

The City Record

Official Publication of the Council of the City of Cleveland



April the Thirtieth, Two Thousand and Fourteen

Frank G. Jackson
Mayor

Kevin J. Kelley
President of Council

Patricia J. Britt
City Clerk, Clerk of Council

Ward Name

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

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www.clevelandcitycouncil.org

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Kevin J. Kelley

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

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

MAYOR – Frank G. Jackson

Ken Silliman, Secretary to the Mayor, Chief of Staff

Darnell Brown, Executive Assistant to the Mayor, Chief Operating Officer

Valarie J. McCall, Executive Assistant to the Mayor, Chief of Government Affairs

Martin J. Flask, Executive Assistant to the Mayor of Special Projects

Monyka S. Price, Executive Assistant to the Mayor, Chief of Education

Maureen Harper, Executive Assistant to the Mayor, Chief of Communications

Janita 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 – Matthew L. Spronz, Director

DIVISIONS:

Architecture and Site Development – Robert Vilkas, Chief Architect, Manager

Engineering and Construction – Richard J. Switalski, Manager

Real Estate – James DeRosa, Commissioner

DEPT. OF LAW – Barbara A. Langhenry, Director, Gary D. Singletary, Chief Counsel,

Richard F. Horvath, Chief Corporate Counsel, Thomas J. Kaiser, Chief Trial Counsel,

Room 106: John Skrtic, Law Librarian, Room 100

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

Natasha Brandt, Manager, Internal Audit

DIVISIONS:

Accounts – Lonya Moss Walker, Commissioner, Room 19

Assessments and Licenses – Dedrick Stephens, Commissioner, Room 122

City Treasury – James Hartley, Interim Treasurer, Room 115

Financial Reporting and Control – James Gentile, Controller, Room 18

Information Technology and Services – Douglas Divish, Commissioner, 205 W. St. Clair Avenue

Purchases and Supplies – Tiffany White, Commissioner, Room 128

Printing and Reproduction – Michael Hewitt, Commissioner, 1735 Lakeside Avenue

Taxation – Nassim Lynch, Tax Administrator, 205 W. St. Clair Avenue

DEPT. OF PUBLIC UTILITIES – Paul Bender, Director, 1201 Lakeside Avenue

DIVISIONS:

Cleveland Public Power – Ivan Henderson, Commissioner

Utilities Fiscal Control – Frank Badalamenti, Chief Financial Officer

Water – Alex Margevicius, Interim Commissioner

Water Pollution Control – Rachid Zoghaib, Commissioner

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

DIVISIONS:

Burke Lakefront Airport – Khalid Bahhur, Commissioner

Cleveland Hopkins International Airport – Fred Szabo, Commissioner

DEPT. OF PUBLIC WORKS – Michael Cox, Director

OFFICES:

Administration – John Laird, Manager

Special Events and Marketing – Tangee Johnson, Manager

DIVISIONS:

Motor Vehicle Maintenance – Daniel A. Novak, Commissioner

Park Maintenance and Properties – Richard L. Silva, Commissioner

Parking Facilities – Antonette Thompson, Interim Commissioner

Property Management – Tom Nagle, Commissioner

Recreation – Samuel Gissentaner, Interim Commissioner

Streets – Randell T. Scott, Interim Commissioner

Traffic Engineering – Robert Mavec, Commissioner

Waste Collection and Disposal – Randell T. Scott, Interim Commissioner

DEPT. OF PUBLIC HEALTH – George Baker, Interim Director, 75 Erieview Plaza

DIVISIONS:

Air Quality – George Baker, Commissioner

Environment – Pamela Cross, Commissioner, 75 Erieview Plaza

Health – _____, Commissioner, 75 Erieview Plaza

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

DIVISIONS:

Animal Control Services – John Baird, Chief Dog Warden, 2690 West 7th Street

Corrections – Robert Taskay, Commissioner, Cleveland House of Corrections, 4041 Northfield Rd.

Emergency Medical Service – Nicole Carlton, Acting Commissioner, 1708 South Pointe Drive

Fire – Patrick Kelly, Chief, 1645 Superior Avenue

Police – Calvin D. Williams, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street

DEPT. OF COMMUNITY DEVELOPMENT – Daryl Rush, Director

DIVISIONS:

Administrative Services – Jesus Rodriguez, Commissioner

Fair Housing and Consumer Affairs Office – John Mahoney, Manager

Neighborhood Development – Chris Garland, Commissioner

Neighborhood Services – Louise V. Jackson, Commissioner

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

DIVISIONS:

Code Enforcement – Thomas E. Vanover, Commissioner

Construction Permitting – Narid Hussain, Commissioner

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

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

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

COMMUNITY RELATIONS BOARD – Room 11, Blaine Griffin, Director, Mayor Frank

G. Jackson, Chairman Ex-Officio; Rev. Dr. Charles P. Lucas, Jr., Vice-Chairman, Council

Member Brian Cummins, Eugene R. Miller, (Board Lawyer), Roosevelt E. Coats, Jenice

Contreras, Kathryn Hall, Yasir Hamdallah, Evangeline Hardaway, John O. Horton, Gary

Johnson, Sr., Daniel McNea, Stephanie Morrison-Hrbek, Roland Muhammad, Gia Hoa

Ryan, Peter Whitt.

CIVIL SERVICE COMMISSION – Room 119, Robert Bennett, President; Michael L.

Nelson, Sr., Vice-President; Lucille Ambroz, Secretary; Members: Pastor Gregory Jordan,

Michael Flickinger.

SINKING FUND COMMISSION – Frank G. Jackson, President; Council President Kevin

J. Kelley; Betsy Hruby, Asst. Sec’y; Sharon Dumas, Director.

BOARD OF ZONING APPEALS – Room 516, Carol A. Johnson, Chairman; Members:

Mary Haas McGraw, Ozell Dobbins, Joan Shaver Washington, Tim Donovan, Elizabeth

Kukla, Secretary.

BOARD OF BUILDING STANDARDS AND BUILDING APPEALS – Room 516,

Joseph F. Denk, Chairman; Howard Bradley, Patrick M. Gallagher, Robert Maschke, Halim

M. Saab, P.E., Alternate Members – D. Cox, P. Frank, E. P. O’Brien, Richard Pace, J.F.

Sullivan.

BOARD OF REVISION OF ASSESSMENTS – Law Director Barbara A. Langhenry,

President; Finance Director Sharon Dumas, Secretary; Council President Kevin J. Kelley.

