

# The City Record

Official Publication of the Council of the City of Cleveland



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April the Eleventh, Two Thousand and Twelve

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**Frank G. Jackson**  
Mayor

**Martin J. Sweeney**  
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 Jeffrey D. Johnson
- 9 Kevin Conwell
- 10 Eugene R. Miller
- 11 Michael D. Polensek
- 12 Anthony Brancatelli
- 13 Kevin J. Kelley
- 14 Brian J. Cummins
- 15 Matthew Zone
- 16 Jay Westbrook
- 17 Dona Brady
- 18 Martin J. Sweeney
- 19 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 – Martin J. Sweeney

Ward	Name	Residence	
1	Terrell H. Pruitt	3877 East 189th Street	44122
2	Zachary 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	Jeffrey D. Johnson	9024 Parkgate Avenue	44108
9	Kevin Conwell	10647 Ashbury Avenue	44106
10	Eugene R. Miller	13615 Kelso Avenue	44110
11	Michael D. Polensek	17855 Brian Avenue	44119
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	Jay Westbrook	1278 West 103rd Street	44102
17	Dona Brady	1272 West Boulevard	44102
18	Martin J. Sweeney	3632 West 133rd Street	44111
19	Martin J. Keane	15907 Colletta Lane	44111

City Clerk, Clerk of Council – Patricia J. Britt, 216 City Hall, 664–2840  
 First Assistant Clerk – Sandra Franklin

### MAYOR – Frank G. Jackson

Ken Silliman, Secretary to the Mayor, Chief of Staff  
 Darnell Brown, Executive Assistant to the Mayor, Chief Operating Officer  
 Valarie J. McCall, Executive Assistant to the Mayor, Chief of Government Affairs  
 Chris Warren, Executive Assistant to the Mayor, Chief of Regional Development  
 Monyka S. Price, Executive Assistant to the Mayor, Chief of Education  
 Maureen Harper, Executive Assistant to the Mayor, Chief of Communications  
 Andrea V. Taylor, Executive Assistant to the Mayor, Press Secretary  
 Jenita McGowan, Executive Assistant to the Mayor, Chief of Sustainability  
 Natoya J. Walker Minor, Chief of Public Affairs – Interim Director of Equal Opportunity.

### OFFICE OF CAPITAL PROJECTS – Jonmarie Wasik, Director

#### DIVISIONS:

Architecture and Site Development – Robert Vilkas, Chief Architect, Manager  
 Engineering and Construction – \_\_\_\_\_, Manager  
 Real Estate – \_\_\_\_\_, Commissioner

**DEPT. OF LAW** – Barbara A. Langhenry, Interim Director, \_\_\_\_\_, Chief Counsel,  
 Richard F. Horvath, Chief Corporate Counsel, Thomas J. Kaiser, Chief Trial Counsel,  
 Room 106; Michael Ruffing, Law Librarian, Room 100

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

Frank Badalamenti, Manager, Internal Audit

#### DIVISIONS:

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

**DEPT. OF PUBLIC UTILITIES** – Barry A. Withers, Director, 1201 Lakeside Avenue

#### DIVISIONS:

Cleveland Public Power – Ivan Henderson, Commissioner  
 Street Lighting Bureau – \_\_\_\_\_, Acting Chief  
 Utilities Fiscal Control – Dennis Nichols, Commissioner  
 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 – Leigh Stevens, Commissioner  
 Property Management – Tom Nagle, Commissioner  
 Recreation – Kim Johnson, Commissioner  
 Streets – \_\_\_\_\_, Commissioner  
 Traffic Engineering – Robert Mavec, Commissioner  
 Waste Collection and Disposal – Ron Owens, Commissioner

**DEPT. OF PUBLIC HEALTH** – Karen Butler, Director, Mural Building, 75 Erieview Plaza

#### DIVISIONS:

Air Quality – George Baker, Commissioner  
 Environment – Pamela Cross, Commissioner, Mural Building, 75 Erieview Plaza  
 Health – Karen K. Butler, Commissioner, Mural Building, 75 Erieview Plaza

**DEPT. OF PUBLIC SAFETY** – Martin Flask, Director, Room 230

#### DIVISIONS:

Dog Pound – John Baird, Chief Dog Warden, 2690 West 7th Street  
 Correction – Robert Taskey, Commissioner, Cleveland House of Corrections, 4041 Northfield Rd.  
 Emergency Medical Service – Edward Eckart, Commissioner, 1708 South Pointe Drive  
 Fire – Paul A. Stubbs, Chief, 1645 Superior Avenue  
 Police – Michael C. McGrath, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street

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

#### DIVISIONS:

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

**DEPT. OF BUILDING AND HOUSING** – Edward W. Rybka, Director, Room 500

#### DIVISIONS:

Code Enforcement – Thomas E. Vanover, Commissioner  
 Construction Permitting – Timothy R. Wolosz, 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, Council Member Eugene R. Miller, Jeff Marks, (Board Lawyer), Roosevelt E. Coats, Jenice Contreras, Kathryn Hall, Yasir Hamdallah, Evangeline Hardaway, John O. Horton, Annie Key, Stephanie Morrison-Hrbek, Roland Muhammad, Gia Hoa Ryan, Ted C. Wammes, 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 Martin J. Sweeney; 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, Jan Huber, Secretary.

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

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

**BOARD OF SIDEWALK APPEALS** – Service Director Jonmarie Wasik, Interim Law Director Barbara A. Langhenry; Council Member Eugene R. Miller.

**BOARD OF REVIEW** – (Municipal Income Tax) – Interim Law Director Barbara A. Langhenry; Utilities Director Barry A. Withers; Council President Martin J. Sweeney.

**CITY PLANNING COMMISSION** – Room 501 – Robert N. Brown, 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** – Interim Law Director Barbara A. Langhenry; Chairman; Finance Director Sharon Dumas; Council President Martin J. Sweeney; 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, Council Member Anthony Brancatelli, Robert N. Brown, Thomas Coffey, Allan Dreyer, William Mason, Michael Rastatter, Jr., John Torres, N. Kurt Wiebusch, Robert Keiser, Secretary.

**AUDIT COMMITTEE** – Yvette M. Itu, Chairman; Debra Janik, Bracy Lewis, Diane Downing, Donna Sciarappa, Council President Martin J. Sweeney; Interim 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 12A  
 Judge Marilyn B. Cassidy – Courtroom 12B  
 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 Michael John Ryan – Courtroom 13A  
 Judge Angela R. Stokes – Courtroom 15C  
 Judge Pauline H. Tarver – Courtroom 13C  
 Judge Joseph J. Zone – Courtroom 14D

Earle B. Turner – Clerk of Courts, Russell R. Brown III – Court Administrator, Paul J. Mizerak – 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. 99

WEDNESDAY, APRIL 11, 2012

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## CITY COUNCIL

MONDAY, APRIL 9, 2012

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

### PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2010-2013

#### MONDAY — Alternating

9:30 A.M. — **Public Parks, Properties, and Recreation Committee:** K. Johnson, Chair; Conwell, Vice Chair; Brancatelli, Cimperman, Dow, Polensek, Reed.

9:30 A.M. — **Health and Human Services Committee:** Cimperman, Chair; J. Johnson, Vice Chair; Conwell, Keane, Kelley, Reed, Zone.

11:00 A.M. — **Public Service Committee:** Miller, Chair; Cummins, Vice Chair; Cleveland, Dow, K. Johnson, Keane, Polensek, Pruitt, Sweeney.

11:00 A.M. — **Legislation Committee:** Mitchell, Chair; K. Johnson, Vice Chair; Brancatelli, Cimperman, Cleveland, Reed, Sweeney.

#### MONDAY

2:00 P.M. — **Finance Committee:** Sweeney, Chair; Kelley, Vice Chair; Brady, Brancatelli, Cleveland, Keane, Miller, Mitchell, Polensek, Pruitt, Westbrook.

#### TUESDAY

9:30 A.M. — **Community and Economic Development Committee:** Brancatelli, Chair; Dow, Vice Chair; Cimperman, Cummins, J. Johnson, Miller, Pruitt, Westbrook, Zone.

1:30 P.M. — **Employment, Affirmative Action and Training Committee:** Pruitt, Chair; Miller, Vice Chair; Cummins, J. Johnson, K. Johnson, Mitchell, Westbrook.

#### WEDNESDAY — Alternating

10:00 A.M. — **Aviation and Transportation Committee:** Keane, Chair; Pruitt, Vice Chair; Cummins, J. Johnson, K. Johnson, Kelley, Mitchell.

10:00 A.M. — **Public Safety Committee:** Conwell, Chair; Polensek, Vice Chair; Brady, Cleveland, Cummins, Dow, Miller, Mitchell, Zone.

#### WEDNESDAY — Alternating

1:30 P.M. — **Public Utilities Committee:** Kelley, Chair; Brady, Vice Chair; Conwell, Cummins, Dow, Miller, Polensek, Pruitt, Westbrook.

1:30 P.M. — **City Planning Committee:** Cleveland, Chair; Westbrook, Vice Chair; Brady, Conwell, Dow, Keane, Zone.

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

**Rules Committee:** Sweeney, Chair; Cleveland, Keane, Polensek, Pruitt.

**Personnel and Operations Committee:** Westbrook, Chair; Conwell, K. Johnson, Kelley, Mitchell, Sweeney, Zone.

**Mayor's Appointment Committee:** Dow, Chair; Cleveland, Kelley, Miller, Sweeney.

### OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio  
Monday, April 9, 2012

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

Council Members present: Brady, Brancatelli, Cimperman, Cleveland, Conwell, Cummins, Dow, J. Johnson, K. Johnson, Keane, Kelley, Miller, Mitchell, Polensek, Pruitt, Reed, Sweeney, Westbrook and Zone.

Also present were Mayor Frank G. Jackson, Ken Silliman, Chief of Staff, Darnell Brown, Chief Operating Officer, Valarie J. McCall, Chief of Government Affairs, Chris Warren, Chief of Regional Development, Monyka S. Price, Chief of Education, Maureen R. Harper, Chief of Communications, Andrea V. Taylor, Press Secretary, Jenita McGowan, Chief of Sustainability, and Interim Law Director Langhenry, Directors Dumas, Withers, Smith, Wasik, Butler, Flask, Cox, Rybka, Southerington, Nichols, Griffin, Brown, and Teresa Stevenson, Legislative Affairs.

Pursuant to Ordinance No. 2926-76 prayer was offered by Elder Marvin Wyett of Community of Faith Assembly, 5949 Engle Avenue, located in Ward 12. Pledge of Allegiance.

#### MOTION

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

#### COMMUNICATIONS

##### File No. 515-12.

From Director of Aging — acceptance of \$5,200 donation from New York Community Bancorp, Inc for the Department's Economic Security Project. Received.

##### File No. 516-12.

From Cuyahoga County Board of Elections. Certificate of Result of Issue 1, Proposed Charter Amendment on March 6, 2012 City of Cleveland election. Received.

##### File No. 517-12.

From Kingsbury Tower, Ltd. — Kingsbury Tower and Townhomes Hough Neighborhood (Ward 7) — notification letter as general partner of residential rental development project and utilizing multifamily funding programs of the Ohio Housing Finance Agency (OHIA). Received.

#### FROM OHIO DIVISION OF LIQUOR CONTROL

##### File No. 518-12

Re: #0827561 — D1, D2 Transfer of Ownership Application, Bon Vivant Larchmere, LLC, dba Vine & Bean Café, 1st floor, basement and porch, 12706 Larchmere Boulevard. (Ward 6). Received.

##### File No. 519-12

Re: #8569695 — D1, D2, D3, D3A, D6 Transfer of Ownership Application, Sterles Group, LLC, dba Frank Sterle Slovenian Country, 1st floor, 1401-03 East 55th Street. (Ward 7). Received.

#### CONDOLENCE RESOLUTIONS

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

**Res. No. 520-12**—Danny Cameron.

**Res. No. 521-12**—Leatrice Lucille Branch Madison.

**Res. No. 522-12**—Mrs. Anita Kennedy.

**Res. No. 523-12**—Vera D. Bell.

**Res. No. 524-12**—Louis Brooks, Jr.

#### CONGRATULATIONS RESOLUTIONS

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

**Res. No. 525-12**—Inner City Tennis Clinic.

**Res. No. 526-12**—Dorothy L. Jordan.

**Res. No. 527-12**—Superintendent E.T. Parker, Jr.

**RECOGNITION RESOLUTIONS**

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

**Res. No. 528-12**—SAW, Inc.  
**Res. No. 529-12**—Cleveland Asian Festival.

**FIRST READING EMERGENCY ORDINANCES REFERRED**

**Ord. No. 492-12.**  
**By Council Members Cimperman, Miller, Cleveland and Sweeney (by departmental request).**

**An emergency ordinance authorizing the Director of Capital Projects to issue a permit to Rockwell Property, LLC, to encroach into the public right-of-way of Rockwell Avenue and East 6th Street by installing, using, and maintaining 12 concrete light housings.**

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 Rockwell Property, LLC, 1403 East 6th Street Cleveland, Ohio 44114 ("Permittee"), to encroach into the public right-of-way of Rockwell Avenue and East 6th Street at the following described location for the purpose of installing, using, and maintaining 12 concrete light housings :

Concrete light housings encroachment description

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio Beginning in the north right of way line of Rockwell Avenue (66 feet wide), at the most southerly corner of land conveyed to Rockwell Land Management Company by A.F.N. 200612280153 of Cuyahoga County Records (PPN 101-05-017);

Thence southerly parallel with the centerline of East 6th Street (99 feet wide) to a point being a distant 2.92 south and parallel with the north right of way of Rockwell Avenue (66.00 feet wide);

Thence westerly along a line being a distant 2.92 south and parallel with said north right of way of Rockwell Avenue to its intersection with a line being 2.92 west and parallel with the east right of way of East 6th Street (99.00 feet wide).

Thence northerly along a said line being a distant 2.92 west and parallel with said east right of way of East 6th Street to its intersection with westerly prolongation of the south right of way of Theresa Court (16.5 feet wide).

Thence easterly along said westerly prolongation of the south right of way of Theresa Court to its intersection with said east right of way of East 6th Street.

Thence southerly along said east right of way of East 6th Street to its intersection with said north right of way of Rockwell Avenue.

Thence easterly along said north right of way of Rockwell Avenue to the place of beginning.

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 structures permitted by this ordinance shall conform to plans and specifications 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, 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.

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

**Ord. No. 493-12.**

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

**An emergency ordinance authorizing the Director of Capital Projects to issue a permit to USA Parking Systems Prospect LLC to encroach into the public right-of-way above certain downtown streets with 20 wayfinding signs to be attached to Cleveland Public Power utility poles (by separate permission).**

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 USA Parking Systems Prospect LLC, 1 Center Court Cleveland Ohio 44115 ("Permittee"), to encroach into the public right-of-way above certain streets in the downtown area by installing, using, and maintaining 20 wayfinding signs to be attached to Cleveland Public Power utility poles (by separate permission) at the following locations:

SIGN NO.	SIGN TYPE	LOCATION	TEXT	ARROW DIRECTION	MOUNTING	
					EXISTING STRUCTURE	ADDRESS
ONT-1	2.2	ONTARIO STREET AT HURON ROAD LOOKING SOUTH	CASINO SELF PARK	L	Light pole	2241 Ontario St.
ONT-3A	4.1	ONTARIO STREET SOUTH OF HIGH AVENUE LOOKING NORTH	CASINO VALET	AR	Parking Garage Sign with new overlay	2169 Ontario St.
			CASINO SELF PARK	R		
ONT-3B	4.2	ONTARIO STREET SOUTH OF HIGH AVENUE LOOKING SOUTH	CASINO SELF PARK	L	Parking Garage Sign with new overlay	2169 Ontario St.
ONT-5	1.1	ONTARIO STREET SOUTH OF PROSPECT AVENUE LOOKING SOUTH	CASINO VALET	L	Power Pole with no light	2120 Ontario St.
			CASINO SELF PARK	S		

ONT-6	1.1	ONTARIO STREET NORTH OF PROSPECT AVENUE LOOKING SOUTH	CASINO VALET	S	Light pole	2052 Ontario St.
			CASINO SELF PARK	S		
ONT-7	3	ONTARIO STREET AT HURON ROAD LOOKING NORTH	CASINO PARKING RIGHT LANE	S	Light pole	2245 Ontario St.
PROS-2	2.1	PROSPECT AVENUE AT W 6TH STREET LOOKING EAST	CASINO PARKING	S	Light pole	611 West Prospect Ave.
PROS-3	2.1	PROSPECT AVENUE AT W 2ND STREET LOOKING EAST	CASINO PARKING	S	Light pole	227 West Prospect Ave.
PROS-5	1.1	PROSPECT AVENUE AT ONTARIO STREET LOOKING WEST	CASINO VALET	L		Light pole 35 East Prospect Ave.
			CASINO SELF PARK	L		
PROS-6	1.1	PROSPECT AVENUE AT E 4TH STREET LOOKING WEST	CASINO VALET	L	Light pole	425 East Prospect Ave.
			CASINO SELF PARK	L		
PROS-7	2.1	PROSPECT AVENUE AT ONTARIO STREET LOOKING EAST	CASINO PARKING	R	Light pole	33 West Prospect Ave.
E4-1	1.3	E 4TH STREET AT HIGH AVENUE LOOKING SOUTH	CASINO VALET	S	Light pole	2126 E 4th St.
			CASINO SELF PARK	R		
E4-2	1.2	E 4TH STREET ACROSS HURON ROAD LOOKING SOUTH	CASINO VALET	R	Skywalk Pedestrian Bridge Pier	400 E Huron Rd.
			CASINO SELF PARK	R		
E4-3	2.2	ONTARIO STREET SOUTH OF HIGH AVENUE LOOKING SOUTH	CASINO SELF PARK	L	Power Pole with no light	2185 E 4th St.
HUR-2	2.1	HURON ROAD WEST OF W 6TH STREET LOOKING EAST	CASINO PARKING	S	Fence Post with new extension	699 W Huron Rd.
HUR-4	3	HURON ROAD WEST OF W 6TH STREET LOOKING EAST	CASINO PARKING LEFT LANE	S	Fence Post with new extension	249 W Huron Rd.
HUR-7A	1.2	HURON ROAD AT NE CORNER ONTARIO STREET LOOKING EAST	CASINO VALET	R	Signal Pole	83 E Huron Rd.
			CASINO SELF PARK	R		

HUR-7B	2.2	HURON ROAD AT NE CORNER ONTARIO STREET LOOKING WEST	CASINO VALET	L	Signal Pole	83 E Huron Rd.
			CASINO SELF PARK	L		
HUR-8	3	HURON ROAD BEFORE ONTARIO STREET LOOKING EAST	CASINO PARKING LEFT LANE	L	Light pole	70 W Huron Rd.
HUR-9	2.2	HURON ROAD WEST OF E 4TH STREET LOOKING EAST	CASINO SELF PARK	L	Signal Pole with no mast arm or signals	400 E Huron Rd.

Approved by Greg Esber, Section Chief, Plats, Surveys and House Numbering Section.

**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 locations 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.

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

**Ord. No. 494-12.**

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

**An emergency ordinance to vacate a portion of Allison Avenue N.W.**

Whereas, under Resolution No. 1098-11, adopted October 3, 2011, this Council declared its intention to vacate a portion of Allison Avenue N.W.; 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 March 1, 2012 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 gen-

eral 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:

Being all that portion of Allison Avenue N.W. (40.00 feet wide), extending from the westerly right of way line of West 137th Street (50.00 feet wide), westerly to its 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 the Illuminating Company (CEI).

That no structures shall be erected on the premises described in this easement except those constructed under the approval of, and in compliance

with, plans approved by the Illuminating Company (CEI) 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 Auditor of Cuyahoga County.

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

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

**Ord. No. 495-12.**

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

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

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

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

**Section 1.** That the Director of Finance is authorized to pay as Moral Claims the sums opposite the names of the following claimants and charged against the fund:

<u>Claimant:</u>	<u>Claim No.</u>	<u>Amount</u>	<u>Division</u>	<u>Fund</u>
<b>Department of Building and Housing – Board-up Division</b>				
Steven Saric	12367	\$1,000.00	Building & Housing	01-800501-672000
<b>Earle B. Turner – Clerk of Courts</b>				
Manack, Marc A.	12379	\$ 156.00	Clerk of Courts	01-011601-672000
<b>Public Safety Department</b>				
Cole, Crystal L.	12383	\$ 250.00	EMS	01-600402-672000
Maynard, Blair P.	12376	\$ 500.00	Police	01-600202-672000
<b>Mayor's Office of Capital Projects</b>				
Wherry, Bentley D., Jr.	12351	\$ 250.00	Eng. & Constr.	01-010303-672000
Mills, Delynia	12371	115.53	Eng. & Constr.	01-010303-672000
<b>Department of Public Works</b>				
Service Cleaners, Inc.	12372	\$ 500.00	Street Operations	11-4017016-62700
Agosto, Ivelisse	12380	170.00	Street Operations	11-4017016-62700
Faidiga, Thomas J.	12382	115.53	Street Operations	11-4017016-62700
Underwood, Larry B.	12325	\$ 500.00	Vacant Lots	01-701205-672000
Willis, Smith	12370	107.75	Vacant Lots	01-701205-672000
Terrace Construction	12373	365.00	Vacant Lots	01-701205-672000
Conner, Cynthia	12357	\$1,000.00	Urban Forestry	01-701204-672000
Vivolo, James	12365	\$15.00	Waste Collection	01-400303-672000
Dailey, Oscar	12366	15.00	Waste Collection	01-400303-672000
Morris, Ronald	12375	45.00	Waste Collection	01-400303-672000
Higgins, Patrick	12377	15.00	Waste Collection	01-400303-672000
<b>Department of Public Utilities</b>				
<b>Water:</b>				
Messing,Dale and Anita	5395	\$2,000.00	Water	52 SF 001
<b>Water Pollution Control:</b>				
McArthur, James	5394	\$1,018.72	Water Pollution Control	54 SF 001
White, Melvin	5470	1,605.87	Water Pollution Control	54 SF 001

**Section 2.** That the authority of the Director of Finance to pay the amounts in this ordinance is conditioned on a City-approved written acceptance by the claimant of the City's offer to pay this claim within six months from the effective date of this ordinance.

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

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

**Ord. No. 496-12.  
By Council Members Keane and Sweeney (by departmental request).**

**An emergency ordinance authorizing the Director of Port Control to exercise the first option to renew Contract No. PS2010-106 with Precision Analytical, Inc. to perform environmental analytical laboratory services in support of environmental programs for the Department of Port Control.**

Whereas, under the authority of Ordinance No. 183-09, passed April 13, 2009, the Director of Port Control entered into Contract No. PS2010-106 with Precision Analytical, Inc. to perform environmental analytical laboratory services in support of environmental programs for the Department of Port Control; and

Whereas, Ordinance No. 183-09 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. PS2010-106 for an additional year with Precision Analytical, Inc., to perform environmental analytical laboratory services in support of environmental programs for the Department of Port Control. This ordinance constitutes the additional legislative authority required by Ordinance No. 183-09 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.

Referred to Directors of Port Control, Finance, Law; Committees on Aviation and Transportation, Finance.

