, or other document shall be prepared and approved by the Director of Law.

**Section 6.** That the Director of Economic Development is authorized to accept monies in repayment of the loans and to deposit the monies in Fund Nos. 17 SF 006.

**Section 7.** That the Director of Economic Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal regulations and the fees are appropriated to cover costs incurred in the preparation of the loan application, closing and servicing of the loans. The fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

**Section 8.** That the contracts and other appropriate documents needed to complete the transactions authorized by this legislation shall be prepared by the Director of Law.

**Section 9.** That the contracts authorized in this legislation will require the recipient of financial assistance to work with, and/or cause their Tenants to work with, The Workforce Investment Board for Workforce Area No. 3 to identify and solicit qualified candidates for job opportunities related to the City's contracts, and place special emphasis on the hard to employ, including but not limited to the disabled and persons who have been convicted of or have pled guilty to a criminal offense, unless the criminal conviction or related circumstances relate to the duties for the particular job sought.

**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.

Passed December 8, 2014.

Effective December 10, 2014.

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**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, 603.091, 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.**

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:

Sections 135.16, 135.17, 135.18, 135.180, and 603.02 as amended by Ordinance No. 305-10, passed May 17, 2010,

Section 603.03, as amended by Ordinance No. 245-12, passed May 21, 2012,

Section 603.031, as amended by Ordinance No. 2393-02, passed February 3, 2003,

Section 603.04, as amended by Ordinance No. 712-11 passed June 6, 2011,

Sections 603.072 and 603.09, as amended by Ordinance No. 214-01, passed December 10, 2001,

Section 603.091, as amended by Ordinance No. 712-11, passed June 6, 2011,

Section 603A.04, as amended by Ordinance No. 305-10, passed May 17, 2010,

Section 603A.05, 603A.06, 603A.07, 603A.10, 603A.13, and 603A.16, as amended by Ordinance No. 536-01, passed June 3, 2002,

Sections 604.06 and 604.99, as amended by Ordinance No. 712-11, passed June 6, 2011 are amended to read as follows:

**Section 135.16 Division of Animal Care and Control; Animal Control Officer; Spay and Neuter Clinic; Fee**

(a) There is established in the Department of Public Safety, a Division of Animal Care and Control, which shall consist of one (1) Chief Animal Control Officer and at least one (1) animal control officer permanently assigned to each of the five (5) police districts on a full-time basis, and other animal control officers as the Director of Public Safety deems necessary. All of these employees shall be uniformed employees under the control and management of the Director, who shall designate the kind of uniform to be worn and direct the operation of the Chief and other animal control officers.

(b) The Chief Animal Control Officer and all other animal control officers are authorized to give notice and issue citations, in compliance with Rule 4.1 of the Ohio Rules of Criminal Procedure, to anyone found to be in violation of Section 603.01 603.02 or Section 603.04. The Chief Animal Control Officer and all other animal control officers are hereby established as "dog wardens" for purposes of enforcing applicable statutes pertaining to animals under the Ohio Revised Code. The Chief Animal Control Officer and all other animal control officers are authorized with the power and duty to enforce and prosecute the provisions of Chapters 603 and 604.

(c) There is established in the Department of Public Safety, Division of Animal Care and Control, a Spay and Neuter Clinic, to be administered and controlled by a Veterinarian in Charge, subject to the direction of the

Director of Public Safety. City residents may neuter or spay dogs or cats for the following fees:

Cat neuter	\$25.00
Cat spay	\$30.00
Dog neuter	\$35.00
Dog spay	\$40.00

All fees shall be paid to the City of Cleveland at the time the neuter or spay operation is performed.

**Section 135.17 Acceptance of Gifts and Services for the Division of Animal Care and Control**

The Director of Public Safety is authorized to accept, with the grateful appreciation of the City, the funds, other personal properties, and services, unconditionally given or limited by conditions as the donor may impose, or unlimited as to specific use, as may from time to time be donated for the use and benefit of the Division of Animal Care and Control.

**Section 135.18 Special Revenue Fund Established for the Division of Animal Care and Control**

All moneys accepted under Section 135.17 shall be placed to the credit of the Division of Animal Care and Control in a special revenue fund. The moneys deposited in the special revenue fund shall be expended for the benefit of the Division of Animal Care and Control at the discretion of the Director of Public Safety, or in the manner and for the specific purpose named in the gift.

**Section 135.180 Expenditure of Donated Funds for the Division of Animal Care and Control**

Expenditures from accounts shall be made on vouchers signed by the Director of Public Safety, or his or her designee, when the amount is less than ten thousand dollars (\$10,000.00); otherwise such expenditure shall first be authorized by ordinance of Council in the manner provided in Charter Section 108. No part of any funds credited to the accounts shall be paid to or for the benefit of any officer or employee, either as additional compensation or as reimbursement for expenses incurred, or paid for purposes other than those directly benefiting the Division of Animal Care and Control or in any manner other than that applicable to the expenditure of other public funds, unless the payment is specifically provided for in the terms of the gift or authorized by resolution or ordinance of Council.

**Section 603.02 Unmuzzled Dogs at Large; Duty to Report**

(a) No person shall permit an unmuzzled dog at any time to be on a public street, highway, park, building or other public place except when held securely in leash by the owner or another responsible person except when the dog is legally engaged in training for the purpose of hunting, herding, ability or dog competition events, accompanied by the owner, keeper, harbinger, or a handler.

(b) Every City employee, while in the performance of his or her official duties, who has in his or her possession or under this or her control any radio transmitter and receiver, telephone or other device ordinarily used for two (2) way communication, shall immediately report to police officers

or dog wardens of the City the sighting of any unmuzzled dogs found to be in a public place in violation of this section. The employee shall report the time, place, date and description of the dog, together with the employee's name.

(c) If a violation of division (a) of this section involves a dog as defined in Section 604.01, the dog shall be impounded under Chapter 603. Impoundment of dog because it was found to be in violation of this section shall not exempt the owner of the dog from being prosecuted under Section 604.99.

(d) Whoever violates this section guilty of a minor misdemeanor on the first offense, a misdemeanor of the fourth degree on the second offense, and a misdemeanor of the third degree on the third and any subsequent offense, which fine shall be mandatory, and shall not be suspended or remitted.

(e) An amount equal to the amount of fines and penalties imposed under this section shall annually be contributed to and used for the benefit of the Division of Animal Care and Control.

**Section 603.03 Impounding Dogs, Cats, and Domestic Animals**

(a) When any unmuzzled dog, cat, or domestic animal is found at large in violation of Section 603.02, or abandoned in violation of Section 603.06, or when any dog's owner or the person in charge of control of any dog, or owner or person in charge of the premises upon which a dog is located, has violated the provisions of Section 603.04 more than three (3) times within a four (4) month period, a police officer or animal control officer shall take up and impound the dog, cat, or domestic animal in a City pound. No dog, cat, or domestic animal shall be returned from the pound until a fee of forty dollars (\$40.00) is paid to the City, and the dog has both a valid County registration tag as prescribed by Section 603.05 and a microchip embedded for identification purposes. If a dog did not already have an embedded microchip at the time that it was impounded, then the animal control officer shall cause a microchip to be embedded in the dog before its return, and shall assess the person claiming the dog an additional fee of ten dollars (\$10.00) for that cost.

(b) If a police officer or animal control officer impounds a domestic animal, car, or dog which is wearing a valid County license registration tag, the police officer or animal control officer shall immediately give the owner notice that the dog, cat or domestic animal has been impounded and that unless the dog, cat, or domestic animal is redeemed within fourteen (14) days of the date of the notice it may thereafter be euthanized, transferred, sold, or adopted according to law.

(c) If a police officer or animal control officer impounds a dog that is not wearing a valid County license registration tag or cat or other domestic animal, and the owner is unknown, the animal control officer shall list the animal in a record management system for purpose of assistance in identification of the dog, cat, or domestic animal by a person that can prove ownership. Any impounded domestic animal, cat, or dog that is not wearing a valid registration tag

and is unredeemed after three (3) days from the later of date of impoundment or the date on which notice was given may be euthanized, transferred, made available for fostering or adoption, on order of the Director of Public Safety or the Chief Animal Control Officer.

(d) The owner, upon redeeming a dog, cat, or other domestic animal being held at the kennel and cared for under this Section shall pay a fee of twenty dollars (\$20.00) per day for each day the animal was boarded at the kennel. This charge shall be in addition to any other repayments that may be owed under this chapter.

(e) Payment of charges for redeeming a dog, cat or domestic animal, which was impounded because it was found in violation of Section 603.02, 603.04 or 603.06 shall not exempt the owner of the dog, cat, or domestic animal from prosecution under any of those sections.

(f) Any fee established under this section may be waived by the Director of Public Safety or the Chief Animal Control Officer if the owner of the impounded animal is determined by the Director or Chief Animal Control Officer to be indigent using the federal poverty guidelines, and the owner has never before received the waiver.

#### **Section 603.031 Adoption of Dogs and Cats from the City Kennel**

(a) Every dog or cat over six (6) months of age adopted from the City Kennel shall be spayed or neutered at the Spay and Neuter Clinic before release. The cost of the operation shall be borne by the person adopting the animal and is in addition to any adoption fee imposed by the Chief Animal Control Officer.

(b) A person wishing to adopt a dog or cat under the age of six (6) months shall sign an agreement stating the dog or cat shall be spayed or neutered at the Spay and Neuter Clinic or at an appropriate outside animal hospital within seven (7) days of a date specified on the agreement, when the animal reaches between six (6) and nine (9) months of age. In addition to any adoption fee imposed by the Chief Animal Control Officer, a thirty dollar (\$30.00) fee shall be paid at the time of the adoption, to be held until the animal is brought back to be spayed or neutered, or until proof of the operation is established with the Chief Animal Control Officer. The thirty dollar (\$30.00) fee shall either: (1) be used to cover the cost of the operation when the animal is brought back to the Spay and Neuter Clinic for the operation; or (2) be returned to the pet owner upon production of proof of the operation at an outside facility. If the animal is not spayed or neutered within the set time period, or within the date specified in the agreement, the owner of the animal shall forfeit the thirty dollar (\$30.00) fee.

(c) Any fee established under this section may be waived by the Director of Public Safety if the person adopting the animal is determined by the Director to be indigent in accordance with federal poverty guidelines, the person adopting has never before received the waiver, and, including the adopted animal, there is only one (1) animal in the adopting person's household.

#### **Section 603.04 Dog Nuisances**

(a) No owner or person in charge or control of a dog, or owner or person in

charge of a premises on which a dog is located, shall permit a dog nuisance to occur or continue within the City.

(b) For the purposes of this section, each of the following constitutes a dog nuisance:

(1) Permitting any dog unreasonably to cause annoyance, alarm or noise disturbance to any person or neighborhood by barking, whining, screeching, howling, or other like sounds which may be heard beyond the boundary of the owner, keeper or harborer's property under conditions where the animal sounds are shown to have occurred either as an episode of continuous noise lasting for a minimum period of fifteen (15) minutes, or repeated episodes of intermittent noise lasting for a minimum period of thirty (30) minutes. It shall be an affirmative defense under this division that the animal was intentionally provoked by a party other than the owner to make such noise;

(2) A dog which scratches or digs in, or defecates upon any lawn, tree, shrub, plant, or any other public or private property other than the property of the dog's owner or the property of a person in charge or control of the dog;

(3) A dog which damages or causes damage to any public or private property other than the property of a person in charge or control of the dog;

(4) A dog, without provocation, that jumps on the fence of the dog's owner or person in charge or control of the dog, in a way that scares and intimidates any person;

(5) Permitting a dog, without provocation, to bite or otherwise inflict serious injury to a person or companion animal.

(c) On complaint of any person to the police that a dog nuisance has occurred or is continuing, a police officer or animal control officer shall issue notice of the complaint to the owner or person in charge or control of the dog which constitutes the nuisance complained of, or to the owner or person in charge of the premises on which the dog nuisance complained of occurs.

(d) Any person who fails to abate a dog nuisance after having received a notice under division (c) of this section shall be guilty of creating a dog nuisance. Each day upon which the dog nuisance occurs or continues shall constitute a separate offense, and the offender shall be subject to the following penalties:

(1) For a first offense, a fine of fifty dollars (\$50.00);

(2) For a second offense occurring within four (4) months of the first offense, a fine of seventy-five dollars (\$75.00);

(3) For a third offense occurring within four (4) months of the first offense, a fine of one hundred dollars (\$100.00);

(4) For a fourth and any later offense occurring within four (4) months of the first offense, the dog which constitutes the nuisance shall be impounded under Section 603.03.

(5) Whoever violates division (b)(5) of this section is guilty of a misdemeanor of the first degree, and such owner's dog will be considered a level two (2) threat under Section 604.01.

(e) In addition to any other method of enforcement provided in this section, the offense created in this section may be enforced upon a first, second, or third offense by the issuance

of a citation in compliance with Rule 4.1 of the Ohio Rules of Criminal Procedure.

#### **Section 603.072 Illegal Fights between Animals**

(a) No person shall cause, allow or permit any animal, to fight another animal for gambling, entertainment or any other purpose, for profit or otherwise. The term "animal," as used in this section shall include, but not be limited to, fowl. This section does not regulate fighting between dogs as prohibited under the State Code, R.C. Chapter 959.

(b) No person shall:

(1) own, train, use, possess, buy, sell, offer to buy or sell, transport, receive or deliver any animal intended for use in fighting, seizing, detaining, or mistreating an animal.

(2) own, use, possess, buy, sell, offer to buy or sell, transport, receive or deliver any equipment, including, but not limited to, gaffs, spurs, sparring equipment, performance-enhancing substances or syringes, intended for use in training, fighting, seizing, detaining or mistreating another animal.

(3) knowingly permit any place under his or her control or possession to be kept, or used, for any of the purposes described in this section.

(c) Whoever violates this section is guilty of illegally causing, allowing, or permitting fighting between animals, a misdemeanor of the first degree.

(d) Any person who knowingly purchases a ticket of admission to an animal fighting venue, or is present at an animal fighting venue to witness an animal fight or for any of the purposes described in this section or to aid and abet the animal fight, is an aider and abettor, and shall be prosecuted and punished as if he were a principal offender.

#### **Section 603.09 Cruelty to Animals**

(a) No person shall:

(1) Torture an animal, deprive one of necessary sustenance, unnecessarily or cruelly beat, needlessly mutilate or kill, or impound or confine an animal without supplying it during confinement with a sufficient quantity of good wholesome food and water;

(2) Impound or confine an animal without affording it, during such confinement, access to shelter from heat, cold, wind, rain, snow or excessive direct sunlight if it can reasonably be expected that the animal would otherwise become sick or in some other way suffer. This division (a)(2) does not apply to animals impounded or confined prior to slaughter. For the purpose of this section, "shelter" means a man-made enclosure, wind-break, sunshade, or natural earth's contour, tree development or vegetation and must provide for the safety and health of the animal in accordance with good animal husbandry standards for each specific animal;

(3) Carry or convey an animal in a cruel or inhumane manner;

(4) Keep animals without wholesome exercise and change of air, nor feed cows on food that produces impure or unwholesome milk;

(5) Detain livestock in railroad cars or compartments longer than twenty-eight (28) hours after they are so placed without supplying them with necessary food, water, and attention, nor permit such stock to be so crowded as to overlie, crush, wound, or kill each other.

(b) All fines collected for violations of this section shall be paid to the society or association for the prevention of cruelty to animals, if there is one in the county, township, or municipal corporation where the violation occurred.

(c) Whoever violates this section is guilty of a misdemeanor of the first degree. In addition, the court may order the offender to forfeit the animal or livestock and may provide for its disposition including, but not limited to, the sale of the animal or livestock. If an animal or livestock is forfeited and sold under this division, the proceeds from the sale first shall be applied to pay the expenses incurred with regard to the care of the animal from the time it was taken from the custody of the former owner. The balance of the proceeds from the sale, if any, shall be paid to the former owner of the animal.