BOARD OF SIDEWALK APPEALS – Capital Projects Director Matthew Spronz, Law

Director Barbara A. Langhenry; Council Member _____.

BOARD OF REVIEW – (Municipal Income Tax) – Law Director Barbara A. Langhenry;

Utilities Director Paul Bender; Council President Kevin J. Kelley.

CITY PLANNING COMMISSION – Room 501 – 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 – Law Director Barbara A. Langhenry; Chairman;

Finance Director Sharon Dumas; Council President Kevin J. Kelley; Councilman

Kevin Kelley.

POLICE REVIEW BOARD – Thomas Jones, Board Chair Person; Vernon Collier, Vermel

Whalen, Nancy Cronin, Elvin Vauss.

CLEVELAND LANDMARKS COMMISSION – Room 519 – Jennifer Coleman, Chair;

Laura M. Bala, Robert N. Brown, Allan Dreyer, Giancarlo Calicchia, Council Member

Terrell H. Pruitt, Robert Vilkas, Donald Petit, Interim Secretary.

AUDIT COMMITTEE – Yvette M. Ittu, Chairman; Debra Janik, Bracy Lewis, Diane

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

Langhenry.

CLEVELAND MUNICIPAL COURT

JUSTICE CENTER – 1200 ONTARIO STREET

JUDGE COURTROOM ASSIGNMENTS

Judge Courtroom

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

Judge Pinkey S. Carr – Courtroom 12B

Judge Marilyn B. Cassidy – Courtroom 13A

Judge Michelle Denise Earley – Courtroom 12C

Judge Emanuella Groves – Courtroom 14B

Judge Anita Laster Mays – Courtroom 14C

Judge Lauren C. Moore – Courtroom 14A

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

Judge Raymond L. Pianka (Housing Court Judge) – Courtroom 13B

Judge Angela R. Stokes – Courtroom 15C

Judge Pauline H. Tarver – Courtroom 13C

Judge Ed Wade – Courtroom 12A

Judge Joseph J. Zone – Courtroom 14D

Earle B. Turner – Clerk of Courts, Russell R. Brown III – Court Administrator, Gregory A. Sims

– Chief Bailiff; Jerome M. Krakowski – Chief Probation Officer, Gregory F. Clifford – Chief

Magistrate, Victor Perez – City Prosecutor

The City Record



71 OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

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WEDNESDAY, APRIL 30, 2014

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CITY COUNCIL

MONDAY, APRIL 28, 2014

The City Record
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PATRICIA J. BRITT
City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2014-2017

MONDAY — Alternating

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

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

MONDAY

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

TUESDAY

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

TUESDAY — Alternating

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

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

WEDNESDAY — Alternating

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

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

The following Committees meet at the Call of the Chair:

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

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio
Monday, April 28, 2014

The meeting of the Council was called to order with the President of Council, Kevin J. Kelley, in the Chair.

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

Also present were: Mayor Frank G. Jackson, Chief of Staff Ken Silliman, Chief Operating Officer Darnell Brown, Chief of Government Affairs Valarie J. McCall, Chief of Communications Maureen Harper, Chief of Sustainability Jenita McGowan, Chief of Public Affairs Natoya Walker-Minor, and Directors Langhenry, Smith, Spronz, McGrath, Cox, Rush, Rybka, Southerington, Griffin, Fumich, Acting Director Gentile and Interim Director Baker.

Council Members, Administration, Staff, and those in the audience rose for a moment of silent reflection, and the Pledge of Allegiance.

MOTION

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

COMMUNICATIONS

File No. 552-14.

April 22, 2014

Allan Dreyer, Deputy Clerk
Cleveland City Council
601 Lakeside Avenue, Room 220
Cleveland, Ohio
Dear Mr. Dreyer:

You are requested, without objection of Cleveland City Council, to serve as Clerk of Council Pro Tempore for all matters requiring the Clerk's signature between April 22 and April 24, 2014.

Your assistance is appreciated.

Sincerely,
Kevin J. Kelley
Council President

Received.

File No. 553-14.

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

FROM OHIO DIVISION OF LIQUOR CONTROL

File No. 554-14.

RE: #2379373. New License Application, D5J. Dybac, LLC, 11311 Euclid Avenue (Ward 6). Received.

File No. 555-14.

RE: #56598710005. Transfer of Ownership Application, C2 C2X. MAYT, Inc., 951 Linn Drive (Ward 9). Received.

File No. 556-14.

RE: #2215355. Transfer of Ownership Application, D1 D2 D3 D3A. DLS Entertainment, LLC, 9401-03 Denison Avenue (Ward 11). Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 573-14—Oberta Lavada Lewis.

Res. No. 574-14—Hattie Belle (Oliver) Miller.

Res. No. 575-14—Mary Louise (Hart) Simmons.

CONGRATULATIONS RESOLUTIONS

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

Res. No. 576-14—Friendly Inn Settlement, Inc. — 140th Anniversary.

Res. No. 577-14—Loretha James.
Res. No. 578-14—Dorothy Marie Harris.
Res. No. 579-14—Joseph A. Marinucci.

RECOGNITION RESOLUTIONS

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

Res. No. 580-14—Lawrence Drummer, Jr.
Res. No. 581-14—Pro Football Hall of Fame Fan Fest.
Res. No. 582-14—Greater Bethel A.M.E. Church/2014 Youngstown District Conference.

WELCOME RESOLUTION

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

Res. No. 583-14—Brown-Price-Patterson Family Reunion.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 557-14.
By Council Member Kelley (by departmental request).

An emergency ordinance authorizing the Director of Finance to enter into one or more contracts with Medifax-EDI, LLC to electronically validate medical insurance coverage, subscriber information, and benefit services for patients receiving emergency medical treatment from the Divisions of Emergency Medical Service or Fire, or from the Department of Port Control; and to enter into a non-exclusive subscriber services agreement, for a period of one year, with two one-year options to renew, exercisable by the Director of Finance.

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

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

Section 1. That the Director of Finance is authorized to enter into one or more contracts with Medifax-EDI, LLC to electronically validate medical insurance coverage, subscriber information, and benefit services for patients receiving emergency medical treatment from the Divisions of Emergency Medical Service or Fire or from the Department of Port Control, for the Department of Finance, for a period of one year, with two one-year options to renew, exercisable by the Director of Finance.