**Ord. No. 497-12.  
By Council Members K. Johnson and Sweeney (by departmental request).**

**An emergency ordinance authorizing the Director of Public Works to apply for and accept a grant from Cuyahoga Arts and Culture for the 2012 Mural My Neighborhood Program.**

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

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

**Section 1.** That the Director of Public Works is authorized to apply for and accept a grant in the amount of \$19,600, from Cuyahoga Arts and Culture to conduct the 2012 Mural My Neighborhood 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 2012 grant agreement for the grant contained in the file described below.

**Section 2.** That the 2012 grant agreement for the grant, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in File No. 497-12-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, 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 Works may sign all documents and do all things that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process. The contracts will be paid from the fund or funds to which are credited any grant funds accepted under this ordinance.

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

Referred to Directors of Public Works, Finance, Law; Committees on Public Parks, Properties, and Recreation, Finance.

**Ord. No. 498-12.**

**By Council Members Conwell and Sweeney (by departmental request).**

**An emergency ordinance authorizing the Director of Public Safety to accept one or more gifts of cash, surveillance cameras, appurtenant components, and services or any combination thereof, from the Cleveland Downtown Alliance, Tremont West Development Corporation, the Ohio Department of Transportation, and other various agencies and entities, to be placed in various locations of the downtown region within the existing Cleveland Shared Security Surveillance Network in 2012 and 2013.**

Whereas, the Cleveland Downtown Alliance, Tremont West Development Corporation, and the Ohio Department of Transportation have indicated a desire to make gifts to the City of Cleveland of surveillance cameras, appurtenant components, and services, or any combination thereof, to be placed in various locations of the downtown region within the existing Cleveland Shared Security Surveillance Network in 2012 and 2013; and

Whereas, other public or private entities may also desire to make gifts to the City of Cleveland of cash, surveillance cameras, appurtenant components, and services in 2012 and 2013, including installation; and

Whereas, the estimated value for each camera and appurtenant components and services, not including installation, totals approximately \$10,010; and

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

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

**Section 1.** That the Director of Public Safety is authorized to accept one or more gifts of cash and surveillance cameras, appurtenant components, and services, or any combination thereof, including installation, from Cleveland Downtown Alliance, Tremont West Development, the Ohio Department of Transportation, and other public or private entities, to be placed in various locations of the downtown region within the existing Cleveland Shared Security Surveillance Network in 2012 and 2013. The estimated value for each camera and appurtenant components and services, not including installation, totals approximately \$10,010. The Director is authorized to file any papers necessary to receive any cash donation under this ordinance in 2012 and 2013, and the cash donations are appropriated for the purposes described in this ordinance.

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

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

**Ord. No. 499-12.**

**By Council Members Conwell and Sweeney (by departmental request).**

**An emergency ordinance authorizing the Chief of Police, with concurrence of the Director of Public Safety, to enter into an agreement with The MetroHealth System to set forth standards and criteria governing interaction and cooperation between the officers of the hospital and those of the Cleveland Division of Police.**

Whereas, division (D) of Section 4973.17 of the Revised Code authorizes the secretary of state, upon application of a hospital that is operated by a public or nonprofit hospital agency that employs and maintains its own proprietary police department or security department, to appoint and commission persons designated by the hospital to act as police officers for the hospital; and

Whereas, the persons appointed as police officers for a hospital shall not engage in any duties or activities as police officers for the hospital unless the requirements set forth in division (D) of Section 4973.17 of the Revised Code are met; and

Whereas, one of the requirements of the statute is that the hospital must enter into a written agreement

with the chief of police of the municipal corporation in which the hospital is located to set forth certain standards and criteria governing interaction and cooperation between the hospital and municipal police departments; 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 Chief of Police, with concurrence of the Director of Public Safety, is authorized to enter into an agreement with The MetroHealth System to set forth the standards and criteria to govern the interaction and cooperation between persons appointed as police officers for the hospital under division (D) of Section 4973.17 of the Revised Code and law enforcement officers of the Division of Police. The standards and criteria may include, but are not limited to, provisions governing the reporting of offenses discovered by hospital police officers to the Division of Police, provisions governing investigatory responsibilities relative to offenses committed on hospital property, and provisions governing the processing and confinement of persons arrested for offenses committed on hospital property. The agreement authorized by this ordinance shall contain such additional provisions as may be needed to protect the interests of the City, in the opinion of the Directors of Law and Public Safety. [RC 4973.17(D)]

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

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

**Ord. No. 500-12.**

**By Council Members K. Johnson, Miller, Cleveland and Sweeney (By Request).**

**An emergency ordinance to vacate a portion of Evarts Avenue S.E. and a portion of East 90th Place.**

Whereas, under Resolution No. 1572-11, adopted December 5, 2011, this Council declared its intention to vacate a portion of Evarts Avenue S.E. and a portion of East 90th Place; 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 March 1, 2012 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:

**EVARTS AVENUE VACATION**

Being all that portion of Evarts Avenue (40 feet wide) extending easterly from the easterly right of way line of East 89th Street (40 feet wide) to its terminus with that vacated portion of Evarts Avenue (40 feet wide) by City of Cleveland ordinance number 1109-84 passed June 19, 1984 as recorded in volume 232 page 86 of Cuyahoga County Map Records.

**EAST 90th PLACE VACATION**

Being all that portion of East 90th Place (12 feet wide) and its Northwesterly turnout extending Northerly from the Northerly line of Evarts Avenue S.E. (40 feet wide) to the Southerly line of Caskey Court S.E. (12 feet wide).

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 the Illuminating Company (CEI), AT&T and Cleveland Public Power.

That no structures shall be erected on the premises described in this easement except those constructed under the approval of, and in compliance with, plans approved by the Illuminating Company (CEI), AT&T, Cleveland Public Power 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 Auditor of Cuyahoga County.

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

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

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

**Ord. No. 491-12.**

**By Council Members Brancatelli and Sweeney (by departmental request).**

**An emergency ordinance authorizing the Director of Community Development to apply for and accept a grant from the State of Ohio Department of Development for the 2012 Home Weatherization Assistance Program; and to enter into contracts necessary to implement the program.**

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of

a municipal department; now, therefore,

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

**Section 1.** That the Director of Community Development is authorized to apply for and accept a grant in the approximate amount of \$2,248,743, from the State of Ohio Department of Development to conduct the 2012 Home Weatherization Assistance Program; that the Director of Community Development is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the summary for the grant contained in the file described below.

**Section 2.** That the summary for the grant, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in File No. 491-12-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 Community Development is authorized to enter into one or more contracts with individual landlords, tenants, contractors, and various non-profit organizations, including but not limited to, Cleveland Housing Network, Cudell Improvement, Inc., Community Housing Solutions, Mt. Pleasant NOW Development Corporation, Fairfax Renaissance Development Corporation, and the Detroit Shoreway Community Development Organization, to provide weatherization assistance to low-income City residents through this program.

**Section 4.** That the costs of these contracts shall be paid from the fund or funds which are credited the grant proceeds accepted under this ordinance.

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 501-12.**

**By Council Member Reed.**

**An emergency ordinance authorizing the Director of the Department of Public Safety to enter into an agreement with the Slavic Village Development Corporation for the Neighborhood Safety and Security Program for the Warner Road Neighborhood Area through the use of Ward 2 Neighborhood Capital Funds.**

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

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

**Section 1.** That the Director of the Department of Public Safety be authorized to enter into an agreement with the Slavic Village Development Corporation for the Neigh-

borhood Safety and Security Program for the public purpose of joint collaboration with the Fourth District Police Station on safety activities and the coordination of the use of security cameras along the commercial area in the Warner Road neighborhood area that is in the city of Cleveland through the use of Ward 2 Neighborhood Capital Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$18,000 and shall be paid from Fund No. 10 SF 177.

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

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 502-12.**

**By Council Member Brancatelli.**

**An emergency ordinance consenting and approving the issuance of a permit for the Morgana Run, on June 10, 2012, sponsored by Hermes Sports & Events, Inc.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Morgana Run, sponsored by Hermes Sports & Events, Inc. on June 10, 2012, with the Run beginning at East 75th & Aetna, East 75th to Fleet; Fleet to East 49th; East 49th to Morgan Run Trail to East 75th; East 75th to Aetna and Finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 503-12.**

**By Council Member Cimperman.**  
**An emergency ordinance consenting and approving the issuance of a permit for the Annual Diversity Center of Northeast Ohio Walk/Run, on May 5, 2012.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Annual Diversity Center of Northeast Ohio Walk/Run, on May 5, 2012, start: Erieside and Rock Hall, Erieside to East 9th, East 9th to North Marginal, North Marginal to Burke Airport Loop Drive, Loop Drive to North Marginal, North Marginal to East 9th, East 9th to Lakeside, Lakeside to West 3rd, West 3rd to St. Clair, St. Clair to West 9th, West 9th to West Lakeside, West Lakeside to West 3rd, West 3rd to Erieside to finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 504-12.**

**By Council Member Cimperman.**  
**An emergency ordinance consenting and approving the issuance of a permit for the Providence House Annual City to City Run, on April 29, 2012, sponsored by Hermes Sports & Events Inc.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Providence House Annual City to City Run on April 29, 2012 with the Run beginning at

Huron and West 2nd, Huron to Superior, Superior across Veterans Memorial Bridge to Detroit, Detroit to West 28th, West 28th to Fulton, Fulton to West 32nd, West 32nd to Lorain, cross Lorain (turn around) return same route to finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 505-12.**

**By Council Member Cimperman.**  
**An emergency ordinance consenting and approving the issuance of a permit for the Urban Community Schools Run, sponsored by Hermes Sports & Events, on May 5, 2012.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Urban Community Schools Run, on May 5, 2012, start: West 48th and Lorain; West 48th to Franklin; Franklin to West 29th; West 29th to Circle Dr.; Circle Dr. to Fulton; Fulton to Bridge; Bridge to West 36th; West 36th to Fulton; return same route to finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 506-12.**

**By Council Member Cimperman.**  
**An emergency ordinance consenting and approving the issuance of a permit for the Westside Catholic Center Run, on June 2, 2012, sponsored by Hermes Sports & Events.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Westside Catholic Center Run, on June 2, 2012, start: Westside Catholic Center, West 32nd and Lorain, West 32nd to Fulton, Fulton to Franklin Blvd.; Franklin Blvd. to West 65th; turn around; Franklin Blvd. to West 38th, West 38th to Lorain and finish at the Westside Catholic Center, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 507-12.**

**By Council Members Westbrook and Zone.**

**An emergency ordinance consenting and approving the issuance of a permit for the Hermes Cleveland 10 Miler, on April 28, 2012, sponsored by Hermes Sports & Events Inc.**

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

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

**Section 1.** That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Hermes Cleveland 10 Miler, sponsored by Hermes Sports & Events, Inc. on April 28, 2012, Start: Edgewater Park, exit park west up bike path to West

Blvd., south on West Blvd. to Lake, Lake west to West 117th then into the City of Lakewood, returning from Lakewood east on Lake to Detroit, east on Detroit to West 76th, north on West 76th to Father Caruso Drive, east on Father Caruso Drive to tunnel to Edgewater park and finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

**Ord. No. 514-12.**

**By Council Member K. Johnson.**

**An emergency ordinance authorizing and directing the Director of Capital Projects to issue a permit to Peace in the Hood Discovery Center to stretch banners at 9922 Kinsman Road, on the east side and west side of Kinsman; and 9918 Kinsman on the east side and west side of Kinsman, for the period from April 10, 2012 to May 9, 2012, inclusive, publicizing the 3rd Annual International Walk and Run for Peace, Justice and Empowerment.**

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 the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Capital Projects is hereby authorized and directed to issue a permit to the Peace in the Hood Discovery Center to stretch banners at 9922 Kinsman Road, on the east side and west side of Kinsman; and 9918 Kinsman on the east side and west side of Kinsman, for the period from April 10, 2012 to May 9, 2012, publicizing the 3rd Annual International Walk and Run for Peace, Justice and Empowerment, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commer-

cial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Council Member Dow left the meeting.

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

**Res. No. 508-12.**

**By Council Member Cimperman. An emergency resolution objecting to the transfer of Liquor License of a D1, D2, D3, D3A and D6 Liquor Permit to 1859 West 25th Street.**

Whereas, Council has been notified by the Department of Liquor Control of an application for a transfer of Liquor License of a D1, D2, D3, D3A and D6 Liquor Permit from Rico, Inc., DBA City Grill & Patio, 6416 Detroit Avenue, 1st floor and basement, Cleveland, Ohio 44102, Permanent Number 7362695 to West 25th Street Bistro, LTD., 1859 West 25th Street, Cleveland, Ohio 44113, Permanent Number 9526255; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to a transfer of Liquor License of a D1, D2, D3, D3A and D6 Liquor Permit from Rico, Inc., DBA City Grill & Patio, 6416 Detroit Avenue, 1st floor and basement, Cleveland, Ohio 44102, Permanent Number 7362695 to West 25th Street Bistro, LTD., 1859 West 25th Street, Cleveland, Ohio 44113, Permanent Number 9526255, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

**Res. No. 509-12.**

**By Council Member Cummins.**

**An emergency resolution withdrawing objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit at 3194 West 25th Street and repealing Resolution No. 1134-11, objecting to said renewal.**

Whereas, this Council objected to a D1, D2, D3, D3A and D6 Liquor Permit to 3194 West 25th Street by Resolution No. 1134-11 adopted by the Council on August 17, 2011; and

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

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

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

**Section 1.** That objection to a D1, D2, D3, D3A and D6 Liquor Permit to 2109 Tate, Inc., DBA Teri O's Lounge, 3194 West 25th Street, 1st floor and basement, Cleveland, Ohio 44109, Permanent Number 91163200005 and 91163210 be and the same is hereby withdrawn and Resolution No. 1134-11, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

**Res. No. 510-12.**

**By Council Member Reed.**

**An emergency resolution withdrawing objection to the renewal of a C2, C2X and D6 Liquor Permit at 11609 Miles Avenue and repealing Resolution No. 1148-11, objecting to said renewal.**

Whereas, this Council objected to a C2, C2X and D6 Liquor Permit to 11609 Miles Avenue by Resolution No. 1148-11 adopted by the Council on August 17, 2011; and

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

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

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

**Section 1.** That objection to a C2, C2X and D6 Liquor Permit to Habibi, Inc., DBA Frank's Marathan, 11609 Miles Avenue, Cleveland, Ohio 44105, Permanent Number 3479133 be and the same is hereby withdrawn and Resolution No. 1148-11, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

**Res. No. 511-12.**

**By Council Member Zone.**

**An emergency resolution withdrawing objection to the renewal of a C1 Liquor Permit at 7310 Lorain Avenue and repealing Resolution No. 1248-11, objecting to said renewal.**

Whereas, this Council objected to a C1 Liquor Permit to 7310 Lorain Avenue by Resolution No. 1248-11 adopted by the Council on September 12, 2011; and

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

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

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

**Section 1.** That objection to a C1 Liquor Permit to Dee See, Inc., DBA West 73rd Shell, 7310 Lorain Avenue, Cleveland, Ohio 44102, Permanent Number 2012463 be and the same is hereby withdrawn and Resolution

No. 1248-11, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

**Section 2.** That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law. Motion to suspend rules, Charter, and statutory provisions and place on final adoption.

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

**Res. No. 512-12.**

**By Council Member Zone.**

**An emergency resolution withdrawing objection to the renewal of a C1 and C2 Liquor Permit at 6501 Denison Avenue and repealing Resolution No. 993-11, objecting to said renewal**

Whereas, this Council objected to a C1 and C2 Liquor Permit to 6501 Denison Avenue by Resolution No. 993-11 adopted by the Council on July 20, 2011; and

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

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

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

**Section 1.** That objection to a C1 and C2 Liquor Permit to Amal Najjar, CEO, Hanini 7 Oil, Inc., DBA West 65th Gas USA, 6501 Denison Avenue, Cleveland, Ohio 44102, Permanent Number 3561080 be and the same is hereby withdrawn and Resolution No. 993-11, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

**Res. No. 513-12.**

**By Council Members Pruitt, Keane, Westbrook, Cimperman, Miller, Conwell, Mitchell, Kelley, Cleveland, Brancatelli, J. Johnson, K. Johnson and Sweeney.**

**An emergency resolution supporting Mayor Jackson's Plan for Transforming the Cleveland Schools, urging all stakeholders to continue working in good faith to resolve all ele-**

**ments of the plan for the benefit of students, and urging the Ohio General Assembly to give the highest priority to pass legislation needed to implement the plan.**

Whereas, the Ohio General Assembly changed the governance structure in Cleveland from an elected to a mayoral appointed board in 1997 by passing House Bill 269, and this decision was overwhelmingly approved by Cleveland voters in 2002; and

Whereas, while the Cleveland Metropolitan School District has made progress in student outcomes, the overall quality of education in Cleveland schools is unacceptable and the pace of improvement is inadequate — 55 percent of Cleveland schools (district and charter) were in academic watch or academic emergency in the 2010-11 school year; and

Whereas, for every 100 students entering ninth grade in Cleveland, 63 will graduate high school, 34 of those graduates will enroll in college, and just seven will graduate with a bachelor's degree; and

Whereas, the Mayor of the City of Cleveland has declared his highest priority the transformation plan to reinvent public education in our city with a goal to ensure every child in Cleveland attends a high quality school and every neighborhood has a multitude of great schools from which families can choose; and

Whereas, to do this, Cleveland must transition from a traditional school district to a new system of district and charter schools held to the highest standards and work in partnership to create dramatic student achievement gains; and

Whereas, the plan is driven by a fierce sense of urgency and sense of hope, as Cleveland has already started this journey to transformation with investments in new and redesigned schools, partnerships between the district and high-performing charter schools, and investments in schools; and

Whereas, the number of excellent and effective district and charter schools in Cleveland has grown from 14 in 2006 to 37 in 2011, and the plan will grow this number of excellent schools in exchange for accountability for performance while creating an environment that empowers and values principals and teachers as professionals and makes certain that our students are held to the highest expectations; and

Whereas, Cleveland's plan is based on emerging national models, or portfolio strategy, that implements seven tenets of autonomy and accountability, including Citywide choices and options for all families, school autonomy, pupil-based funding, diverse support providers, talent-seeking strategy, extensive public engagement, and performance-based accountability for all schools; and

Whereas, Cleveland's goal is that at the end of six years, the number of Cleveland students enrolled in high-performing district and charter schools will be tripled, and failing schools eliminated; and

Whereas, Mayor Jackson and the Cleveland Metropolitan School District have identified the following areas where the General Assembly's action is necessary to give the District the flexibility needed to

achieve academic excellence: district autonomy and flexibility, modern employment practices without eroding the principals of collective bargaining, District-Charter partnerships, charter sector quality, and targeted financial support for the plan; and

Whereas, this Council encourages engagement of all interested parties, including the Mayor, Superintendent, and Cleveland Teachers Union, and urges them to continue to work together with open discussion and urgent intent solely in the interest of the children of the City of Cleveland; and

Whereas, this Council calls on the Majority and Minority Delegations of the House and Senate to join with the sponsors and act on legislation, House Bill 506 and Senate Bill 325, needed to implement this plan; 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 Mayor Jackson's Plan for Transforming the Cleveland Schools, urges all stakeholders to continue working in good faith to resolve all elements of the plan for the benefit of students, and urges the Ohio General Assembly to give the highest priority to pass legislation needed to implement the plan.

**Section 2.** That the Clerk of Council is directed to send copies of this resolution to the Chief of Government Affairs to distribute to members of the Ohio General Assembly.

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 15. Nays 2.

Those voting yea: Council Members Sweeney, Brancatelli, Cimperman, Cleveland, Conwell, J. Johnson, K. Johnson, Keane, Kelley, Miller, Mitchell, Polensek, Pruitt, Westbrook and Zone.

Those voting nay: Council Members Brady and Cummins.

Absent: Council Member Reed.

Not Answering Roll Call: Council Member Dow.

## SECOND READING EMERGENCY ORDINANCES PASSED

### Ord. No. 1574-11.

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

An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to evaluate development options for the Cleveland Recycling and Energy Generation Center.

Approved by Directors of Public Utilities, Finance, Law; Passage recommended by Committees on Public Utilities, Finance, when amended, as follows:

1. After the first whereas clause, insert the following two new whereas clauses:

**"Whereas, the Division of Cleveland Public Power will issue an addendum to the September 2011 Request for Information and qualifications ("RFIQ") and extend the response deadline to July 31, 2012; and**

**Whereas, an acceptable response to the RFIQ, as modified, may contain any proposal for the various methods to manage municipal solid waste disposal (e.g. recycling, material recovery, and energy generation) or any component thereof; and."**

2. In existing Section 1, at the end of the first paragraph, insert the following new sentence: **"Evaluation of the responses by the Consultant shall include a review of all development options for the City's waste stream after the conclusion of recycling activities, including but not limited to sale of pellets to an energy-providing company."**

3. Insert new Section 1 to read as follows:

**"Section 1. That the Director of Public Utilities shall issue an addendum to the September 2011 RFIQ specifying that an acceptable response may contain any proposal for the various methods to manage municipal solid waste disposal (e.g. recycling, material recovery, and energy generation) or any component thereof."**

4. Renumber existing Sections 1, 2, and 3 to new **"Section 2"**, **"Section 3"**, and **"Section 4"**.

Amendments agreed to.

The rules were suspended. Yeas 16. Nays 1.

Those voting yea: Council Members Sweeney, Brady, Brancatelli, Cimperman, Cleveland, Conwell, J. Johnson, K. Johnson, Keane, Kelley, Miller, Mitchell, Polensek, Pruitt, Westbrook and Zone.

Those voting nay: Council Member Cummins.

Absent: Council Member Reed.

Not answering roll call: Council member Dow.

Read second time. Read third time in full. Passed. Yeas 15. Nays 2.

Those voting yea: Council Members Sweeney, Brady, Brancatelli, Cimperman, Cleveland, Conwell, J. Johnson, K. Johnson, Keane, Kelley, Miller, Mitchell, Pruitt, Westbrook and Zone.

Those voting nay: Council Members Cummins and Polensek.

Absent: Council Member Reed.

Not answering roll call: Council member Dow.

In compliance with Section 33 of the Charter a copy of the legislation was furnished to each member of Council before final passage.

### Ord. No. 1680-11.

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

An emergency ordinance determining the method of making the public improvement of improving the civil, mechanical, and electrical systems, replacing the HVAC system, and repairing the roof at 1825 Lakeside Avenue, and for all related work; and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement.

Approved by Directors of Public Utilities, City Planning Commission, Finance, Law; Passage recommended

by Committees on Public Utilities, City Planning Finance.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

### Ord. No. 2-12.

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

An emergency ordinance authorizing the Director of Capital Projects to issue a permit to The Cleveland Clinic Foundation to encroach into the public right-of-way of East 96th Street by installing, using, and maintaining an areaway/sidewalk elevator and electrical UPS room under the sidewalk.

Approved by Directors of Capital Projects, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Service, City Planning, Finance.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

### Ord. No. 70-12.

By Council Members J. Johnson, Miller, Cleveland and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Capital Projects to issue a permit to Dealer Tire, LLC, to encroach into the public right-of-way of Perkins Avenue by installing, using, and maintaining a Guard House addition.

Approved by Directors of Capital Projects, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Service, City Planning, Finance.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

### Ord. No. 71-12.

By Council Members K. Johnson, Mitchell, Miller, Cleveland and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Capital Projects to issue a permit to Miceli-Lograsso Development Company IV LLC, to encroach into the public right-of-way above East 90th Street by installing, using, and maintaining a pedestrian bridge and a small pipe trestle that will carry milk product from their new Milk Unloading building to their existing manufacturing facility.