#### **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.

#### **Section 603A.04 Exemptions**

Except for Sections 603A.14, 603A.15, 603A.16 and 603A.17, the provisions of which shall apply to all persons, this chapter shall not apply to any of the following:

(a) A person who keeps an exotic animal under a permit issued by the United States or the State of Ohio;

(b) A person whose duties include the keeping or handling of exotic animals, while the person is engaged in that duty, and who is employed by any of the following:

(1) The Division of Animal Care and Control, Department of Public Safety, City of Cleveland;

(2) The County kennels;

(3) The Cleveland Metroparks Zoo;

(4) The Animal Protective League;

(5) A licensed veterinary hospital or clinic;

(6) A licensed or accredited research or medical institution;

(7) A facility licensed as an exhibitor or breeder by the United States Department of Agriculture under the Animal Welfare Act;

(8) A licensed or accredited educational institution, including museums.

(c) A person licensed as a wildlife rehabilitator under OAC 1501:31-25-03;

(d) A person temporarily transporting an exotic animal through the City if the transit time is not more than twenty-four (24) hours and the animal is at all times maintained within a confinement sufficient to prevent the exotic animal from escaping.

(e) A person who holds a license under RC 1533.08 and corresponding regulations.

#### **Section 603A.05 Personal Possession Permit; Fee**

(a) A person may possess an exotic animal only if all the following are met:

(1) The person is the legal owner of the exotic animal and was in legal possession of the animal prior to the effective date of this chapter.

(2) The person applies for and is granted a personal possession permit from the Commissioner of Assessments and Licenses for each exotic animal in the person's possession within sixty (60) days of the effective date of this chapter.

(b) Any person who meets the requirements in division (a) of this section shall annually obtain a personal possession permit. The initial term of all Personal Possession Permits shall be for a duration of one (1) year, commencing on June 1 of each year. From and after the effective date of this chapter, no new exotic animals shall be brought into the City under the authority of a personal possession permit.

(c) An applicant must file an application with the Commissioner of Assessments and Licenses on forms

provided by the Commissioner. The application must include the following:

(1) An annual permit fee of ten dollars (\$10.00) per animal;

(2) A written statement which sets forth the following information:

A. The name, address, and telephone number of the applicant;

B. A description of the exotic animal, including the scientific name, name, sex, age, color, weight, and any distinguishing marks or coloration that would aid in the identification of the animal;

C. A photograph of the exotic animal;

D. The exact location where each animal is to be kept;

E. The names, addresses, and telephone number of the person from whom the applicant obtained the exotic animal, if known;

F. The living environment in which the exotic animal will spend its time. Specifically, the type and size of cage, the physical and psychological enrichment the animal will receive daily (if applicable), type of exercise the animal will receive (if applicable), diet, and veterinary care the exotic animal will receive;

G. The identification number of the exotic animal, excluding exotic animals excepted under division (c) of Section 603A.07;

H. The name, address, and phone number of the veterinarian who is expected to provide veterinary care to the exotic animal.

(d) A permit shall not be granted unless the Commissioner finds that all of the following apply:

(1) All of the requirements set forth in divisions (a)(1) and (a)(2) of this section are met;

(2) The applicant is eighteen (18) years of age or older;

(3) The applicant has not been convicted of violating a local or state law prohibiting cruelty, neglect, or mistreatment of an animal or has not within the past ten (10) years been convicted of or found responsible for possession, sale, or use of illegal narcotics;

(4) The facility and the conditions in which each exotic animal will be kept are in compliance with this chapter;

(5) The applicant has obtained the requisite insurance liability coverage or surety bond for each exotic animal under the applicant's control as set forth in Section 603A.09;

(6) The applicant has regularly provided veterinary care to the exotic animal(s) when needed and intends to provide such care in the future.

(e) The personal possession permit shall set forth all of the following information:

(1) The name, address, and phone number of the permit holder;

(2) The address if different than above, where the exotic animal or animals will be kept;

(3) The name, number, species, age of the exotic animal, and any distinguishing marks or coloration that would aid in the identification of the animal;

(4) The identification number of each exotic animal as required under Section 603A.07, if applicable;

(5) The name, address, and phone number of the veterinarian who is expected to provide veterinary care to the exotic animal named on the permit;

(6) Any other relevant information the city may deem necessary.

(f) The Commissioner of Assessments and Licenses shall keep records of who is carrying a valid permit, and provide a copy of the same to the Chief Animal Control Officer. The Chief Animal Control Officer shall, in turn, notify the appropriate personnel in the Division of Police, as determined by the Director of Public Safety.

(g) No person who holds a personal possession permit under this chapter shall fail to notify the Commissioner of Assessments and Licenses of any changes in the information stated on the permit, which must include the death of the exotic animal.

**Section 603A.06 Referral of Application**

On receipt of a completed application for a personal possession permit, the Commissioner of Assessments and Licenses shall refer the application to the Division of Police to determine whether the applicant has committed any of the offenses identified in division (d) (3) of Section 603A.05. The Division of Police shall report its findings back to the Commissioner.

In addition, if the applicant is seeking a permit for five (5) or more exotic animals, the application shall be referred to the Chief Animal Control Officer, who shall inspect the premises at which the exotic animals are proposed to be kept. The Chief Animal Control Officer shall report back to the Commissioner as to whether or not the premises comport to the requirements of this chapter.

**Section 603A.07 Identification Number**

(a) No person who owns an exotic animal shall fail to have an identification number placed in the exotic animal via subcutaneous microchip at the expense of the person, by or under the supervision of a veterinarian.

(b) The Chief Animal Control Officer shall specify the exact type of subcutaneous chip to be placed in exotic animals, which shall be the same type as used for vicious dogs under division (d) of Section 604.03 of these Codified Ordinances.

(c) It shall be an affirmative defense to division (a) of this section that the person has had the animal examined by a veterinarian for the purpose of complying with division (a) and the veterinarian has determined that the placement of a microchip would be harmful to the animal.

**Section 603A.10 Inspections**

(a) Any facility where the exotic animal is housed may be inspected by the Chief Animal Control Officer, a sanitarian of the Health Department, a police officer, or any other person designated by the Director of Public Safety for that purpose, at all reasonable times to ensure compliance with this chapter.

(b) Any facility housing five (5) or more exotic animals shall be inspected annually by the Chief Animal Control Officer to certify that the exotic animals are properly confined and cared for in compliance with this chapter.

**Section 603A.13 Violation Notices; Seizure of Exotic Animals Kept in Violation of this Chapter**

(a) *Violation Notices.* The Director of Public Safety shall investigate any alleged violation of this chapter on

his or her own initiative or upon the complaint of any person. If, after investigation, there is probable cause to believe that there is a violation of this chapter, then the Director of Public Safety may send a violation notice to the offender, as described in division (b). Enforcement of this chapter by means of violation notice is in addition to and not in lieu of any other means of enforcement provided for in these Codified Ordinances including, without limitation, Section 603A.99.

(b) *Form of Notice.* Any violation notice sent under division (a) shall be in writing, and shall specify the action that is required of the violator, and the time frame for compliance. The Director shall limit the time for compliance to five (5) days unless he or she determines that there is good cause to specify a longer period. The notice shall require the offender to come into compliance with all provisions of this chapter, to dispose of the animal under Section 603A.16, or to safely remove the exotic animal from the City.

(c) *Seizing and Impounding.* If the owner, keeper or possessor of an exotic animal fails to comply with a violation notice sent under division (b) of this section, the Director of Public Safety shall cause the exotic animal to be seized and impounded. In addition, without the necessity of advance notice, the Director shall cause the seizure and impoundment of any exotic animal that has previously caused serious physical harm to any person, as set forth in Section 601.01, or in any instance in which the exotic animal has escaped or is at large.

If an animal is being seized or impounded under this section poses a risk of serious physical harm or death to any person, the Chief Animal Control Officer or other person authorized by the Director of Public Safety may render the exotic animal immobile by means of tranquilizers or other safe drugs, or if that is not possible, the animal may be euthanized.

(d) *Costs.* All reasonable costs incurred by the Director of Public Safety in seizing, impounding or confining any exotic animal under division (c) of this section shall be charged against the owner, keeper or possessor of the animal.

**Section 603A.16 Disposition of Exotic Animals**

(a) If a person who holds a personal possession permit can no longer care for an exotic animal, the person may contact the Animal Protective League, the Chief Animal Control Officer, the Cleveland MetroParks Zoo, or the Cleveland Museum of Natural History for possible placement of the animal.

(b) No person shall dispose of an exotic animal down a toilet, or in a sewer, waterway, or in any public place.

(c) No person shall set an exotic animal free in any place in the City.

**Section 604.06 Hearing and Appeals Process and Declassification of Dog as Threat to Public Safety; Fee**

(a) If an owner, keeper, or harbinger of a dog is convicted in Cleveland Municipal Court of any offense which qualifies the dog as a level-one (1) or level-two (2) threat, the conviction shall evidence the fact that said dog is a level-one (1) or level-two (2) threat. On such conviction, the owner, keeper or harbinger shall be on notice

that the dog is a level-one (1) or level-two (2) threat and must comply with all restrictions specified in Sections 604.03 and 604.04.

(b) Regardless of whether the owner, keeper, or harbinger of a dog has been convicted of any offense which qualifies the dog as a level-one (1) or level-two (2) threat, the Animal Control Officer, Director of Public Health or Chief of Police may designate a dog as a level-one (1) or level-two (2) threat. The owner, keeper, or harbinger shall receive written notice that the dog has been designated a level-one (1) or level-two (2) threat by one (1) of the aforementioned designating authorities. The written notice shall specify the appeal rights of the owner, keeper, or harbinger of the designated dog.

(1) If a dog is designated a level-one (1) or level-two (2) threat, the owner, keeper, or harbinger of the dog shall have the right to a hearing to appeal the designation.

(2) Appeals shall be heard by the Director of Public Safety or his or her designee. An owner, keeper, or harbinger of a dog designated a level-one (1) or level-two (2) threat has ten (10) days from the date listed on the written notice of such designation to inform the Director in writing that a hearing date is requested. The Director will schedule the hearing and notify the party requesting the hearing in writing of the time, date, and location of the hearing.

(3) The designating authority must show, by a preponderance of the evidence, that the designated dog is a level-one (1) or level-two (2) threat.

(4) Following the hearing, if the Director finds the dog a level-one (1) or level-two (2) threat dog, the owner, keeper, or harbinger shall be on notice that the dog must be kept under the restrictions specified in this chapter. If the Director finds the dog is not a level-one (1) or level-two (2) threat dog, the Director shall grant the appeal.

(5) 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.

(c) The following conditions for declassification must be met:

(1) Level-one (1) threat dogs have been classified for two (2) years without further incident, Level-two (2) threat dogs for five (5) years without incident; and

(2) There have been no violations of the specified regulations; and

(3) Any other condition ordered by the Animal Control Officer, Director of Public Health and/or Chief of Police at the time of classification have been met; and,

(4) The owner, keeper or harbinger provides the Animal Control Officer, Director of Public Health and/or Chief of Police with written certification of satisfactory completion of obedience training for the dog classified, with the owner, keeper or harbinger; and,

(5) The dog owner, keeper or harbinger shall provide written verification that the classified dog has been spayed or neutered.

(d) When the owner, keeper or harbinger of a dog meets all of the conditions in this division, the restrictions

for dogs classified as a level-one (1) threat to public safety shall be removed; restrictions on dogs classified as a level-two (2) threat to public safety may be removed, with the exception of the secure enclosure and insurance requirement.

(e) A declassification fee in an amount to be set by Council will be assessed when the classification period begins.

#### **Section 604.99 Penalties**

(a) If a violation of division (a), (b) or (c) of Section 604.03 involved a level-one (1) threat, whoever violates that Section is guilty of a misdemeanor of the second degree on a first offense and of a misdemeanor of the first degree on each subsequent offense and shall be fined one thousand dollars (\$1,000.00) which fine shall be mandatory, and shall not be suspended or remitted. Additionally, the Court may order the offender: (i) to personally supervise the level-one (1) threat that he or she owns, keeps or harbors, (ii) to cause that dog to complete dog obedience training, (iii) to attend a class on responsible pet ownership and dog behavior, or (iv) to do all three (3). The Court, in the alternative, may order the level-one (1) threat dog to be humanely destroyed by a licensed veterinarian, the Chief Animal Control Officer, the County Dog Warden, or the County Humane Society. For repeat offenders of animal control laws under Sections 603.01, 603.02 and 603.04, the Court may require the owner to attend a class on responsible pet ownership and dog behavior.

(b) If a violation of division (a), (b), or (c) of Section 604.03 involved a level-two (2) threat dog, whoever violates that section may be found guilty of a misdemeanor of the first degree on a first offense. When any person is found guilty of a misdemeanor of the first degree such person shall be fined one thousand dollars (\$1,000.00) which fine shall be mandatory, and shall not be suspended or remitted. The Court may order the dog to be spayed or neutered at the owner's, keeper's or harbinger's expense. Additionally, the Court may order the level-two (2) threat dog to be humanely destroyed by a licensed veterinarian, Chief Animal Control Officer, the County Dog Warden, or the County Humane Society.

(c) Any owner who does not obtain the liability insurance coverage required under divisions (a) or (b) of Section 604.04 shall be found guilty of a misdemeanor of the first degree.

(d) Any owner that is found to be in violation of division (d) of Section 604.03 shall be found guilty of a misdemeanor of the first degree.

(e) Any owner who is found guilty of violating divisions (c) or (d) of Section 604.04 shall be found guilty of a misdemeanor of the first degree and shall be fined one hundred dollars (\$100.00) on each later offense which fine shall be mandatory and shall not be suspended or remitted.

(f) Any owner found guilty of violating this chapter shall pay all expenses, including shelter, food, veterinary expenses for identification or certification of the breed of the animal or boarding and veterinary expenses necessitated by the seizure of the level-one (1) or level two (2) dog for the protection of the public, and other expenses as may be

required for the euthanization, transfer, sale or adoption of any such dog.

(g) An amount equal to the amount of fines and penalties imposed under this section shall annually be contributed to and used for the benefit of the Division of Animal Care and Control.

(h) This Section shall not apply whenever the conduct proscribed in this chapter constitutes a felony under RC 955.99.

**Section 2.** That the following sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Sections 135.16, 135.17, 135.18, 135.180, and 603.02 as amended by Ordinance No. 305-10, passed May 17, 2010,

Section 603.03, as amended by Ordinance No. 245-12, passed May 21, 2012,

Section 603.031, as amended by Ordinance No. 2393-02, passed February 3, 2003,

Section 603.04, as amended by Ordinance No. 712-11 passed June 6, 2011,

Sections 603.072 and 603.09, as amended by Ordinance No. 214-01, passed December 10, 2001,

Section 603.091, as amended by Ordinance No. 712-11, passed June 6, 2011,

Section 603A.04, as amended by Ordinance No. 305-10, passed May 17, 2010,

Section 603A.05, 603A.06, 603A.07, 603A.10, 603A.13, and 603A.16, as amended by Ordinance No. 536-01, passed June 3, 2002,

Sections 604.06 and 604.99, as amended by Ordinance No. 712-11, passed June 6, 2011 are repealed.

**Section 3.** That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 603.032 to read as follows:

#### **Section 603.032 Seizure and Impoundment of Animals for Fights, Poisoning, Cruelty, Neglect or Tethering; Hearing**

(a) As used in this section:

(1) "Impounding Agency" means the City of Cleveland Division of Animal Care and Control or County Humane Society organized under 1717.05 of the Revised Code.

(2) "Offense" means a violation of any of the following Sections: 603.072 "Illegal Fights between Animals;" 603.08 "Poisoning Animals;" 603.09 "Cruelty to Animals;" 603.091 "Neglect of Animals;" or "603.092 "Tethering Animals."

(3) "Officer" means any law enforcement, County humane agent, or Animal Control Officer in the City of Cleveland.

(b) An officer may immediately seize and cause to be impounded at an impounding agency an animal that the officer has probable cause to believe is the subject of an offense.

(c) The officer shall give written notice of the seizure and impoundment to the owner, keeper, or harbinger of the animal that was seized and impounded within 3 days of seizure if they can be found. If the officer is unable to give the notice to the owner, keeper, or harbinger of the animal, the officer shall post the notice on the door of the residence or in another conspicuous place on the premises at which the animal was seized.

(1) If the seizure is for a violation of Sections 603.072, 603.08, 603.091, or 603.092 the notice shall include a statement that, upon written request by the owner, keeper, or harbinger of the animal to the impounding agency, which is received by the impounding

agency within five calendar days of the notice of seizure and impoundment, a hearing will be held at the next available court date, or no later than three days from the date the notice of a request for a hearing was received, whichever is earlier. If a hearing is not timely requested, the animal is deemed forfeited without hearing and the impounding agency may determine the disposition of the animal.