Section 2. That the Director of Finance, is authorized to enter into a non-exclusive subscriber services agreement with Medifax-EDI, LLC to implement this ordinance. The agreement authorized in this section may include the City's obligation to pay a one-time subscription fee and also ongoing subscription and service fees for the term of the agreement, and shall run coterminous with the contract or contracts authorized in Section 1 of this ordinance.

Section 3. That the costs of the contract or contracts and applicable subscription and service fees authorized by this ordinance shall be paid from

Fund No. 01-1503-6320, Request No. RQS 1503, RL 2014-49.

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 Finance, Law; Committee on Finance.

Ord. No. 558-14.
By Council Member Kelley (by departmental request).

An emergency ordinance authorizing the Director of Finance to enter into one or more contracts with Medifax-EDI, LLC to submit electronic medical claims and provide clearinghouse services to electronically submit and distribute medical claims to medical insurance payors for patients receiving emergency medical treatment from the Divisions of Emergency Medical Service or Fire, or from the Department of Port Control; and to enter into a non-exclusive subscriber services agreement, for a period of one year, with two one-year options to renew, exercisable by the Director of Finance.

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

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

Section 1. That the Director of Finance is authorized to enter into one or more contracts with Medifax-EDI, LLC to submit electronic medical claims and provide clearinghouse services to electronically submit and distribute medical claims to medical insurance payors for patients receiving emergency medical treatment from the Divisions of Emergency Medical Service or Fire or from the Department of Port Control, for the Department of Finance, for a period of one year, with two one-year options to renew, exercisable by the Director of Finance.

Section 2. That the Director of Finance, is authorized to enter into a non-exclusive subscriber services agreement with Medifax-EDI, LLC to implement this ordinance. The agreement authorized in this section may include the City's obligation to pay a one-time subscription fee and also ongoing subscription and service fees for the term of the agreement, and shall run coterminous with the contract or contracts authorized in Section 1 of this ordinance.

Section 3. That the costs of the contract or contracts and applicable subscription and service fees authorized by this ordinance shall be paid from Fund No. 01-1503-6320, Request No. RQS 1503, RL 2014-48.

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 Finance, Law; Committee on Finance.

Ord. No. 559-14.
By Council Members Cimperman and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Cuyahoga County Board of Health for the 2014-15 Public Health Emergency Preparedness Grant Program.

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

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

Section 1. That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$169,269, and any other funds as they become available during the grant term, from the Cuyahoga County Board of Health to conduct the 2014-15 Public Health Emergency Preparedness Grant Program; that the Director of Public Health is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the administrative 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. 559-14-A, is made a part of this ordinance as if fully rewritten, is approved in all respects, and shall not be changed without additional legislative authority.

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

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

Section 5. That, unless expressly prohibited by the grant agreement, under Section 108(b) of the Charter, purchases made under the grant agreement may be made through cooperative arrangements with other governmental agencies. The Director of Public Health may sign all documents and do all things that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process. The contracts will be paid from the fund or funds to which are credited any grant funds accepted under this ordinance.

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

Referred to Directors of Public Health, Finance, Law; Committees on Health and Human Services, Finance.

Ord. No. 560-14.
By Council Members Keane and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Port Control to enter into one or more requirement contracts with Siemens Industry, Inc. for labor and materials necessary to

maintain, repair and expand the existing Apogee building automation system, for the Division of Cleveland Hopkins International Airport, Department of Port Control, for a period not to exceed two years, with two one-year options to renew, the first of which requires additional legislative authority.

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

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

Section 1. That this Council has determined that the within services are non-competitive and cannot be secured from any source other than Siemens Industry, Inc. Therefore, the Director of Port Control is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period not to exceed two years, with two one-year options to renew, the first of which requires additional legislative authority, of the necessary items of labor and materials necessary to maintain, repair, and expand the existing Apogee building automation system, which includes, but is not limited to, interior and exterior lighting systems, HVAC control and alarming for mechanical equipment and lighting controls, boilers, chillers, cooling towers, pumps, and air handlers, for the Division of Cleveland Hopkins International Airport, Department of Port Control. The first of the one-year options to renew may not be exercised without additional legislative authority. If such additional legislative authority is granted and the first of the one-year options to renew is exercised, then the second of the one-year options to renew may be exercisable at the option of the Director of Port Control, without the necessity of obtaining additional authority of this Council.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance. (RQN 3001, RL 2014-12)

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 Port Control, Finance, Law; Committees on Transportation, Finance.

Ord. No. 561-14.

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

An emergency ordinance authorizing the Director of Port Control to enter into a Multi-Phased Option to Lease Agreement and resulting Lease Agreements with to-be-formed limited liability companies, for property commonly known as the Harbor West Docks, and three sites at North Coast Harbor for future development.

Whereas, the City of Cleveland owns certain specific development sites at North Coast Harbor that for the purpose of this ordinance shall be referred to as Site A- the Voinovich parking lot off of East Ninth Street Pier, Site B- the Skate Park area north of the Rock and Roll Hall of Fame Museum ("RRHF"), Site C- the Grass and Steps located between the Great Lakes Science Center ("GLSC") and the RRHF, plus certain development sites north of First Energy Stadium consisting of Site D- Dock 32, Site E- Dock 30 and Site F - Dock 28B, totaling approximately 21 acres of real property ("Project Site"); and

Whereas, a to-be-formed Delaware limited liability company owned by CUMBERLAND LAKEFRONT, LLC, an Ohio limited liability company ("Cumberland") and HIGH STREET CLEVELAND LAKEFRONT, INC., a Delaware corporation wholly owned by TRAMMELL CROW COMPANY, LLC, a Delaware limited liability company ("TCC"), and together with the Cumberland, "Developer") would like to enter into a Multi-Phased Option to Lease Agreement ("Option Agreement") with the City in order for Developer to market the Project Site for future development; and

Whereas, Developer's plan envisions approximately 1,000 residential apartments, 80,000 square feet of commercial office space, and 40,000 square feet of retail and restaurant space ("Project") and has multiple end-users interested in locating their respective businesses to the Project Site; and

Whereas, Developer's plan further envisions the creation of a walkable neighborhood served by public parks and trails and the addition of water-based recreational facilities accessible throughout the year to the general public; and

Whereas, Developer's plan will advance the City of Cleveland's goals as set forth in the Cleveland Downtown Lakefront Development Plan adopted April 20, 2012 by the Cleveland City Planning Commission; and

Whereas, Developer proposes to undertake this Project at the Project Site in the following Phases:

Phase I:

Site A (Voinovich Parking Lot, approximately 1 acre)

Development may include restaurant and public restrooms. Building height may be one or two stories.