Approved by Directors of Capital Projects, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Service, City Planning, Finance.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

### Ord. No. 72-12.

By Council Member J. Johnson.

An emergency ordinance designating Fenn Tower (also known as the National Town and Country Club) as a Cleveland Landmark.

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 73-12.**

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

An emergency ordinance authorizing the Director of Port Control to employ one or more consultants, computer software developers, system integrators, and project managers necessary to design, develop, and implement a converged communications system project for the Cleveland Airport System; and authorizing one or more requirement contracts for hardware, software, computer supplies, and other necessary supplies, equipment, and services to implement the converged communications system project for a period of one year with one option to renew for an additional one year period, exercisable by the Director of Port Control, for the Department of Port Control.

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

1. In Section 6, line 2, strike "60 SF 114" and insert ", 60 SF 104, 60 SF 106, 60 SF 114, 60 SF 126, 60 SF 128, 60 SF 141, 60 SF 160."

Amendment agreed to.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

In compliance with Section 33 of the Charter a copy of the legislation was furnished to each member of Council before final passage.

**Ord. No. 74-12.**

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

An emergency ordinance authorizing the Director of Public Works to execute a deed of easement granting to the Greater Cleveland Regional Transit Authority certain easement rights on portions of Market Square Park adjoining both West 25th Street and Lorain Avenue and declaring the easement rights not needed for public use.

Approved by Directors of Public Works, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Service, City Planning, Finance.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 77-12.**

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

An emergency ordinance authorizing the Directors of Community Development and Economic Development to enter into an amendment to Contract No. 57841 with Fries & Schuele, Ltd. to change the loan maturity date from June 1, 2012 to June 1, 2014.

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 114-12.**

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

An emergency ordinance authorizing the Director of Capital Projects to execute deeds of easement granting to the Northeast Ohio Regional Sewer District certain easement rights in property located near East 55th Street and the I-90 Cleveland Memorial Shoreway in order to facilitate their East 55th Floatables Project and for access to the project site; and declaring that the easement rights granted are not needed for public use.

Approved by Directors of Capital Projects, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Service, City Planning, Finance, when amended, as follows:

1. In Section 1, beginning in line 5, strike the existing legal description entitled "Upland Easement" and insert the following:

**"Upland Easement  
City of Cleveland to  
Northeast Ohio Regional Sewer  
District  
0.1251 Acres**

**Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original 10-acre Lot No. 166 and part of Original 100-acre Lot No. 346. Also being part of the land conveyed to the City of Cleveland as recorded in Volume 7653, Page 48, Volume 7653, Page 50, Certificate of Title No. 43902 and Certificate of Title No. 65762 of the Cuyahoga County Records and part of East 55th Street, being more definitely described as follows.**

**Commencing at the intersection of the southerly right of way of South Marginal Road and the easterly right of way of East 55th Street, said point also being the south-westerly corner of land conveyed to the City of Cleveland as recorded in Volume 7653, Page 48 and Volume 7653, Page 50 of the Cuyahoga County Records;**

**Thence, along the westerly line of said land conveyed to the City of Cleveland, North 00° 52' 14" West, 152.36 feet to the True Point of Beginning for the easement herein described;**

**Thence, leaving the westerly line of said land conveyed to the City of Cleveland, South 48° 48' 14" West, 92.19 feet;**

**Thence South 50° 32' 39" West, 109.25 feet;**

**Thence South 43° 16' 48" West, 10.42 feet;**

**Thence North 46° 43' 12" West, 10.00 feet to the Original 1876 shoreline of Lake Erie as shown on "Survey of N. & N.W. Lakes" prepared by Major C.B. Comstock, Corps of Engineers, dated 1876;**

**Thence, along the Original 1876 shoreline of Lake Erie, the following three courses;**

**North 43° 16' 48" East, 11.05 feet;**

**Thence North 50° 32' 39" East, 109.73 feet;**

**Thence North 48° 48' 14" East, 424.70 feet;**

**Thence, leaving the Original 1876 shoreline of Lake Erie, South 41° 11' 46" East, 10.00 feet;**

**Thence South 48° 48' 14" West, 332.66 feet to the point of beginning.**

**Containing within said bounds 0.1251 acres (5,450 square feet) of land as surveyed by KS Associates,**

**Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in June, 2011.**

**Bearings are based on Ohio State Plane, North Zone NAD83 (1995) Grid North."**

Amendment agreed to.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

In compliance with Section 33 of the Charter a copy of the legislation was furnished to each member of Council before final passage.

**Ord. No. 117-12.**

By Council Member J. Johnson.

An emergency ordinance designating the Kate L. and George W. Howe House as a Cleveland Landmark.

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 138-12.**

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

An emergency ordinance authorizing the Director of Port Control to exercise the first option to renew Contract No. NF 2010-12 with Flight Services & Systems, Inc. for the use and occupancy of office space in the passenger terminal building at Cleveland Hopkins International Airport for skycap services.

Approved by Directors of Port Control, Finance, Law; Passage recommended by Committees on Aviation and Transportation, Finance.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 139-12.**

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

An emergency ordinance authorizing the Director of Port Control to exercise the first option to renew Contract No. 69924 with the United Services Organization, Inc. for the use and occupancy of space in the passenger terminal building at Cleveland Hopkins International Airport for a military lounge commonly known as the Bob Hope USO Lounge.

Approved by Directors of Port Control, Finance, Law; Passage recommended by Committees on Aviation and Transportation, Finance.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 140-12.**

By Council Members Miller and Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts for the transfer and disposal of tires, for the Division of Waste Collection and Disposal, Department of Public Works.

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 144-12.**

By Council Member J. Johnson.  
An emergency ordinance designating the Stager-Beckwith House (University Club) as a Cleveland Landmark.

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 170-12.**

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

An emergency ordinance authorizing the Director of Capital Projects to enter into one or more agreements with The Board of Park Commissioners of the Cleveland Metropolitan Park District to complete the Towpath Trail Stage 1 Interim On-Road Route; and authorizing payment to the Park Board for the City's cost of the improvement.

Approved by Directors of Capital Projects, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Service, City Planning, Finance, when amended, as follows:

1. In the second whereas clause, line 1; in Section 1 lines 4 and 5, strike "north" in all three places and insert "south".

Amendment agreed to.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

In compliance with Section 33 of the Charter a copy of the legislation was furnished to each member of Council before final passage.

**Ord. No. 171-12.**

By Council Members Miller, Cleveland and Sweeney (by departmental request).

An emergency ordinance giving consent of the City of Cleveland to the State of Ohio for the public improvement of cleaning out the storm sewers located between southbound SR 237 and I 480 westbound ramp to southbound SR 237 approximately 0.2 miles south of Brookpark Road in the City of Cleveland; authorizing the Director of Capital Projects to enter into any relative agreements.

Approved by Directors of Capital Projects, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Service, City Planning, Finance.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 203-12.**

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

An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to procure fire and extended real and personal property insurance, including oil testing and other risk management services, for the Division of Cleveland Public Power's major facilities, including 1300 Lakeside Avenue and to assist with procurements in 2013 and later, for a period of two years with a one-year option to renew or for a peri-

od of one year with two one-year options to renew, options exercisable by the Director of Public Utilities.

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 204-12.**

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

An emergency ordinance authorizing the Director of Public Works to exercise the first option to renew Contract No. 69918 with AVI Food Systems, Inc. to provide for the operation of soft drinks, candy, snacks, and other vending machines throughout various city-owned and City-leased buildings; and to amend Contract No. 69918 to change certain terms of the contract.

Approved by Directors of Public Works, Finance, Law; Passage recommended by Committees on Public Parks, Properties, and Recreation, Finance.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 206-12.**

By Council Members Conwell and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Domestic Violence & Child Advocacy Center for the FY 2011 OVW Education Program.

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 207-12.**

By Council Members Conwell and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Office of Criminal Justice Services for the 2012 Ohio Drug Law Enforcement Fund Grant (FY 2011); and authorizing the Director to enter into one or more contracts with various agencies or entities to implement the grant.

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 210-12.**

By Council Member Cleveland.

An emergency ordinance designating the Murrell-Capers House as a Cleveland Landmark.

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 211-12.**

By Council Member Zone.

An emergency ordinance designating the Johnny Kilbane House as a Cleveland Landmark.

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 247-12.**

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

An emergency ordinance authorizing the Director of Economic Development to enter into a Tax Increment Financing Agreement with the owner of a certain site in the Cleveland business district of the city to provide for service payments for the purpose of developing such site; and to declare certain improvements to such site to be a public purpose under Section 5709.41 of the Ohio Revised Code.

Approved by Directors of Economic Development, Finance, Law; Passage recommended by Committees on Community and Economic Development, Finance, when amended, as follows:

1. In the title, lines 4 and 5, strike "the owner of a certain site in the Cleveland business district of the city" and insert "**800 Superior, LLC, a Delaware limited liability company**".

2. In Section 6, line 2, after "TIF agreement" insert "**800 Superior, LLC, a Delaware limited liability company**".

Amendments agreed to.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 1.

Those voting yea: Council Members Sweeney, Brady, Brancatelli, Cimperman, Cleveland, Conwell, J. Johnson, K. Johnson, Keane, Kelley, Miller, Mitchell, Polensek, Pruitt, Westbrook and Zone.

Those voting nay: Council Member Cummins.

Absent: Council Members Reed.

Not answering roll call: Council Member Dow.

In compliance with Section 33 of the Charter a copy of the legislation was furnished to each member of Council before final passage.

**Ord. No. 248-12.**

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of materials, equipment, supplies, parts, and services necessary to test, maintain and repair water pumps, electric motors, controls, and appurtenances, including but not limited to inspection, supplies, repairing, testing, labor, and installation, if necessary, for the Division of Water, Department of Public Utilities, for a period up to two years.

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 251-12.**

By Council Members Conwell and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to apply for and accept grants from the U.S. Department of Justice, Bureau of Justice Assistance for the FY 2010 and 2011 Bulletproof Vest Program; and authorizing the purchase by one or more requirement contracts of bulletproof vests, for the Division of Police, Department of Public Safety.

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 254-12.**

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to inspect, test, maintain, and repair elevators, for the various divisions of City government, for a period not to exceed five years.

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 261-12.**

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of the purchase of various types of machines and equipment, and labor and materials to repair and maintain various types of machines and equipment, for the Division of Water, Department of Public Utilities, for a period of up to two years, with a one-year option to renew, exercisable by additional legislative authority.

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 265-12.**

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

An emergency ordinance authorizing the Director of Public Works to employ one or more professional consultants to provide armed security services at various indoor and outdoor recreation facilities, including but not limited to, outdoor pools, recreation centers, and various surrounding play areas, for a period not to exceed one year.

Approved by Directors of Public Works, Finance, Law; Passage recommended by Committees on Public Parks, Properties, and Recreation, Finance.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 267-12.**

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

An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with The Cuyahoga County Community Improvement Corporation to provide economic development assistance to partially finance the Grow Cuyahoga County Fund Program.

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 445-12.**

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of building materials and used paving bricks, for the various divisions of City government, for the period of one year, with one option to renew exercisable by the Director of Finance.

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 446-12.**

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of janitorial supplies and equipment, for the various divisions of City government, for a period of two years, with one option to renew for an additional year, exercisable by the Director of Finance.

Approved by Directors of Finance, Law; Passage recommended by Committee on Finance, when amended, as follows:

1. In the title, strike line 7 in its entirety and insert: "**exercisable through additional legislative authority.**"

2. In Section 1, line 4, strike "exercisable by the Director of Finance" and insert "**exercisable through additional legislative authority.**"

Amendments agreed to.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

In compliance with Section 33 of the Charter a copy of the legislation was furnished to each member of Council before final passage.

**Ord. No. 447-12.**

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of electronic protection services, for the various divisions of City government, for a period of three years with two one-year options to renew, exercisable by the Director of Finance.

Approved by Directors of Finance, Law; Passage recommended by Committee on Finance, when amended, as follows:

1. In the title, in lines 6 and 7, strike "exercisable by the Director of Finance." and insert: "**exercisable through additional legislative authority.**"

2. In Section 1, line 4, strike "exercisable by the Director of Finance" and insert "**exercisable through additional legislative authority.**"

Amendments agreed to.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

In compliance with Section 33 of the Charter a copy of the legislation was furnished to each member of Council before final passage.

**Ord. No. 448-12.**

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of industrial paper products, for the various divisions of City government, for a period of two years, with one option to renew for an additional year, exercisable by the Director of Finance.

Approved by Directors of Finance, Law; Passage recommended by Committee on Finance, when amended, as follows:

1. In the title, in line 7, strike "exercisable by the Director of Finance." and insert: "**exercisable through additional legislative authority.**"

2. In Section 1, line 4, strike "exercisable by the Director of Finance" and insert "**exercisable through additional legislative authority.**"

Amendments agreed to.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

In compliance with Section 33 of the Charter a copy of the legislation was furnished to each member of Council before final passage.

**SECOND READING EMERGENCY RESOLUTIONS ADOPTED****Res. No. 1719-11.**

By Council Members Cleveland, Miller and Sweeney (by request).

An emergency resolution declaring the intent to vacate a portion of East 88th Street and Crane Avenue.

Approved by Directors of Capital Projects, City Planning Commission, Finance, Law; Adoption recommended by Committees on Public Service, City Planning, Finance.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

**Res. No. 7-12.**

By Council Members Westbrook, Miller, Cleveland and Sweeney (by request).

An emergency resolution declaring the intent to vacate a portion of Henley Avenue S.W.

Approved by Directors of Capital Projects, City Planning Commission, Finance, Law; Adoption recommended by Committees on Public Service, City Planning, Finance.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.



**Res. No. 80-12.**

By Council Members Zone, Miller, Cleveland and Sweeney (By Request).

An emergency resolution declaring the intent to vacate a portion of West 68th Street.

Approved by Directors of Capital Projects, City Planning Commission, Finance, Law; Adoption recommended by Committees on Public Service, City Planning, Finance.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

**Res. No. 145-12.**

By Council Members J. Johnson, Dow, Miller, Cleveland and Sweeney (By Request).

An emergency resolution declaring the intent to vacate a portion of "Shoreway Commerce Park Avenue" (formerly Detour Avenue).

Approved by Directors of Capital Projects, City Planning Commission, Finance, Law; Adoption recommended by Committees on Public Service, City Planning, Finance.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

**LAID ON THE TABLE**

**Ord. No. 205-12.**

By Council Members Conwell and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the ASPCA for the ASPCA Partnership Grant Program.

Without objection, Ordinance No. 205-12 was relieved of further consideration of all committees and laid on the table pursuant to the Rules of Council.

The rules were suspended. Yeas 17. Nays 0. Ordinance No. 205-12. Laid on the Table.

**MOTION**

By Council Member Polensek, seconded by Council Member K. Johnson and unanimously carried that the absence of Council Member Zachary Reed, be and is hereby authorized.

**MOTION**

The Council Meeting adjourned at 8:30 p.m. to meet on Monday, April 16, 2012 at 7:00 p.m. in the Council Chambers.



Patricia J. Britt  
City Clerk, Clerk of Council

**THE CALENDAR**

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

NONE

**BOARD OF CONTROL**

April 4, 2012

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, April 4, 2012 at 10:42 a.m. with Interim Director Langhenry presiding.

Present: Interim Director Langhenry, Directors Dumas, Withers, Smith, Cox, Butler, Acting Director Bounds, Directors Rush, Southerington, Nichols, Fumich and Rybka.

Absent: Mayor Jackson.

Others: R. Vilkas, Acting Director, Mayor's Office of Capital Projects.

Natoya Walker-Minor, Interim Director, Office of Equal Opportunity.

Jim Hardy, Commissioner, Division of Purchases & Supplies.

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

**Resolution No. 130-12.**

By Director Flask.  
Whereas, under the authority of Ordinance No. 919-07, passed by the Cleveland City Council on July 11, 2007, the City of Cleveland, through the Director of Public Safety, entered into an agreement with ZOLL Data Systems, Inc., for a period of one year, for maintenance and technical support services for the electronic patient care reporting and billing system software, for the Division of Emergency Medical Service, Department of Public Safety; and

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

Whereas, under the authority of Section 181.102 C.O., the City intends to enter into an agreement with ZOLL Data Systems, Inc., to obtain the professional maintenance and technical support services necessary to maintain the electronic patient care reporting and billing system for one year starting January 1, 2012; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under division (e) of Section 181.102 C.O., the compensation to be paid for maintenance and technical support services to be performed under the agreement with ZOLL Data Systems, Inc. is fixed at an amount not to exceed \$50,208.00.

Yeas: Interim Director Langhenry, Directors Dumas, Withers, Smith, Cox, Butler, Acting Director Bounds, Directors Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.  
Absent: Mayor Jackson.

**Resolution No. 131-12.**

By Director Flask.  
Whereas under the authority of Ordinance No. 1606-07, passed by the Cleveland City Council on October 15, 2007, the City of Cleveland, through the Director of Public Safety, entered into an agreement with Intergraph Corporation, City Contract No. 67549, for a period of one year with two options to renew for an additional one-year period, for

maintenance and technical support services for the Computer-Aided Dispatch System and Mobile System, for the Divisions of Police, Fire, and EMS, Department of Public Safety; and

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

Whereas, under the authority of Section 181.102 C.O., the City intends to enter into an agreement with Intergraph Corporation to obtain the professional maintenance and technical support services necessary to maintain the Computer-Aided Dispatch System and Mobile System for one year starting January 1, 2012; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under division (e) of Section 181.102 C.O., the compensation to be paid for maintenance and technical support services to be performed under the agreement with Intergraph Corporation is fixed at an amount not to exceed \$311,774.40.

Yeas: Interim Director Langhenry, Directors Dumas, Withers, Smith, Cox, Butler, Acting Director Bounds, Directors Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.  
Absent: Mayor Jackson.

**Resolution No. 132-12.**

By Director Cox.  
Whereas, under the authority of Ordinance 1454-10, passed by the Council of the City of Cleveland on February 7, 2011, the City through the Director of Public Works entered into Contract No. PS2011-226 with City Architecture, Inc. and approved various sub-consultants to obtain professional services supplementing the City's regularly employed staff necessary to restore and reconstruct League Park; and

Whereas, City Architecture has informed the City, that Ralph Tyler Companies (CSB/MBE) no longer has the ability to provide structural engineering; and

Whereas, City Architecture, Inc., by its memo dated February 27, 2012, has requested to employ I. A. Lewin Associates, Inc. (CSB) as a sub-consultant under Contract No. PS2011-226 to complete the structural engineering portion of the services to have been performed by Ralph Tyler Companies (CSB/MBE) under the contract; and

Whereas, City Architecture, Inc. has requested and the Director of the Mayor's Office of Equal Opportunity has approved, under Section 187.13 of the Codified Ordinances, the substitution of I. A. Lewin & Associates, Inc. (CSB) for Ralph Tyler Companies (CSB/MBE) as a sub consultant to City Architecture, Inc. for structural engineering services; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the employment of I. A. Lewin & Associates, Inc. (CSB) as a sub-consultant by City Architecture, Inc. under Contract No. PS2011-226 is approved.

Yeas: Interim Director Langhenry, Directors Dumas, Withers, Smith,

Cox, Butler, Acting Director Bounds, Directors Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson.

**Resolution No. 133-12.**

By Director Rush.

Whereas, Board of Control Resolution No. 530-11, adopted November 2, 2011, authorized the sale and development of Permanent Parcel No. 125-26-053 to Broadway Christian Church for green space, as part of the City Land Reutilization Program established under Ordinance No. 2076-76 passed by the Cleveland City Council on October 25, 1976; and

Whereas, Resolution No. 530-11 incorrectly stated the address of the parcel to be sold as, "5284 Engle Road"; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 530-11, adopted by this Board November 2, 2011, authorizing the sale and development of Permanent Parcel No. 125-26-053 to Broadway Christian Church for green space, is amended by substituting "5924 Engel Ave." for "5284 Engle Road", where appearing in the resolution.

Be it further resolved that all other provisions of Resolution No. 530-11 not expressly amended above shall remain unchanged and in full force and effect.

Yeas: Interim Director Langhenry, Directors Dumas, Withers, Smith, Cox, Butler, Acting Director Bounds, Directors Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson.

**Resolution No. 134-12.**

By Director Rush.

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

Whereas, City has acquired Permanent Parcel No. 003-35-050, located at 3620 Lorain Ave. under the Land Reutilization Program; and

Whereas, Ordinance No. 1647-11 passed March 26, 2012, authorized the sale of the parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, John W. Sweeney or J. S. & Associates, LLC has proposed to the City to purchase and develop the parcel for a parking lot; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 1647-11 passed March 26, 2012, by the Cleveland City Council, the Mayor is authorized to execute an official deed for and on behalf of the City of Cleveland with John W. Sweeney or J. S. & Associates, LLC for the sale and development of Permanent Parcel No. 003-35-050, as described in the Ordinance 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 parcel shall be \$2,800,000, which amount is determined to be not less than the fair market value of the parcel for uses according to the Land Reutilization Program.

Yeas: Interim Director Langhenry, Directors Dumas, Withers, Smith, Cox, Butler, Acting Director Bounds, Directors Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson.

**Resolution No. 135-12.**

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. 005-24-002 located at 9728 Lorain Avenue in Ward 6; 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, Joseph Coreno has proposed to the City to purchase and develop the parcel for Parking; and

Whereas, the following conditions exist:

1. The member of Council from Ward 16 has consented to the proposed sale;

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 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 Joseph Coreno for the sale and development of Permanent Parcel No. 005-24-002 located at 9728 Lorain 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 said parcel shall be \$420,000, which amount is determined to be not less than the Fair Market value of said parcel for uses according to the Program.

Yeas: Interim Director Langhenry, Directors Dumas, Withers, Smith, Cox, Butler, Acting Director Bounds, Directors Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson.

**Resolution No. 136-12.**

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. 137-05-005 located at 13318 Union Avenue in Ward 4; 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, Karen Agee 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 neither disapproved nor requested a hold on the proposed sale in the 45 or more days passed since receiving 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 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 Karen Agee for the sale and development of Permanent Parcel No. 137-05-005 located at 13318 Union 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 said parcel shall be \$450,000 which amount is determined to be not less than the Fair Market value of said parcel for uses according to the Program.

Yeas: Interim Director Langhenry, Directors Dumas, Withers, Smith, Cox, Butler, Acting Director Bounds, Directors Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson.

**Resolution No. 137-12.**

By Director Nichols.

Whereas, Board of Control Resolution No. 44-11, adopted February 2, 2011, authorized the Director of Economic Development to enter into contract with City Architecture to perform professional services necessary to implement the Cleveland Opportunity Corridor Brownfields Areawide Planning Pilot Program and consented to the employment of Ariel Ventures, LLC (CSB) and WANIX Architects (CSB) as sub-consultants, among others; and

Whereas, City Architecture has requested the City's consent to remove Ariel Ventures, LLC (CSB) and to increase the participation of WANIX Architects (CSB) by the dollar amount previously attributed to Ariel Ventures, LLC; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 44-11, adopted by this Board February 2, 2011, authorizing the Director of Economic Development to enter into contract with City Architecture to perform professional services necessary to implement the Cleveland Opportunity Corridor Brownfields Areawide Planning Pilot Program, and approving Ariel Ventures, LLC (CSB) and WANIX Architects (CSB), as sub-consultants, among others, is amended by deleting all reference to "Ariel Ventures, LLC," and increasing the sub-consulting amount and percentage for WANIX Architects (CSB) as follows:

WANIX ARCHITECTS (CSB)  
\$2,600 (1.5%) — \$8,050 (4.7%)

Relmec (CSB/FBE) \$116,600.00  
2.004%

Be it further resolved that all other provisions of Resolution No. 44-11 not expressly amended above shall remain unchanged and in full force and effect.