(2) If the seizure is for a violation of Sections 603.09 the notice shall include a statement that, upon written request by the owner, keeper, or harbinger of the animal to the impounding agency, which is received by the impounding agency within ten calendar days of the notice of seizure and impoundment, a hearing will be held at the next available court date, or no later than three days from the date the notice of a request for a hearing was received, whichever is earlier. If a hearing is not timely requested, the animal is deemed forfeited without hearing and the impounding agency may determine the disposition of the animal.

(3) In either case, the notice shall also state that the hearing will be held to determine whether the officer had probable cause to seize the animal and, if applicable, to determine the amount of a bond or cash deposit that is needed to provide for the animal's care and keeping for not less than thirty days beginning on the date on which the animal was seized and impounded.

(d) An animal that is seized under this section may be humanely destroyed immediately or at any time during impoundment or otherwise provided with veterinary care if a licensed veterinarian determines it to be necessary because the animal is suffering.

(e) (1) If the owner, keeper, or harbinger of the animal has requested a hearing in writing, the court shall hold a hearing to determine whether the officer impounding an animal had probable cause to seize the animal. If the court determines that probable cause exists, the court shall determine the amount of a bond or cash deposit that is needed to provide for the animal's care and keeping for not less than thirty days beginning on the date on which the animal was impounded. If a hearing is not timely requested, the animal is deemed forfeited without hearing and the impounding agency may determine the disposition of the animal.

(2) If the court determines that probable cause does not exist, the court immediately shall order the impounding agency to return the animal to its owner if possible.

(3) If the court determines that probable cause exists and determines the amount of a bond or cash deposit, the case shall continue and the owner shall post a bond or cash deposit to provide for the animal's care and keeping for not less than thirty days beginning on the date on which the animal was impounded. The owner may renew a bond or cash deposit by posting, not later than ten days following the expiration of the period for which a previous bond or cash deposit was posted, a new bond or cash deposit in an amount that the court, in consultation with the impounding agency, determines is sufficient to provide for the animal's care and keeping for not less than



thirty days beginning on the date on which the previous period expired. If no bond or cash deposit is posted or if a bond or cash deposit expires and is not renewed, the impounding agency may determine the disposition of the animal unless the court issues an order that specifies otherwise. The notice provided in this section shall include notice that if no bond or cash deposit is posted or if the bond or cash deposit expires and is not renewed and the owner or person in control of the animal fails to appear for the hearing, the impounding agency may determine the disposition of the animal.

(f) If a person is convicted of committing an offense, the court may impose the following additional penalties against the person:

(1) A requirement that the person pay for the costs incurred by the impounding agency in caring for an animal involved in the applicable offense, provided that the costs were incurred during the animal's seizure or impoundment. A bond or cash deposit posted under this section may be applied to the costs.

(2) An order permanently terminating the person's right to possession, title, custody, or care of the animal that was involved in the offense. If the court issues such an order, the court shall order the disposition of the animal.

(g) If a person is found not guilty of committing an offense, the court immediately shall order the impounding agency to return the animal to its owner if possible and to return the entire amount of any bond or cash deposit posted under division (e) of this section. If the animal cannot be returned because it has been adopted or euthanized the impounding agency shall pay the fair market value of the animal at the time that it was impounded plus statutory interest as defined in Section 1343.03 of the Revised Code from the date of the impoundment or an amount determined by the court to be equal to the cost of treatment of the injury to the animal, as applicable. The requirements established in this division regarding the return of a bond or cash deposit and the payment of the reasonable market value of the companion animal shall not apply in the case of a dog that was not registered, in accordance with applicable registration laws, at the time it was seized and impounded.

(h) If charges are filed for an offense described in this Section

against the custodian or caretaker of an animal, but the animal that is the subject of the charges is not impounded, the court in which the charges are pending may order the owner or person having custody of the animal to provide to the animal the necessities described in division (C)(5), (D)(2), and (E)(5) of Section 959.131 of the Revised Code until the final disposition of the charges. If the court issues an order of that nature, the court also may authorize an officer or another person to visit the place where the animal is being kept, at the times and under the conditions that the court may set, to determine whether the animal is receiving those necessities and to remove and impound the animal if the animal is not receiving those necessities.

(i) Nothing in this Section shall be interpreted to apply to an animal impounded under Section 603.03.

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

Passed December 8, 2014.

Effective December 10, 2014.

**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.**

Whereas, Ordinance No. 1061-14, passed September 15, 2014, required that additional legislative authority was necessary regarding naming rights of Malls B and C; 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 Economic Development is authorized to enter into a tri-party agreement with the County of Cuyahoga ("County") and The Superlative Group, an Ohio corporation ("Superlative"), regarding naming rights and a corporate sponsorship marketing program for the Medical Mart and Convention Center, or portions thereof ("County Assets") and for Malls B and C, or portions thereof ("City Assets").

**Section 2.** That, among other things, the agreement shall provide that Superlative shall assess, research and provide media valuation for the County Assets and City Assets and shall develop, recommend, and implement policies and strategies to maximize revenues realized from naming rights and corporate sponsorship marketing programs for County Assets and City Assets and will provide sales services and other related services.

**Section 3.** That the term of the tri-party agreement shall be for a period of two years, with one option to renew for three years, exercisable by the Director of Economic Development.

**Section 4.** That the Director of Economic Development is authorized to deposit proceeds received under this ordinance into a fund to be approved by the Director of Finance to be used to provide maintenance, operating costs, and for improvements to Malls B and C.

**Section 5.** That the Director of Economic Development, or other appropriate City official, is authorized to enter into any relative agreement necessary to implement this ordinance, subject to legislative authority consistent with all terms of that certain Definitive Agreement dated November 18, 2010.

**Section 6.** That the cost of any agreements or payments authorized in this ordinance shall be fixed by the Board of Control and shall be paid from any and all funds approved by the Director of Finance.

**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 8, 2014.

Effective December 10, 2014.

**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.**

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, having duly considered the Fact-Finder's report, findings and recommendations in the matter of the City of Cleveland and the City and Municipal Foremen & Laborers Local 1099, including Non-Supervisory and Supervisory, which were e-mailed to the City on November 18, 2014, this Council accepts the Fact-Finder's report, findings, and recommendations in their entirety, including the agreements reached between the City and the union, as set forth in the executive summary placed in File No. 1577-14-A, which provide, among other things, for an increase in the salary and wages for members of the bargaining unit under the following schedule:

Increase	Approximate Date of Increase
1%	April 1, 2013
2%	April 1, 2014
2%	April 1, 2015

**Section 2.** That Sections 26, 27, and 49 of Ordinance No. 385-14, passed March 31, 2014, are amended to read as follows:

**Section 26. Municipal Foremen and Laborer's Union (Chartered: Municipal, County & State Employees' Union Local 1099, AFL-CIO) (Non-Supervisory).** That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Accident and Safety Inspector.....	\$21.03	\$23.03
2. Arborist I.....	18.40	20.40
3. Cemeteries Maintenance Man I.....	16.49	18.49
4. Cemeteries Maintenance Man II.....	25.47	27.47
5. Cold Patch and Crack Sealing Worker.....	18.07	20.07
6. Engineering and Construction Inspector.....	19.69	21.69
7. Gardener.....	18.40	20.40
8. Ground Maintenance Man.....	16.49	18.49
9. Laborer I.....	16.49	18.49
10. Mechanical Handyman.....	17.19	19.19
11. Municipal Service Laborer.....	16.49	18.49
12. Practical Nurse.....	18.58	20.58
13. Radio Operator.....	18.86	20.86
14. Real Estate Maintenance Man.....	17.43	19.43
15. Sidewalk Inspector.....	18.02	20.02
16. Street Permit Supervisor.....	16.45	18.45
17. Street Sweeper - Waste Collection.....	16.05	18.05
18. Transfer Station Attendant.....	22.02	24.02
19. Waste Collector.....	16.49	18.49

**Section 27. Municipal Foremen and Laborer's Union (Chartered: Municipal, County & State Employees' Union Local 1099, AFL-CIO) (Supervisory).** That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Airport Field Foreman.....	\$20.86	\$22.86
2. Arborist II.....	21.22	23.22
3. Assistant Manager of Parks and Urban Forestry.....	25.75	27.75
4. Assistant Superintendent of Waste Collection.....	26.38	28.38
5. Cemetery Foreman.....	20.87	22.87
6. Cemetery Supervisor.....	23.90	25.90
7. Chief Engineering and Construction Inspector.....	26.21	28.21
8. Cold Patch and Crack Sealing Foreman.....	24.02	26.02
9. Custodial Worker Supervisor.....	19.35	21.35
10. General Construction Foreman.....	32.72	34.72
11. General Shop Foreman.....	26.40	28.40
12. Greenskeeper.....	21.66	23.66
13. Ground Maintenance Crew Foreman.....	17.78	19.78
14. Ground Maintenance Foreman.....	20.87	22.87
15. Horticulturist.....	29.91	31.91
16. Horticulturist Maintenance Foreman.....	23.37	25.37
17. Labor Foreman.....	20.86	22.86
18. Maintenance Foreman.....	19.99	21.99
19. Parking Coordinator.....	22.02	24.02
20. Set-Up Foreman.....	17.46	19.46
21. Street Maintenance Foreman.....	20.86	22.86
22. Street Maintenance General Foreman.....	26.40	28.40
23. Waste Collection Foreman.....	20.86	22.86
24. Waste Collection Foreman I.....	22.86	24.97

**Section 49. Hourly Rate - 1099 Crafts.**

Compensation for all persons employed by the hour in any of the following classifications shall be fixed by the appointing authority within the limits established in the following schedule for each classification:

	Effective Date	Minimum	Maximum
1. Asphalt Construction Unit Leader.....	3/31/2014	\$25.85	\$38.78
2. Asphalt Tamper.....	3/31/2014	24.79	37.17
3. Bricklayer Helper.....	3/31/2014	25.45	38.18
4. Jackhammer Operator.....	3/31/2014	24.79	37.17
5. Paver.....	3/31/2014	25.13	37.71
6. Paving Unit Leader.....	3/31/2014	25.85	38.78
7. Superintendent of Construction Equipment.....	3/31/2014	25.85	38.78

**Section 3.** That Sections 26, 27, and 49 of Ordinance No. 385-14, passed March 31, 2014, are repealed.

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

Passed December 8, 2014.

Effective December 10, 2014.

**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.**

Whereas, the City has from time to time issued general obligation bonds in various series that are currently outstanding in the aggregate principal amount of \$268,445,000; and

Whereas, this Council has determined to authorize the City to issue one or more series of Refunding Bonds (as defined in Section 1) for the purpose of obtaining debt service savings with respect to all currently outstanding general obligation bonds of the City; and

Whereas, the Director of Finance, as fiscal officer of this City, has previously certified to this Council that the estimated life or usefulness of each of the Projects (as defined below) was, at the time the original Bonds for each Project were issued, at least five years, and that the maximum maturity of that portion of the Refunding Bonds to be allocated to each of the Projects financed by the original Bonds to be refunded is December 31 of the years determined by the Director of Finance for each Project based on each Project's estimated life or usefulness; and

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

Whereas, the authorization for issuance of Refunding Bonds is necessary to enable the City to take advantage of favorable market conditions on a timely basis to obtain debt service savings, 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.** One or more series of general obligation refunding bonds of the City ("Refunding Bonds") are authorized to be issued for the purpose of refunding one or more series of the City's outstanding general obligation bonds, or designated maturities thereof, issued to pro-

vide funds to pay costs of various projects of the City (the "Projects") and identified in the Certificate of Award authorized in Section 4 ("Refunded Bonds"), including the payment of any expenses relating to the refunding of the Refunded Bonds and the issuance of the Refunding Bonds, including any financing costs within the meaning of Revised Code Section 133.01(K), provided that the aggregate net present value debt service savings resulting from the refunding of the Refunded Bonds is not less than 3%.

The aggregate principal amount of each respective series of Refunding Bonds to be issued under this Ordinance shall be in an amount determined by the Director of Finance and set forth in the Certificate of Award as the amount required to be issued, taking into account any original issue discount and/or original issue premium on the sale of the Refunding Bonds, in order to refund the Refunded Bonds and pay any expenses relating to the refunding of the Refunded Bonds and the issuance of the Refunding Bonds. The Refunding Bonds may be issued in one or more separate series, each bearing a distinctive designation, provided that the Refunding Bonds of each series satisfy the requirements of this Ordinance and the aggregate net present value debt service savings to the City resulting from each series of Refunding Bonds is not less than 3%. Separate series of Refunding Bonds may be issued at the same or different times. The Refunding Bonds of each series shall be designated as provided in the applicable Certificate of Award. A separate Certificate of Award may be delivered for each series.

**Section 2. Authority and Terms.** The Refunding Bonds shall be issued pursuant to the provisions of Article XVIII of the Constitution of Ohio, Revised Code Chapter 133 and other applicable provisions of the Revised Code, the Charter of the City, the General Bond Ordinance and this Ordinance in the principal amount and for the purpose stated in Section 1. The Refunding Bonds of each series shall be issued in one lot as fully registered bonds in denominations of \$5,000 or any integral multiple thereof but in no case as to a particular maturity date exceeding the principal amount maturing on that date. The Refunding Bonds shall bear the designation and be numbered as determined by the Director of Finance.

The Refunding Bonds shall be dated the date and shall bear interest at the rate or rates per year specified in the Certificate of Award, provided the weighted average of such rates per series of Refunding Bonds (taking into account the principal amount and maturity of each Refunding Bond to which a rate applies) shall not exceed 6% per year. Interest on the Refunding Bonds shall be payable when due, or until the principal amount is paid, semiannually as specified in the Certificate of Award as

the dates on which interest on the Refunding Bonds shall be payable (the "Interest Payment Dates"), beginning on the date specified in the Certificate of Award as the first Interest Payment Date.

The Refunding Bonds shall mature in the years and principal amounts as shall be permitted by law and determined by the Director of Finance and specified in the Certificate of Award, based on (i) the written advice of a Financial Advisor to be in the best interests of the City given market conditions at the time the Refunding Bonds are sold and (ii) the objectives of the plan of refunding to obtain aggregate net present value debt service savings of not less than 3%.

The Director of Finance also shall determine and certify, on or prior to the date of delivery of the Refunding Bonds to the Original Purchaser, that portion of the aggregate principal amount of the Refunding Bonds that is allocable to each Project, and the principal amount of Refunding Bonds allocated to each Project that shall be payable at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements (as defined below) on the applicable principal payment dates; provided, that (i) the aggregate principal amount of the Refunding Bonds allocable to a Project shall be determined by the Director of Finance on a pro rata basis by reference to the respective amount of funds that is required for the refunding of the Refunded Bonds that are allocable to that Project, taking into account any funds other than the proceeds of the Refunding Bonds that are available and appropriated for that purpose, and (ii) no portion of the aggregate principal amount of Refunding Bonds allocated to a Project shall be payable later than the maximum maturity for that portion of the Refunding Bonds as certified by the Director of Finance.

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

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

**(a) Mandatory Sinking Fund Redemption.** If any of the Refunding Bonds are issued as Term Refunding Bonds, the Term Refunding Bonds shall be subject to mandatory sinking

fund redemption and be redeemed pursuant to Mandatory Sinking Fund Redemption Requirements, at a redemption price of 100% of the principal amount redeemed, plus interest accrued to the redemption date, on the Mandatory Redemption Dates.

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

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

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

**(b) Optional Redemption.** The Refunding 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 optional 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 for some or all of the Refunding Bonds not to be callable prior to their stated maturity.

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

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

**(d) Notice of Redemption.** The notice of the call for redemption of Refunding Bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the Refunding Bonds or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Registrar on

behalf of the City by mailing a copy of the redemption notice by first class mail, postage prepaid, at least thirty (30) days prior to the date fixed for redemption (or such period specified in the Certificate of Award), to the registered owner of each Refunding Bond subject to redemption in whole or in part at the registered owner's address shown on the Register maintained by the Registrar at the close of business on the fifteenth day preceding that mailing. Failure to receive notice by mail or any defect in that notice regarding any Refunding Bond, however, shall not affect the validity of the proceedings for the redemption of any Refunding Bond. Any notice of redemption of any Refunding Bonds may specify that the redemption is contingent on the deposit of moneys with the Escrow Agent or Registrar, as paying agent, on or prior to the redemption date in an amount sufficient to pay the redemption price of the Refunding Bonds that are to be redeemed.