Site B (Skate Park, approximately 1/2 acre)

Development may include restaurant and general retail. Building height may be two or three stories.

Site C (Parcel between RRHF and GLSC, approximately 1 acre)

Development may include restaurants, general retail and possible hotel.

Site D (Dock 32, approximately 6 acres)

Development may include approximately 250 residential units, 80,000 sf of office space, parking, restaurants, and general retail.

Phase II:

Site E (Dock 30, approximately 6 acres)

Development may include approximately 400 residential units, office, general retail and parking.

Phase III:

Site F (Dock 28, approximately 6 acres)

Development may include approximately 400 residential units, office, general retail and parking; and

Whereas, each identified Phase of the Project will be subject to a separate Lease Agreement between the City and separate to-be-formed Delaware limited liability companies controlled by Developer, each of which will be executed pursuant to the terms and conditions contained in the Option Agreement; and

Whereas, the recommendation to select Developer was the result of a thorough and open competitive process; 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. notwithstanding and as an exception to the provisions of Chapters 181 (Purchases and Supplies) and 183 (Real Estate Transactions) of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Port Control is authorized to enter into the Option Agreement and related Lease Agreements with Developer for the Project Site as illustrated by the map placed in File No. 561-14-A. A copy of the approved legal description will be placed in the file when it is obtained.

Section 2. That following the date the Option Agreement is fully executed ("Effective Date"), the Developer shall have the right to exercise its option to lease each Phase of the Project pursuant to the Option Agreement as follows:

Phase I: Developer shall have the option to lease Sites A-D for a period of one (1) year following the Effective Date.

Phase II: Developer shall have the option to lease Site E for a period of three (3) years following the Effective Date.

Phase III: Developer shall have the option to lease Site F for a period of four (4) years following the Effective Date.

In the event the Developer has properly exercised an option to lease a Phase of the Project pursuant to the Option Agreement and is diligently working toward completion of the development of that Phase, then, the date for exercise of the option to lease for other Phases of the Project may be extended for an additional period of one (1) year, exercisable by the Director of Port Control.

Section 3. That, as consideration for the Option Agreement, Developer is willing to invest in preliminary designs, architectural plans, site condition reports, utility analysis, hotel and residential feasibility studies, Phase I environmental survey, soil borings, geotechnical testing, and title searches and surveys of the Project Site with an estimated cost to Developer of \$784,000.

As further consideration for the Option Agreement, Developer shall provide the Director of Port Control with either copies or co-ownership rights as requested, to all environmental, survey, title and other site condition reports procured with regard to the Project Site.

Section 4. That upon securing one or more financing proposals, Developer may exercise its option to lease for a particular Phase of the Project, retaining any options for the remaining Phases within the Project. Upon exercise by Developer of its option to lease a particular Phase of the Project, the Director of Port Control is authorized to enter into a Lease Agreement for that Phase of the Project.

Section 5. That the Option Agreement and related Lease Agreements shall contain the primary terms and conditions found in the Legislative Summary and placed in the above-mentioned file, and made a part of this Ordinance as if fully rewritten, which terms and conditions are approved in all respects.

Section 6. That the Option Agreement and related Lease Agreements shall be prepared by the Director of Law, and approved by the Director of Port Control and Board of Control.

Section 7. That the Director of Port Control, the Director of Law, and other appropriate City officials are authorized to execute the Option Agreement and any other documents, instruments and certificates, and take any other actions which may be necessary or appropriate to effect the Option Agreement and related Lease Agreements authorized by this Ordinance and are authorized to sign and deliver and accept delivery of such documents, instruments and certificates as shall be necessary or appropriate to consummate the transactions authorized by this Ordinance.

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

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

**Ord. No. 562-14,
By Council Members Keane and Kelley (by departmental request).**

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide technical support and maintenance of core information technology activities, and other related services, for a period of one year, with three one-year options to renew, the second of which requires additional legislative authority.

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

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

Section 1. That the Director of Port Control is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to provide technical support and maintenance of core information technology activities, and other related services, for a period of one year, with three one-year options to renew, the second of which requires additional legislative authority. The first of the one-

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

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

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 106, 60 SF 141, and from the fund or subfunds to which are credited the proceeds of any grants received and passenger facility charges, if authorized for this purpose, Request No. RQS 3001, RL 2014-28.

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 Port Control, Finance, Law; Committee on Transportation, Finance.

**Ord. No. 563-14,
By Council Members K. Johnson and Kelley (by departmental request).**

An emergency ordinance authorizing the Director of Capital Projects to employ one or more professional consultants to provide construction inspections, tree and tree root evaluations, assessments, and other related services under the Citywide Tree Damaged Sidewalk Program; determining the method of making the public improvement of removing and replacing sidewalk panels damaged by tree roots and implementing recommendations of the consultants regarding tree and tree root removal; authorizing the Director to enter into one or more public improvement contracts to implement the program; and authorizing the Director to apply for and accept grants or gifts from various entities for this 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 Capital Projects is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff

of the several departments of the City of Cleveland in order to provide professional services necessary for construction inspection services, and other related services under the Citywide Tree Damaged Sidewalk Program.

Section 2. That the Director of Capital Projects is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary for tree and tree root evaluations, assessments, and other related services under the Citywide Tree Damaged Sidewalk Program.

Section 3. The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Capital Projects from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Capital Projects for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Capital Projects, and certified by the Director of Finance.

Section 4. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of removing and replacing sidewalk panels damaged by tree roots and implementing recommendations of the consultants regarding tree and tree root removal; authorizing the Director to enter into one or more public improvement contracts to implement the program, for the Department of Capital Projects, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Improvement.

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

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

Section 7. That the Director of Capital Projects is authorized to apply for and accept grants or gifts from various public or private entities to implement this ordinance; the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in this ordinance.

Section 8. That the cost of the contracts and other expenditures authorized shall be paid from Fund Nos. 20 SF 394, 20 SF 510, 20 SF 520, 20 SF 534, 20 SF 540, 20 SF 546, 20 SF 554, and from the fund or funds from which are credited any grants or gifts received

under this ordinance, Request No. RQS 0103, RL 2014-43.

Section 9. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 567-14.

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

An emergency ordinance to amend Section 523.21 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 216-12, passed April 16, 2012, relating to the energy adjustment charge; and to enact new Section 523.196 of the Codified Ordinances relating to electric service agreements with commercial customers.