Suburban Maintenance (CSB) \$813,673.00  
13.987%

Yeas: Interim Director Langhenry, Directors Dumas, Withers, Smith, Cox, Butler, Acting Director Bounds, Directors Rush, Southerington, Nichols, Fumich and Rybka.

Staging Concepts (other) \$247,000.00  
4.246%

Nays: None.  
Absent: Mayor Jackson.

Daniel Son, Inc. (other) \$380,000.00  
6.533%

**Resolution No. 138-12.**

By Director Cox.  
Whereas, Resolution No. 77-12, adopted by this Board on February 22, 2012, under the authority of Ordinance No. 9-12, passed February 6, 2012 by the Cleveland City Council, authorized the Director of Public Works to enter into a contract with Platform Cement, Inc., as the lowest responsible bidder for the public improvement of Cleveland Browns Stadium 2012 Capital Improvements, Base Bid Items A, B, and C and Optional Items #1 and #10, in the aggregate amount of \$5,817,000.00 and approved various subcontractors; and

Be it further resolved that all other provisions of Resolution No. 77-12 not expressly amended above shall remain unchanged and in full force and effect.

Yeas: Interim Director Langhenry, Directors Dumas, Withers, Smith, Cox, Butler, Acting Director Bounds, Directors Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.  
Absent: Mayor Jackson.

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, APRIL 23, 2012**

**9:30 A.M.**

**Calendar No. 12-51:** 5320 Stanard Avenue (Ward 8)

Cuyahoga County Board of Developmental Disabilities (CCBDD), owner, and Solutions at Work (S.A.W., Inc.) appeal for an addition to an existing school located on an acreage parcel in a B1 Two-Family District; subject to the limitations under Section 337.03 and by refer-

ence, as regulated I a One-Family District (Section 337.02(f)(3)(A)), the use of premises for public or private school and accessory uses requires review and approval of the Board of Zoning Appeals and must be located at least 30 feet from any adjoining premises in a residence district; and the proposed addition to an existing nonconforming building and uses requires the Board of Zoning Appeals approval in accordance with Section 359.01(a) of the Cleveland Codified Ordinances.

**Calendar No. 12-57:** 4178 West 59th Street (Ward 13)

Sharon Clemons, owner, appeals to erect 124 lineal feet of 4 feet high chain link fence in the front yard area of a 40' x 140' parcel located in an A1 One-Family District; contrary to the Fence Regulations in Section 358.04(c)(1) and the provision for ornamental fences only in the front yard area in residential districts, unless otherwise approved by the Board of Zoning Appeals.

**Calendar No. 12-60:** 2619 Vestry Avenue (Ward 3)

Cleveland Bricks LLC, owner, appeals to erect a 20' x 24' one-story frame garage on a 40' x 100.12' lot in a B1 Two-Family District; providing a gross floor area of 2,928 square feet contrary to the limitation of 2,002.4 square feet and a rear yard depth of 5 feet is provided where 20 feet is required in accordance with Section 357.08 of the Cleveland Codified Ordinances.

Secretary

**REPORT OF THE BOARD OF ZONING APPEALS**

**MONDAY, APRIL 9, 2012**

At the meeting of the Board of Zoning Appeals on Monday, April 9, 2012, the following appeals were heard by the Board.

The following appeals were **APPROVED:**

**Calendar No. 12-41:** 5377 Stanard Avenue

Goodrich-Gannett Neighborhood Center, owner, and SAW, Inc., Prospective lessee, appealed to construct a greenhouse on multiple parcels in a B1 Two-Family District.

**Calendar No. 12-42:** 19603 Nottingham Road

Angela Cavotta appealed to install 75 linear feet of 6-foot high decorative fence in the actual front yard of property in a Semi-Industry District.

**Calendar No. 12-45:** 2621 West 25th Street

L.J. Minor appealed to establish a parking lot on acreage located between Barber Avenue and Potter Court in a C1 Multi-Family District.

**Calendar No. 12-46:** 4705 West 157th Street

Cuyahoga County Land Reutilization Corporation appealed to erect a 20' x 20' one-story frame, gable garage on a lot in an A1 One-Family District.

**SUBCONTRACTORS AMOUNT PERCENTAGE**

Boss Electrostatic (other) \$937,322.00  
16.113%

Caver Brothers (CSB/MBE) \$707,790.00  
12.167%

B&B Wrecking (CSB) \$340,500.00  
5.854%

Be it further resolved that the employment of the following additional subcontractors by Platform Cement, Inc. for the above-mentioned public improvement is approved:

**SUBCONTRACTORS AMOUNT PERCENTAGE**

KBJ, Inc. (CSB/MBE) \$72,210.00  
1.241%

Dependable Painting (CSB/FBE) \$522,500.00  
8.982%

**Calendar No. 12-47:** 1450 West 48th Street  
 Scott Francis appealed to erect a second story, frame bedroom addition above a single family dwelling in a B1 Two-Family District.

The following appeals were **DENIED:**

**Calendar No. 12-35:** Violation Notice 3730 West 36th Street  
 Nicholas Dionisopoulos appealed from a Notice of Violation issued by the Cleveland Building and Housing Department.

**Calendar No. 12-21:** 368 Eddy Road  
 Michael Payton appealed to sell Christmas trees and install a sign on a trailer and on a fence to advertise sales, and a snowplowing and landscaping business in a Multi-Family District.

The following appeals were **WITHDRAWN:**

None.

The following appeals were **DISMISSED:**

None.

The following appeals were **POSTPONED:**

None.

The following appeals heard by the Board on April 2, 2012 were adopted and approved on April 9, 2012.

The following appeals were **APPROVED:**

**Calendar No. 12-48:** 1901 Ford Drive  
 Case Western Reserve University, owner, and Glidden House Associates Limited Partnership, lessee, appealed to install a temporary tent for 180 days in a D1 University Retail District.

**Calendar No. 12-50:** 5801 Detroit Avenue  
 Don Schuerger, owner, and 58 Group LLC, tenant, appealed to establish use as a mixed use building for a bar with live entertainment on the first floor and basement and three apartments on the second floor in a C2 Local Retail Business District.

The following appeal heard by the Board on March 19, 2012 was adopted and approved on April 9, 2012.

The following appeal was **APPROVED:**

**Calendar No. 12-4:** 3395 East 93rd Street  
 Darrell Wilborn appealed to expand and renovate a motor vehicle repair garage in a C1 Local Retail Business District.

Secretary

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

NO MEETING

**NOTICE OF PUBLIC MEETING OF THE CITY OF CLEVELAND RECORDS COMMISSION**

Notice is hereby given in accordance with Chapter 149 of the Ohio Revised Code and Chapter 167 of the Codified Ordinances of the City of Cleveland, that the Cleveland City Records Commission will hold a public meeting on Tuesday, April 24, 2012 at 10:00 A.M. in Room 106 of City Hall, 601 Lakeside Avenue, Cleveland, Ohio for the purpose of considering records retention and disposal requests.

April 11, 2012 and April 18, 2012

**NOTICE OF PUBLIC HEARING**

NONE

**CITY OF CLEVELAND BIDS**

For All Departments

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

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

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

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

**WEDNESDAY, APRIL 25, 2012**

**File No. 41-12 — Large Capacity Trucks,** for the Division of Streets, Department of Public Works, as authorized by Ordinance No. 1504-10, passed by the Council of the City of Cleveland, December 6, 2010.

**THERE WILL BE A NON-MANDATORY PRE-BID MEETING FRIDAY, APRIL 13, 2012 AT 10:00 A.M. LOCATED AT THE CLEVELAND CITY HALL, DIVISION OF STREETS, ROOM 25, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.**

April 4, 2012 and April 11, 2012

**WEDNESDAY, MAY 2, 2012**

**File No. 42-12 — Industrial Paper Products,** for the various Divisions of City Government, Department of Public Works as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

**THERE WILL BE A NON-MANDATORY PRE-BID MEETING WEDNESDAY, APRIL 25, 2012 AT 10:00 A.M. CLEVELAND CITY HALL, DIVISION OF PURCHASES AND SUPPLIES, ROOM 128, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.**

April 11, 2012 and April 18, 2012

**THURSDAY, MAY 3, 2012**

**File No. 39-12 — 2012 Summer Food Program (Breakfasts & Lunches),** for the Division of Recreation, Department of Public Works and as authorized by Ordinance pending.

**THERE WILL BE A MANDATORY PRE-BID MEETING MONDAY, APRIL 23, 2012 AT 11:00 A.M. THE CLEVELAND CITY HALL, ROOM 8, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.**

**THE CITY OF CLEVELAND WILL NOT CONSIDER THE BID OF ANYONE WHO DOES NOT ATTEND A MANDATORY PRE-BID CONFERENCE.**

**File No. 40-12 — Food, Food Products, Beverages, Condiments and Paper Products at Camp Forbes,** for the Division of Recreation, Department of Public Works and as authorized by Ordinance pending passed.

**THERE WILL BE A MANDATORY PRE-BID MEETING MONDAY, APRIL 23, 2012 AT 11:45 A.M. THE CLEVELAND CITY HALL, ROOM 8, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.**

**THE CITY OF CLEVELAND WILL NOT CONSIDER THE BID OF ANYONE WHO DOES NOT ATTEND A MANDATORY PRE-BID CONFERENCE.**

April 11, 2012 and April 18, 2012

## ADOPTED RESOLUTIONS AND ORDINANCES

### Res. No. 459-12.

**By Council Members Brady, Cimperman, Polensek and J. Johnson.**

**An emergency resolution declaring the month of April "Autism Awareness Month" and supporting STEPS Center for Excellence in Autism and their Art Show in the rotunda of Cleveland City Hall.**

Whereas, the fifth annual World Autism Awareness Day, April 2, 2012, will kick-off the month of April as Autism Awareness Month; and

Whereas, more than 50 students from the STEPS Center for Excellence in Autism will showcase their artistic endeavors at a special art exhibition in the rotunda of Cleveland City Hall on World Autism Day, April 2, 2012; and

Whereas, following the art exhibition from 4:30 to 6:30, the student artists will be recognized during the 7:00 Cleveland City Council meeting; and

Whereas, the STEPS student artwork will remain on display in Cleveland City Hall's rotunda during the month of April; and

Whereas, Cleveland landmarks, the Terminal Tower, the Rock and Roll Hall of Fame and Museum, and the Browns Stadium, will light up in blue in honor of World Autism Day beginning at midnight on April 2nd; and

Whereas, other notable structures and sites around the globe will be lit including Niagara Falls, the Sydney Opera House, Madison Square Garden, the Hungarian Parliament Building and the Christ the Redeemer Statue in Brazil; and

Whereas, diagnoses of autism and other pervasive developmental disorders are increasing exponentially on a global scale; and

Whereas, the Center for Disease Control reported recently that approximately 1 out of every 88 children are diagnosed with Autism Spectrum Disorder; and

Whereas, there are several educational programs available, such as Applied Behavior Analysis, Applied Verbal Analysis, Occupational Therapy, and Social Skills Therapy; and

Whereas, the arts offer avenues of communication not otherwise afforded to people on the autism spectrum; and

Whereas, STEPS Center for Excellence in Autism employs interests-based educational opportunities, incorporating the arts into everyday education; and

Whereas, William Stillman, Autism Spectrum Self-Advocate, Author, and Consultant describes autism in his book, From the Autism Answer Book (Sourcebooks, 2007) as follows: "Autism is a unique way of being and a natural variation on the human experience. Those with autism are often inherently gentle and exquisitely sensitive. They may perceive the world through a multifaceted, multi-sensory prism more interesting and complicated than those considered typical. Physiologically, autism is a common neurological miscommunication between brain and body that results in vocal and physical blips, misfires, and disconnects. This does NOT affect one's intelligence any more than it does

someone recovering from a stroke or compromised by cerebral palsy. You've experienced autistic-like symptoms if you've ever awakened in the middle of the night to the realization that your arm is "asleep" and your brain cannot will your deadened limb to budge. What if the same nighttime paralysis arbitrarily shifted to any of your body parts or lodged in your voice box and precluded you from talking? People with autism describe a similar challenge to assimilate with a physical body that feels like cement, causing speech and motor limitations."

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

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

**Section 1.** That this Council hereby declares the month of April "Autism Awareness Month" and supports STEPS Center for Excellence in Autism and their Art Show in the rotunda of Cleveland City Hall.

**Section 2.** That the Clerk of Council is hereby directed to transmit a copy of this resolution to STEPS Center for Excellence in Autism.

**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 April 2, 2012.

Effective April 9, 2012.

### Res. No. 461-12.

**By Council Members Polensek, Keane, Cummins, Brancatelli, Dow, Pruitt, Miller, J. Johnson, Brady, Kelley, Cleveland and Conwell.**

**An emergency resolution urging Bishop Lennon to follow the Vatican ruling and immediately reopen the 13 area churches as decreed to be wrongly closed.**

Whereas, on March 14, 2012, the Vatican reversed Bishop Lennon's closing of 13 churches closed in a downsizing between 2009 and 2010; and

Whereas, the Vatican decree stated that the Bishop had not followed canon law and procedures when he closed these churches; and

Whereas, regardless of the 60 days the Bishop has to appeal the Vatican ruling, he has been directed by the Vatican to reopen the 13 shuttered churches; and

Whereas, the Bishop should act decisively and adhere to the Vatican decrees and reopen the churches in time for Easter worship; 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 Bishop Lennon to follow the Vatican ruling and immediately reopen the 13 area churches as decreed to be wrongly closed.

**Section 2.** That the Clerk of Council is directed to transmit copies of this

resolution to the Most Reverend Bishop Richard Lennon.

**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 April 2, 2012.

Effective May 2, 2012.

### Res. No. 462-12.

**By Council Member Cleveland.**

**An emergency resolution withdrawing objection to the transfer of liquor license of a C1, C2 and D6 Liquor Permit at 7500 Euclid Avenue and repealing Resolution No. 148-12, objecting to said transfer.**

Whereas, this Council objected to the transfer of liquor license of a C1, C2 and D6 Liquor Permit to Aldi, Inc., Ohio, DBA Aldi #66, 7500 Euclid Avenue, Cleveland, Ohio 44103, Permanent No. 01007780326, by Resolution No. 148-12 adopted by the Council on February 6, 2012; and

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

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

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

**Section 1.** That objection to a C1, C2 and D6 Liquor Permit to Aldi, Inc., Ohio, DBA Aldi #66, 7500 Euclid Avenue, Cleveland, Ohio 44103, Permanent No. 01007780326, be and the same is hereby withdrawn and Resolution No. 148-12, 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 April 2, 2012.

Effective April 9, 2012.

### Res. No. 463-12.

**By Council Member Cummins.**

**An emergency resolution withdrawing objection to the transfer of ownership of a D5 Liquor Permit at 3194 West 25th Street, 1st floor and basement and repealing Resolution No. 1530-11, objecting to said transfer.**

Whereas, this Council objected to the transfer of ownership of a D5 Liquor Permit to 3194 Tavern, LLC, DBA Stumble Inn, 3194 West 25th Street, 1st floor and basement, Cleveland, Ohio 44109, Permanent No. 8917129 by Resolution No. 1530-11 adopted by the Council on October 24, 2011; 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 ownership of a D5 Liquor Permit to 3194 Tavern, LLC, DBA Stumble Inn, 3194 West 25th Street, 1st floor and basement, Cleveland, Ohio 44109, Permanent No. 8917129, be and the same is hereby withdrawn and Resolution No. 1530-11, 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 April 2, 2012.

Effective April 9, 2012.

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**Res. No. 464-12.**  
**By Council Member Miller.**  
**An emergency resolution objecting to a New C1 Liquor Permit at 18235 Euclid Avenue.**

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Moran Foods, Inc., DBA Save A Lot, #655, Unit JJ, 18235 Euclid Avenue, Cleveland, Ohio 44112, Permanent Number 61433910245; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to a New C1 Liquor Permit at Moran Foods, Inc., DBA Save A Lot, #655, Unit JJ, 18235 Euclid Avenue, Cleveland, Ohio 44112, Permanent Number 61433910245, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted April 2, 2012.

Effective April 9, 2012.

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**Ord. No. 540-11.**

**By Council Member Dow.**

**An ordinance to change the Use, Area and Height District of land on the north and south sides of Superior Avenue between E. 48 Street and E. 74 Street to Multi-Family Residential, a 'C' Area District, and a 'I' Height District (Map Change No. 2360, Sheet No. 4 ).**

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

**Section 1.** That the Use, Area and Height Districts of lands bounded and described as follows:

Beginning in the centerline of Superior Avenue with its intersection with the southerly prolongation of the centerline of East 58th Street;

Thence northerly along said centerline to its intersection with the westerly prolongation of the centerline of Pohar Court;

Thence northeasterly along said centerline of Pohar Court and along its easterly prolongation to its intersection with the centerline of East 59th Street;

Thence southerly along said centerline of East 59th Street to its intersection with the westerly prolongation of the southerly line of Sublot No. 10 in the Marianna B. Sterling Subdivision shown on the recorded plat in Volume 4, Page 10 of Cuyahoga County Map Records;

Thence northeasterly along said westerly prolongation of said southerly line and along its easterly prolongation to its intersection with the centerline of East 60th Street;

Thence northerly along said centerline of East 60th Street to its intersection with the northwesterly prolongation of the southerly line of Sublot No. 6 in the S. S. Lyon & Harry Hunt Subdivision shown on the recorded plat in Volume 4, Page 42 of Cuyahoga County Map Records;

Thence southeasterly along said northwesterly prolongation and said southerly line and continuing along its southeasterly prolongation to its intersection with the westerly line of the N. Helbig Subdivision shown on the recorded plat in Volume 10, Page 30 of Cuyahoga County Map Records;

Thence southwesterly along said westerly line to its intersection with the northerly line of Sublot No. 20 in the aforementioned N. Helbig Subdivision;

Thence southeasterly along said northerly line of Sublot No. 20 and along its easterly prolongation to its intersection with the centerline of East 61st Street;

Thence southerly along said centerline of East 61st Street to its intersection with the westerly prolongation of the northerly line of Sublot No. 14 in the John & Anna E. Schott Lots 20 & 53 Resubdivision as shown on the recorded plat in Volume 24, Page 18 of Cuyahoga County Map Records;

Thence northeasterly along said westerly prolongation of said northerly line and continuing along its northeasterly line to its intersection with the southerly line of Sublot No.6 in the aforementioned John & Anna E. Schott Resubdivision;

Thence northeasterly along said northerly line and along its easterly prolongation to its intersection with the centerline of Norwood Road;

Thence southerly along said centerline of Norwood Road to its intersection with the westerly prolongation of the southerly line of Sublot No. 4 in the Beckenbaugh Subdivision not recorded;

Thence northeasterly along said westerly prolongation of said southerly line to its intersection with the westerly line of Sublot No. 15 in aforementioned Beckenbaugh Subdivision;

Thence northerly along said westerly line to its intersection with the southerly line of Sublot Number 13 in the aforementioned Beckenbaugh Subdivision;

Thence easterly along said southerly line and along its easterly prolongation to its intersection with the easterly line of Sublot Number 14 in the aforementioned Beckenbaugh Subdivision;

Thence northerly along said easterly line and along its northerly prolongation to its intersection with the centerline of Edna Avenue;

Thence easterly along said centerline of Edna Avenue to its intersection with the northerly prolongation of the centerline of East 67th Street ;

Thence southerly along said prolongation of the centerline of East 67th Street to its intersection with the westerly prolongation of the centerline of Bayliss Avenue;

Thence northeasterly along said prolongation and said centerline of Bayliss Avenue and continuing along its north-easterly prolongation to its intersection with the centerline of Addison Road;

Thence southeasterly along said centerline of Addison Road to its intersection with the southwesterly prolongation of the northerly line of Sublot No. 26 in the E. W. Andrews 2nd Subdivision shown on the recorded plat in Volume 15, Page 15 of Cuyahoga County Map Records;

Thence northeasterly along said southwesterly prolongation of said northerly line to its intersection with the easterly line thereof;

Thence southerly along said easterly line to its intersection with the northerly line of Sublot No. 33 in the aforementioned E. W. Andrews 2nd Subdivision;

Thence easterly along said northerly line and along its easterly prolongation to its intersection with the centerline of East 71st Street;

Thence southerly along said centerline of East 71st Street to its intersection with the westerly prolongation of the centerline of Myron Avenue;

Thence easterly along said westerly prolongation of said centerline of Myron Avenue to its intersection with the centerline of East 74th Street;

Thence southerly along said centerline of East 74th Street and along its southerly prolongation to its intersection with the centerline of Superior Avenue;

Thence westerly along said centerline of Superior Avenue to its intersection with the northerly prolongation of the westerly line of Sublot No. 24 in the Geo. Sell Subdivision shown on the recorded plat in Volume 14, Page 26;

Thence southerly along said northerly prolongation of said westerly line of Sublot No. 24 to its intersection with the southerly line thereof;

Thence westerly along said southerly line and along its westerly prolongation to its intersection with the centerline of Addison Road;

Thence southeasterly along said centerline of Addison Road to its intersection with the centerline of Wade Park Avenue;

Thence southwesterly along said centerline of Wade Park Avenue to its intersection with the centerline of Giddings Road;

Thence northwesterly along said centerline of Giddings Road to its intersection with the easterly prolongation of the northerly line of a parcel of land conveyed to Douglas Campbell Jr. by deed dated July 17, 2006 and recorded in Auditor's File Number 200607170884;

Thence westerly along said easterly prolongation of said northerly line to its intersection with the easterly line of Sublot No. 12 in the Henry Keller Subdivision shown on the recorded plat in Volume 20, Page 18 of Cuyahoga County Map Records;

Thence northerly along said easterly line to its intersection with the northerly line thereof;

Thence westerly along said northerly line and along its westerly prolongation to its intersection with the centerline of Russell Road;

Thence northerly along said centerline of Russell Road to its intersection with the easterly prolongation of the southerly line of Sublot No. 34 in the M & M Halle Subdivision shown on the recorded plat in Volume 13, Page 24 of Cuyahoga County Map Records;

Thence westerly along said easterly prolongation of said southerly line to its intersection with the northerly prolongation of the easterly line of Sublot No. 30 in the aforementioned M & M Halle Subdivision;

Thence southerly along said northerly prolongation of said easterly line to its intersection with the northerly line thereof;

Thence westerly along said northerly line and along its westerly prolongation to its intersection with the centerline of East 68th Street;

Thence northerly along said centerline of East 68th Street to its intersection with the easterly prolongation of the northerly line of Sublot No. 4 in the aforementioned M & M Halle Subdivision;

Thence westerly along said easterly prolongation of said northerly line to its intersection with the northerly line of a parcel of land conveyed to Christina Ermidis by deed dated January 20, 2005 and recorded in Auditor's File Number 200501200489;

Thence northwesterly along said northerly line and along its westerly prolongation to its intersection with the centerline of East 66th Street;