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

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

held by a Depository in a book entry system (as described in Section 3), debt charges on the Refunding Bonds will be payable in lawful money of the United States by wire transfer to the Depository made by the Escrow Agent on each Interest Payment Date.

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

**Section 3. Execution, Authentication, Approval and Recording of the Refunding Bonds; Exchange and Transfer of the Refunding Bonds; Paying Agents.** The Refunding Bonds shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance. Pursuant to Section 4 of the General Bond Ordinance, each Refunding Bond shall be authenticated by the manual signature of an authorized officer of the Trustee (as defined therein). The Refunding Bonds shall be signed by the City's Mayor and by the City's Director of Finance, and, consistent with Revised Code Section 133.27 and notwithstanding Section 177.02 of the Codified Ordinances of the City, either or both of those signatures may be a facsimile. The Refunding Bonds shall bear the seal of the City, which seal may be a facsimile seal. Pursuant to Section 83 of the City's Charter, the Director of Law shall prepare the Refunding Bonds and shall endorse thereon her approval of the form thereof by her manual or facsimile signature.

U.S. Bank National Association is appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent for the Refunding Bonds (the "Registrar"); provided that the Escrow Agent shall also act as paying agent for the Refunding Bonds so long as the Refunding Bonds are held in a book entry system. The Director of Finance is authorized to sign and deliver, in the name and on behalf of the City, an agreement among the City, the Registrar and the Escrow Agent (the "Registrar Agreement") approved as to form by the Director of Law, containing terms that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Registrar Agreement by the Director of Finance. Payment for the services rendered and for reimbursement of expenses incurred pursuant to the Registrar Agreement shall be made from the proceeds of the Refunding Bonds, to the extent available, and then from other money lawfully available and appropriated for that purpose.

So long as any of the Refunding Bonds remain outstanding, the City will cause the Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Refunding Bonds as provided in this Section (the "Register"). Subject to the provisions of Section 4, the person in whose name a Refunding Bond is registered on the Register shall be regarded as the absolute owner of that Refunding Bond for all purposes of this Ordinance. Payment of or on account of the debt charges on any Refunding Bond shall be made only to or upon the order of that person; neither the City nor the Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Refunding Bond, including interest, to the extent of the amount or amounts so paid.

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

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

Notwithstanding any other provisions of this Ordinance, if it is determined by the Director of Finance to be advantageous to the City, the

Refunding Bonds may be issued in book entry form in accordance with the provisions of this Section. As used in this Section and this Ordinance:

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

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

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

The Refunding 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 Refunding Bonds may be issued in the form of a single, fully registered Refunding Bond representing each maturity and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (ii) the beneficial owners in book entry form shall have no right to receive Refunding Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Refunding 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 Refunding Bonds for use in a book entry system, the Director of Finance may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do so, the Registrar, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Refunding Bonds from the Depository, and the Trustee and Registrar shall authenticate and deliver Refunding Bond certificates in registered form to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not

the result of City action or inaction, of those persons requesting such issuance.

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

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

The Refunding Bonds shall be awarded to the Original Purchaser in the Certificate of Award which shall specify the final terms of the Refunding Bonds in accordance with law, the provisions of this Ordinance, the written advice of a financial advisor retained under authority of Section 13 and the Original Purchaser's offer to purchase the Refunding Bonds, including: the principal amount of the Refunding Bonds, the purchase price (which shall be not less than 97% of the principal amount of the Refunding Bonds plus any accrued interest to their date of delivery), interest rate or rates, the amounts and years in which principal installments are payable (at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements), the Interest Payment Dates and the date of the Refunding Bonds (if different from those set forth in Section 2), and any other matters required in this Ordinance to be set forth in that Certificate. As appropriate under the Charter, the Mayor, Director of Finance, Director of Law, Clerk of Council and other appropriate officers of the City are, and each of them is, authorized to take such actions as are necessary, appropriate and in the best interest of the City to establish the terms and requirements for delivery of the Refunding Bonds and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, procedure, and conditions for the delivery of the Refunding 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 Refunding 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 Refunding Bonds. The Director of Finance is further 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 Refunding Bonds and the Original Purchaser agrees to buy the Refunding Bonds, which shall be consistent with this Ordinance, not substantially adverse to the City, and approved by the Director of Finance and the Director of Law 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 Refunding Bonds, as provided in this Ordinance and as may be provided in or pursuant to the Certificate of Award, are in the best interest of the City and in compliance with all legal requirements.

If, in the judgment of the Director of Finance, a disclosure document in the form of an Official Statement is appropriate or necessary in connection with the original issuance of the Refunding Bonds, the Director of Finance is authorized to prepare or cause to be prepared on behalf of the City an Official Statement and any necessary supplements and to authorize the use and distribution of that Official Statement and any supplements. The Director of Finance is authorized to sign on behalf of the City that Official Statement and any supplements. The Director of Finance is authorized to sign and deliver, on behalf of the City, such certificates in connection with the accuracy of the Official Statement and any supplements as may, in the Director's 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 Refunding Bonds, the City agrees, in accordance with, and as the only obligated person with respect to the Refunding 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 Refunding Bonds 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 5. Provision for Levying and Collecting Tax.** For the purpose of providing the necessary funds to pay the interest on the Refunding Bonds promptly when and as the same falls due, and also to provide for the discharge of the Refunding Bonds at maturity, there shall be and is levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Refunding Bonds are outstanding, in an amount sufficient to provide for the payment of that interest, when and as the same shall fall due, and also to discharge the principal of the Refunding Bonds at maturity, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Constitution of Ohio.

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

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

**Section 6. Application of Proceeds; Notice of Redemption of Refunding Bonds.** Pursuant to Revised Code Section 133.34, the General Bond Ordinance and this Ordinance, the proceeds of the Refunding Bonds to be applied to the refunding of the Refunded Bonds shall be deposited in a separate bank account within the Unvoted Refunding Bond and Note Redemption Account of the Sinking Fund held by The Huntington National Bank, Cleveland, Ohio, as Escrow Agent, in accordance with Section 179.08 of the Codified Ordinances of the City and the Escrow Agreement described below, and shall be applied to the payment of debt service charges on the Refunding Bonds from and after the date of issuance of the Refunding Bonds to and including their respective maturity or prior redemption dates. The amount to be deposited in the Escrow Fund shall be determined by the Director of

Finance in the Certificate of Award and shall be the amount necessary, together with money in the Unvoted Tax Supported Obligations Account of the Sinking Fund available for the purpose, to provide for the refunding of the Refunded Bonds. Any transfer to the Escrow Fund of any money currently on deposit in the Unvoted Tax Supported Obligations Account and determined by the Director of Finance to be available for payment of the Refunding Bonds, is authorized by this Ordinance.

Money deposited in the Escrow Fund shall be (a) held in cash or (b) invested in direct obligations of the United States of America that mature or are subject to redemption by and at the option of the holder, in amounts sufficient, together with any uninvested cash in the Escrow Fund but without further investment or reinvestment, for the payment of the principal of, and any redemption premium and interest on, the Refunded Bonds as provided in the Escrow Agreement. Pursuant to the respective Ordinances authorizing the Refunded Bonds, Section 133.34 of the Revised Code and this Ordinance, money deposited in the Escrow Fund, and the investment income thereon, are pledged to the payment of the Refunded Bonds.

Pursuant to Revised Code Chapter 133 and this Ordinance, and notwithstanding Chapter 179 of the Codified Ordinances, any accrued interest received from the sale of the Refunding Bonds and any original issue premium in excess of the amount deposited with the Escrow Agent under the Escrow Agreement to accomplish the refunding of the Refunded Bonds shall be deposited in the Unvoted Tax Supported Obligations Account of the Sinking Fund to be applied to the payment of interest on the Refunding Bonds. The proceeds of the Refunding Bonds to be applied to pay costs of any Credit Support Instruments obtained pursuant to Section 12 shall be paid to the provider or providers of those Credit Support Instruments. The proceeds of the Refunding Bonds to be used to pay costs of issuing the Refunding Bonds and refunding the Refunded Bonds shall be deposited with the Registrar in a separate account under the Registrar Agreement pending their application to the payment of such costs.

The Director of Finance is authorized to sign and deliver, in the name and on behalf of the Issuer, an agreement (the "Escrow Agreement") between the City and the Escrow Agent, providing for the investment and holding in escrow of the proceeds of the Refunding Bonds to be applied to the refunding of the Refunded Bonds and for the application of the moneys derived from such investments, in accordance with the General Bond Ordinance and this Ordinance and as otherwise directed by law. Notice of the advance refunding of any of the Refunded Bonds and any direction for the redemption of Refunded Bonds prior to stated maturity shall be given in accordance with the terms of the Refunded Bonds and as further provided in the Escrow Agreement. The Refunded Bonds shall be retired at stated maturity or redeemed prior to maturity as provided in the Certificate of Award and in accordance with the ordinance authorizing the respective Refunded Bonds and the Escrow Agreement. The

Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Escrow Agreement from money lawfully available and appropriated or to be appropriated for that purpose. The Director of Finance shall obtain the services of an independent accounting firm of national reputation to provide a verification report as to the adequacy of the escrow fund to pay the Refunded Bonds on the dates set forth in the Escrow Agreement. The Director of Finance and other appropriate City officials shall execute all documents and take all other actions necessary or appropriate on the part of the City to effect the refunding of the Refunded Bonds in accordance with the General Bond Ordinance and this Ordinance and as otherwise directed by law, and to cause the Refunded Bonds to be deemed paid and discharged.

If U.S. Treasury Securities State and Local Government Series are to be purchased for the Escrow Fund, the Escrow Agent is authorized to file, on behalf of the City, subscriptions for the purchase and issuance of those Securities. If those Securities are not timely available for purchase, or if in the judgment of the Director of Finance, an open-market purchase of direct obligations of the United States of America for the Escrow Fund is in the best interest of and financially advantageous to the City, the Director of Finance may purchase and deliver those obligations, engage the services of a bidding agent or similar entity for the purpose of facilitating the bidding, purchase and delivery of such obligations for, and any related structuring of, the Escrow Fund, execute such instruments as are deemed necessary to engage such services for such purpose, and provide further for the payment of the cost of obtaining such services from the proceeds of the Refunding Bonds to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose.

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

**Section 8. Defeasance.**

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

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

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

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

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

**Section 9. Miscellaneous.**

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

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

**Section 10. Captions.** The captions or headings in this Ordinance are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Ordinance.

**Section 11. Federal Tax Considerations.** The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Refunding Bonds in such manner and to such extent as may be necessary so that (a) the Refunding Bonds will not (i) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest thereon will not be an item of tax preference under Section 57 of the Code.

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

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

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Refunding Bonds is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Refunding Bonds as the City is permitted or required to make or give under the federal income tax laws, including, without limitation

thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Refunding Bonds 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, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Refunding Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Refunding Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Refunding Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Refunding Bonds.

**Section 12. Credit Facilities and Ratings.** If, in the judgment of the Director of Finance, based on the written advice of a Financial Advisor, the filing of an application for a rating on one or more Series of Refunding Bonds by one or more nationally recognized rating agencies is in the best interests of the City, the Director of Finance is authorized to prepare and submit those applications and to provide to each such agency such information as may be required for the purpose. The Director of Finance is authorized to contract for one or more Credit Support Instruments for any Series of Refunding Bonds or designated portions thereof if the Director determines, based on the written advice of a Financial Advisor, that the Credit Support Instruments will result in debt service savings to the City. As used in this section, "Credit Support Instrument" means an insurance policy, surety, letter of credit, or other instrument used to enhance or provide for the security of Refunding Bonds. The cost of obtaining each rating and the cost of obtaining each Credit Support Instrument, except to the extent paid by the Original Purchasers in accordance with the Bond Purchase Agreement, shall be paid from the proceeds of Refunding Bonds or funds appropriated for that purpose.

**Section 13. 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 underwriters and any other party interested in the transaction.

**Section 14. 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 and 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 15. 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 Refunding Bonds 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 Refunding Bonds. 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 16. Delivery to County.** The Director of Finance is directed to forward a certified copy of this Ordinance and of the Certificate of Award for the Refunding Bonds to the Cuyahoga County Fiscal Officer and to secure a receipt therefor.

**Section 17. 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 18. Legislative Intent.** All terms, conditions, pledges, covenants or agreements on the part of the City provided for in this Ordinance are made by the voluntary act of the City under its lawful authority, including its authority under its Charter and Article XVIII of the Constitution of Ohio.

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



Ordinance or the General Bond Ordinance.

**Section 19. Sunset of Authorization.** The authority granted by this Ordinance for the issuance and sale of Refunding Bonds shall expire three years from the effective date of this Ordinance. If a preliminary official statement with respect to the issuance of a series of Refunding Bonds is distributed under the authority of this Ordinance at any time within the three-year period following its effective date, then the authority granted by this Ordinance shall not expire as to that series of Refunding Bonds. The Director of Finance shall notify the Chairman of the Finance Committee and the Clerk of this Council of the initiation of the issuance of any Refunding Bonds under the authority of this Ordinance.

**Section 20. 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 for the refunding of the Refunded Bonds, which will enable the City to obtain debt service savings, 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.

Passed December 8, 2014.

Effective December 10, 2014.

**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.**

Whereas, the City has from time to time issued general obligation bonds in various series that are currently outstanding in the aggregate principal amount of \$268,445,000 and issued subordinate lien income tax bonds in various series and subseries that are currently outstanding in the aggregate principal amount of \$188,335,000; and

Whereas, this Council has determined to authorize the City to issue one or more series of Refunding Bonds (as defined in Section 1) for the purpose of obtaining debt service savings or restructuring the City's outstanding debt with respect to all currently outstanding general obligation and subordinate lien income tax bonds of the City; and

Whereas, the Refunding 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 previously certified to this Council that the estimated life or usefulness of each of the Projects (as defined

below) was, at the time the original Bonds for each Project were issued, at least five years, and that the maximum maturity of that portion of the Refunding Bonds to be allocated to each of the Projects financed by the original Bonds to be refunded is December 31 of the years determined by the Director of Finance for each Project based on each Project's estimated life or usefulness; and

Whereas, the authorization for issuance of Refunding Bonds is necessary to enable the City to take advantage of favorable market conditions on a timely basis to obtain debt service savings or to restructure its outstanding debt service obligations and thereby to protect and preserve the credit 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.** One or more series of subordinate lien income tax bonds of the City ("Refunding Bonds") are authorized to be issued for the purpose of refunding one or more series of the City's outstanding general obligation bonds and subordinate lien income tax bonds, or designated maturities thereof, issued to provide funds to pay costs of various projects of the City (the "Projects") and identified in the Certificate of Award authorized in Section 4 ("Refunded Bonds"), including the payment of any expenses relating to the refunding of the Refunded Bonds and the issuance of the Refunding Bonds, including any financing costs within the meaning of Revised Code Section 133.01(K), provided that either the aggregate net present value debt service savings resulting from the refunding of the Refunded Bonds is not less than 3% or the Refunding Bonds are issued to restructure outstanding debt of the City, as determined by the Director of Finance and specified in the Certificate of Award, based on the written advice of a Financial Advisor to be in the best interest of the City.

The aggregate principal amount of each respective series of Refunding Bonds to be issued under this Ordinance shall be in an amount determined by the Director of Finance and set forth in the Certificate of Award as the amount required to be issued, taking into account any original issue discount and/or original issue premium on the sale of the Refunding Bonds, in order to refund the Refunded Bonds and pay any expenses relating to the refunding of the Refunded Bonds and the issuance of the Refunding Bonds. The Refunding Bonds may be issued in one or more separate series, each bearing a distinctive designation, provided that the Refunding Bonds of each series satisfy the requirements of this Ordinance and either the aggregate net present value debt service savings to the City resulting from each series of Refunding Bonds is not less than three 3% or the Refunding Bonds are issued to restructure outstanding debt of the City, as determined to be necessary by the Director of Finance and specified in the Certificate of Award, based on the written advice of a Financial Advisor to be in the best interests of

the City. Separate series of Refunding Bonds may be issued at the same or different times. The Refunding Bonds of each series shall be designated as provided in the applicable Certificate of Award. A separate Certificate of Award may be delivered for each series.