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 rates, rules, and regulations of the Division of Cleveland Public Power, Department of Public Utilities, for electrical service, fixed by the Board of Control by Resolution No. _____, adopted _____, are approved.

Section 2. That Section 523.21 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 216-12, passed April 16, 2012, is amended to read as follows:

Section 523.21 Energy Adjustment Charge

(a) An additional incremental charge for excess fuel and power production and purchase power costs may be applied to the rates prescribed in Sections 523.02 to 523.065 and any other rate schedule as may be adopted by the City.

(b) The incremental charge shall be based on the fuel and purchase power cost per kilowatt hour delivered calculated under divisions (c)(1) and (c)(2) of this section.

(c) (1) The fuel and purchase power cost per kilowatt hour sold to residential ratepayers shall be determined by dividing the sum of the cost of the kilowatt hours purchased from the Power Authority of the State of New York and the average cost of kilowatt hours purchased from other sources needed to supply the residential customers by the total kilowatt hours distributed to residential customers. The incremental charge calculated herein shall be adjusted by subtracting fifteen (15) mils per kilowatt hour for residential customers who provide the Division of Cleveland Public Power with a certificate of reduction of taxes obtained pursuant to the Homestead Exemption provisions of Sections 323.151 through 323.157 of the Revised Code, and nine and three-quarters (9.75) mils per kilowatt hour for all other residential customers.

(2) Except as provided in Section 523.048, the fuel and purchase power cost per kilowatt hour sold to all ratepayers, other than residential

ratepayers, during the twelve (12) months of the year, shall be determined by dividing the sum of the total cost of coal, oil, gas and purchase power by the total kilowatt hours distributed, except that the computation shall exclude the cost of PASNY power and the amount of PASNY power allocable to kilowatt hours distributed, and shall exclude the costs of all purchase power and kilowatt hours from a specific source or sources purchased by the Division for distribution to ratepayers pursuant to Sections 523.048 and 523.049. The incremental charge calculated herein shall be adjusted by subtracting three (3.0) mils per kilowatt hour.

(d) At the end of each month, the Division of Cleveland Public Power shall determine the actual fuel and power costs during such month as herein provided and may adjust the additional incremental charge for future months to defer or over-recover the total cost of power in order to stabilize customer bills.

Section 3. That existing Section 523.21 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 216-12, passed April 16, 2012, is repealed.

Section 4. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 523.196 to read as follows:

Section 523.196 Electric Service Agreements with Commercial Customers

Notwithstanding any other provision of this chapter, the Commissioner of Cleveland Public Power is authorized to enter into electric service agreements with commercial customers whose peak demand is or will be equal to or in excess of one hundred fifty (150) kilowatts that provide for the adjustment of the commercial customer's rates and other charges under the following terms and conditions:

(a) The Division of Cleveland Public Power must recover not less than the incremental cost to provide service to the commercial customer as computed by the Division of Cleveland Public Power;

(b) The adjusted rates and other charges may not exceed the rates and charges in the otherwise applicable rate schedule in this chapter;

(c) The adjustment must be made at a level to retain net margins and so that the resulting rates and charges in combination with service levels and length of contract provide competitive terms; and

(d) The necessity for the adjustment of rates and other charges must be based on uniform criteria determined by the Commissioner and approved by the Director of Public Utilities, including, if applicable, that a commercial customer's existing contract is approaching expiration; a bona fide offer has been made to a commercial customer from an electric competitor of the Division of Cleveland Public Power; the agreement generates a positive contribution margin in excess of that which would be obtained by not entering into the agreement; the agreement is necessary to protect Cleveland Public Power's service area, customer base and revenue stream; the commercial customer's load profile provides a beneficial contribution to Cleveland Public Power's load profile; and that similarly situated commercial customers receive similar adjustments.

All electric service agreements entered under this section shall have a term of at least five years and shall be valid and enforceable at law.

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

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

Ord. No. 568-14.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts for the transfer and disposal of solid waste, for the Division of Waste Collection and Disposal, Department of Public Works, for a term of five years, with five one-year options to renew, exercisable by the Director of Public Works.

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 make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a term of five years, with five one-year options to renew, exercisable by the Director of Public Works, for the necessary items of the transfer and disposal of solid waste, and the provision, as the Board of Control shall determine, of the necessary landfill, transfer station and/or materials recovery facility requirements, in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Waste Collection and Disposal, Department of Public Works. Bids shall be taken in a manner that permits an award to be made for all items of services 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.

Bids shall also be taken so as to permit an award to be made for provision of such services citywide or by separate contracts for the districts determined by the Director of Public Works.

Section 2. That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Public Works may require that each bid be accompanied by a single bond securing both the execution of a contract and the performance of the term of each contract. If a single bond securing both execution and performance is required by the Director, it shall be substantially in accordance with the form attached as Exhibit "A". Each bond, whether to secure the execution of a contract, its performance, or both, shall be in an amount determined by

the Director of Public Works. Each bond submitted to secure the contract or contracts authorized by this ordinance shall be executed by a surety authorized to do business in the State of Ohio and shall be acceptable to the Director of Law.

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 Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance. (RQN)

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

Section 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.

BID GUARANTY AND CONTRACT BOND

KNOW ALL MEN BY THESE PRESENTS, that we the _____

(Name and Address) as Principal and _____

(Name of Surety) as Surety are hereby held and firmly bound unto the City of Cleveland, hereinafter called the Obligee, in the penal sum hereinafter stated, pertaining to the bid submitted by the Principal to the Obligee on _____ (date) to undertake the project known _____

The penal sum referred to herein shall be _____

_____. For the payment of the penal sum well and truly to be made, we hereby jointly and severally bind ourselves, our heirs, executors, administrators, successors, and assigns.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that whereas the above named Principal has submitted a bid on the above referred project;

NOW, THEREFORE, if the Obligee accepts the bid of the Principal and the Principal fails to enter into a proper contract in accordance with the bid, plans, details, specifications, and bills of material; and in the event the Principal pays to the Obligee the difference not to exceed ten percent of the penalty hereof between the amount specified in the bid and such larger amount for which the Obligee may in good faith contract with the next lowest and best bidder to perform the work covered by the bid; or in the event the Obligee does not award the contract to the next lowest and best bidder and resubmits the project for bidding, the Principal will

pay the Obligee the difference not to exceed ten percent of the penalty hereof between the amount specified in the bid, or the costs in connection with the resubmission, of printing new contract documents, required advertising, and printing and mailing notices to prospective bidders, whichever is less, then this obligation shall be void, otherwise to remain in full force and effect. If the Obligee accepts the bid of the Principal and the Principal within ten days after the awarding of the contract and submitting to the Principal a contract for execution, enters into a proper contract in accordance with the bid, plans, details, specifications, and bills of material, which said contract is made a part of this bond the same as though set forth herein; and