Thence northerly along said centerline of East 66th Street to its intersection with the easterly prolongation of the northerly line of Sublot No. 3 in the Anna B. Emrich Subdivision shown on the recorded plat in Volume 445, Page 335 of Cuyahoga County Map Records;

Thence westerly along said easterly prolongation and said northerly line to its intersection with the westerly line thereof;

Thence southerly along said westerly line to its intersection with the northerly line of Sublot No. 91 in Cuyahoga County Map Records;

Thence westerly along said northerly line and along its westerly prolongation to its intersection with the centerline of East 65th Street;

Thence southerly along said centerline of East 65th Street to its intersection with the easterly prolongation of the southerly line of the Marianne B. Sterling Subdivision shown on the recorded plat in Volume 4, Page 60 of Cuyahoga County Map Records;

Thence westerly along said prolongation of said southerly line to its intersection with the westerly line of Sublot No. 5 in the aforementioned Marianne B. Sterling Subdivision;

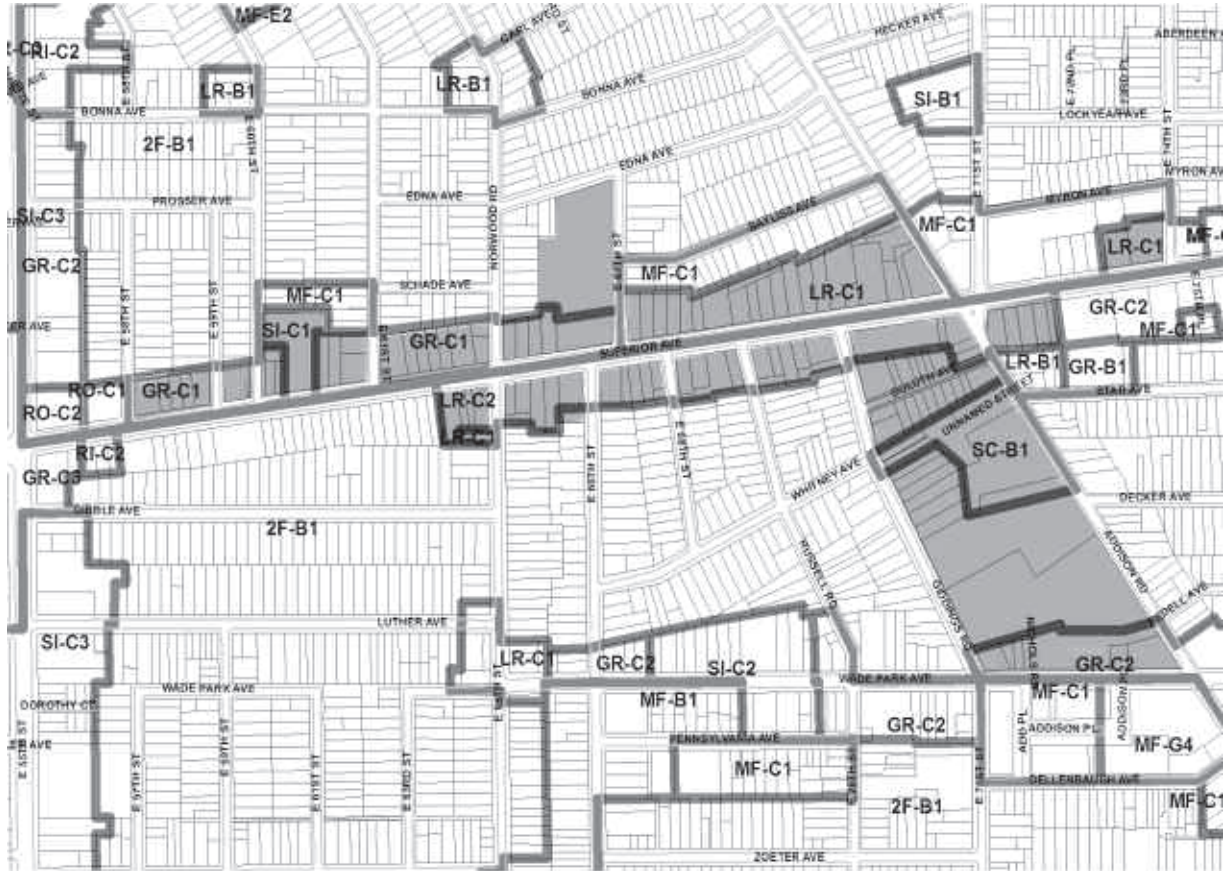
Thence northwesterly along said westerly line and along its northerly prolongation to its intersection with the centerline of Superior Avenue;

Thence southwesterly along said centerline of Superior Avenue to its intersection with the southerly prolongation of the centerline of East 58th Street and the principal place of beginning.

and as shaded on the attached map is changed to a Multi-Family Residential District, a 'C' Area District and a '1' Height District.

**Section 2.** That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2360, Sheet No. 4 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

**Section 3.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



Passed April 2, 2012.  
Effective May 2, 2012.

**Ord. No. 541-11.  
By Council Member Dow.**

**An ordinance to change the Use, Area and Height District of land on the north and south sides of Superior Avenue between E. 71st Street and E. 77th Street to Local Retail Business, a 'C' Area District, and a '1' Height District (Map Change No. 2361, Sheet No. 4 ).**

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

**Section 1.** That the Use, Area and Height Districts of lands bounded and described as follows:

Beginning in the centerline of Superior Avenue at its intersection with the southerly prolongation of the centerline of East 74th Street;

Thence northerly along said southerly prolongation of said centerline of East 74th Street to its intersection with the westerly prolongation of the northerly line of Sublot No. 1 in the W.J. Crawford Subdivision shown on the recorded plat in Volume 21, Page 29;

Thence easterly along said westerly prolongation of said northerly line and continuing along its easterly prolongation to its intersection with the westerly line of Sublot No. 3 in the aforementioned W.J. Crawford Subdivision;

Thence northerly along said westerly line to its intersection with the northerly line thereof;

Thence easterly along said northerly line and along its easterly prolongation to its intersection with the westerly line of Sublot No. 5 in the aforementioned W.J. Crawford Subdivision;

Thence southerly along said westerly line and along its southerly prolongation to its intersection with the centerline of Superior Avenue;

Thence easterly along said centerline of Superior Avenue to its intersection with the northerly prolongation of the cen-



terline of E. 76 Place;

Thence southerly along said northerly prolongation and said centerline and continuing along its southerly prolongation to its intersection with the northerly line of Sublot No. 6 in the James Decker Subdivision shown on the recorded plat in Volume 7, Page 26 of Cuyahoga County Map Records;

Thence westerly along said northerly line and along its westerly prolongation to its intersection with the westerly line of Sublot No. 9 in the aforementioned James Decker Subdivision;

Thence northerly along said westerly line and along its northerly prolongation to its intersection with the southerly line of Sublot No. 11 in the Morganstern Est. Not Recorded, said southerly line also being known as the northerly line of Cuyahoga County's Permanent Parcel Number 106-04-016;

Thence westerly along said southerly line and along its westerly prolongation to its intersection with a westerly line of Sublot No. 21 in the aforementioned Morganstern Est. subdivision not recorded, said parcel also being known as Cuyahoga County's Permanent Parcel Number 106-04-018;

Thence southerly along said westerly line to its intersection with the northerly line of Sublot No. 20 in the aforementioned Morganstern Est. subdivision, said line also being known as the northerly line of Cuyahoga County's Permanent Parcel Number 106-04-110;

Thence westerly along said northerly line and along its westerly prolongation to its intersection with the westerly line of Sublot No. 23 in the aforementioned Morganstern Est. subdivision, said parcel being known as Cuyahoga County's Permanent Parcel Number 106-04-023;

Thence southerly along said westerly line and along its southerly prolongation to its intersection with the centerline of Star Avenue;

Thence westerly along said centerline of Star Avenue to its intersection with the southerly prolongation of the westerly line of Sublot No. 14 in the GEO. Sell subdivision shown on the recorded plat in Volume 14, Page 26 of Cuyahoga County Map Records;

Thence northerly along said southerly prolongation and said westerly line to its intersection with the southerly line of Sublot No. 25 in the aforementioned GEO. Sell subdivision;

Thence westerly along said southerly line to its intersection with the westerly line thereof;

Thence northerly along said westerly line and along its northerly prolongation to its intersection with the centerline of Superior Avenue;

Thence northeasterly along said centerline of Superior Avenue to its intersection with the southerly prolongation of the centerline of East 74th Street and the principal place of beginning. and as shaded on the attached map is changed to a Local Retail Business District, a 'C' Area District and a '1' Height District.

**Section 2.** That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2361, Sheet No. 4 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

**Section 3.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



Passed April 2, 2012.  
Effective May 2, 2012.

**Ord. No. 542-11.****By Council Member Dow.**

**An ordinance to change the Use, Area and Height District of land on the north and south sides of Superior Avenue between E. 79th Street and E. 91st Street to Multi-Family Residential, a 'C' Area District, and a '1' Height District (Map Change No. 2359, Sheet No. 4 ).**

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

**Section 1.** That the Use, Area and Height Districts of lands bounded and described as follows:

Beginning in the centerline of East 79th Street at its intersection with the centerline of Superior Avenue;

Thence northerly along said centerline of East 79th Street to its intersection with the westerly prolongation of the southerly line of Sublot Number 46 in the J. H Hardy Subdivision shown on the recorded plat in Volume 5, Page 31 of Cuyahoga County Map Records;

Thence northeasterly along said southerly line and along its easterly prolongation to its intersection with the centerline of E. 79th Place;

Thence southerly along said centerline of E. 79th Place to its intersection with the westerly prolongation of the southerly line of Sublot Number 4 in the Bergholz & Binder Subdivision shown on the recorded plat in Volume 8, Page 5;

Thence easterly along said southerly line and along its easterly prolongation to its intersection with the centerline of East 80th Street;

Thence northerly along said centerline of East 80th Street to its intersection with the westerly prolongation of the southerly line of Sublot Number 47 in the L. Breckenridge Subdivision shown on the recorded plat in Volume 5, Page 54 of Cuyahoga County Map Records;

Thence northeasterly along said westerly prolongation to its intersection with the northerly prolongation of the westerly line of Sublot Number 26 in the aforementioned L. Breckenridge Subdivision;

Thence southerly along said northerly prolongation of said westerly line and along its southerly prolongation to its intersection with the southerly line of Sublot Number 27 in the aforementioned L. Breckenridge Subdivision;

Thence easterly along said southerly line and along its easterly prolongation to its intersection with the centerline of East 81st Street;

Thence northerly along said centerline of East 81st Street to its intersection with the westerly prolongation of the northerly line of Sublot Number 29 in the Superior St. Subdivision shown on the recorded plat in Volume 26, Page 10 of Cuyahoga County Map Records;

Thence easterly along said westerly prolongation of said northerly line and along its easterly prolongation to its intersection with the centerline of East 82nd Street;

Thence northerly along said centerline of East 82nd Street to its intersection with the westerly prolongation of the southerly line of Sublot Number 86 in the aforementioned Superior St. Subdivision;

Thence easterly along said southerly line and along its easterly prolongation to its intersection with the centerline of East 83rd Street;

Thence northerly along said centerline of East 83rd Street to its intersection with the westerly prolongation of the northerly line of Sublot Number 140 in the aforementioned Superior St. Subdivision;

Thence easterly along said westerly prolongation and said northerly line to its intersection with the easterly line of Sublot Number 141 in the aforementioned Superior St. Subdivision;

Thence southerly along said easterly line to its intersection with the northerly line of a parcel of land conveyed to John Jackson by deed dated June 5, 2007 and recorded in Auditor's File Number 200706050634 said parcel also being known as Cuyahoga County's Permanent Parcel Number 107-09-040;

Thence easterly along said northerly line and along its easterly prolongation to its intersection with the centerline of East 84th Street;

Thence northerly along said centerline of East 84th Street to its intersection with the westerly prolongation of the southerly line of Sublot Number 45 in the A. Poelking subdivision shown on the recorded plat in Volume 23, Page 11 of Cuyahoga County Map Records;

Thence easterly along said westerly prolongation of said southerly line to its intersection with the easterly line of the aforementioned A. Poelking subdivision;

Thence northerly along said easterly line to its intersection with the southerly line of Sublot Number 3 in the Cleveland Land Co. subdivision Not Recorded, said line also being known as the northerly line of Cuyahoga County's Permanent Parcel Number 107-09-036;

Thence easterly along said southerly line and along its easterly prolongation to its intersection with the centerline of East 85th Street;

Thence southerly along said centerline of East 85th Street and along its southerly prolongation to its intersection with the centerline of Superior Avenue;

Thence northeasterly along said centerline of Superior Avenue to its intersection with the southerly prolongation of the westerly line of the Geo. M. Gloyd subdivision shown on the recorded plat in Volume 25, Page 6 in Cuyahoga County Map Records;

Thence northerly along said southerly prolongation of said westerly to its intersection with the northerly line of Sublot Number 4 in the aforementioned Geo. M. Gloyd subdivision;

Thence easterly along said northerly line of Sublot Number 4 and along its easterly prolongation to its intersection with the centerline of E. 87th Street;

Thence northerly along said centerline of E. 87th Street to its intersection with the westerly prolongation of the southerly line of Sublot Number 51 in the aforementioned Geo. M. Gloyd subdivision;

Thence easterly along said southerly line to its intersection with the westerly line of the L. Breckenridge subdivision shown on the recorded plat in Volume 5, Page 64 of Cuyahoga County Map Records;

Thence northerly along said westerly line to its intersection with the southerly line of the Mercy J. Phillips subdivision shown on the recorded plat in Volume 26, Page 23 of Cuyahoga County Map Records;

Thence easterly along said southerly line of said Mercy J. Phillips subdivision to its intersection with the northerly line of the easterly line of the aforementioned L. Breckenridge subdivision;

Thence southerly along said easterly line to its intersection with the northerly line of Sublot Number 1 in the New Park subdivision shown on the recorded plat in Volume 24, Page 26 of Cuyahoga County Map Records;

Thence easterly along said northerly line and along its easterly prolongation to its intersection with the centerline of E. 90th Street;

Thence southerly along said centerline and along its southerly prolongation to its intersection with the centerline of Superior Avenue;

Thence northeasterly along said centerline of Superior Avenue to its intersection with the northerly prolongation of the centerline of E. 91st Street;

Thence southerly along said northerly prolongation said centerline to its intersection with the easterly prolongation of the southerly line of Sublot Number 4 in the Wade Park & Superior subdivision shown on the recorded plat in Volume 21, Page 5 of Cuyahoga County Map Records;

Thence westerly along said easterly prolongation of said southerly line to its intersection with the westerly line thereof;

Thence southerly along said westerly line and along its southerly line to its intersection with the northerly line of Sublot Number 79 in the aforementioned Wade Park & Superior Subdivision;

Thence westerly along said northerly line of Sublot Number 79 and along its westerly prolongation to its intersection with the centerline of E. 90th Street;

Thence northerly along said centerline of E. 90th Street to its intersection with the centerline of Beloit Ct.;

Thence westerly along said centerline of Beloit Ct. to its intersection with the centerline of E. 89th Street;

Thence southerly along said E. 89th Street to its intersection with the easterly prolongation of the northerly line of a parcel of land conveyed to Gloria Montgomery by deed dated October 20, 1987 and shown in Auditor's File Number V87768580010, said parcel also being known as Cuyahoga County's Permanent Parcel Number 107-14-115;

Thence westerly along said easterly prolongation of said northerly line to its intersection with the westerly line thereof;

Thence southerly along said westerly line and along its southerly prolongation to its intersection with the northerly line of Sublot Number 33 in the W.H. Vantine Jr. Trustee subdivision shown on the recorded plat in Volume 19, Page 29 of Cuyahoga County Map Records;

Thence westerly along said northerly line of Sublot Number 33 and continuing along its westerly prolongation to its intersection with the centerline of E. 88th Street;

Thence northerly along said centerline of E. 88th Street to its intersection with the easterly prolongation of the northerly line of Sublot Number 2 in the W. H. Vantine Jr. Subdivision shown on the recorded plat in Volume 19, Page 29 in Cuyahoga County Map Records;

Thence southwesterly along said easterly prolongation of said northerly line and along its westerly line to its intersection with the centerline of E. 86th Street;

Thence northerly along said centerline of E. 86th Street to its intersection with the centerline of Superior Avenue;

Thence southwesterly along said centerline of Superior Avenue to its intersection with the northerly prolongation of the centerline of E. 85th Street;

Thence southerly along said northerly prolongation and said centerline to its intersection with the easterly prolongation of the northerly line of Sublot Number 100 in the J.H. Wade Subdivision shown on the recorded plat in Volume 27, Page 17;

Thence westerly along said easterly prolongation to its intersection with the westerly line thereof;

Thence southerly along said westerly line to its intersection with the northerly line of Sublot Number 95 in the aforementioned J. H. Wade Subdivision;

Thence westerly along northerly line and along its westerly prolongation to its intersection with the centerline of E. 84th Street;

Thence northerly along said centerline of E. 84th Street to its intersection with the easterly prolongation of the northerly line of Sublot Number 64 in the aforementioned J.H. Wade Subdivision;

Thence westerly along said easterly prolongation and said northerly line to its intersection with the westerly line thereof;

Thence southerly along said westerly line and to its intersection with the northerly line of Sublot Number 58 in the aforementioned J. H. Wade Subdivision;

Thence westerly along said northerly line and along its westerly prolongation to its intersection with the centerline of E. 82nd Street;

Thence northerly along said centerline of E. 82nd Street to its intersection with the easterly prolongation of the northerly line of Sublot Number 32 in the aforementioned J.H. Wade Subdivision;

Thence westerly along said easterly prolongation and said northerly line to its intersection with the westerly line thereof;

Thence northerly along said westerly line and along its northerly prolongation to its intersection with the centerline of Superior Avenue;

Thence southwesterly along said centerline of Superior Avenue to its intersection with the centerline of E. 79th Street and the principal place of beginning.

and as shaded on the attached map is changed to a Multi-Family Residential District, a 'C' Area District and a '1' Height District.

**Section 2.** That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2359, Sheet No. 4 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

**Section 3.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



Passed April 2, 2012.  
Effective May 2, 2012.

**Ord. No. 604-11.**

**By Council Member Dow.**

**An ordinance to change the Use and Area Districts of land located on the north and south sides of Hough Avenue between E. 81st Street and E. 93rd Street to Multi-Family Residential District and a 'C' Area District (Map Change No. 2363, Sheet Numbers 4 & 5).**

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

**Section 1.** That the Use and Area Districts of lands bounded and described as follows:

Beginning in the centerline of E. 81st Street at its intersection with the centerline of Hough Avenue;

Thence easterly along said centerline of Hough Avenue to its intersection with the southerly prolongation of the easterly line of Sublot Number 5 in the C. F. Pedrick Subdivision shown on the recorded plat in Volume 5, Page 19 of Cuyahoga County Map Records;

Thence northerly along said southerly prolongation of said easterly line to its intersection with the westerly prolongation of the northerly line of Sublot Number 7 in the aforementioned C.F. Pedrick Subdivision;

Thence easterly along said westerly prolongation of said northerly line and along its easterly prolongation to its intersection with the centerline of E. 84th Street;

Thence southerly along said centerline of E. 84th Street and along its southerly prolongation to its intersection with the centerline of Hough Avenue;

Thence easterly and northeasterly along said centerline of Hough Avenue to its intersection with the northerly prolongation of the easterly line of Sublot Number 23 in the Holden & Adams Re-Allotment shown on the recorded plat in Volume 26, Page 24 of Cuyahoga County Map Records;

Thence southeasterly along said northerly prolongation and said easterly line to its intersection with the southerly line thereof;

Thence southwesterly along said southerly line and along its westerly prolongation to its intersection with the centerline of E. 90th Street;

Thence northerly along said centerline of E. 90th Street to its intersection with the easterly prolongation of the southerly line of Sublot Number 4 in the aforementioned Holden & Adams Re-Allotment;

Thence southwesterly along said easterly prolongation of said southerly line to its intersection with the easterly line of Sublot Number 2 in the aforementioned Holden & Adams Re-Allotment;

Thence southeasterly along said easterly line to its intersection with the southerly line thereof;

Thence southwesterly along said southerly line and along its southwesterly prolongation to its intersection with the westerly line of Sublot Number 1 in the aforementioned Holden & Adams Re-Allotment;

Thence northerly along said westerly line to its intersection with the easterly prolongation of the southerly line of a parcel of land conveyed to the City of Cleveland by deed dated February 22, 1985 and recorded in Auditor's File Number V85507390029, said parcel also being known as Cuyahoga County's Permanent Parcel Number 119-09-015;

Thence southwesterly along said easterly prolongation of said southerly line and continuing along its southwesterly prolongation to its intersection with the centerline of E. 89th Street;

Thence northwesterly along said centerline of E. 89th Street to its intersection with the easterly prolongation of the southerly line of a parcel of land conveyed to Faizah Suleiman by deed dated September 27, 2002 and recorded in Auditor's File Number 200209271272, said parcel also being known as Cuyahoga County's Permanent Parcel Number 119-05-024;

Thence southwesterly along said easterly prolongation and said southerly line to its intersection with the westerly line thereof;

Thence northerly along said westerly line to its intersection with the southerly line of a parcel of land conveyed to Equal L., Willa G., Marlow Jr. and David Smith by deed dated June 6, 2007 and recorded in Auditor's File Number 200706060328, said parcel also being known as Cuyahoga County's Permanent Parcel Number 119-05-012;

Thence southwesterly along said southerly line and along its southwesterly prolongation to its intersection with the centerline of E. 88th Place;

Thence southerly along said centerline of E. 88th Place to its intersection with the northeasterly prolongation of the southerly line of a parcel of land conveyed to Bogdan Krashchenko by deed dated January 10, 2006 and recorded in Auditor's File Number 200601100517; said parcel also being known as Cuyahoga County's Permanent Parcel Number 119-05-023;

Thence southwesterly along said northeasterly prolongation and said southerly line and continuing along its southwesterly prolongation to its intersection with the easterly line of a parcel of land conveyed to the City of Cleveland by deed dated August 30, 2005 and recorded in Auditor's File Number 200508300316; said parcel also being known as Cuyahoga County's Permanent Parcel Number 119-05-066;

Thence northwesterly along said easterly line to its intersection with the northerly line thereof;

Thence southwesterly along said northerly line and along its southwesterly prolongation to its intersection with the centerline of E. 87th Street;

Thence southerly along said centerline of E. 87th Street to its intersection with the easterly prolongation of the southerly line of Sublot Number 16 in the Heisel & Steward Subdivision shown on the recorded plat in Volume 13, Page 20 of Cuyahoga County Map Records;

Thence westerly along said easterly prolongation and said southerly line to its intersection with the southerly line of a parcel of land conveyed to the City of Cleveland by deed dated September 27, 1995 and recorded in Auditor's File Number V95082070056; said parcel also being known as Cuyahoga County's Permanent Parcel Number 119-05-109;

Thence westerly along said southerly line and along its westerly prolongation to its intersection with the centerline of E. 86th Street;

Thence northerly and westerly along said centerline of E. 86th Street and along its westerly prolongation to its intersection with the centerline of Crawford Road;

Thence southerly along said centerline of Crawford Road to its intersection with the easterly prolongation of the centerline of Brookline Avenue;

Thence westerly along said centerline of Brookline Avenue and along its westerly prolongation to its intersection with the centerline of E. 82nd Street;