**Section 2. Authority, Security and Source of Payment.** The Refunding 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 Refunding 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 Refunding 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 Refunding 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 Refunding Bonds and any additional bonds issued under the Indenture are collectively referred to in this Ordinance as the "Bonds."

**Section 3. Terms.** The Refunding Bonds may be issued in one or more series or subseries. The Refunding Bonds of each series shall be issued in one lot as fully registered bonds in denominations of \$5,000 or any integral multiple thereof. The Refunding 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 Supplemental Indenture (as identified in Section 8). The Refunding Bonds shall bear the designation and be numbered as determined by the Director of Finance and specified in the Certificate of Award. The Refunding Bonds shall be signed by the officials of the City and in the manner set forth in the Indenture.

The Refunding Bonds shall be dated the date and shall bear interest at the rate or rates per year specified in the Certificate of Award, provided the weighted average of such rates per series of Refunding Bonds (taking into account the principal amount and maturity of each Refunding Bond to which a rate applies) shall not exceed 6% per year. Interest on the Refunding Bonds shall be payable when due, or until the principal amount is paid, semiannually as specified in the Certificate of Award as the dates on which interest on the Refunding Bonds shall be payable (the "Interest Payment Dates"), beginning on the date specified in the Certificate of Award as the first Interest Payment Date.

The Refunding Bonds shall mature in the years and principal amounts as shall be permitted by law and determined by the Director of Finance and specified in the Certificate of Award, based on (i) the written advice of a Financial Advisor to be in the best interests of the City given market conditions at the time the Refunding Bonds are sold and (ii) the objectives of the plan of refunding to either obtain aggregate net present value debt service savings of not less than three 3% or restructure outstanding debt of the City.

The Director of Finance also shall determine and certify, on or prior to the date of delivery of the Refunding Bonds to the Original Purchaser, that portion of the aggregate principal amount of the Refunding Bonds that is allocable to each Project, and the principal amount of Refunding Bonds allocated to each Project that shall be payable at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements (as defined below) on the applicable principal payment dates; provided, that (i) the aggregate principal amount of the Refunding Bonds allocable to a Project shall be determined by the Director of Finance on a pro rata basis by reference to the respective amount of funds that is required for the refunding of the Refunded Bonds that are allocable to that Project, taking into account any funds other than the proceeds of the Refunding Bonds that are available and appropriated for that purpose, and (ii) no portion of the aggregate principal amount of Refunding Bonds allocated to a Project shall be payable later than the maximum maturity for that portion of the Refunding Bonds as certified by the Director of Finance.

The Refunding Bonds stated to mature in any year may be issued as term bonds (the "Term Refunding Bonds"), payable pursuant to Mandatory Sinking Fund Redemption

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

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

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

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

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

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

#### **Section 4. Sale of Refunding Bonds.**

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

The Refunding Bonds shall be awarded to the Original Purchaser in the Certificate of Award which shall specify the final terms of the Refunding 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 Refunding Bonds, including: the principal amount of the Refunding Bonds, the purchase price (which shall be not less than 97% of the principal amount of the Refunding Bonds plus any accrued interest to their date of delivery), interest rate or rates, the amounts and years in which principal installments are payable (at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements), the Interest Payment Dates and the date of the Refunding 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 Refunding Bonds and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, procedure, and conditions for the delivery of the Refunding 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 Refunding 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 Refunding Bonds. The Director of Finance is further 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 Refunding Bonds and the Original Purchaser agrees to buy the Refunding Bonds, which shall be consistent with this Ordinance and the Indenture, that are not substantially adverse to the City, and approved by the Director of Finance and the Director of Law 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 Refunding Bonds, as provided in this Ordinance and as may be provided in or pursuant to the Certificate of Award, the Indenture and the Supplemental Indenture, are in the best interest of the City and in compliance with all legal requirements.

**Section 5. Escrow Agreement.** The Director of Finance is authorized to sign and deliver, in the name and on behalf of the Issuer, an agreement (the "Escrow Agreement") between the City and the Escrow Agent, providing for the investment and holding in escrow of the proceeds of the Refunding Bonds to be applied to the refunding of the Refunded Bonds and for the application of the moneys derived from such investments, in accordance with the General Bond Ordinance and this Ordinance and as otherwise directed by law. Notice of the advance refunding of any of the Refunded Bonds and any direction for the redemption of Refunded Bonds prior to stated maturity shall be given in accordance with the terms of the Refunded Bonds and as further provided in the Escrow Agreement. The Refunded Bonds shall be retired at stated maturity or redeemed prior to maturity as provided in the Certificate of Award and in accordance with the ordinance authorizing the respective Refunded Bonds and the Escrow Agreement. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Escrow Agreement from money lawfully available and appropriated or to be appropriated for that purpose. The Director of Finance shall obtain the services of an independent accounting firm of national reputation to provide a verification report as to the adequacy of the escrow fund to pay the Refunded Bonds on the dates set forth in the Escrow Agreement. The Director of Finance and other appropriate City officials shall execute all documents and take all other actions necessary or appropriate on the part of the City to effect the refunding of the Refunded Bonds in accordance with the General Bond Ordinance and this Ordinance and as otherwise directed by law, and to cause the Refunded Bonds to be deemed paid and discharged.

If U.S. Treasury Securities State and Local Government Series are to be purchased for the Escrow Fund, the Escrow Agent is authorized to file, on behalf of the City, subscriptions for the purchase and issuance of those Securities. If those Securities are not timely available for purchase, or if in the judgment of the Director of Finance, an open-market purchase of direct obligations of the United States of America for the Escrow Fund is in the best interest of and financially advantageous to the City, the Director of Finance may purchase and deliver those obligations, engage the services of a bidding agent or similar entity for the purpose of facilitating the bidding, purchase and delivery of such obligations for, and any related structuring of, the Escrow Fund, execute such instruments as are deemed necessary to engage such services for such purpose, and provide further for the payment of the cost of obtaining such services from the proceeds of the Refunding Bonds to the extent available and otherwise from any other funds lawfully available and that are appropriated or shall be appropriated for that purpose.

**Section 6. 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 7. Defeasance.**

**(a) Release of Ordinance.** If the City shall pay or cause to be paid and discharged all the outstanding Refunding Bonds, or there shall otherwise be paid to the holders of the outstanding Refunding Bonds all debt charges due or to become due thereon, and provision shall also be made for paying all other sums payable hereunder, then and in that event this Ordinance (except for Section 7(b) hereof) shall cease to be of further effect, and the covenants, agreements and other obligations of the City under this Ordinance shall be discharged and satisfied, and thereupon the Trustee shall at the request of the City execute and deliver to the City such instruments in writing as shall discharge the lien hereof and enter on the record such discharge of the lien and such other instruments as may be reasonably required by the City.

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

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

(ii) the Escrow Agent shall hold in special accounts or sub-accounts, in trust for and irrevocably committed solely thereto, direct obligations of the United States certified by an independent public accounting firm of national reputation to be of such maturities and interest payment dates and to bear such interest, without further investment or reinvestment of either the principal amount thereof or the interest earnings therefrom (likewise to be held in trust and committed, except as hereinafter provided), as will be sufficient, together with moneys referred to in (i) above, for the payment, at their maturities or redemption dates, of all debt charges on the Refunding Bonds to their date of maturity or redemption, as the case may be, or if default in such payment shall have occurred on such date then

to the date of the tender of such payment; provided, that if any Refunding Bonds are to be redeemed prior to the maturity thereof, notice of such redemption shall have been duly given or irrevocable provision satisfactory to the Trustee shall have been duly made for the giving of such notice. Any moneys held by the Escrow Agent in accordance with the provisions of this Section shall be invested by the Escrow Agent in direct obligations of the United States of America maturing, or redeemable at the option of the holder, at times and in amounts sufficient to meet payment of debt charges on the Refunding Bonds, as directed by the Director of Finance. Any income or interest earned by, or increment to, the investments held under this Section shall, to the extent determined from time to time by the Escrow Agent to be in excess of the amount required to be held by it for the purposes of this Section, be transferred at the time of such determination as provided in Section 17(a) of the General Bond Ordinance for unclaimed funds held by a Paying Agent. In the event of nonpresentation of any Refunding Bond as described in Section 17(a) of the General Bond Ordinance, the moneys held pursuant to this Section shall be held and paid as provided in said Section 17(a) for unclaimed funds held by a Paying Agent.

**Section 8. Supplemental Indenture.**

The Director of Finance is authorized to sign and deliver on behalf of the City a supplemental trust indenture (the "Supplemental Indenture"), supplementing the Indenture to provide procedures for the authentication, registration and transfer of the Refunding Bonds, redemption of Refunding Bonds, payments under any Credit Support Instrument authorized by Section 11, application of the proceeds of the Refunding Bonds, defeasance of the Refunding 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 Supplemental Indenture shall be approved as to form by the Director of Law. The determination by the Director of Finance that the provisions of the Supplemental Indenture are not substantially adverse to the City shall be conclusively evidenced by the Director's signing of the Supplemental Indenture. 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 Supplemental Indenture as may be necessary or appropriate to issue and sell the Refunding Bonds and to consummate the transactions authorized by 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 Refunding 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 Refunding 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 Refunding Bonds, the City agrees, in accordance with, and as the only obligated person with respect to the Refunding 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 Refunding 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 Refunding Bonds in such manner and to such extent as may be necessary so that (a) the Refunding Bonds will not (i) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest thereon will not be an item of tax preference under Section 57 of the Code.

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

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

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

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

**Section 11. Credit Facilities and Ratings.** If, in the judgment of the Director of Finance, based on the written advice of a Financial Advisor, the filing of an application for a rating on one or more Series of Refunding Bonds by one or more nationally

recognized rating agencies is in the best interests of the City, the Director of Finance is authorized to prepare and submit those applications and to provide to each such agency such information as may be required for the purpose. The Director of Finance is authorized to contract for one or more Credit Support Instruments for any Series of Refunding Bonds or designated portions thereof if the Director determines, based on the written advice of a Financial Advisor, that the Credit Support Instruments will result in debt service savings to the City. As used in this section, "Credit Support Instrument" means an insurance policy, surety, letter of credit, or other instrument used to enhance or provide for the security of Refunding Bonds. The cost of obtaining each rating and the cost of obtaining each Credit Support Instrument, except to the extent paid by the Original Purchasers in accordance with the Bond Purchase Agreement, shall be paid from the proceeds of Refunding Bonds or funds 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 underwriters 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 and 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 Refunding Bonds 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 Refunding Bonds. It is further found and determined, and is represented and recited, that the provisions of Sections 28, 29, 32, 33 (including the provisions of Section 33 with respect to readings on three separate days or dispensing with such readings by a two-thirds vote of all members of the Council), 36, 37, 48 and all other applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this Ordinance was passed in conformity therewith.

**Section 15. Delivery to County Fiscal Officer.** The Director of Finance is directed to forward a certified copy of this Ordinance and of the Certificate of Award for the Refunding Bonds 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. Captions.** The captions or headings in this Ordinance are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Ordinance.

**Section 18. Legislative Intent.** All terms, conditions, pledges, covenants or agreements on the part of the City provided for in this Ordinance are made by the voluntary act of the City under its lawful authority, including its authority under its Charter and Article XVIII of the Constitution of Ohio.

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

**Section 19. Miscellaneous.**  
 (a) Any provisions of the Codified Ordinances of the City that are inconsistent with the provisions of this Ordinance and the General Bond Ordinance shall not apply to the Refunding Bonds authorized herein.

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

**Section 20. Sunset of Authorization.** The authority granted by this Ordinance for the issuance and sale of Refunding Bonds shall expire three

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

**Section 21. Emergency 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 for the refunding of the Refunded Bonds, which will enable the City to obtain debt service savings or restructure its outstanding debt and thereby protect and preserve the credit 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.

Passed December 8, 2014.  
 Effective December 10, 2014.

**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.**

Whereas, in accordance with Section 41 of the Charter, the Mayor has recommended in writing the within transfer; and

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

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

**Section 1.** That 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, as follows:

	Transfer To	Transfer From
GENERAL FUND		
GENERAL GOVERNMENT		
Municipal Court - Housing Division		
I. Personnel and Related Expenses	\$ -	\$ 25,000
II. Other Expenses	25,000	-
Office of the Mayor		
I. Personnel and Related Expenses	-	10,000
II. Other Expenses	10,000	-
Office of Capital Projects		
I. Personnel and Related Expenses	-	75,000
II. Other Expenses	75,000	-
Civil Service Commission		
I. Personnel and Related Expenses	25,000	-
<b>TOTAL GENERAL GOVERNMENT</b>	<b>135,000</b>	<b>110,000</b>

## DEPARTMENT OF LAW

Division of Law		
I. Personnel and Related Expenses	-	225,000
II. Other Expenses	1,200,000	-
		<hr/>
TOTAL DEPARTMENT OF LAW	1,200,000	225,000
	<hr/>	<hr/>

## DEPARTMENT OF PUBLIC HEALTH

Public Health Administration		
I. Personnel and Related Expenses	80,000	-
Division of Health		
I. Personnel and Related Expenses	-	50,000
Division of the Environment		
I. Personnel and Related Expenses	50,000	-
II. Other Expenses	10,000	-
Division of Air Quality		
I. Personnel and Related Expenses	30,000	-
II. Other Expenses	10,000	-
		<hr/>
TOTAL DEPARTMENT OF PUBLIC HEALTH	180,000	50,000
	<hr/>	<hr/>

## DEPARTMENT OF PUBLIC SAFETY

Public Safety Administration		
I. Personnel and Related Expenses	250,000	-
Division of Police		
I. Personnel and Related Expenses	-	1,470,000
Division of Fire		
I. Personnel and Related Expenses	-	200,000
II. Other Expenses	200,000	-
Division of Animal Control Services		
I. Personnel and Related Expenses	90,000	-
		<hr/>
TOTAL DEPARTMENT OF PUBLIC SAFETY	540,000	1,670,000
	<hr/>	<hr/>

## DEPARTMENT OF PUBLIC WORKS

Division of Public Works Administration		
I. Personnel and Related Expenses	-	150,000
Division of Recreation		
I. Personnel and Related Expenses	-	250,000
Division of Property Management		
I. Personnel and Related Expenses	-	200,000
Division of Park Maintenance and Properties		
I. Personnel and Related Expenses	-	185,000
II. Other Expenses	250,000	-
Division of Waste Collection		
I. Personnel and Related Expenses	450,000	-
II. Other Expenses	175,000	-
Division of Traffic Engineering		
I. Personnel and Related Expenses	-	100,000
II. Other Expenses	10,000	-
		<hr/>
TOTAL DEPARTMENT OF PUBLIC WORKS	885,000	885,000
	<hr/>	<hr/>
TOTAL GENERAL FUND	2,940,000	2,940,000
	<hr/>	<hr/>

SPECIAL REVENUE FUNDS

DEPARTMENT OF PUBLIC WORKS

Street Construction, Maintenance & Repair Fund		
I. Personnel and Related Expenses	800,000	-
II. Other Expenses	-	800,000
	<hr/>	<hr/>
TOTAL DEPARTMENT OF PUBLIC WORKS	800,000	800,000
	<hr/> <hr/>	<hr/> <hr/>
TOTAL SPECIAL REVENUE FUNDS	800,000	800,000
	<hr/> <hr/>	<hr/> <hr/>

ENTERPRISE FUNDS

DEPARTMENT OF PUBLIC WORKS

Division of Public Auditorium		
I. Personnel and Related Expenses	100,000	-
II. Other Expenses	-	100,000
	<hr/>	<hr/>
TOTAL DEPARTMENT OF PUBLIC WORKS	100,000	100,000
	<hr/> <hr/>	<hr/> <hr/>

DEPARTMENT OF PUBLIC UTILITIES

Division of Water		
I. Personnel and Related Expenses	-	7,250,000
II. Other Expenses	7,250,000	-
	<hr/>	<hr/>
Division of Cleveland Public Power		
I. Personnel and Related Expenses	-	3,500,000
II. Other Expenses	3,500,000	-
	<hr/>	<hr/>
TOTAL DEPARTMENT OF PUBLIC UTILITIES	10,750,000	10,750,000
	<hr/> <hr/>	<hr/> <hr/>
TOTAL ENTERPRISE FUNDS	10,850,000	10,850,000
	<hr/> <hr/>	<hr/> <hr/>
TOTAL ALL FUNDS	14,590,000	14,590,000
	<hr/> <hr/>	<hr/> <hr/>

**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 8, 2014.

Effective December 10, 2014.