IF THE SAID Principal shall well and faithfully perform each and every condition of such contract; and indemnify the Obligee against all damage suffered by failure to perform such contract according to the provisions thereof and in accordance with the plans, details, specifications, and bills of material thereof; and shall pay all lawful claims of subcontractors, materialmen, and laborers for labor performed and materials furnished in the carrying forward, performing, or completing said contract; we agreeing and assenting that this undertaking shall be for the benefit of any materialman or laborer having a just claim as well as for the Obligee herein; then this obligation shall be void; otherwise the same shall remain in full force and effect; it being expressly understood and agreed that the liability of the Surety for any and all claims hereunder shall in no event exceed the penal amount of this obligation as herein stated.

THE SAID Surety hereby stipulates and agrees that no modifications, omissions, or additions, in or to the terms of said contract or in or to the plans and specifications therefor shall in any wise affect the obligations of said Surety on this bond, and it does hereby waive notice of any such modifications, omissions or additions to the terms of the contract or to the work or to the specifications.

SIGNED AND SEALED this _____ day of _____, 20____.

PRINCIPAL: _____ SURETY: _____

BY: _____ BY: _____ Attorney-in-Fact

TITLE: _____

SURETY COMPANY ADDRESS: _____

Street _____

City State ZIP _____

SURETY AGENT'S ADDRESS: _____

Agency Name _____

Street _____

City State ZIP _____

"Exhibit A"

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

Ord. No. 572-14. By Council Member Kelley (by departmental request).

An emergency ordinance authorizing the issuance of bonds by the City for the purpose of refunding a portion of the City's currently outstanding Public Power System Revenue Bonds for restructuring; authorizing hedge agreements; authorizing a supplemental indenture and certain other documents related thereto; and authorizing and approving related matters.

Whereas, the City of Cleveland, Ohio (the "City"), a municipal corporation and political subdivision in and of the State of Ohio, is authorized and empowered pursuant to Article XVIII of the Constitution of the State of Ohio and the Charter of the City, among other things: (a) to own and operate the public utility hereinafter defined and referred to as "Cleveland Public Power"; (b) to make, from time to time, such additions, extensions, improvements, replacements and alterations to Cleveland Public Power as it may deem advisable; (c) to borrow money for the purpose of providing funds for such additions, extensions, improvements, replacements and alterations and to refund obligations issued for such purpose; (d) to issue its bonds and notes in anticipation thereof, in evidence of money borrowed for such purpose in the manner and on the terms set forth in the Indenture, as hereinafter defined, and to issue Series 2014 Refunding Bonds to refund, in advance or otherwise, such bonds or notes; and (e) to secure any bonds, or notes issued in anticipation thereof, by a pledge of and lien on the Net Revenues, as hereinafter defined, of Cleveland Public Power; and

Whereas, by and pursuant to Ordinance No. 1516-91, duly passed on July 24, 1991 (the "Original Bond Legislation"), this Council authorized the issuance of Public Power System Improvement First Mortgage Revenue Bonds, dated September 1, 1991 in the aggregate principal amount of \$66,930,000 consisting of Series 1991A Bonds in the aggregate amount of \$13,895,000 for the purposes of paying Capital Costs and Series 1991B Bonds in the aggregate amount of \$53,035,000 for the purpose of refunding all of the outstanding revenue bonds that had previously been issued for Cleveland Public Power (collectively herein the "Series 1991 Bonds"), all as defined in the Original Bond Legislation; and

Whereas, the Series 1991 Bonds were issued under and secured on a parity with any Additional Bonds by a Trust Indenture, dated as of September 1, 1991 (the "Original Indenture"), between the City and Star Bank, N.A., Cincinnati, Ohio, as Trustee, now known as U.S. Bank National Association (the "Trustee"); and

Whereas, the Original Bond Legislation provides, in Section 12 thereof, that the City may issue Additional Bonds on a parity with the Series 1991 Bonds for certain purposes including the payment of Capital Costs and the refunding of obligations issued for that purpose; and

Whereas, pursuant to Ordinance No. 1133-93, duly passed on June 7, 1993,

this Council authorized the issuance of Additional Bonds, entitled Public Power System First Mortgage Revenue Bonds, Series 1994A (the "Series 1994A Bonds"), in the aggregate principal amount of \$179,775,000, for the purpose of providing funds for Capital Costs and to refund notes issued for such purpose; and

Whereas, pursuant to Ordinance No. 55-94, duly passed on June 6, 1994, this Council authorized the issuance of Additional Bonds, entitled Public Power System First Mortgage Revenue Bonds, Series 1994B (the "Series 1994B Bonds") in the aggregate principal amount of \$39,330,000, for the purpose of providing funds for the payment of a judgment involving the City and Cleveland Public Power and to refund notes issued for such purposes (the Series 1994A Bonds and the Series 1994B Bonds are hereinafter collectively referred to as the "Series 1994 Bonds"); and

Whereas, pursuant to Ordinance No. 1003-95, duly passed on June 19, 1995, this Council authorized the issuance of Additional Bonds entitled Public Power System First Mortgage Revenue Bonds, Series 1996, Sub-Series 1 (the "Series 1996 Bonds") in the aggregate principal amount of \$123,720,000, for the purpose of providing funds for the refunding of a portion of the Series 1994A Bonds; and

Whereas, pursuant to Ordinance No. 816-98, duly passed on June 8, 1998, this Council authorized the issuance of Additional Bonds entitled Public Power System Revenue Bonds, Series 1998 (the "Series 1998 Bonds") in the aggregate principal amount of \$44,840,000, for the purpose of providing funds for the refunding of a portion of the Series 1991 Bonds and a portion of the Series 1994A Bonds; and

Whereas, further pursuant to Ordinance No. 816-98, this Council authorized the issuance of Additional Bonds entitled Public Power System Refunding Revenue Bonds, Series 2001 (the "Series 2001 Bonds") in the aggregate principal amount of \$41,925,000, for the purpose of providing funds for the current refunding of a portion of the Series 1991 Bonds; and