Thence northerly along said centerline of E. 82nd Street to its intersection with the easterly prolongation of the southerly line of J. H. Thorp & L.S. Holden Subdivision shown on the recorded plat in Volume 7, Page 33 of Cuyahoga County Map Records;

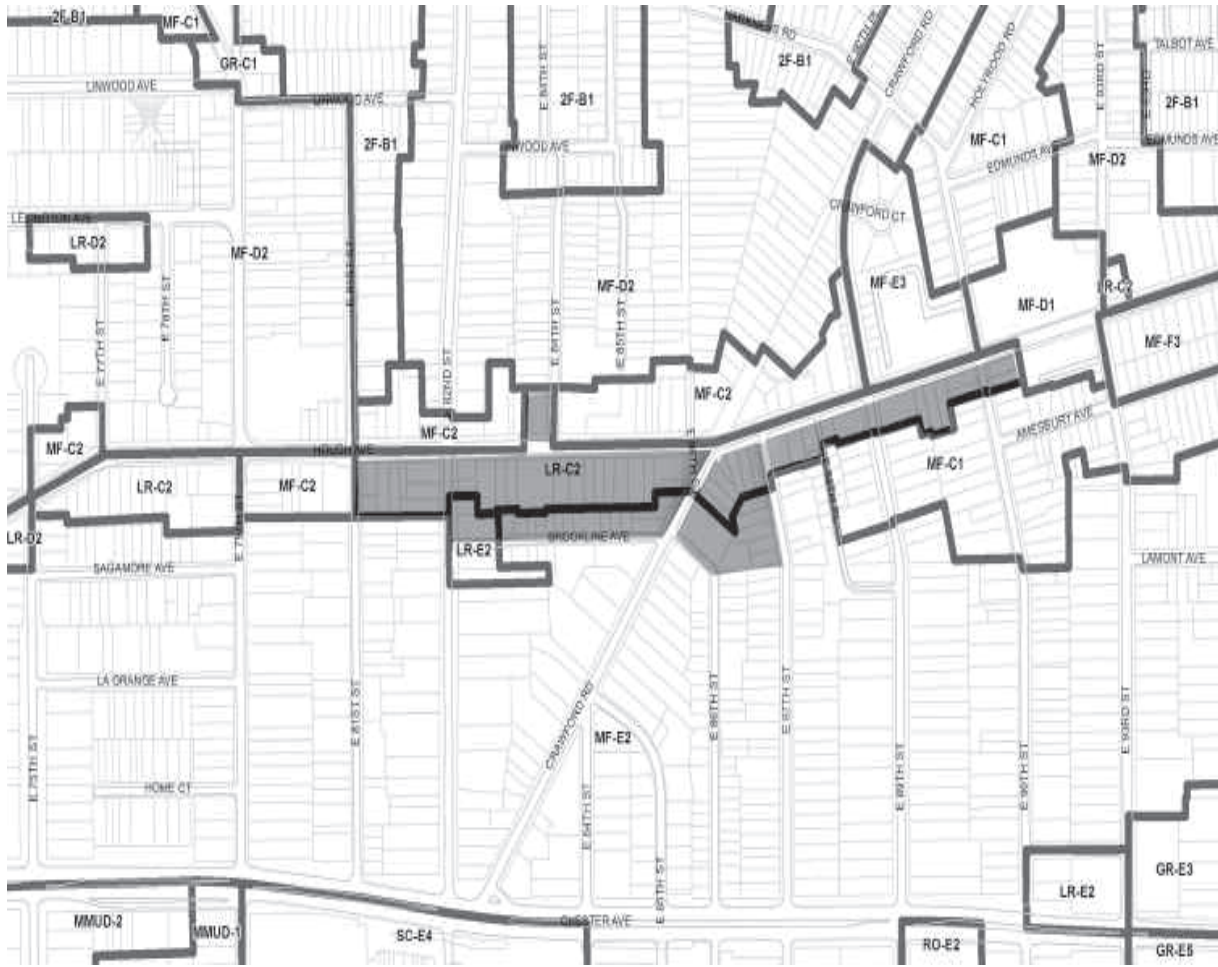
Thence westerly along said easterly prolongation of said southerly line and along its westerly prolongation to its intersection with the centerline of E. 81st Street;

Thence northerly along said centerline of E. 81st Street and along its northerly prolongation to its intersection with the centerline of Hough Avenue and the principal place of beginning.

and as shaded on the attached map is changed to a Multi-Family Residential District, a 'C' Area District.

**Section 2.** That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2363, Sheet No. 4 & 5 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

**Section 3.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



Passed April 2, 2012.  
 Effective May 2, 2012.

**Ord. No. 1688-11.**

**By Council Member Cimperman.**

**An ordinance to change the Use and Area Districts of lands located on the northeast side of Professor Street north of Starkweather Avenue from Two Family Residential and a 'B' Area District to a Local Retail Business District and a 'C' Area District (Map Change No. 2384, Sheet Number 5).**

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

**Section 1.** That the Use and Area Districts of lands bounded and described as follows:

Beginning in the centerline of Starkweather Avenue at its intersection with the southeasterly prolongation of the centerline of Professor Street;

Thence northwesterly along said prolongation and said centerline of Professor Street to its intersection with the southwesterly prolongation of the southeasterly line of a parcel of land conveyed to Graig A. Morek by deed dated January 31, 1991 and recorded in Auditor's File Number V91105270057; said parcel also being known as Cuyahoga County's Permanent Parcel Number 004-17-104;

Thence northeasterly along said southwesterly prolongation and said southeasterly line to its intersection with the northeasterly line of a parcel of land conveyed to ODEA LTD., by deed dated January 27, 1997 and recorded in Auditor's File Number V97006820055; said parcel also being known as Cuyahoga County's Permanent Parcel Number 004-17-103;

Thence southeasterly along said northeasterly line to its intersection with the southeasterly line thereof;

Thence southwesterly along said southeasterly line and along its southwesterly prolongation to its intersection with the centerline of Professor Street;

Thence southeasterly along said centerline of Professor Street and along its southeasterly prolongation to its intersection with the centerline of Starkweather Avenue and the principal place of beginning; and shown shaded on the attached map is changed to a Local Retail Business District and a 'C' Area District.

**Section 2.** That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2384, Sheet No. 5 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

**Section 3.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



Passed April 2, 2012.  
 Effective May 2, 2012.

**Ord. No. 268-12.**  
**By Council Member Sweeney (by departmental request).**

**An emergency ordinance authorizing the Director of Finance to enter into an amendment to Contract No. 63976 with Kronos for a citywide time and attendance system to add additional terms to the contract, including additional equipment, licenses, software maintenance, and hosting, for a one year period, with four one-year options to renew, exercisable by the Director of Finance; and authorizing one or more requirement contracts for hardware, software, computer supplies, and other necessary supplies, equipment, and services necessary to implement the contract amendment, and maintenance, for the Department 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, provided this Council authorizes and the City sells general obligation bonds in 2012 and other funds approved by the Director of Finance, for the purposes that

include the purposes described in this ordinance, the Director of Finance is authorized to amend City Contract No. 63975 with Kronos to provide additional software and services under the contract. The contract amendment shall include, but not be limited to, upgrading and expanding the current Kronos Workforce Solutions tool, migrating to a hosted environment on Kronos servers, providing a scheduling module for the Department of Public Safety, purchasing additional timekeepers and licenses, and software maintenance and hosting for a one year period, with four one-year options to renew, exercisable by the Director of Finance. The compensation to be paid for the services shall be in accordance with File No. 268-12-A, or on such other terms as are not disadvantageous to the City, as approved by the Board of Control.

**Section 2.** That, provided this Council authorizes and the City sells general obligation bonds in 2012 for the purposes that include the purposes described in this ordinance and other funds approved by the Director of Finance, the Director of Finance is authorized to make one or more written requirement contracts under the

Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements of the necessary items of hardware, software, computer supplies, and other necessary supplies, equipment, and services necessary to implement the contract amendment described above, for a term to be determined by the Director of Finance, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 3.** That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Pur-

chases and Supplies under a delivery order against the contract or contracts certified by the Director of Finance.

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

**Section 5.** That the amendment shall be prepared by the Director of Law.

**Section 6.** The contract or contracts shall be paid from the fund or funds to which are credited the proceeds of the sale of general obligation bonds issued in 2012, if authorized by this Council and sold by the City for the purposes described in this ordinance, and from any other 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 April 2, 2012.

Effective April 9, 2012.

**Ord. No. 271-12.**

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

**An emergency ordinance authorizing the issuance and sale of bonds in the maximum principal amount of \$14,600,000 for the purpose of providing funds to improve buildings and structures housing and providing for the discharge of governmental functions and services otherwise benefiting the public safety, health and welfare and authorizing related matters.**

Whereas, this Council desires to issue bonds in an aggregate principal amount not to exceed Fourteen Million Six Hundred Thousand Dollars (\$14,600,000) (the "Bonds") to finance the costs of certain permanent improvements described in Section 1 of this ordinance (this "Ordinance"); 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 the improvements to be financed with the proceeds of the Bonds is at least five years and that the maximum maturity of the Bonds is 18 years, a copy of which is contained in File No. 271-12-A;

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 accor-

dance with the provisions thereof (the "Series Bond Ordinances"); and

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

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

**Section 1. Purpose.** It is deemed necessary to issue the Bonds in an aggregate principal amount not to exceed Fourteen Million Six Hundred Thousand Dollars (\$14,600,000) for the purpose of providing funds for constructing, reconstructing, rehabilitating, installing, renovating, enlarging and otherwise improving buildings and structures housing and providing for the discharge of governmental functions and services otherwise benefiting the public safety, health and welfare, including facilities in, of and for the City Hall, police stations, fire stations, service stations, centers and facilities, waste collection, market facilities, transfer and disposal facilities, correctional facilities, and health and other facilities, and the provision of necessary fixtures, furnishings, equipment, appurtenances, utilities, and site improvements for the purpose, and to pay any capitalized interest and all expenses incurred in connection with the issuance of the securities, including all financing costs within the meaning of Section 133.01(K) of the Ohio Revised Code and such other costs of the foregoing permanent improvements that may be financed with the proceeds of securities as permitted by Section 133.15(B) of the Ohio Revised Code and as otherwise permitted by law.

**Section 2. Authority and Terms.** The Bonds shall be issued pursuant to the provisions of Article XVIII of the Constitution of Ohio, Chapter 133 of the Ohio Revised Code and other applicable provisions of the Ohio Revised Code, the Charter of the City, the General Bond Ordinance and this Ordinance for the purpose stated in Section 1 hereof. The Bonds shall be designated "Public Facilities Improvement Bonds" and may contain such further designation as provided in the certificate of award providing for the final terms of the Bonds and the sale of the Bonds signed by the Director of Finance in accordance with this Ordinance (the "Certificate of Award"). The Bonds shall be issued in one lot as fully registered Bonds in denominations of \$5,000 or any integral multiple thereof. The Bonds shall be numbered as determined by the Director of Finance.

The Bonds shall be issued in the principal amount specified in the Certificate of Award, which shall not exceed the amount stated in Section 1 hereof. The Bonds shall be dated the date and shall bear interest from their date until the principal amount is paid at the rate or rates per year specified in the Certificate of Award, provided that the weighted average of such rates (taking into account the principal amount and maturity of each Bond to which a rate applies) shall not exceed six percent (6%) per

year. Interest on the Bonds shall be payable 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 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 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 the written advice of a Financial Advisor to be in the best interests of the City, provided that (i) each principal payment shall occur on an Interest Payment Date, (ii) the first principal payment on the Bonds shall be no earlier than November 15, 2012 and no later than December 31, 2013, (iii) the final maturity date of the Bonds shall be no later than 18 years from that date which is 12 months prior to the first date on which provision for payment of principal is made, and (iv) the principal amount thereof shall be payable in annual installments such that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year.

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

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

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

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

The City shall have the option to deliver to the Registrar (as defined in Section 3 hereof) for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then-current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory



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

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

If optional redemption at a price exceeding 100% of the principal amount to be redeemed is to take place as of any applicable Mandatory Redemption Date, the Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Bonds to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements of paragraph (a). The Bonds shall be redeemed pursuant to this paragraph only upon written notice from the Director of Finance to the Registrar. That notice shall specify the redemption date and the principal amount of each maturity of Bonds to be

redeemed, and shall be given at least 45 days prior to the redemption date or such shorter period as shall be acceptable to the Registrar. There shall be deposited with the Registrar on or prior to the redemption date funds sufficient to redeem at the redemption price all of the redeemable Bonds for which notice of redemption has been given.

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

**(d) Partial Redemption or Purchase.** If fewer than all of the outstanding Bonds are called for redemption at one time (whether for redemption or purchase in lieu of redemption), they shall be called in the order of maturities directed by the Director of Finance. If fewer than all Bonds of a single maturity are to be redeemed or purchased in lieu of redemption, the selection of Bonds to be redeemed or purchased, or portions thereof in amounts of \$5,000 or any integral multiple thereof, shall be made by the Registrar by lot in a manner determined by the Registrar. In the case of a partial redemption or purchase of Bonds by lot when Bonds of denominations greater than \$5,000 are then outstanding, each \$5,000 unit of principal thereof shall be treated as though it were a separate Bond of the

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

**(e) Notice of Redemption.** The notice of the call for redemption of Bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Registrar on behalf of the City by mailing a copy of the redemption notice by first-class mail, postage prepaid, at least 30 days prior to the date fixed for redemption (or such period specified in the Certificate of Award), to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register maintained by the Registrar at the close of business on the fifteenth day preceding that mailing and to any provider of a Credit Support Instrument (as defined in Section 15 hereof) for the Bonds or designated portions thereof. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond. Any notice of redemption of any 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 Bonds to be redeemed.

**(f) Payment of Redeemed 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 Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, upon presentation and surrender at the place or places specified in that notice, shall be paid. If money for the redemption of all of the Bonds and portions thereof to be redeemed, including interest accrued to the redemption date, is held by the Registrar on the redemption date, and, if notice of redemption has been deposited in the mail, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If that money shall not be so available on the redemption date, or that notice shall

not have been deposited in the mail, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All money held by the Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners and shall be paid to them, respectively, upon presentation and surrender of those Bonds.

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

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

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

U.S. Bank National Association is appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent for the Bonds (the "Registrar"). The Registrar shall also act as paying agent for the Bonds so long as the Bonds are held in a book entry system. The Director of Finance is authorized to sign and deliver, in the name and on behalf of the City, an agreement between the City and the Registrar (the "Registrar Agreement"), approved as to form and correctness by the Director of Law, providing for services relating to the registration, transfer, exchange and payment of the Bonds on terms approved by the Director of Finance on behalf of the City and consistent with this Ordinance and not substantially adverse to the City. That approval shall be conclusively evidenced by the signing of the Registrar Agreement by the Director of Finance. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Registrar Agreement from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

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

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

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

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

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

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

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

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

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

itory, without further action by the City.

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

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

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

The Bonds shall be awarded to the Original Purchaser in the Certificate of Award which shall specify the final terms of the Bonds in accordance with law, the provisions of this Ordinance, the written advice of a financial advisor retained under authority of Section 16 hereof and the Original Purchaser's offer to purchase the Bonds, including: the principal amount of the Bonds, the purchase price (which shall be not less than 97% of the principal amount of the 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 Bonds and any other matters required in this Ordinance to be set forth in that Certificate. As appropriate under the Charter, the Mayor, Director of Finance, Director of Law, Clerk of Council and other appropriate officers of the City are, and each of them is, authorized to take such actions as are necessary, appropriate and in the best interest of the City to establish the terms and requirements for delivery of the Bonds and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, procedures, and conditions for the delivery of the Bonds to the Original Purchaser, to give all appropriate notices and certificates, to cause a true transcript of proceedings with reference to the issuance of the Bonds to be delivered

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

Pursuant to Section 133.30(B) of the Ohio Revised Code, the Director of Finance may combine the Bonds with other bonds into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bonds, Series 2012" or such other designation as may be set forth in the Certificate of Award. Such bonds shall contain a summary statement of purposes encompassing the purpose for which the Bonds are issued and shall state that they are issued pursuant to this Ordinance.

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

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

tion 8 of the General Bond Ordinance, in each year to the extent that revenues are available from other sources for the payment of the Bonds and are appropriated for such purpose, the amount of such tax shall be reduced by the amount of such revenues so available and appropriated.

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

**Section 6. Application of Proceeds.** The proceeds from the sale of the Bonds, except for accrued interest thereon and any premium, shall be expended and applied for the objects and purposes for which the Bonds are issued. The proceeds of the Bonds to be applied to pay costs of any Credit Support Instruments obtained pursuant to Section 15 hereof shall be paid to the provider or providers of those Credit Support Instruments. The proceeds of the Bonds to be used to pay costs of issuing the Bonds shall be deposited with the Registrar in a separate account under the Registrar Agreement pending their application to the payment of such costs. Pursuant to Chapter 133 of the Ohio Revised Code and this Ordinance, and notwithstanding Chapter 179 of the Codified Ordinances, any accrued interest and any premium received from the sale of the Bonds shall be deposited in the Unvoted Tax Supported Obligations Account of the Sinking Fund to be applied to the payment of the principal of and interest on the Bonds.

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

**Section 8. Defeasance.**

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

City such instruments in writing as shall discharge the lien hereof and enter on the record such discharge of the lien and such other instruments as may be reasonably required by the City.

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

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

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

**Section 9. Bond Anticipation Notes.** For the purpose of raising money in anticipation of the issuance of the Bonds for the purpose set forth in Section 1 hereof, notes of the City may be issued in an aggregate principal amount not to exceed Fourteen Million Six Hundred Thousand Dollars (\$14,600,000) (the "Notes") upon the direction of the Director of Finance to be set forth in a certificate providing for the final terms of the Notes and the sale of the Notes and signed by the Director of Finance (the "Note Certificate of Award").

(a) Terms of the Notes. The Notes shall bear interest at such rate, not

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

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

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

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

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

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

(b) Execution and Payment of the Notes. The Notes shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance. Each Note shall be authenticated by the manual signature of an authorized officer of the Trustee (as defined therein). The Notes shall be signed by the City's Mayor and by the City's Director of Finance, and, consistent with Section 133.27 of the Ohio Revised Code and notwithstanding Section 177.02 of the Codified Ordinances of the City, either or both of those signatures may be a facsimile. The Notes shall bear the seal of the City, which seal may be a facsimile seal. Pursuant to Section 83 of the City's Charter, the Director of Law shall prepare the Notes and shall endorse thereon his approval of the form and correctness thereof by his manual or facsimile signature.

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

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

**Section 10. Provision for Levying and Collecting Tax.** During the year or years while the Notes are outstanding there shall be levied on all the taxable property in the City, in addition to all other taxes but within tax limitations, a direct tax annually not less than that which would have been levied if bonds had been issued therefor without the prior issue of the Notes. That tax shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each year are certified, extended and collected. That tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the tax levies required by this Ordinance shall be placed in the Unvoted Tax Supported Obligations Account, and those funds, together with the interest collected on them, shall be irrevocably pledged for the payment of the principal and interest of the Notes or the Bonds in anticipation of which they are issued, when and as the same falls due; provided, however, that in each year to the extent that revenues are available from other sources for the payment of the Notes and Bonds and are appropriated for such purpose, the amount of such direct tax upon all of the taxable property in the City may be reduced by the amount of such revenues so available and appropriated.

**Section 11. Official Statement; Continuing Disclosure.** If, in the judgment of the Director of Finance, a disclosure document (each, an "Official Statement") is appropriate or necessary in connection with the sale of the Notes or the Bonds, the Director of Finance is authorized to prepare or cause to be prepared on behalf of the City an Official Statement with respect to the Notes or the Bonds, as the case may be, and any necessary supplements and to authorize the use

and distribution of each Official Statement and any supplements. The 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 the judgment of the Director of Finance, be necessary or appropriate. The Director of Finance is also authorized to determine and certify on behalf of the City that such disclosure document is "deemed final" by the City within the meaning of Securities and Exchange Commission Rule 15c2-12 (the "SEC Rule"). The Director of Finance is authorized to contract for services for the production and distribution of preliminary and final Official Statements, including by printed and electronic means.

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

**Section 12. 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 Bonds or the Notes authorized herein.

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

**Section 13. 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 14. Federal Tax Covenants.** The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes and the Bonds in such manner and to such extent as may be necessary so that (a) the Notes and the Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the "Code") or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest thereon will not be treated as an item of tax preference under Section 57 of the Code.

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

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

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes and the Bonds is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes and the Bonds as the City is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes and the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing

and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes and the Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes and the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes and the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes and the Bonds.

**Section 15. Credit Enhancement 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 the Bonds or designated portion thereof by one or more nationally recognized rating agencies is in the best interest 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 the 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 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 Bonds or funds appropriated for that purpose.

**Section 16. Financial Advisor.** The Director of Finance may obtain the services of one or more financial advisors, from time to time, to assist the Director of Finance in making any of the determinations required by this Ordinance to be determined by the Director of Finance. The Director of Finance may rely on the written advice of any financial advisor so retained. Any financial advisor employed under the authority of this Ordinance shall be disinterested in the transaction and be independent of the Original Purchasers and any other party interested in the transaction.

**Section 17. 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 Ohio Revised Code.

**Section 18. Findings and Recitals of Validity.** It is hereby determined, represented and recited that all acts, conditions and things necessary to be

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

**Section 19. 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 Bonds and any Note Certificate of Award to the appropriate official of the County of Cuyahoga, Ohio and to secure a receipt therefor.

**Section 20. Severability.** Each section and each part of each section of this Ordinance is hereby declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any such section or part of a section or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstance, other than those as to which it is held invalid, shall not be affected thereby, and it is hereby declared to be the legislative intent that the other provisions of this Ordinance would have been passed independently of such section, or parts of a section, so held to be invalid.

**Section 21. 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 22. Emergency Measure.** This Ordinance is declared to be an emergency measure for the immediate preservation of the public peace, property, health and safety of the City by providing funds to pay the costs of certain permanent improvements which are urgently needed for the benefit of the City and for the usual daily operation of a municipal department, and, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Coun-

cil, 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 April 2, 2012.

Effective April 9, 2012.

**Ord. No. 272-12.**

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

**An emergency ordinance authorizing the issuance and sale of bonds in the maximum principal amount of \$520,000 for the purpose of providing funds to improve municipal cemetery facilities, buildings, structures and grounds and authorizing related matters.**

Whereas, this Council desires to issue bonds in an aggregate principal amount not to exceed Five Hundred Twenty Thousand Dollars (\$520,000) (the "Bonds") to finance the costs of certain permanent improvements described in Section 1 of this ordinance (this "Ordinance"); 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 the improvements to be financed with the proceeds of the Bonds is at least five years and that the maximum maturity of the Bonds is 20 years, a copy of which is contained in File No. 272-12-A; 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 the Bonds is necessary to provide funds to pay the costs of certain permanent improvements described in Section 1 hereof that are urgently needed for the benefit of the City, and as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health and safety, and for the usual daily operation of a municipal department; now, therefore,

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

**Section 1. Purpose.** It is deemed necessary to issue the Bonds in an aggregate principal amount not to exceed Five Hundred Twenty Thousand Dollars (\$520,000) for the purpose of providing funds to improve municipal cemetery facilities, buildings, structures and grounds by constructing, reconstructing, installing, enlarging, renovating, and rehabilitating buildings, structures and grounds, including clearing, grading and excavating land, reconstructing, installing, renovating, and rehabilitating septic system, drainage and sewer facilities, installing access roadways including any necessary bridges and culverts,

installing utility lines, laying out and numbering burial plots, constructing and reconstructing retaining walls, gates and fences, acquiring and installing fences, gates, signage, waste receptacles and other fixtures, and planting and landscaping, together with all necessary and incidental appurtenances and the acquisition of any required real estate and interests in real estate, and to pay any capitalized interest and all expenses incurred in connection with the issuance of the securities, including all financing costs within the meaning of Section 133.01(K) of the Ohio Revised Code and such other costs of the foregoing permanent improvements that may be financed with the proceeds of securities as permitted by Section 133.15(B) of the Ohio Revised Code and as otherwise permitted by law.