**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.**

Whereas, there remains an unappropriated balance in the various funds, the sum of Two Hundred Thousand (\$200,000) which is available for additional appropriation; and

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

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

**Section 1.** That there is hereby appropriated the additional revenue as set forth in the Amended Official Certificate of Estimated Resources previously unappropriated as follows:

ENTERPRISE FUND	200,000
	<hr/>
TOTAL ALL FUNDS	200,000

ENTERPRISE FUNDS		
DEPARTMENT OF PUBLIC WORKS		
Division of Parking Facilities - Off Street Parking		200,000
II. Other Expenses	200,000	
TOTAL DEPARTMENT OF PUBLIC WORKS		200,000
TOTAL ENTERPRISE FUND		200,000
TOTAL ALL FUNDS		200,000

**Section 2.** That the total appropriation for the Sinking Fund Commission, under Ordinance No. 180-14, passed March 24, 2014, is correctly restated as follows:

Sinking Fund Commission		959,640
I. Personnel and Related Expenses	233,340	
II. Other Expenses	726,300	

**Section 3.** That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all 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 8, 2014.

Effective December 10, 2014.

**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.**

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

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

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

**Section 1.** To provide for the current payrolls, sinking fund and other ordinary expenses of the City of Cleveland for the period from January 1, 2015 until the effective date of the Annual Appropriation Ordinance for the fiscal year ending December 31, 2015, there be and there is hereby appropriated for the period from January 1, 2015 until the effective date of the Annual Appropriation Five Hundred Ninety Two Million, Five Hundred Forty Four Thousand, Eight Hundred Sixty Nine Dollars (\$592,544,869) out of taxes due the City of Cleveland and any other revenues accrued or occurring during said period of time and said funds are respectively appropriated as follows:

GENERAL FUND	
Legislative Branch	\$2,362,859
Judicial Branch	\$12,663,394
Executive Branch	
General Government	\$4,276,520
Department of Aging	\$365,189
Department of Human Resources	\$893,942
Department of Community Development (Consumer Affairs)	\$79,866
Department of Law	\$6,282,744
Department of Finance	\$6,799,891
Department of Public Health	\$2,807,993
Department of Public Safety	\$88,631,113
Department of Public Works	\$23,388,722
Department of Building and Housing	\$2,843,474
Department of Economic Development	\$458,356
Nondepartmental	\$20,759,873
Total Executive Branch	\$157,587,683
TOTAL GENERAL FUND	\$172,613,936
Special Revenue Funds	\$62,808,291
Internal Service Funds	\$38,650,750
Enterprise Funds	\$288,443,907
Agency Funds	\$3,652,235
Debt Service Funds	\$26,375,750
TOTAL APPROPRIATIONS FOR 2015	\$592,544,869



## GENERAL FUND

## LEGISLATIVE BRANCH

Council and Clerk of Council		\$2,362,859
I. Personnel and Related Expenses	\$ 1,408,150	
II. Other Expenses	954,709	
TOTAL LEGISLATIVE BRANCH		<u>\$2,362,859</u>

## JUDICIAL BRANCH

Municipal Court - Judicial Division		\$8,076,364
I. Personnel and Related Expenses	\$ 5,556,342	
II. Other Expenses	2,520,022	
Municipal Court - Clerk's Division		\$3,495,994
I. Personnel and Related Expenses	\$ 2,681,223	
II. Other Expenses	814,771	
Municipal Court - Housing Division		\$1,091,036
I. Personnel and Related Expenses	\$ 1,028,485	
II. Other Expenses	62,551	
TOTAL JUDICIAL BRANCH		<u>\$12,663,394</u>

## EXECUTIVE BRANCH

## GENERAL GOVERNMENT

Office of the Mayor		\$759,538
I. Personnel and Related Expenses	\$ 709,715	
II. Other Expenses	49,823	
Office of Capital Projects		\$1,556,859
I. Personnel and Related Expenses	\$ 1,348,366	
II. Other Expenses	208,493	
Landmarks Commission		\$57,827
I. Personnel and Related Expenses	\$ 52,759	
II. Other Expenses	5,068	
Board of Building Standards and Appeals		\$39,562
I. Personnel and Related Expenses	\$ 35,028	
II. Other Expenses	4,534	
Board of Zoning Appeals		\$65,741
I. Personnel and Related Expenses	\$ 59,166	
II. Other Expenses	6,575	
Civil Service Commission		\$353,138
I. Personnel and Related Expenses	\$ 175,601	
II. Other Expenses	177,537	
Community Relations Board		\$459,813
I. Personnel and Related Expenses	\$ 372,948	
II. Other Expenses	86,865	
City Planning Commission		\$494,521
I. Personnel and Related Expenses	\$ 422,115	
II. Other Expenses	72,406	
Boxing and Wrestling Commission		\$1,600
I. Personnel and Related Expenses	\$ 1,600	
Office of Equal Opportunity		\$236,692
I. Personnel and Related Expenses	\$ 228,033	
II. Other Expenses	8,659	
Office of Budget & Management		\$251,229
I. Personnel and Related Expenses	\$ 237,329	
II. Other Expenses	13,900	
TOTAL GENERAL GOVERNMENT		<u>\$4,276,520</u>

## DEPARTMENT OF AGING

Department of Aging		\$365,189
I. Personnel and Related Expenses	\$ 231,969	
II. Other Expenses	133,220	
TOTAL DEPARTMENT OF AGING		<u>\$365,189</u>

## DEPARTMENT OF HUMAN RESOURCES

Department of Human Resources		\$893,942
I. Personnel and Related Expenses	\$ 389,181	
II. Other Expenses	504,761	
TOTAL DEPARTMENT OF HUMAN RESOURCES		<u>\$893,942</u>

## DEPARTMENT OF COMMUNITY DEVELOPMENT

Office of Fair Housing and Consumer Affairs		\$79,866
I. Personnel and Related Expenses	\$ 74,940	
II. Other Expenses	4,926	
TOTAL DEPARTMENT OF COMMUNITY DEVELOPMENT		<u>\$79,866</u>

## DEPARTMENT OF LAW

Division of Law		\$6,282,744
I. Personnel and Related Expenses	\$ 1,861,347	
II. Other Expenses	4,421,397	
TOTAL DEPARTMENT OF LAW		<u>\$6,282,744</u>

## DEPARTMENT OF FINANCE

Finance Administration		\$617,622
I. Personnel and Related Expenses	\$ 290,523	
II. Other Expenses	327,099	
Division of Accounts		\$1,048,272
I. Personnel and Related Expenses	\$ 377,308	
II. Other Expenses	670,964	
Division of Assessments and Licenses		\$1,282,839
I. Personnel and Related Expenses	\$ 630,248	
II. Other Expenses	652,591	
Division of Treasury		\$230,723
I. Personnel and Related Expenses	\$ 179,261	
II. Other Expenses	51,462	
Division of Purchases and Supplies		\$197,133
I. Personnel and Related Expenses	\$ 181,523	
II. Other Expenses	15,610	
Bureau of Internal Audit		\$695,107
I. Personnel and Related Expenses	\$ 175,045	
II. Other Expenses	520,062	
Division of Financial Reporting and Control		\$388,545
I. Personnel and Related Expenses	\$ 380,494	
II. Other Expenses	8,051	
Information Systems Services		\$2,339,650
I. Personnel and Related Expenses	\$ 757,822	
II. Other Expenses	1,581,828	
TOTAL DEPARTMENT OF FINANCE		<u>\$6,799,891</u>

## DEPARTMENT OF PUBLIC HEALTH

Public Health Administration		\$582,111
I. Personnel and Related Expenses	\$ 228,634	
II. Other Expenses	353,477	
Division of Health		\$1,640,295
I. Personnel and Related Expenses	\$ 566,549	
II. Other Expenses	1,073,746	
Division of Environment		\$439,201
I. Personnel and Related Expenses	\$ 236,489	
II. Other Expenses	202,712	
Division of Air Quality		\$146,386
I. Personnel and Related Expenses	\$ 34,980	
II. Other Expenses	111,406	
TOTAL DEPARTMENT OF PUBLIC HEALTH		<u>\$2,807,993</u>

## DEPARTMENT OF PUBLIC SAFETY

Public Safety Administration		\$1,846,425
I. Personnel and Related Expenses	\$ 1,169,919	
II. Other Expenses	676,506	
Division of Police		\$51,023,780
I. Personnel and Related Expenses	\$ 46,750,905	
II. Other Expenses	4,272,875	
Division of Fire		\$23,754,696
I. Personnel and Related Expenses	\$ 22,261,725	
II. Other Expenses	1,492,971	
Division of Emergency Medical Services		\$7,224,190
I. Personnel and Related Expenses	\$ 6,049,768	
II. Other Expenses	1,174,422	
Division of Animal Control Services		\$526,504
I. Personnel and Related Expenses	\$ 318,306	
II. Other Expenses	208,198	
Division of Correction		\$4,255,518
I. Personnel and Related Expenses	\$ 2,835,112	
II. Other Expenses	1,420,406	
TOTAL DEPARTMENT OF PUBLIC SAFETY		<u>\$88,631,113</u>

## DEPARTMENT OF PUBLIC WORKS

Division of Public Works Administration		\$908,015
I. Personnel and Related Expenses	\$ 825,748	
II. Other Expenses	82,267	
Division of Recreation		\$4,597,665
I. Personnel and Related Expenses	\$ 2,204,666	
II. Other Expenses	2,392,999	
Division of Parking Facilities-On Street		\$371,597
I. Personnel and Related Expenses	\$ 336,228	
II. Other Expenses	35,369	
Division of Property Management		\$2,508,902
I. Personnel and Related Expenses	\$ 1,529,970	
II. Other Expenses	978,932	
Division of Park Maintenance and Properties		\$5,811,187
I. Personnel and Related Expenses	\$ 2,445,079	
II. Other Expenses	3,366,108	
Division of Waste		\$8,087,145
I. Personnel and Related Expenses	\$ 3,785,432	
II. Other Expenses	4,301,713	

Division of Traffic Engineering		\$1,104,211
I. Personnel and Related Expenses	\$ 781,546	
II. Other Expenses	322,665	
TOTAL DEPARTMENT OF PUBLIC WORKS		<u>\$23,388,722</u>

## DEPARTMENT OF BUILDING AND HOUSING

Building and Housing Dir Office		\$682,696
I. Personnel and Related Expenses	\$ 484,325	
II. Other Expenses	198,371	
Division of Code Enforcement		\$1,726,721
I. Personnel and Related Expenses	\$ 1,649,589	
II. Other Expenses	77,132	
Division of Construction Permit		\$434,057
I. Personnel and Related Expenses	\$ 427,920	
II. Other Expenses	6,137	
TOTAL DEPARTMENT OF BUILDING AND HOUSING		<u>\$2,843,474</u>

## DEPARTMENT OF ECONOMIC DEVELOPMENT

Economic Development		\$458,356
I. Personnel and Related Expenses	\$ 451,907	
II. Other Expenses	6,449	
TOTAL DEPARTMENT OF ECONOMIC DEVELOPMENT		<u>\$458,356</u>

## NONDEPARTMENTAL

Other Administrative		\$6,913,910
II. Other Expenses	\$ 6,913,910	
Transfers to Other Funds		\$13,845,963
II. Other Expenses	\$ 13,845,963	
TOTAL NONDEPARTMENTAL		<u>\$20,759,873</u>
TOTAL EXECUTIVE BRANCH		<u>\$157,587,683</u>
TOTAL GENERAL FUND		<u>\$172,613,936</u>

## SPECIAL REVENUE FUND

Restricted Income Tax Fund		\$37,793,875
II. Other Expenses	\$ 37,793,875	
Street Construction, Maintenance & Repair Fund		\$15,598,726
I. Personnel and Related Expenses	\$ 5,375,290	
II. Other Expenses	10,223,436	
Division of Public Auditorium & Stadium-Stadium		\$9,415,690
II. Other Expenses	\$ 9,415,690	
TOTAL SPECIAL REVENUE FUNDS		<u>\$62,808,291</u>

## INTERNAL SERVICE FUND

Sinking Fund Commission		\$351,306
I. Personnel and Related Expenses	\$ 70,886	
II. Other Expenses	280,420	
Information Systems Services-Telephone Exchange		\$2,734,514
I. Personnel and Related Expenses	\$ 411,487	
II. Other Expenses	2,323,027	

Health Self Insurance		\$22,159,920
II. Other Expenses	\$ 22,159,920	
Health Self Insurance		\$4,992,000
II. Other Expenses	\$ 4,992,000	
Division of Motor Vehicle Maintenance		\$7,329,874
I. Personnel and Related Expenses	\$ 1,491,050	
II. Other Expenses	5,838,824	
Division of Printing and Reproduction		\$862,416
I. Personnel and Related Expenses	\$ 236,433	
II. Other Expenses	625,983	
City Storeroom and Central Warehouse		\$220,720
I. Personnel and Related Expenses	\$ 34,326	
II. Other Expenses	186,394	
TOTAL INTERNAL SERVICE FUNDS		<u>\$38,650,750</u>

## ENTERPRISE FUNDS

## DEPARTMENT OF PUBLIC UTILITIES

Utilities Administration		\$1,605,370
I. Personnel and Related Expenses	\$ 1,208,365	
II. Other Expenses	397,005	
Radio		\$1,310,172
I. Personnel and Related Expenses	\$ 167,530	
II. Other Expenses	1,142,642	
Division of Fiscal Control		\$1,708,496
I. Personnel and Related Expenses	\$ 1,437,320	
II. Other Expenses	271,176	
Division of Water		\$121,344,495
I. Personnel and Related Expenses	\$ 23,239,164	
II. Other Expenses	98,105,331	
Division of Water Pollution Control		\$9,102,744
I. Personnel and Related Expenses	\$ 3,309,432	
II. Other Expenses	5,793,312	
Division of Cleveland Public Power		\$75,606,470
I. Personnel and Related Expenses	\$ 7,183,841	
II. Other Expenses	68,422,629	
TOTAL DEPARTMENT OF PUBLIC UTILITIES		<u>\$210,677,747</u>

## DEPARTMENT OF PORT CONTROL

Divisions of Cleveland Hopkins & Burke Lakefront Airports - Operations		\$70,925,418
I. Personnel and Related Expenses	\$ 9,299,944	
II. Other Expenses	61,625,474	
TOTAL DEPARTMENT OF PORT CONTROL		<u>\$70,925,418</u>

## DEPARTMENT OF PUBLIC WORKS

Division of Cemeteries		\$653,917
I. Personnel and Related Expenses	\$ 339,909	
II. Other Expenses	314,008	
Golf Course Fund		\$19,200
I. Personnel and Related Expenses	\$ 2,000	
II. Other Expenses	17,200	
Division of Parking Facilities-Off Street Parking		\$4,474,035
I. Personnel and Related Expenses	\$ 379,330	
II. Other Expenses	4,094,705	

Division of Public Auditorium		\$926,253
I. Personnel and Related Expenses	\$ 358,839	
II. Other Expenses	567,414	
Division of Public Auditorium & Stadium- West Side Market		\$767,337
I. Personnel and Related Expenses	\$ 120,397	
II. Other Expenses	646,940	
TOTAL DEPARTMENT OF PUBLIC WORKS		\$6,840,742
TOTAL ENTERPRISE FUNDS		\$288,443,907
AGENCY FUND		
Central Collection Agency		\$3,652,235
I. Personnel and Related Expenses	\$ 2,029,135	
II. Other Expenses	1,623,100	
TOTAL AGENCY FUND		\$3,652,235
DEBT SERVICE FUND		
Sinking Fund Commission		\$26,375,750
III. Debt Service	\$ 26,375,750	
TOTAL DEBT SERVICE FUNDS		\$26,375,750

**Section 2.** That all expenditures and payments made under and pursuant to the ordinance appropriating such sum or sums of money shall be charged against the annual appropriation ordinance for the fiscal year ending December 31, 2015, when such appropriation ordinance shall become effective, and to the various departments and divisions and payment of whose officers and employees and operating expenses such sum or sums of money hereunder shall then have paid out or expended. Provided, however, that no payment shall be made under the authority of this ordinance after the effective date of said Annual Appropriation Ordinance for the fiscal year ending December 31, 2015.