Whereas, pursuant to Ordinance No. 290-06, duly passed on March 20, 2006, this Council authorized the issuance of Additional Bonds entitled Public Power System Refunding Revenue Bonds, Series 2006A-1 (the "Series 2006A-1 Bonds") in the aggregate principal amount of \$95,265,000, for the purpose of providing funds for the current refunding of a portion of the Series 1996 Bonds; and

Whereas, further pursuant to Ordinance No. 290-06, this Council authorized the issuance of Additional Bonds entitled Public Power System Refunding Revenue Bonds, Series 2006A-2 (the "Series 2006A-2 Bonds") in the aggregate principal amount of \$12,295,000, for the purpose of providing funds for the advance refunding of a portion of the Series 1994A Bonds; and

Whereas, further pursuant to Ordinance No. 290-06, this Council authorized the issuance of Additional Bonds entitled Public Power System Refunding Revenue Bonds, Series 2006B (the "Series 2006B Bonds") in the aggregate principal amount of \$20,325,000, for the purpose of providing funds for the current refunding of a portion of the Series 1996 Bonds (the Series 2006A-1 Bonds, the Series 2006A-2 Bonds and the Series 2006B

Bonds are hereinafter collectively referred to as the "Series 2006 Bonds"); and

Whereas, further pursuant to Ordinance No. 290-06, the City entered into the Amended and Restated Trust Indenture (Sixth Supplemental Indenture), dated as of August 17, 2006, amending, supplementing, restating and superseding the Original Indenture as previously amended and supplemented; and

Whereas, pursuant to Ordinance No. 64-08, this Council authorized the issuance of Additional Bonds entitled Public Power System Refunding Revenue Bonds, Series 2008A (the "Series 2008A Bonds") in the aggregate principal amount of \$21,105,000, for the purpose of providing funds for the current refunding of a portion of the Series 2006B Bonds; and

Whereas, pursuant to Ordinance No. 63-08, this Council authorized the issuance of Additional Bonds entitled Public Power System Revenue Bonds, Series 2008B (the "Series 2008B Bonds") in the aggregate principal amount of \$72,607,880.25, for the purpose of providing funds for Capital Costs; and

Whereas, pursuant to Ordinance No. 895-10, this Council amended Ordinance No. 64-08 and authorized the issuance of Additional Bonds entitled Public Power System Refunding Revenue Bonds, Series 2010 (the "Series 2010 Bonds") in the aggregate principal amount of \$23,915,000, for the purpose of providing funds for the current refunding of all of the Series 1998 Bonds; and

Whereas, further pursuant to Ordinance No. 895-10, this Council authorized the issuance of Additional Bonds entitled Public Power System Refunding Revenue Bonds, Series 2012 (the "Series 2012 Bonds") in the aggregate principal amount of \$15,325,000, for the purpose of providing funds for the current refunding of all of the Series 2001 Bonds; and

Whereas, this Council has determined that the City may achieve further benefits by refunding certain Outstanding Bonds through the issuance and sale of Additional Bonds ("Series 2014 Refunding Bonds") and thereby restructuring the Outstanding Bonds to better serve the purposes of Cleveland Public Power and its customers and the process for achieving those benefits may evolve over a period of several years; and

Whereas, this Ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department and providing for the immediate preservation of the public peace, property, health or safety in that authorizing the Series 2014 Refunding Bonds to refund Outstanding Bonds is necessary to enable Cleveland Public Power to take advantage of favorable market conditions on a timely basis to achieve a desirable debt restructuring; now, therefore,

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

Section 1. Definitions. In addition to the words and terms defined in the Amended and Restated Indenture as previously amended and supplemented, which shall have the same meaning herein as therein unless otherwise defined herein or unless the context or use otherwise indicates, the following words and terms as used in this Ordinance, the Indenture and the

Series 2014 Refunding Bonds (each as hereinafter defined) shall have the following meanings unless the context or use otherwise indicates. Words importing the singular number shall include the plural number, and vice versa, and the terms "hereof," "herein," "hereby," "hereto," and "hereunder" and similar terms refer to this Series 2014 Refunding Bond Legislation and the Indenture, unless the context otherwise indicates. The use of 2014 in the definition of the Bonds, Bond Legislation, Certificate of Award and other defined terms shall not be construed to require the issuance of the Series 2014 Refunding Bonds of any series in calendar year 2014. The Director of Finance shall replace 2014 with the calendar year in which the bonds are actually issued and may make further designations in nomenclature as may be appropriate.

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

"Credit Support Instrument" means an insurance policy, surety, letter of credit, standby bond purchase agreement or other credit enhancement, support or liquidity device used to enhance the security or liquidity of any Series 2014 Refunding Bonds or any Hedge Agreements in accordance with the Indenture.

"Financial Advisor" means any financial advisory firm or firms retained by the Director of Finance of the City, from time to time, in connection with the Series 2014 Refunding Bonds or any Hedge Agreement.

"Hedge Agreement" has the meaning given in Section 4 of this Series 2014 Refunding Bond Legislation.

"Indenture" means the Amended and Restated Indenture as amended and supplemented by the Seventh Supplemental Indenture, the Eighth Supplemental Indenture, the Ninth Supplemental Indenture, the Tenth Supplemental Indenture, the Eleventh Supplemental Indenture and the Twelfth Supplemental Indenture, as the same may be further supplemented, amended or modified from time to time in accordance with the provisions thereof.

"Outstanding Bonds" as used in this Ordinance, means Additional Bonds issued and outstanding, from time to time, under the Indenture. On the date of introduction of this Ordinance, the Outstanding Bonds (and the respective principal amounts then currently outstanding including the original principal amount of any outstanding Capital Appreciation Bonds) consisted of the following series of Public Power System Revenue Bonds: Series 2006A (\$107,560,000), Series 2008A (\$21,105,000), Series 2008B (\$70,757,880.25), Series 2010 (\$23,470,000), and Series 2012 (\$9,510,000).

"Refunded Bonds" means those Outstanding Bonds designated in the Series 2014 Refunding Certificate of Award to be refunded from proceeds of the Series 2014 Refunding Bonds.

"Series 2014 Refunding Bond Legislation" means this Ordinance, constituting part of the Twelfth Supplemental Indenture.

"Series 2014 Refunding Bond Purchase Agreement" means one or more Bond Purchase Agreements between the City and the Original Purchaser of the Series 2014 Refunding Bonds, authorized in Section 6 hereof.

"Series 2014 Refunding Certificate of Award" means the one or more certificates authorized pursuant to Section 6 hereof.