**Section 2. Authority and Terms.** The Bonds shall be issued pursuant to the provisions of Article XVIII of the Constitution of Ohio, Chapter 133 of the Ohio Revised Code and other applicable provisions of the Ohio Revised Code, the Charter of the City, the General Bond Ordinance and this Ordinance for the purpose stated in Section 1 hereof. The Bonds shall be designated "Cemeteries Improvement Bonds" and may contain such further designation as provided in the certificate of award providing for the final terms of the Bonds and the sale of the Bonds signed by the Director of Finance in accordance with this Ordinance (the "Certificate of Award"). The Bonds shall be issued in one lot as fully registered Bonds in denominations of \$5,000 or any integral multiple thereof. The Bonds shall be numbered as determined by the Director of Finance.

The Bonds shall be issued in the principal amount specified in the Certificate of Award, which shall not exceed the amount stated in Section 1 hereof. The Bonds shall be dated the date and shall bear interest from their date until the principal amount is paid at the rate or rates per year specified in the Certificate of Award, provided that the weighted average of such rates (taking into account the principal amount and maturity of each Bond to which a rate applies) shall not exceed six percent (6%) per year. Interest on the Bonds shall be payable 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 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 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 the written advice of a Financial Advisor to be in the best interests of the City, provided that (i) each principal payment shall occur on an Interest Payment Date, (ii) the first principal payment on the Bonds shall be no earlier than November 15, 2012 and no later than December 31, 2013, (iii) the final maturity date of the Bonds shall be no later than 20 years from that date which is 12 months prior to the first date on which provision for payment of principal is made, and (iv) the principal amount thereof shall be payable in annual install-

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

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

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

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

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

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

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

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

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

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

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

**(e) Notice of Redemption.** The notice of the call for redemption of Bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the

date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Registrar on behalf of the City by mailing a copy of the redemption notice by first-class mail, postage prepaid, at least 30 days prior to the date fixed for redemption (or such period specified in the Certificate of Award), to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register maintained by the Registrar at the close of business on the fifteenth day preceding that mailing and to any provider of a Credit Support Instrument (as defined in Section 15 hereof) for the Bonds or designated portions thereof. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond. Any notice of redemption of any 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 Bonds to be redeemed.

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

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

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

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

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

U.S. Bank National Association is appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent for the Bonds (the "Registrar"). The Registrar shall also act as paying agent for the Bonds so long as the Bonds are held in a book entry system. The Director of Finance is authorized to sign and deliver, in the name and on behalf of the City, an agreement between the City and the Registrar (the "Registrar Agreement"), approved as to form and correctness by the Director of Law, providing for services relating to the registration, transfer, exchange and payment of the Bonds on terms approved by the Director of Finance on behalf of the City and consistent with this Ordinance and not substantially adverse to the City. That approval shall be conclusively evidenced by the signing of the Registrar Agreement by the Director of Finance. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Registrar Agreement from the proceeds of the Bonds to the extent available and



then from other money lawfully available and appropriated or to be appropriated for that purpose.

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

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

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

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

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

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

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

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

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

The Director of Finance is also hereby authorized and directed to the extent necessary or required to enter into any agreements determined necessary in connection with the book

entry system for the Bonds, after determining that the signing thereof will not endanger the funds or securities of the City and after the approval of the form of any such agreement by the Director of Law.

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

The Bonds shall be awarded to the Original Purchaser in the Certificate of Award which shall specify the final terms of the Bonds in accordance with law, the provisions of this Ordinance, the written advice of a financial advisor retained under authority of Section 16 hereof and the Original Purchaser's offer to purchase the Bonds, including: the principal amount of the Bonds, the purchase price (which shall be not less than 97% of the principal amount of the 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 Bonds and any other matters required in this Ordinance to be set forth in that Certificate. As appropriate under the Charter, the Mayor, Director of Finance, Director of Law, Clerk of Council and other appropriate officers of the City are, and each of them is, authorized to take such actions as are necessary, appropriate and in the best interest of the City to establish the terms and requirements for delivery of the Bonds and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, procedures, and conditions for the delivery of the Bonds to the Original Purchaser, to give all appropriate notices and certificates, to cause a true transcript of proceedings with reference to the issuance of the Bonds to be delivered to the Original Purchaser, to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance and to take all steps necessary to effect the due execution, authentication and delivery of the Bonds. The Director of Finance is 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 and correctness by the Director of Law, setting forth the terms and conditions on which the City agrees to sell the Bonds and the Original Purchaser agrees to buy the Bonds, which shall be consistent with this Ordinance, not substantially adverse to the City, and approved by the Director of Finance and Director of Law on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement by the Director of Finance. It is determined that the terms of the Bonds, as provided in this

Ordinance and as may be provided in or pursuant to the Certificate of Award, are in the best interest of the City and in compliance with all legal requirements.

Pursuant to Section 133.30(B) of the Ohio Revised Code, the Director of Finance may combine the Bonds with other bonds into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bonds, Series 2012" or such other designation as may be set forth in the Certificate of Award. Such bonds shall contain a summary statement of purposes encompassing the purpose for which the Bonds are issued and shall state that they are issued pursuant to this Ordinance.

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

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

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

**Section 6. Application of Proceeds.** The proceeds from the sale of the Bonds, except for accrued interest thereon and any premium, shall be expended and applied for the objects and purposes for which the Bonds are issued. The proceeds of the Bonds to be applied to pay costs of any Credit Support Instruments obtained pur-

suant to Section 15 hereof shall be paid to the provider or providers of those Credit Support Instruments. The proceeds of the Bonds to be used to pay costs of issuing the Bonds shall be deposited with the Registrar in a separate account under the Registrar Agreement pending their application to the payment of such costs. Pursuant to Chapter 133 of the Ohio Revised Code and this Ordinance, and notwithstanding Chapter 179 of the Codified Ordinances, any accrued interest and any premium received from the sale of the Bonds shall be deposited in the Unvoted Tax Supported Obligations Account of the Sinking Fund to be applied to the payment of the principal of and interest on the Bonds.

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

**Section 8. Defeasance.**

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

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

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

(ii) the Escrow Agent shall hold in special accounts or subaccounts, in trust for and irrevocably committed solely thereto, direct obligations of the United States certified by an independent public accounting firm of national reputation to be of such maturities and interest payment dates and to bear such interest, without further investment or reinvestment of either the principal amount thereof or the interest earnings therefrom (likewise to be held in trust and

committed, except as hereinafter provided), as will be sufficient, together with moneys referred to in (i) above, for the payment, at their maturities or redemption dates, of all debt charges on the Bonds to their date of maturity or redemption, as the case may be, or if default in such payment shall have occurred on such date then to the date of the tender of such payment; provided, that if any Bonds are to be redeemed prior to the maturity thereof, notice of such redemption shall have been duly given or irrevocable provision satisfactory to the Trustee shall have been duly made for the giving of such notice. Any moneys held by the Escrow Agent in accordance with the provisions of this Section shall be invested by the Escrow Agent in direct obligations of the United States of America maturing, or redeemable at the option of the holder, at times and in amounts sufficient to meet payment of debt charges on the Bonds, as directed by the Director of Finance. Any income or interest earned by, or increment to, the investments held under this Section shall, to the extent determined from time to time by the Escrow Agent to be in excess of the amount required to be held by it for the purposes of this Section, be transferred at the time of such determination as provided in Section 17(a) of the General Bond Ordinance for unclaimed funds held by a Paying Agent. In the event of nonpresentation of any Bond as described in Section 17(a) of the General Bond Ordinance, the moneys held pursuant to this Section shall be held and paid as provided in said Section 17(a) for unclaimed funds held by a Paying Agent.

**Section 9. Bond Anticipation Notes.** For the purpose of raising money in anticipation of the issuance of the Bonds for the purpose set forth in Section 1 hereof, notes of the City may be issued in an aggregate principal amount not to exceed Five Hundred Twenty Thousand Dollars (\$520,000) (the "Notes") upon the direction of the Director of Finance to be set forth in a certificate providing for the final terms of the Notes and the sale of the Notes and signed by the Director of Finance (the "Note Certificate of Award").

(a) **Terms of the Notes.** The Notes shall bear interest at such rate, not exceeding six percent (6%) per year, as may be fixed by the Director of Finance of the City in the Note Certificate of Award; shall be dated their date of issuance; shall mature on the date set forth in the Note Certificate of Award, which shall be no later than five years from such date of issuance; shall be subject to redemption by the City at any time prior to maturity without penalty, provided that, if the Director of Finance, based on the advice of a financial advisor, determines that it is in the best interest of the City in order to enhance the marketability of the Notes, the Director of Finance may cause the Notes to not be redeemable for a period which ends no later than the date which is two years following the date of issuance of the Notes; shall be designated "Cemeteries Improvement Bond Anticipation Notes"; shall be issued in such numbers and denominations as may be requested by the Note Purchaser (hereinafter defined); and shall be issued in fully registered form (which may be in a book entry only system) in denominations of

\$5,000 or integral multiples thereof. Interest shall be payable semiannually on the dates set forth in the Note Certificate of Award; provided that if the Notes mature on or before the end of the twelfth month following their date of issuance, interest on the Notes shall be payable at maturity.

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

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

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

If manual signatures on behalf of the City are required, the Note Regis-

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

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

(b) **Execution and Payment of the Notes.** The Notes shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance. Each Note shall be authenticated by the manual signature of an authorized officer of the Trustee (as defined therein). The Notes shall be signed by the City's Mayor and by the City's Director of Finance, and, consistent with Section 133.27 of the Ohio Revised Code and notwithstanding Section 177.02 of the Codified Ordinances of the City, either or both of those signatures may be a facsimile. The Notes shall bear the seal of the City, which seal may be a facsimile seal. Pursuant to Section 83 of the City's Charter, the Director of Law shall prepare the Notes and shall endorse thereon his approval of the form and correctness thereof by his manual or facsimile signature.

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

(d) **Security for the Notes.** The Notes shall be the full general obligations of the City, and the full faith, credit and revenue of the City are

hereby pledged for the prompt payment of the same. The par value to be received from the sale of the Notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used for the retirement of the Notes at maturity, together with the interest thereon, and are hereby pledged for such purpose.

**Section 10. Provision for Levying and Collecting Tax.** During the year or years while the Notes are outstanding there shall be levied on all the taxable property in the City, in addition to all other taxes but within tax limitations, a direct tax annually not less than that which would have been levied if bonds had been issued therefor without the prior issue of the Notes. That tax shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each year are certified, extended and collected. That tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the tax levies required by this Ordinance shall be placed in the Unvoted Tax Supported Obligations Account, and those funds, together with the interest collected on them, shall be irrevocably pledged for the payment of the principal and interest of the Notes or the Bonds in anticipation of which they are issued, when and as the same falls due; provided, however, that in each year to the extent that revenues are available from other sources for the payment of the Notes and Bonds and are appropriated for such purpose, the amount of such direct tax upon all of the taxable property in the City may be reduced by the amount of such revenues so available and appropriated.

**Section 11. Official Statement; Continuing Disclosure.** If, in the judgment of the Director of Finance, a disclosure document (each, an "Official Statement") is appropriate or necessary in connection with the sale of the Notes or the Bonds, the Director of Finance is authorized to prepare or cause to be prepared on behalf of the City an Official Statement with respect to the Notes or the Bonds, as the case may be, and any necessary supplements and to authorize the use and distribution of each Official Statement and any supplements. The 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 the judgment of the Director of Finance, be necessary or appropriate. The Director of Finance is also authorized to determine and certify on behalf of the City that such disclosure document is "deemed final" by the City within the meaning of Securities and Exchange Commission Rule 15c2-12 (the "SEC Rule"). The Director of Finance is authorized to contract for services for the production and distribution of preliminary and final Official Statements, including by printed and electronic means.

For the benefit of the holders and beneficial owners from time to time of

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

**Section 12. 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 Bonds or the Notes authorized herein.

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

**Section 13. 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 14. Federal Tax Covenants.** The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes and the Bonds in such manner and to such extent as may be necessary so that (a) the Notes and the Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the "Code") or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest thereon will not be treated as an item of tax preference under Section 57 of the Code.

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

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

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

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

**Section 15. Credit Enhancement 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 rat-

ing on the Bonds or designated portion thereof by one or more nationally recognized rating agencies is in the best interest 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 the 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 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 Bonds or funds appropriated for that purpose.

**Section 16. Financial Advisor.** The Director of Finance may obtain the services of one or more financial advisors, from time to time, to assist the Director of Finance in making any of the determinations required by this Ordinance to be determined by the Director of Finance. The Director of Finance may rely on the written advice of any financial advisor so retained. Any financial advisor employed under the authority of this Ordinance shall be disinterested in the transaction and be independent of the Original Purchasers and any other party interested in the transaction.

**Section 17. 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 Ohio Revised Code.

**Section 18. Findings and Recitals of Validity.** It is hereby determined, represented and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Bonds and the Notes in order to make them legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of the Bonds or the Notes. It is further found and determined, and is hereby represented and recited, that the provisions of Sections 28, 29, 32, 33 (including the provisions of Section 33 with respect to readings on three separate days or dispensing with such readings by a two-thirds vote of all members of the Council), 36, 37, 48 and all other applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this Ordinance was passed in conformity therewith.

**Section 19. Delivery to County.** The Director of Finance is directed to forward a certified copy of this Ordinance

nance and of the Certificate of Award for the Bonds and any Note Certificate of Award to the appropriate official of the County of Cuyahoga, Ohio and to secure a receipt therefor.

**Section 20. Severability.** Each section and each part of each section of this Ordinance is hereby declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any such section or part of a section or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstance, other than those as to which it is held invalid, shall not be affected thereby, and it is hereby declared to be the legislative intent that the other provisions of this Ordinance would have been passed independently of such section, or parts of a section, so held to be invalid.

**Section 21. 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 22. Emergency Measure.** This Ordinance is declared to be an emergency measure for the immediate preservation of the public peace, property, health and safety of the City by providing funds to pay the costs of certain permanent improvements which are urgently needed for the benefit of the City and for the usual daily operation of a municipal department, and, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest date allowed by law.

Passed April 2, 2012.  
Effective April 9, 2012.

**Ord. No. 273-12.**  
**By Council Member Sweeney (by departmental request).**

**An emergency ordinance authorizing the issuance and sale of bonds in the maximum principal amount of \$4,100,000 for the purpose of providing funds to improve municipal parks and recreation facilities and authorizing related matters.**

Whereas, this Council desires to issue bonds in an aggregate principal amount not to exceed Four Million One Hundred Thousand Dollars (\$4,100,000) (the "Bonds") to finance the costs of certain permanent

improvements described in Section 1 of this ordinance (this "Ordinance"); 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 the improvements to be financed with the proceeds of the Bonds is at least five years and that the maximum maturity of the Bonds is 20 years, a copy of which is contained in File No. 273-12-A; 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 the Bonds is necessary to provide funds to pay the costs of certain permanent improvements described in Section 1 hereof that are urgently needed for the benefit of the City, and as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health and safety, and for the usual daily operation of a municipal department; now, therefore,

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

**Section 1. Purpose.** It is deemed necessary to issue the Bonds in an aggregate principal amount not to exceed Four Million One Hundred Thousand Dollars (\$4,100,000) for the purpose of providing funds to municipal parks and recreation facilities by constructing, reconstructing, rehabilitating, installing, renovating, enlarging, redeveloping and otherwise improving parks and recreation centers and areas, pools, skating rinks, greenhouses, bicycle paths, playgrounds, playfields, tracks, fields and related buildings, structures, walkways, pavement, plazas, landscaping and facilities, and providing necessary water systems, drainage, lighting, signage, fixtures, furnishings, equipment, safety modifications and site improvements, together with all necessary and incidental appurtenances and the acquisition of any required real estate and interests in real estate and the demolition of any existing buildings, structures, walkways and facilities, and to pay any capitalized interest and all expenses incurred in connection with the issuance of the securities, including all financing costs within the meaning of Section 133.01(K) of the Ohio Revised Code and such other costs of the foregoing permanent improvements that may be financed with the proceeds of securities as permitted by Section 133.15(B) of the Ohio Revised Code and as otherwise permitted by law.

**Section 2. Authority and Terms.** The Bonds shall be issued pursuant to the provisions of Article XVIII of the Constitution of Ohio, Chapter 133 of the Ohio Revised Code and other applica-

ble provisions of the Ohio Revised Code, the Charter of the City, the General Bond Ordinance and this Ordinance for the purpose stated in Section 1 hereof. The Bonds shall be designated "Parks and Recreation Facilities Improvement Bonds" and may contain such further designation as provided in the certificate of award providing for the final terms of the Bonds and the sale of the Bonds signed by the Director of Finance in accordance with this Ordinance (the "Certificate of Award"). The Bonds shall be issued in one lot as fully registered Bonds in denominations of \$5,000 or any integral multiple thereof. The Bonds shall be numbered as determined by the Director of Finance.

The Bonds shall be issued in the principal amount specified in the Certificate of Award, which shall not exceed the amount stated in Section 1 hereof. The Bonds shall be dated the date and shall bear interest from their date until the principal amount is paid at the rate or rates per year specified in the Certificate of Award, provided that the weighted average of such rates (taking into account the principal amount and maturity of each Bond to which a rate applies) shall not exceed six percent (6%) per year. Interest on the Bonds shall be payable 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 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 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 the written advice of a Financial Advisor to be in the best interests of the City, provided that (i) each principal payment shall occur on an Interest Payment Date, (ii) the first principal payment on the Bonds shall be no earlier than November 15, 2012 and no later than December 31, 2013, (iii) the final maturity date of the Bonds shall be no later than 20 years from that date which is 12 months prior to the first date on which provision for payment of principal is made, and (iv) the principal amount thereof shall be payable in annual installments such that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year.

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

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

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

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

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

Each Term Bond so delivered, or previously redeemed, or purchased and cancelled, 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 Bonds may be subject to redemption prior to maturity by and at the option of the City, in whole or in part on any date, in integral multiples of \$5,000, on the optional redemption dates and at the redemption prices (expressed as a percentage of the principal amount redeemed) specified in the Certificate of Award, plus, in each

case, accrued interest to the redemption date. The first optional redemption date shall not be later than ten years from the first Interest Payment Date, and the highest redemption price shall not be greater than 102% of the principal amount redeemed plus accrued interest to the redemption date. Based on the written advice of a financial advisor, the Director of Finance may determine in the Certificate of Award that it is in the best interests of the City for some or all of the Bonds not to be callable prior to their stated maturity.

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

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

rescind its direction to purchase the Bonds in lieu of redemption by written notice from the Director of Finance to the Registrar and the Escrow Agent. In the event that the direction to purchase is rescinded, the Bonds shall be redeemed on the redemption date set forth in the notice of redemption delivered to the owners of the Bonds and in accordance with the provisions of this Ordinance.

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

**(e) Notice of Redemption.** The notice of the call for redemption of Bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Registrar on behalf of the City by mailing a copy of the redemption notice by first-class mail, postage prepaid, at least 30 days prior to the date fixed for redemption (or such period specified in the Certificate of Award), to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register maintained by the Registrar at the close of business on the fifteenth day preceding that mailing and to any provider of a Credit Support Instrument (as defined in Section 15 hereof) for the Bonds or designated portions thereof. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond. Any notice of redemption of any 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 Bonds to be redeemed.

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

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

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

restated in this Ordinance. Words and terms not otherwise defined in this Ordinance shall have the same meaning as set forth in the General Bond Ordinance.

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

U.S. Bank National Association is appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent for the Bonds (the "Registrar"). The Registrar shall also act as paying agent for the Bonds so long as the Bonds are held in a book entry system. The Director of Finance is authorized to sign and deliver, in the name and on behalf of the City, an agreement between the City and the Registrar (the "Registrar Agreement"), approved as to form and correctness by the Director of Law, providing for services relating to the registration, transfer, exchange and payment of the Bonds on terms approved by the Director of Finance on behalf of the City and consistent with this Ordinance and not substantially adverse to the City. That approval shall be conclusively evidenced by the signing of the Registrar Agreement by the Director of Finance. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Registrar Agreement from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

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

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

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

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

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

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

purpose trust company), New York, New York.

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

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

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

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

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

The Bonds shall be awarded to the Original Purchaser in the Certificate of Award which shall specify the final terms of the Bonds in accordance with law, the provisions of this Ordinance, the written advice of a financial advisor retained under authority of Section 16 hereof and the

Original Purchaser's offer to purchase the Bonds, including: the principal amount of the Bonds, the purchase price (which shall be not less than 97% of the principal amount of the 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 Bonds and any other matters required in this Ordinance to be set forth in that Certificate. As appropriate under the Charter, the Mayor, Director of Finance, Director of Law, Clerk of Council and other appropriate officers of the City are, and each of them is, authorized to take such actions as are necessary, appropriate and in the best interest of the City to establish the terms and requirements for delivery of the Bonds and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, procedures, and conditions for the delivery of the Bonds to the Original Purchaser, to give all appropriate notices and certificates, to cause a true transcript of proceedings with reference to the issuance of the Bonds to be delivered to the Original Purchaser, to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance and to take all steps necessary to effect the due execution, authentication and delivery of the Bonds. The Director of Finance is 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 and correctness by the Director of Law, setting forth the terms and conditions on which the City agrees to sell the Bonds and the Original Purchaser agrees to buy the Bonds, which shall be consistent with this Ordinance, not substantially adverse to the City, and approved by the Director of Finance and Director of Law on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement by the Director of Finance. It is determined that the terms of the Bonds, as provided in this Ordinance and as may be provided in or pursuant to the Certificate of Award, are in the best interest of the City and in compliance with all legal requirements.

Pursuant to Section 133.30(B) of the Ohio Revised Code, the Director of Finance may combine the Bonds with other bonds into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bonds, Series 2012" or such other designation as may be set forth in the Certificate of Award. Such bonds shall contain a summary statement of purposes encompassing the purpose for which the Bonds are issued and shall state that they are issued pursuant to this Ordinance.

**Section 5. Provision for Levying and Collecting Tax.** For the purpose of providing the necessary funds to pay the interest on the Bonds promptly when and as the same falls due, and also to provide for the discharge of the Bonds at maturity, there shall

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

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

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

**Section 6. Application of Proceeds.** The proceeds from the sale of the Bonds, except for accrued interest thereon and any premium, shall be expended and applied for the objects and purposes for which the Bonds are issued. The proceeds of the Bonds to be applied to pay costs of any Credit Support Instruments obtained pursuant to Section 15 hereof shall be paid to the provider or providers of those Credit Support Instruments. The proceeds of the Bonds to be used to pay costs of issuing the Bonds shall be deposited with the Registrar in a separate account under the Registrar Agreement pending their application to the payment of such costs. Pursuant to Chapter 133 of the Ohio Revised Code and this Ordinance, and notwithstanding Chapter 179 of the Codified Ordinances, any accrued interest and any premium received from the sale of the Bonds shall be deposited in the Unvoted Tax Supported Obligations Account of the Sinking Fund to be applied to the payment of the principal of and interest on the Bonds.