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

Passed December 8, 2014.

Effective December 10, 2014.

**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.**

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 Council President is authorized to enter into an agreement with Cobalt Group, Inc. ("Consultant") for the professional services necessary to provide for the implementation of an operations and sustainability plan for Cleveland City Council, including the services set forth in Consultant's 2015 Statement of Work and those services as may be directed by the Clerk of Council or her designee. This agreement shall be entered into as of January 1, 2015 and shall be for a term of one year, concluding December 31, 2015.

The agreement shall be certified in an amount not to exceed \$66,000.00 from fund 01, dept. 0101, subfund 001, and object code 6320.

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

Passed December 8, 2014.

Effective December 10, 2014.

**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.**

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

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

**Section 1.** That the Clerk of Council is authorized to enter into an agreement with Mita Marketing LLC for the professional services necessary to assist Cleveland City Council with

communications and public relations, for a one year period beginning January 1, 2015 and concluding December 31, 2015.

**Section 2.** That the cost of said contract shall not exceed \$60,000 and shall be certified from Fund 01, Dept. 0101, Subfund 001, Object Code 6320.

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

Passed December 8, 2014.

Effective December 10, 2014.

**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.**

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

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

**Section 1.** That the Clerk of Council ("Clerk") is authorized to enter into an agreement with Solar Systems Networking Inc. ("Consultant"), 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 to assist with specific projects as set forth in the agreement. This agreement shall be entered into as of January 1, 2015 and shall be for a term of one year, concluding December 31, 2015. The cost of all services under this agreement shall not exceed \$80,000 and shall be paid for from fund 11-006 and/or 21-006.

**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 8, 2014.

Effective December 10, 2014.

**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.**

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

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

**Section 1.** That the Clerk of Council is authorized to enter into 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 for a one year period beginning January 1, 2015 and concluding December 31, 2015.

**Section 2.** That the cost of said contract shall not exceed \$150,000 and shall be certified from Fund 01, Dept. 0101, Subfund 001, Object Code 6320.

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

Passed December 8, 2014.

Effective December 10, 2014.

**Ord. No. 1601-14.**

**By Council Member Kelley.**

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

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

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

**Section 1.** That the Clerk of Council is authorized to enter into an agreement with Guy Gadomski, CPA to provide professional financial consulting and auditing services necessary for Cleveland City Council, including but not limited to, analysis of the Mayor's Estimate, preparation and presentation of the Council budget retreat, and briefings to the Council President, and any other financial advisory services as directed by the Clerk or her designee. This agreement shall be entered into as of January 1, 2015 and shall be for a term of one year, concluding December 31, 2015.

The agreement shall be certified in an amount not to exceed \$50,000.00 from fund 01, dept. 0101 subfund 001 object code 6320.

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

Passed December 8, 2014.

Effective December 10, 2014.

**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.**

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

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

**Section 1.** That the Clerk of Council is authorized to enter into 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. This agreement shall be entered into as of January 1, 2015 and shall be for a term of one year, concluding December 31, 2015. The agreement shall be certified in an amount not to exceed \$250,000.00 from fund 52-001, 54-001 and/or 58-001 and such other funds as may be deemed appropriate by the Director of Finance.

**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 8, 2014.

Effective December 10, 2014.

**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.

Passed December 8, 2014.

Effective December 10, 2014.

**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.

Passed December 8, 2014.

Effective December 10, 2014.

**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.

Passed December 8, 2014.

Effective December 10, 2014.

**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.

Passed December 8, 2014.

Effective December 10, 2014.

**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.

Passed December 8, 2014.

Effective December 10, 2014.

**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.

Passed December 8, 2014.  
Effective December 10, 2014.

**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.

Passed December 8, 2014.  
Effective December 10, 2014.

**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.

Passed December 8, 2014.  
Effective December 10, 2014.

**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.

Passed December 8, 2014.  
Effective December 10, 2014.

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

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

**An emergency ordinance 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.

Passed December 8, 2014.  
Effective December 10, 2014.

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National Forum on Youth Violence Prevention Program (FY 14) — Grants — U.S. Department of Justice (O 1511-14) .....	1893
Operation and Sustainability Plan implementation — Cobalt Group, Inc. (O 1597-14) .....	1928
Playhouse Square Foundation — forgivable loan agreement — Ohio Theater Euclid Ave., 1501 (Ward 03) (O 1519-14) .....	1896
Project NuCLEus Building A and Building B (VPI) — Gateway Huron, LLC, — Economic Development Department (O 1571-14) .....	1901
Rehabilitation MLK Boulevard Bridge project No. 5:029M — consent — Ohio Department of Transportation (ODOT) — Capital Projects Office (Ward 09) (O 1514-14) .....	1893
Rehabilitation MLK Boulevard Bridge project No. 5:055M — consent — Ohio Department of Transportation (ODOT) — Capital Projects Office (Ward 09) (O 1515-14) .....	1894
Replacing existing underground lift stations with above-ground stations — public improvement — Port Control Department (O 1352-14) .....	1887
Rubber and other contaminants removal from paved surfaces — Contract No. RC 2013-22 — Hi-Lite Markings, Inc. (O 1457-14).....	1891
Tenant Advocacy and Rental Information Center Program — Cleveland Tenants Organization — agreement — Community Development (Ward 16 NEF) (O 1632-14) .....	1931
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) .....	1931
Vacant and Abandoned Property Action Council (VAPAC), demolition bond, reforestation, demolition funding, rehabilitation, and code enforcement — Western Reserve Land Conservancy d/b/a Thriving Communities Institute — agreement (O 1600-14) .....	1929
Various Capital Improvement Projects — Architectural and related services — professional services — Capital Projects Office (O 1522-14).....	1896
Various Capital Improvement Projects — Engineering, testing, and related services — Division of Engineering and Construction — Capital Projects Office (O 1523-14) .....	1896

**Convention Center/Mall B & C**

Economic Development — tri-party agreement — Cuyahoga Co. and The Superlative Group, an Ohio corporation — naming rights — Medical Mart Convention Center (O 1573-14) .....	1907
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**Cuyahoga County**

Amend Sections 1 & 2 of Ord. No. 298-14 — Transfer the responsibility of answering cellular 9-1-1 calls made within the City of Cleveland from the County to the City (O 1621-14) .....	1930
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Economic Development — tri-party agreement — Cuyahoga Co. and The Superlative Group, an Ohio corporation — naming rights — Medical Mart Convention Center , Mall B & C (O 1573-14) ..... **1907**  
 Law enforcement — related scientific testing services — Cuyahoga County Medical Examiner’s — Regional Forensic Science Laboratory — agreement — Safety Department (O 1622-14)..... **1930**

**Easements**

Purchases and Supplies to sell a portion of City-owned property and grant temporary easement to Twinsburg for SR 91 widening / Glenwood Drive Roundabout Project (O 1569-14) ..... **1899**

**Economic Development Department**

Authorize Economic Development to file Petition to extend Enterprise Zone term (change the maximum term of tax abatements from ten to fifteen years) (O 1568-14) ..... **1899**  
 Community Recreation Project grant — infrastructure improvements in the Flats East Bank development area — Flats East Bank Development, LLC (O 1620-14)..... **1930**  
 East 55th, East 63rd, and Euclid Ave., (formerly known as the Ohio Knitting Mills building site) — HUD 108 — Economic Development assistance — BEDI — Hemingway Development, LLC (O 1449-14)..... **1890**  
 Euclid Ave., 7012 — The Beauty Shoppe — Empowerment Zone Program — Victory Midtown Landlord, LLC (Ward 05) (O 1451-14)..... **1891**  
 Flats East Bank Phase II Development — sewer and stormwater infrastructure improvements — Flats East Development, LLC — Grants — NEORS (O 1553-14) ..... **1897**  
 NuCLEus redevelopment project — Gateway Huron, LLC — Tax Increment Financing Agreement (O 1570-14)..... **1900**  
 Playhouse Square Foundation — forgivable loan agreement — Ohio Theater Euclid Ave., 1501 (Ward 03) (O 1519-14) ..... **1896**  
 Project NuCLEus Building A and Building B (VPI) — contracts — Gateway Huron, LLC, (O 1571-14) ..... **1901**  
 Tri-party agreement — Cuyahoga Co. and The Superlative Group, an Ohio corporation — naming rights — Medical Mart Convention Center , Mall B & C (O 1573-14) ..... **1907**

**Encroachments**

Downtown area (CP01, CP12, CP13, CP14) — right-of-way — 4 way-finding signs and electric duct banks — Positively Cleveland — Capital Projects Office (Ward 03) (O 1351-14) ..... **1886**  
 Starkweather Ave., 1109 — right-of-way — three security / surveillance cameras and electrical connection — Prosperity Social Club, Inc. — Capital Projects Office — City Planning Commission — CPP (Ward 03) (O 1517-14) ..... **1895**  
 Washington Ave. — right-of-way — new handicap-accessible ramp and stair — Left Side Developments, LLC — Capital Projects Office — City Planning Commission (Ward 03) (O 1246-14)..... **1886**

**Engineering And Construction Division**

Various Capital Improvement Projects — Engineering, testing, and related services — Capital Projects Office (O 1523-14) ..... **1896**

**Enterprise Funds**

Appropriations — additional — \$ 200,000 — Enterprise Funds — Sinking Fund Commission — Finance Department (O 1594-14) ..... **1921**  
 Fund Transfers — \$ 2,940,000 — General Fund — \$ 800,000 — Special Revenue Fund — \$10,850,000 — Enterprise Fund (O 1593-14) ..... **1919**

**Enterprise Zone Agreement**

Authorize Economic Development to file Petition to extend Enterprise Zone term (change the maximum term of tax abatements from ten to fifteen years) (O 1568-14) ..... **1899**

**Famicos Foundation**

Supporting Famicos Foundation proposal to Ohio Housing Finance Agency — low-income housing tax credits (Ward 09) (R 1638-14) ..... **1883**

**Fees**

Animal Care and Control Division — 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 (O 1572-14) ..... **1901**

**Finance Department**

Appropriations — additional — \$ 200,000 — Enterprise Funds — Sinking Fund Commission (O 1594-14) .....	1921
Appropriations — Temporary — Year 2015 (O 1595-14) .....	1922
Cleveland Work Crew Program — community service placement for criminal defendants — Court Community Service — Cleveland Municipal Court (O 1618-14) .....	1929
Fund Transfers — \$ 2,940,000 — General Fund — \$ 800,000 — Special Revenue Fund — \$10,850,000 — Enterprise Fund (O 1593-14) .....	1919
General Obligation Refunding Bonds (O 1591-14) .....	1909
Municipal Foremen & Laborers Local 1099 (Non — Supervisory & Supervisory) — approve Fact-Finder's report — Section 26, 27, and 49 — amend Ord. 385-14 — Human Resources Department (O 1577-14) .....	1907
North Coast Harbor Pedestrian Bridge construction — amend Ord. 1690-12 — consent and cause payment — Ohio Department of Transportation (ODOT) (Ward 03) (O 1447-14) .....	1889
Refunding Bonds — 2015 Subordinate Lien Income Tax (O 1592-14) .....	1915
Teamsters, Local 507 — approve collective bargaining agreement — Section 9 — amend Ord. 385-14 — Human Resources Department (O 1555-14) .....	1898

**Fire Division**

Acquire forcible entry and extrication equipment — Safety Intervention Grant — Ohio Bureau of Workers Compensation — Safety Department (O 1448-14) .....	1890
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**Flats District**

Community Recreation Project grant — infrastructure improvements in the Flats East Bank development area — Flats East Bank Development, LLC (O 1620-14) .....	1930
Flats East Bank Phase II Development — sewer and stormwater infrastructure improvements — Flats East Development, LLC — Grants — NEORS (O 1553-14) .....	1897

**General Fund**

Fund Transfers — \$ 2,940,000 — General Fund — \$ 800,000 — Special Revenue Fund — \$10,850,000 — Enterprise Fund (O 1593-14) .....	1919
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**Grants**

Acquire forcible entry and extrication equipment — Safety Intervention Grant — Ohio Bureau of Workers Compensation — Safety Department (O 1448-14) .....	1890
Amend Section 8 of Ord. 265-14 — Moms First Program — U.S. Department of Health and Human Services (O 1619-14) .....	1929
Cleveland Domestic Violence Program — Violence Against Women Act (FY 2014) — County Public Safety and Justice Services (O 1452-14) .....	1891
Cleveland Sexual Assault Advocate Project — Violence Against Women Act (FY 2014) — County Public Safety and Justice Services — Cleveland Rape Crisis Center (O 1450-14) .....	1890
Community Recreation Project grant — infrastructure improvements in the Flats East Bank development area — Flats East Bank Development, LLC (O 1620-14) .....	1930
COPS Hiring Program (FY 2013) — U.S. Department of Justice (O 1525-14) .....	1897
East 55th, East 63rd, and Euclid Ave., (formerly known as the Ohio Knitting Mills building site) — HUD 108 — Economic Development assistance — BEDI — Hemingway Development, LLC (O 1449-14) .....	1890
Euclid Ave., 7012 — The Beauty Shoppe — Empowerment Zone Program — Victory Midtown Landlord, LLC (Ward 05) (O 1451-14) .....	1891
Flats East Bank Phase II Development — sewer and stormwater infrastructure improvements — Flats East Development, LLC — NEORS (O 1553-14) .....	1897
National Forum on Youth Violence Prevention Program (FY 14) — U.S. Department of Justice (O 1511-14) .....	1893
Nationwide Crime Analysis Capability Building Projects (FY 14) — Institute for Intergovernmental Research — Grants (O 1554-14) .....	1898
Rehabilitation MLK Boulevard Bridge project No. 5:029M — consent — Ohio Department of Transportation (ODOT) — Capital Projects Office (Ward 09) (O 1514-14) .....	1893
Rehabilitation MLK Boulevard Bridge project No. 5:055M — consent — Ohio Department of Transportation (ODOT) — Capital Projects Office (Ward 09) (O 1515-14) .....	1894

**Health Department**

Amend Section 8 of Ord. 265-14 — Moms First Program — U.S. Department of Health and Human Services — Grants (O 1619-14) .....	1929
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**Housing And Urban Development (HUD)**

East 55th, East 63rd, and Euclid Ave., (formerly known as the Ohio Knitting Mills building site) — Economic Development assistance — BEDI — Hemingway Development, LLC (O 1449-14) .....	1890
Euclid Ave., 7012 — The Beauty Shoppe — Empowerment Zone Program — Victory Midtown Landlord, LLC (Ward 05) (O 1451-14) .....	1891



**Human Resources Department**

Municipal Foremen & Laborers Local 1099 (Non — Supervisory & Supervisory) — approve Fact-Finder's report — Section 26, 27, and 49 — amend Ord. 385-14 — Finance Department (O 1577-14) .....	1907
Teamsters, Local 507 — approve collective bargaining agreement — Section 9 — amend Ord. 385-14 — Finance Department (O 1555-14) .....	1898

**Lease Agreement**

Office space — flight training — T & G Flying Club, Inc. — Burke Lakefront Airport Division (O 1465-14) .....	1892
Office space (Suite 220) — BoxCast, LLC — Burke Lakefront Airport — Port Control Department (O 1461-14) .....	1892
Valet parking service and lease space — SP +, fka Standard Parking Corporation — Cleveland Hopkins International Airport (O 1464-14) .....	1892

**Licenses**

Environmental compliance, mandatory — amend Ord. 499-10, 1624-10, 1435-11 — renew Contract No. PS 2013-22 — Leidos, Inc. — Burke Lakefront Airport Division — Cleveland Hopkins International Airport Division (O 1518-14) .....	1896
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**Liquor Permits**

Bosworth Rd., 3590 — objection to transfer of ownership (Ward 11) (R 1643-14) .....	1885
Chester Ave., 2701 — objection to transfer of liquor license (Ward 07) (R 1641-14) .....	1884
East 105th St., 917 — withdraw objection to transfer of location — repeal Res. 1262-14 (Ward 09) (R 1662-14) .....	1886
East 36th St., 1735 — objection to issuance (Ward 07) (R 1639-14) .....	1883
Euclid Ave., 2044 — objection to transfer of location (Ward 05) (R 1640-14) .....	1883
Martin Luther King Jr. Blvd., 3750 — objection to transfer of ownership (Ward 02) (R 1644-14) .....	1885
Payne Ave., 3211 — withdraw objection to transfer of location — repeal Res. 1138-14 (Ward 07) (R 1645-14) .....	1885
Spring Rd., 1503 (1st fl.) — objection to transfer of ownership (Ward 12) (R 1642-14) .....	1884
St. Clair Ave., 10643 — withdraw objection to transfer of ownership — repeal Res. 1196-14 (Ward 09) (R 1661-14) .....	1885

**Loans**

Project NuCLEus Building A and Building B (VPI) — contracts — Gateway Huron, LLC, — Economic Development Department (O 1571-14) .....	1901
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**Neighborhood Equity Funds**

Developmental Disabilities Social Services Support Program — L'Arche Cleveland — agreement — Community Development (Ward 16 NEF) (O 1633-14) .....	1931
Tenant Advocacy and Rental Information Center Program — Cleveland Tenants Organization — agreement — Community Development (Ward 16 NEF) (O 1632-14) .....	1931

**Northeast Ohio Regional Sewer District (NEORS)**

Amend Ord. 1325-12 — East 79th St. Bridge improvements — consent and cause payment — Ohio Department of Transportation (ODOT) (Ward 06) (O 1552-14) .....	1897
Flats East Bank Phase II Development — sewer and stormwater infrastructure improvements — Flats East Development, LLC — Grants (O 1553-14) .....	1897

**Ohio Department Of Natural Resources**

Community Recreation Project grant — infrastructure improvements in the Flats East Bank development area — Flats East Bank Development, LLC (O 1620-14) .....	1930
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**Ohio Department Of Transportation (ODOT)**

Amend Ord. 1325-12 — East 79th St. Bridge improvements — consent and cause payment (Ward 06) (O 1552-14) .....	1897
North Coast Harbor Pedestrian Bridge construction — amend Ord. 1690-12 — consent and cause payment (Ward 03) (O 1447-14) .....	1889
Rehabilitation MLK Boulevard Bridge project No. 5:029M — consent — Capital Projects Office (Ward 09) (O 1514-14) .....	1893
Rehabilitation MLK Boulevard Bridge project No. 5:055M — consent — Capital Projects Office (Ward 09) (O 1515-14) .....	1894

**Ohio House Finance Agency (OHFA)**

Supporting Famicos Foundation proposal — low-income housing tax credits (Ward 09) (R 1638-14) .....	1883
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**Permits**

Downtown area (CP01, CP12, CP13, CP14) — encroach into right-of-way — 4 way-finding signs and electric duct banks — Positively Cleveland — Capital Projects Office (Ward 03) (O 1351-14) .....	1886
Starkweather Ave., 1109 — encroach into right-of-way — three security / surveillance cameras and electrical connection — Prosperity Social Club, Inc. — Capital Projects Office — City Planning Commission — CPP (Ward 03) (O 1517-14) .....	1895
Washington Ave. — encroach into right-of-way — new handicap-accessible ramp and stair — Left Side Developments, LLC — Capital Projects Office — City Planning Commission (Ward 03) (O 1246-14) .....	1886

**Playhouse Square**

Forgivable loan agreement — Ohio Theater Euclid Ave., 1501 (Ward 03) (O 1519-14) .....	1896
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**Port Control Department**

Common Area Maintenance Agreement (CAM) — North Coast Harbor — amend Ord. 1253-12 — Downtown Cleveland Alliance — Cleveland — Cuyahoga County Port Authority (O 1467-14) .....	1893
Environmental compliance, mandatory — amend Ord. 499-10, 1624-10, 1435-11 — renew Contract No. PS 2013-22 — Leidos, Inc. — Burke Lakefront Airport Division — Cleveland Hopkins International Airport Division (O 1518-14) .....	1896
Exelis — contracts — squitter units (installation & maintenance) — Vehicle at Cleveland Hopkins International Airport (O 1558-14) .....	1898
General non-capital maintenance and repairs — amend Sections 1,2,3 and 5 of Ord. 456-12 — Burke Lakefront Airport Division — Cleveland Hopkins International Airport Division (O 1446-14) .....	1889
Office space — flight training — T & G Flying Club, Inc. — lease agreement — Burke Lakefront Airport Division (O 1465-14) .....	1892
Office space (Suite 220) — lease agreement — BoxCast, LLC — Burke Lakefront Airport (O 1461-14) .....	1892
Replacing existing underground lift stations with above-ground stations — public improvement contracts (O 1352-14) .....	1887
Rubber and other contaminants removal from paved surfaces — Contract No. RC 2013-22 — Hi-Lite Markings, Inc. (O 1457-14) .....	1891
Valet parking service and lease space — SP +, fka Standard Parking Corporation — lease agreement — Cleveland Hopkins International Airport (O 1464-14) .....	1892

**Professional Services**

Cleveland Work Crew Program — community service placement for criminal defendants — Court Community Service — Cleveland Municipal Court (O 1618-14) .....	1929
Common Area Maintenance Agreement (CAM) — North Coast Harbor — amend Ord. 1253-12 — Downtown Cleveland Alliance — Cleveland — Cuyahoga County Port Authority (O 1467-14) .....	1893
Communication and Public Relations Consulting Services — Mita Marketing, LLC (O 1598-14) .....	1928
Computer Technology Projects — Solar Systems Networking Inc. (O 1599-14) .....	1928
Consulting services for utility -related matters — The Project Group (O 1602-14) .....	1929
Financial Consulting and Auditing Services — Guy Gadowski, CPA (O 1601-14) .....	1929
Operation and Sustainability Plan implementation — Cobalt Group, Inc. (O 1597-14) .....	1928
Vacant and Abandoned Property Action Council (VAPAC), demolition bond, reforestation, demolition funding, rehabilitation, and code enforcement — Western Reserve Land Conservancy d/b/a Thriving Communities Institute — agreement (O 1600-14) .....	1929
Various Capital Improvement Projects — Architectural and related services — contracts — Capital Projects Office (O 1522-14) .....	1896
Various Capital Improvement Projects — Engineering, testing, and related services — Division of Engineering and Construction — Capital Projects Office (O 1523-14) .....	1896

**Public Improvements**

General non-capital maintenance and repairs — amend Sections 1,2,3 and 5 of Ord. 456-12 — Burke Lakefront Airport Division — Cleveland Hopkins International Airport Division (O 1446-14) .....	1889
Purchases and Supplies to sell a portion of City-owned property and grant temporary easement to Twinsburg for SR 91 widening / Glenwood Drive Roundabout Project (O 1569-14) .....	1899
Rehabilitation MLK Boulevard Bridge project No. 5:029M — consent — Ohio Department of Transportation (ODOT) — Capital Projects Office (Ward 09) (O 1514-14) .....	1893

Rehabilitation MLK Boulevard Bridge project No. 5:055M — consent — Ohio Department of Transportation (ODOT) — Capital Projects Office (Ward 09) (O 1515-14) ..... 1894  
 Replacing existing underground lift stations with above-ground stations — contracts — Port Control Department (O 1352-14)..... 1887

**Public Works**

Johnny Kilbane Sculpture Project — Irish American Archives Society, Inc. — agreement (Ward(s) 15, 13, 16 and 17) (O 1635-14)..... 1931

**Purchases And Supplies Division**

To sell a portion of City-owned property and grant temporary easement to Twinsburg for SR 91 widening / Glenwood Drive Roundabout Project (O 1569-14)..... 1899

**Resolution Of Support**

Supporting Catholic Charities Housing Corporation — develop affordable housing for senior citizens — St. Vincent de Paul Parish — Lorain Ave., 13400 (Ward 16) (R 1637-14) ..... 1883  
 Supporting Famicos Foundation proposal to Ohio Housing Finance Agency — low-income housing tax credits (Ward 09) (R 1638-14) ..... 1883  
 Urging moratorium on Social Security Office closings and service cuts (R 1636-14)..... 1882

**Resolutions — Miscellaneous**

Supporting Catholic Charities Housing Corporation — develop affordable housing for senior citizens — St. Vincent de Paul Parish — Lorain Ave., 13400 (Ward 16) (R 1637-14) ..... 1883  
 Urging moratorium on Social Security Office closings and service cuts (R 1636-14)..... 1882

**Revenue Bonds**

Fund Transfers — \$ 2,940,000 — General Fund — \$ 800,000 — Special Revenue Fund — \$10,850,000 — Enterprise Fund (O 1593-14) ..... 1919

**Safety Department**

Acquire forcible entry and extrication equipment — Safety Intervention Grant — Ohio Bureau of Workers Compensation (O 1448-14) ..... 1890  
 Amend Sections 1 & 2 of Ord. No. 298-14 — Transfer the responsibility of answering cellular 9-1-1 calls made within the City of Cleveland from the County to the City (O 1621-14) ..... 1930  
 Animal Care and Control Division — 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 (O 1572-14) ..... 1901  
 Cleveland Domestic Violence Program — Violence Against Women Act (FY 2014) — County Public Safety and Justice Services — Grant (O 1452-14)..... 1891  
 Cleveland Sexual Assault Advocate Project — Violence Against Women Act (FY 2014) — County Public Safety and Justice Services — Grants — Cleveland Rape Crisis Center (O 1450-14) ..... 1890  
 COPS Hiring Program (FY 2013) — Grants — U.S. Department of Justice (O 1525-14)..... 1897  
 Law enforcement — related scientific testing services — Cuyahoga County Medical Examiner's — Regional Forensic Science Laboratory — agreement (O 1622-14) ..... 1930  
 National Forum on Youth Violence Prevention Program (FY 14) — Grants — U.S. Department of Justice (O 1511-14) ..... 1893  
 Nationwide Crime Analysis Capability Building Projects (FY 14) — Institute for Intergovernmental Research — Grants (O 1554-14) ..... 1898

**Salaries**

Municipal Foremen & Laborers Local 1099 (Non — Supervisory & Supervisory) — approve Fact-Finder's report — Section 26, 27, and 49 — amend Ord. 385-14 — Finance Department — Human Resources Department (O 1577-14) ..... 1907  
 Teamsters, Local 507 — approve collective bargaining agreement — Section 9 — amend Ord. 385-14 — Finance Department — Human Resources Department (O 1555-14) ..... 1898

**Special Revenue Funds**

Fund Transfers — \$ 2,940,000 — General Fund — \$ 800,000 — Special Revenue Fund — \$10,850,000 — Enterprise Fund (O 1593-14) ..... 1919

**Street Vacation**

East 117th St. — intention to vacate a portion — Capital Projects Office — City Planning Commission (Ward 06) (R 1526-14)..... 1882  
 Logan Court N.E. — vacate a portion — Capital Projects Office — City Planning Commission (Ward 07) (O 1623-14) ..... 1930

West 74th St. — intention to vacate a portion — Capital Projects Office — City Planning Commission (Ward 15) (R 1245-14).....	1882
<b>Utilities Department</b>	
Consulting services for utility -related matters — The Project Group (O 1602-14) .....	1929
Purchases and Supplies to sell a portion of City-owned property and grant temporary easement to Twinsburg for SR 91 widening / Glenwood Drive Roundabout Project (O 1569-14) .....	1899
<b>Ward 02</b>	
Martin Luther King Jr. Blvd., 3750 — objection to transfer of ownership — liquor permit (R 1644-14) .....	1885
<b>Ward 03</b>	
Downtown area (CP01, CP12, CP13, CP14) — encroach into right-of-way — 4 way-finding signs and electric duct banks — Positively Cleveland — Capital Projects Office (O 1351-14) .....	1886
North Coast Harbor Pedestrian Bridge construction — amend Ord. 1690-12 — consent and cause payment — Ohio Department of Transportation (ODOT) (O 1447-14) .....	1889
Playhouse Square Foundation — forgivable loan agreement — Ohio Theater Euclid Ave., 1501 (O 1519-14) .....	1896
Starkweather Ave., 1109 — encroach into right-of-way — three security / surveillance cameras and electrical connection — Prosperity Social Club, Inc. — Capital Projects Office — City Planning Commission — CPP (O 1517-14) .....	1895
Washington Ave. — encroach into right-of-way — new handicap-accessible ramp and stair — Left Side Developments, LLC — Capital Projects Office — City Planning Commission (O 1246-14).....	1886
<b>Ward 05</b>	
Euclid Ave., 2044 — objection to transfer of location — liquor permit (R 1640-14) .....	1883
Euclid Ave., 7012 — The Beauty Shoppe — Empowerment Zone Program — Victory Midtown Landlord, LLC (O 1451-14).....	1891
<b>Ward 06</b>	
Amend Ord. 1325-12 — East 79th St. Bridge improvements — consent and cause payment — Ohio Department of Transportation (ODOT) (O 1552-14).....	1897
East 117th St. — intention to vacate a portion — Capital Projects Office — City Planning Commission (R 1526-14) .....	1882
<b>Ward 07</b>	
Chester Ave., 2701 — objection to transfer of liquor license — liquor permit (R 1641-14).....	1884
East 36th St., 1735 — objection to issuance — liquor permit (R 1639-14) .....	1883
Logan Court N.E. — vacate a portion — Capital Projects Office — City Planning Commission (O 1623-14) .....	1930
Payne Ave., 3211 — withdraw objection to transfer of location — repeal Res. 1138-14 — liquor permit (R 1645-14) .....	1885
<b>Ward 08</b>	
Urging moratorium on Social Security Office closings and service cuts (R 1636-14).....	1882
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East 105th St., 917 — withdraw objection to transfer of location — repeal Res. 1262-14 — liquor permit (R 1662-14) .....	1886
Rehabilitation MLK Boulevard Bridge project No. 5:029M — consent — Ohio Department of Transportation (ODOT) — Capital Projects Office (O 1514-14) .....	1893
Rehabilitation MLK Boulevard Bridge project No. 5:055M — consent — Ohio Department of Transportation (ODOT) — Capital Projects Office (O 1515-14) .....	1894
St. Clair Ave., 10643 — withdraw objection to transfer of ownership — repeal Res. 1196-14 — liquor permit (R 1661-14) .....	1885
Supporting Famicos Foundation proposal to Ohio Housing Finance Agency — low-income housing tax credits (R 1638-14) .....	1883
<b>Ward 11</b>	
Bosworth Rd., 3590 — objection to transfer of ownership — liquor permit (R 1643-14).....	1885
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Spring Rd., 1503 (1st fl.) — objection to transfer of ownership — liquor permit (R 1642-14) ..... 1884

**Ward 13**

Johnny Kilbane Sculpture Project — Irish American Archives Society, Inc. — agreement —  
Works Department (Ward(s) 15, 13, 16 and 17) (O 1635-14) ..... 1931

**Ward 15**

Johnny Kilbane Sculpture Project — Irish American Archives Society, Inc. — agreement —  
Works Department (Ward(s) 15, 13, 16 and 17) (O 1635-14) ..... 1931  
West 74th St. — intention to vacate a portion — Capital Projects Office — City Planning  
Commission (R 1245-14) ..... 1882

**Ward 16**

Developmental Disabilities Social Services Support Program — L'Arche Cleveland —  
agreement — Community Development (Ward 16 NEF) (O 1633-14) ..... 1931  
Johnny Kilbane Sculpture Project — Irish American Archives Society, Inc. — agreement —  
Works Department (Ward(s) 15, 13, 16 and 17) (O 1635-14) ..... 1931  
Supporting Catholic Charities Housing Corporation — develop affordable housing for senior  
citizens — St. Vincent de Paul Parish — Lorain Ave., 13400 (R 1637-14) ..... 1883  
Tenant Advocacy and Rental Information Center Program — Cleveland Tenants Organization —  
agreement — Community Development (Ward 16 NEF) (O 1632-14) ..... 1931  
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) ..... 1931

**Ward 17**

Johnny Kilbane Sculpture Project — Irish American Archives Society, Inc. — agreement —  
Works Department (Ward(s) 15, 13, 16 and 17) (O 1635-14) ..... 1931

**Zoning Code**

Hookah lounges and vapor lounges — amend Section 343.11- enact Section 347.121 — Building  
and Housing Department (O 1396-14) ..... 1887