**Section 7. General Obligation.** The Bonds are secured by a pledge and lien on a parity with the pledges and liens authorized by the General Bond Ordinance and, in addition to the taxes and revenues specifically pledged pursuant to this Ordinance



and the General Bond Ordinance and the other covenants, terms and agreements provided hereunder and in the General Bond Ordinance to secure payment of the principal of and interest on the Bonds, the City hereby determines, declares, warrants and covenants that the Bonds are general obligations of the City and that the full faith and credit of the City are hereby pledged for the payment of the principal of and interest on the Bonds in accordance with the laws and Constitution of the State of Ohio, this Ordinance and the General Bond Ordinance.

#### **Section 8. Defeasance.**

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

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

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

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

earned by, or increment to, the investments held under this Section shall, to the extent determined from time to time by the Escrow Agent to be in excess of the amount required to be held by it for the purposes of this Section, be transferred at the time of such determination as provided in Section 17(a) of the General Bond Ordinance for unclaimed funds held by a Paying Agent. In the event of nonpresentation of any Bond as described in Section 17(a) of the General Bond Ordinance, the moneys held pursuant to this Section shall be held and paid as provided in said Section 17(a) for unclaimed funds held by a Paying Agent.

**Section 9. Bond Anticipation Notes.** For the purpose of raising money in anticipation of the issuance of the Bonds for the purpose set forth in Section 1 hereof, notes of the City may be issued in an aggregate principal amount not to exceed Four Million One Hundred Thousand Dollars (\$4,100,000) (the "Notes") upon the direction of the Director of Finance to be set forth in a certificate providing for the final terms of the Notes and the sale of the Notes and signed by the Director of Finance (the "Note Certificate of Award").

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

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

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

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

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

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

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

(b) **Execution and Payment of the Notes.** The Notes shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance. Each Note shall be authenticated by the manual signature of an authorized officer of the Trustee (as defined therein). The Notes shall be signed by the City's Mayor and by the City's Director of Finance, and, consistent with Section 133.27 of the Ohio Revised Code and notwithstanding Section 177.02 of the Codified Ordinances of the City, either or both of those signatures may be a facsimile. The Notes shall bear the seal of the City, which seal may be a facsimile seal. Pursuant to Section 83 of the City's Charter, the Director of Law shall prepare the Notes and shall endorse thereon his approval of the form and correctness thereof by his manual or facsimile signature.

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

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

**Section 10. Provision for Levying and Collecting Tax.** During the year or years while the Notes are outstanding there shall be levied on all the taxable property in the City, in addition to all other taxes but within tax limitations, a direct tax annually not less than that which would have been levied if bonds had been issued therefor without the prior issue of the Notes. That tax shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each year are certified, extended

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

**Section 11. Official Statement; Continuing Disclosure.** If, in the judgment of the Director of Finance, a disclosure document (each, an "Official Statement") is appropriate or necessary in connection with the sale of the Notes or the Bonds, the Director of Finance is authorized to prepare or cause to be prepared on behalf of the City an Official Statement with respect to the Notes or the Bonds, as the case may be, and any necessary supplements and to authorize the use and distribution of each Official Statement and any supplements. The 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 the judgment of the Director of Finance, be necessary or appropriate. The Director of Finance is also authorized to determine and certify on behalf of the City that such disclosure document is "deemed final" by the City within the meaning of Securities and Exchange Commission Rule 15c2-12 (the "SEC Rule"). The Director of Finance is authorized to contract for services for the production and distribution of preliminary and final Official Statements, including by printed and electronic means.

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

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

**Section 12. 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 Bonds or the Notes authorized herein.

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

**Section 13. 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 14. Federal Tax Covenants.**

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

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

Each covenant made in this Section with respect to the Notes and the Bonds is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Notes or the Bonds (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Notes and the Bonds from gross

income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this Section to take with respect to the Notes and the Bonds.

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

**Section 15. Credit Enhancement 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 the Bonds or designated portion thereof by one or more nationally recognized rating agencies is in the best interest 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 the 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 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 Agree-

ment, shall be paid from the proceeds of Bonds or funds appropriated for that purpose.

**Section 16. Financial Advisor.** The Director of Finance may obtain the services of one or more financial advisors, from time to time, to assist the Director of Finance in making any of the determinations required by this Ordinance to be determined by the Director of Finance. The Director of Finance may rely on the written advice of any financial advisor so retained. Any financial advisor employed under the authority of this Ordinance shall be disinterested in the transaction and be independent of the Original Purchasers and any other party interested in the transaction.

**Section 17. 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 Ohio Revised Code.

**Section 18. Findings and Recitals of Validity.** It is hereby determined, represented and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Bonds and the Notes in order to make them legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of the Bonds or the Notes. It is further found and determined, and is hereby represented and recited, that the provisions of Sections 28, 29, 32, 33 (including the provisions of Section 33 with respect to readings on three separate days or dispensing with such readings by a two-thirds vote of all members of the Council), 36, 37, 48 and all other applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this Ordinance was passed in conformity therewith.

**Section 19. 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 Bonds and any Note Certificate of Award to the appropriate official of the County of Cuyahoga, Ohio and to secure a receipt therefor.

**Section 20. Severability.** Each section and each part of each section of this Ordinance is hereby declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any such section or part of a section or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstance, other than those as to which it is held invalid, shall not be affected thereby, and it is hereby declared to be the legislative intent that the other provisions of this Ordinance would have been passed independently of such section, or parts of a section, so held to be invalid.

**Section 21. 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 22. Emergency Measure.** This Ordinance is declared to be an emergency measure for the immediate preservation of the public peace, property, health and safety of the City by providing funds to pay the costs of certain permanent improvements which are urgently needed for the benefit of the City and for the usual daily operation of a municipal department, and, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest date allowed by law.

Passed April 2, 2012.  
Effective April 9, 2012.

**Ord. No. 274-12.**

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

**An emergency ordinance authorizing the issuance and sale of bonds in the maximum principal amount of \$20,500,000 for the purpose of providing funds to improve the municipal street system and related facilities and authorizing related matters.**

Whereas, this Council desires to issue bonds in an aggregate principal amount not to exceed Twenty Million Five Hundred Thousand Dollars (\$20,500,000) (the "Bonds") to finance the costs of certain permanent improvements described in Section 1 of this ordinance (this "Ordinance"); 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 the improvements to be financed with the proceeds of the Bonds is at least five years and that the maximum maturity of the Bonds is 18 years, a copy of which contained in File No. 274-12-A, 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 the Bonds is necessary to provide funds to pay the costs of certain permanent improvements described in Section 1 hereof that are urgently needed for the benefit of the City, and as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health and safety, and for the usual daily operation of a municipal department; now, therefore,

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

**Section 1. Purpose.** It is deemed necessary to issue the Bonds in an aggregate principal amount not to exceed Twenty Million Five Hundred Thousand Dollars (\$20,500,000) for the purpose of providing funds to improve the municipal street system and related facilities, including streets, expressways, roadways, driveways, underground vaults, sidewalks, bike-ways and walkways, by acquiring, constructing, reconstructing, opening, extending, widening, grading, draining, paving, resurfacing, lighting and curbing, removing or reconstructing underground vaults to preserve the public right of way, installing gutters, sidewalks and related pedestrian improvements, constructing and improving culverts, resetting and constructing catch basins and other storm drainage facilities, constructing, reconstructing, replacing, renovating and rehabilitating bridges, acquiring any real estate and interests in real estate, including easements, necessary for such purpose, and installing signs, signals, markings and other devices for traffic control purposes, together with all necessary and incidental appurtenances, and to pay any capitalized interest and all expenses incurred in connection with the issuance of the securities, including all financing costs within the meaning of Section 133.01(K) of the Ohio Revised Code and such other costs of the foregoing permanent improvements that may be financed with the proceeds of securities as permitted by Section 133.15(B) of the Ohio Revised Code and as otherwise permitted by law.

**Section 2. Authority and Terms.** The Bonds shall be issued pursuant to the provisions of Article XVIII of the Constitution of Ohio, Chapter 133 of the Ohio Revised Code and other applicable provisions of the Ohio Revised Code, the Charter of the City, the General Bond Ordinance and this Ordinance for the purpose stated in Section 1 hereof. The Bonds shall be designated "Bridges and Roadways Improvement Bonds" and may contain such further designation as provided in the certificate of award providing for the final terms of the Bonds and the sale of the Bonds signed by the Director of Finance in accordance with this Ordinance (the "Certificate of Award"). The Bonds shall be issued in one lot as fully registered Bonds in denominations of \$5,000 or any integral multiple thereof. The Bonds shall be numbered as determined by the Director of Finance.

The Bonds shall be issued in the principal amount specified in the Certificate of Award, which shall not exceed the amount stated in Section 1

hereof. The Bonds shall be dated the date and shall bear interest from their date until the principal amount is paid at the rate or rates per year specified in the Certificate of Award, provided that the weighted average of such rates (taking into account the principal amount and maturity of each Bond to which a rate applies) shall not exceed six percent (6%) per year. Interest on the Bonds shall be payable 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 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 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 the written advice of a Financial Advisor to be in the best interests of the City, provided that (i) each principal payment shall occur on an Interest Payment Date, (ii) the first principal payment on the Bonds shall be no earlier than November 15, 2012 and no later than December 31, 2013, (iii) the final maturity date of the Bonds shall be no later than 18 years from that date which is 12 months prior to the first date on which provision for payment of principal is made, and (iv) the principal amount thereof shall be payable in annual installments such that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year.

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

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

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

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

amount of any credit as provided below).

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

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

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

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

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

**(d) Partial Redemption or Purchase.** If fewer than all of the outstanding Bonds are called for redemption at one time (whether for redemption or purchase in lieu of redemption), they shall be called in the order of maturities directed by the Director of Finance. If fewer than all Bonds of a single maturity are to be redeemed or purchased in lieu of redemption, the selection of Bonds to be redeemed or purchased, or portions thereof in

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

**(e) Notice of Redemption.** The notice of the call for redemption of Bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Registrar on behalf of the City by mailing a copy of the redemption notice by first-class mail, postage prepaid, at least 30 days prior to the date fixed for redemption (or such period specified in the Certificate of Award), to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register maintained by the Registrar at the close of business on the fifteenth day preceding that mailing and to any provider of a Credit Support Instrument (as defined in Section 15 hereof) for the Bonds or designated portions thereof. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond. Any notice of redemption of any 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 Bonds to be redeemed.

**(f) Payment of Redeemed 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 Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, upon presentation and surrender at the place or places specified in that notice, shall be paid. If money for the redemption of all of the Bonds and portions thereof to be redeemed, including interest accrued to the redemption date, is

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

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

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

**Section 3. Execution, Authentication, Approval and Recording of the Bonds; Exchange and Transfer of the Bonds; Paying Agents.** The Bonds shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance. Pursuant to Section 4 of the General Bond Ordinance, each Bond shall be authenticated by the manual signature of an authorized officer of the Trustee (as defined therein). The Bonds shall be signed by the City's Mayor and by the City's Director of Finance, and, consistent with Section 133.27 of the Ohio Revised Code and notwithstanding Section 177.02 of the Codified Ordinance,

nances of the City, either or both of those signatures may be a facsimile. The Bonds shall bear the seal of the City, which seal may be a facsimile seal. Pursuant to Section 83 of the City's Charter, the Director of Law shall prepare the Bonds and shall endorse thereon his approval of the form and correctness thereof by his manual or facsimile signature.

U.S. Bank National Association is appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent for the Bonds (the "Registrar"). The Registrar shall also act as paying agent for the Bonds so long as the Bonds are held in a book entry system. The Director of Finance is authorized to sign and deliver, in the name and on behalf of the City, an agreement between the City and the Registrar (the "Registrar Agreement"), approved as to form and correctness by the Director of Law, providing for services relating to the registration, transfer, exchange and payment of the Bonds on terms approved by the Director of Finance on behalf of the City and consistent with this Ordinance and not substantially adverse to the City. That approval shall be conclusively evidenced by the signing of the Registrar Agreement by the Director of Finance. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Registrar Agreement from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

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

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

dered and bearing interest at the same rate and maturing on the same date.

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

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

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

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

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

The Bonds may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized: (i) the Bonds may be issued in the form of a single, fully registered Bond representing each maturity and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (ii) the beneficial owners in book entry form shall have no right to receive Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book

entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

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

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

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

The Bonds shall be awarded to the Original Purchaser in the Certificate of Award which shall specify the final terms of the Bonds in accordance with law, the provisions of this Ordinance, the written advice of a financial advisor retained under authority of Section 16 hereof and the Original Purchaser's offer to purchase the Bonds, including: the principal amount of the Bonds, the purchase price (which shall be not less than 97% of the principal amount of the 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 Bonds 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 deliv-

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

Pursuant to Section 133.30(B) of the Ohio Revised Code, the Director of Finance may combine the Bonds with other bonds into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bonds, Series 2012" or such other designation as may be set forth in the Certificate of Award. Such bonds shall contain a summary statement of purposes encompassing the purpose for which the Bonds are issued and shall state that they are issued pursuant to this Ordinance.

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

The tax shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, extended and collected. The tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from those tax levies

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

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

**Section 6. Application of Proceeds.** The proceeds from the sale of the Bonds, except for accrued interest thereon and any premium, shall be expended and applied for the objects and purposes for which the Bonds are issued. The proceeds of the Bonds to be applied to pay costs of any Credit Support Instruments obtained pursuant to Section 15 hereof shall be paid to the provider or providers of those Credit Support Instruments. The proceeds of the Bonds to be used to pay costs of issuing the Bonds shall be deposited with the Registrar in a separate account under the Registrar Agreement pending their application to the payment of such costs. Pursuant to Chapter 133 of the Ohio Revised Code and this Ordinance, and notwithstanding Chapter 179 of the Codified Ordinances, any accrued interest and any premium received from the sale of the Bonds shall be deposited in the Unvoted Tax Supported Obligations Account of the Sinking Fund to be applied to the payment of the principal of and interest on the Bonds.

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

**Section 8. Defeasance.**

(a) **Release of Ordinance.** If the City shall pay or cause to be paid and discharged all the outstanding Bonds, or there shall otherwise be paid to the holders of the outstanding Bonds all debt charges due or to become due thereon, and provision shall also be

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

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

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

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

**Section 9. Bond Anticipation Notes.** For the purpose of raising money in anticipation of the issuance of the Bonds for the purpose set forth in Section 1 hereof, notes of the City may be issued in an aggregate principal

amount not to exceed Twenty Million Five Hundred Thousand Dollars (\$20,500,000) (the "Notes") upon the direction of the Director of Finance to be set forth in a certificate providing for the final terms of the Notes and the sale of the Notes and signed by the Director of Finance (the "Note Certificate of Award").

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

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

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

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

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

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

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

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

Mayor and by the City's Director of Finance, and, consistent with Section 133.27 of the Ohio Revised Code and notwithstanding Section 177.02 of the Codified Ordinances of the City, either or both of those signatures may be a facsimile. The Notes shall bear the seal of the City, which seal may be a facsimile seal. Pursuant to Section 83 of the City's Charter, the Director of Law shall prepare the Notes and shall endorse thereon his approval of the form and correctness thereof by his manual or facsimile signature.

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

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

**Section 10. Provision for Levying and Collecting Tax.** During the year or years while the Notes are outstanding there shall be levied on all the taxable property in the City, in addition to all other taxes but within tax limitations, a direct tax annually not less than that which would have been levied if bonds had been issued therefor without the prior issue of the Notes. That tax shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each year are certified, extended and collected. That tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the tax levies required by this Ordinance shall be placed in the Unvoted Tax Supported Obligations Account, and those funds, together with the interest collected on them, shall be irrevocably pledged for the payment of the principal and interest of the Notes or the Bonds in anticipation of which they are issued, when and as the same falls due; provided, however, that in each year to the extent that revenues are available from other sources for the payment of the Notes and Bonds and are appropriated for such purpose, the amount of such direct tax



upon all of the taxable property in the City may be reduced by the amount of such revenues so available and appropriated.

**Section 11. Official Statement; Continuing Disclosure.** If, in the judgment of the Director of Finance, a disclosure document (each, an "Official Statement") is appropriate or necessary in connection with the sale of the Notes or the Bonds, the Director of Finance is authorized to prepare or cause to be prepared on behalf of the City an Official Statement with respect to the Notes or the Bonds, as the case may be, and any necessary supplements and to authorize the use and distribution of each Official Statement and any supplements. The 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 the judgment of the Director of Finance, be necessary or appropriate. The Director of Finance is also authorized to determine and certify on behalf of the City that such disclosure document is "deemed final" by the City within the meaning of Securities and Exchange Commission Rule 15c2-12 (the "SEC Rule"). The Director of Finance is authorized to contract for services for the production and distribution of preliminary and final Official Statements, including by printed and electronic means.

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

**Section 12. 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 Bonds or the Notes authorized herein.

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

**Section 13. 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 14. Federal Tax Covenants.** The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes and the Bonds in such manner and to such extent as may be necessary so that (a) the Notes and the Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Internal Revenue Code of 1986, as amended (the "Code") or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest thereon will not be treated as an item of tax preference under Section 57 of the Code.

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

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

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

limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes and the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes and the Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes and the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes and the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes and the Bonds.

**Section 15. Credit Enhancement 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 the Bonds or designated portion thereof by one or more nationally recognized rating agencies is in the best interest 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 the 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 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 Bonds or funds appropriated for that purpose.

**Section 16. Financial Advisor.** The Director of Finance may obtain the services of one or more financial advisors, from time to time, to assist the Director of Finance in making any of the determinations required by this Ordinance to be determined by the Director of Finance. The Director of Finance may rely on the written advice of any financial advisor so retained. Any financial advisor employed under the authority of this Ordinance shall be disinterested in the transaction and be independent of the Original Purchasers and any

other party interested in the transaction.

**Section 17. 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 Ohio Revised Code.

**Section 18. Findings and Recitals of Validity.** It is hereby determined, represented and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Bonds and the Notes in order to make them legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of the Bonds or the Notes. It is further found and determined, and is hereby represented and recited, that the provisions of Sections 28, 29, 32, 33 (including the provisions of Section 33 with respect to readings on three separate days or dispensing with such readings by a two-thirds vote of all members of the Council), 36, 37, 48 and all other applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this Ordinance was passed in conformity therewith.

**Section 19. 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 Bonds and any Note Certificate of Award to the appropriate official of the County of Cuyahoga, Ohio and to secure a receipt therefor.

**Section 20. Severability.** Each section and each part of each section of this Ordinance is hereby declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any such

section or part of a section or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstance, other than those as to which it is held invalid, shall not be affected thereby, and it is hereby declared to be the legislative intent that the other provisions of this Ordinance would have been passed independently of such section, or parts of a section, so held to be invalid.

**Section 21. 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 22. Emergency Measure.** This Ordinance is declared to be an emergency measure for the immediate preservation of the public peace, property, health and safety of the City by providing funds to pay the costs of certain permanent improvements which are urgently needed for the benefit of the City and for the usual daily operation of a municipal department, and, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest date allowed by law.

Passed April 2, 2012.  
Effective April 9, 2012.

**Ord. No. 458-12.**  
**By Council Member Cleveland.**  
**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Burten, Bell, Carr Development to stretch banners at East 55th & Scovill near East Tech and East 39th & Community College Avenue, northeast side, for the period from May 23, to June 23, 2012, inclusive, publicizing the 7th Annual Ward 5 Family Festival.**

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 the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to Burten, Bell, Carr Development to install, maintain and remove banners at East 55th & Scovill near East Tech and East 39th & Community College Avenue, northeast side for the period from May 23, 2012 to June 23, 2012, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

**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 April 2, 2012.  
Effective April 9, 2012.

**Ord. No. 460-12.**

**By Council Members Pruitt and Sweeney (by departmental request).**

**An emergency ordinance approving the collective bargaining agreement with the Municipal Construction Equipment Operators' Labor Council (Water Plant Operators, Stationary Engineers, Boiler Room Operators); and to amend Section 12 of Ordinance No. 1689-11, passed November 28, 2011, 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 Municipal Construction Equipment Operators' Labor Council (Water Plant Operators, Stationary Engineers, Boiler Room Operators), under the terms contained in File No. 460-12-A, for the period from April 1, 2010 through March 31, 2013, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit under the following schedule:

<u>Increase</u>	<u>Approximate Date of Increase*</u>
0%	April 1, 2010
0%	April 1, 2011
3%	April 1, 2012

\* Wage increases shall be effective as follows:

(a) If April 1st falls in the first week of a pay period, then the wage increase shall be effective commencing at the beginning of that pay period; or

(b) If April 1st falls in the second week of a pay period, then the wage increase shall be effective commencing at the beginning of the next pay period.

**Section 2.** That Section 12 of Ordinance No. 1689-11, passed November 28, 2011, is amended to read as follows:

**Section 12.** Municipal Construction Equipment Construction Operators Labor Council (Water Plant Operators, Stationary Engineers, Boiler Room Operators). That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	<b>Minimum</b>	<b>Maximum</b>
1. Building Stationary Engineer.....	\$18.52	\$19.33
2. Chief Building Stationary Engineer.....	19.80	20.64
3. Chief Stationary Engineer .....	21.04	21.91
4. Stationary Boiler Room Operator .....	19.21	20.04
5. Water Plant Operator I.....	20.28	21.14
6. Water Plant Operator II.....	21.72	22.62

**Section 3.** That existing Section 12 of Ordinance No. 1689-11, passed November 28, 2011, 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 April 2, 2012.

Effective April 9, 2012.

**COUNCIL COMMITTEE MEETINGS**

**Monday, April 9, 2012  
11:10 a.m.**

**Legislation Committee:** Present: Mitchell, Chair; K. Johnson, Vice Chair; Brancatelli, Cimperman, Sweeney. *Authorized Absence:* Cleveland, Reed.

**1:30 p.m.**

**Public Service Committee & Finance Committee:** Present in Ser-

vice: Miller, Chair; Cummins, Vice Chair; Cleveland, Dow, K. Johnson, Keane, Polensek, Pruitt, Sweeney. Present in Finance: Sweeney, Chair; Kelley, Vice Chair; Brady, Brancatelli, Cleveland, Keane, Miller, Mitchell, Polensek, Pruitt, Westbrook.

**2:00 p.m.**

**Finance Committee:** Present: Sweeney, Chair; Kelley, Vice Chair; Brady, Brancatelli, Cleveland, Keane, Miller, Mitchell, Polensek, Pruitt, Westbrook.

**Tuesday, April 10, 2012  
9:30 a.m.**

**Community and Economic Development Committee:** Present: Brancatelli, Chair; Dow, Vice Chair; Cimperman, Cummins, Miller, Pruitt, Westbrook, Zone. *Authorized Absence:* J. Johnson.

**Wednesday, April 11, 2012  
10:00 a.m.**

**Aviation and Transportation Committee:** Present: Keane, Chair; Pruitt, Vice Chair; Cummins, Kelley. *Authorized Absence:* J. Johnson, K. Johnson, Mitchell.

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O—Ordinance; R—Resolution; F—File  
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