"Series 2014 Escrow Agent" means the Trustee, acting as escrow agent under the Series 2014 Escrow Agreement with respect to the Refunded Bonds.

"Series 2014 Escrow Agreement" means the escrow agreement (which may consist of multiple escrow agreements with appropriate distinguishing definitions if the Series 2014 Refunding Bonds are issued in more than one series) between the City and the Series 2014 Escrow Agent authorized pursuant to Section 7 hereof.

"Series 2014 Escrow Fund" means the escrow fund established in the Series 2014 Escrow Agreement.

"Series 2014 Refunding Bonds" means the City's Public Power System Refunding Revenue Bonds Series 2014 authorized pursuant to Section 3 hereof.

"Taxable Bonds" means any Series 2014 Refunding Bonds the interest on which is included in gross income for federal income tax purposes.

"Tax-Exempt Bonds" means Series 2014 Refunding Bonds bearing interest excluded from gross income for federal income tax purposes.

"Twelfth Supplemental Indenture" means the Twelfth Supplemental Indenture (which may consist of more than one Supplemental Indenture with appropriate distinguishing designations if the Series 2014 Bonds are issued in more than one series), provided for in Section 8 hereof between the City and the Trustee, including this Series 2014 Refunding Bond Legislation as part thereof, as the same may be duly supplemented, amended or modified from time to time in accordance with the provisions hereof.

Section 2. Authority. This Series 2014 Refunding Bond Legislation is adopted pursuant to Sections 3, 4 and 12 of Article XVIII of the Constitution of the State, and the City's Charter.

Section 3. Authorization of Series 2014 Refunding Bonds. This Council finds and determines it is necessary and proper and in the best interest of the City to authorize the issuance of the Series 2014 Refunding Bonds for the purpose of refunding one or more series of the Outstanding Bonds, or designated maturities thereof, for the purpose of restructuring the debt service on Outstanding Bonds in a manner that the Director of Finance determines, based on the written advice of a Financial Advisor, to serve the City's best interests. The Series 2014 Refunding Bonds may be issued in one or more separate series so long as the one or more series issued in the aggregate meet the requirements of the preceding sentence. The principal amount of each series of Series 2014 Refunding Bonds is to be the amount set forth in the Series 2014 Refunding Certificate of Award authorized in Section 6 and shall be the amount determined by the Director of Finance, based on the written advice of a Financial Advisor, to be necessary (i) to refund the Refunded

Bonds, (ii) to fund any deposit to the Bond Service Reserve Fund or the Renewal and Replacement Fund required under the Indenture, (iv) to pay costs of any Credit Support Instruments, (v) to pay identified amounts owed under any Hedge Agreements, and (vi) to pay costs of issuing the Series 2014 Refunding Bonds and refunding the Refunded Bonds. The proceeds from the sale of each series of Series 2014 Refunding Bonds shall be allocated, deposited and applied as provided in Section 7 of this Ordinance.

The Series 2014 Refunding Bonds may be issued in one or more separate series, each bearing a distinctive designation, provided that the Series 2014 Refunding Bonds of each series satisfy the requirements of this Series 2014 Refunding Bond Legislation and the Indenture. Separate series of Series 2014 Refunding Bonds may be issued at the same or different times. The Series 2014 Refunding Bonds of each series shall be designated as provided in the applicable Certificate of Award (including replacing references to 2014 to the calendar year in which the obligations are issued). A separate Certificate of Award and a separate Supplemental Indenture may be delivered for each series. Costs of issuance of the Series 2014 Refunding Bonds and any required deposit to the Bond Service Reserve Fund attributable to the Series 2014 Refunding Bonds shall, in each case, be included in the costs funded from the proceeds of the Series 2014 Refunding Bonds. The Series 2014 Refunding Bonds shall constitute Bonds for all purposes of the Indenture.

This Council finds and determines that the issuance of the Series 2014 Refunding Bonds to restructure Outstanding Bonds serves a proper, public, municipal purpose by reducing the cost at which Cleveland Public Power can provide electric power.

Section 4. Authorization of Hedging Arrangements. This Council finds that by engaging in interest rate hedging arrangements from time to time, the City may reduce its cost of borrowing by optimizing the relative amounts of fixed and variable rate obligations and minimizing the risk of variations in its debt service costs. Certain types of hedging arrangements (referred to in this Series 2014 Refunding Bond Legislation as "swaptions") may enable the City to obtain savings prior to the issuance of Series 2014 Refunding Bonds by providing for an upfront payment to the City by a financial institution or other organization that is the counterparty to the hedge arrangement in consideration of the City's giving the counterparty the option to make effective at a future date an interest rate exchange transaction with the City. To permit the City to have the flexibility to undertake interest rate swap, swaption, rate cap, rate collar and other hedging transactions from time to time, and to establish the procedures for approving those transactions, this Council authorizes the signing and delivery of one or more agreements (each, a "Hedge Agreement") and any related agreements necessary for the consummation of the transactions contemplated by each Hedge Agreement. The authorizations in this Section are supplemental to and not in derogation of any authority provided by any other ordinance of this Council concerning

hedging arrangements, and are all subject to the requirements and restrictions of the Indenture.

Upon the determination of the Director of Finance, based on the written advice of a Financial Advisor, that it is to the financial advantage of the City and in the City's best interests that a hedging arrangement be undertaken by the City with respect to any Bonds issued or to be issued under the Indenture, the Director of Finance may authorize one or more interest rate hedge transactions in accordance with the applicable Hedge Agreement; provided that (a) the counterparty shall be rated at the time of signing the Hedge Agreement not lower than A+ or A1 by at least one rating agency or its obligations under the Hedge Agreement shall be guaranteed or insured by an entity rated at the time of signing the Hedge Agreement not lower than A+ or A1 by at least one rating agency, and (b) the term of each hedge transaction shall not exceed the final maturity of the Bonds to which the hedge relates or (in the case of an option) will relate. The requirements of this paragraph are in addition to, and not in place or in derogation of, any other applicable requirements of the Indenture.

The Director of Finance shall negotiate the terms of each Hedge Agreement with a counterparty satisfying the credit criteria in this Series 2014 Refunding Bond Legislation and the Indenture. The City shall receive a written opinion of a Financial Advisor that the upfront payment or the periodic payments, as the case may be, to be made by the counterparty to the City, or by the City to the counterparty, shall be fair value for the Hedge Agreement, given the credit of the counterparty and the terms and conditions of the Hedge Agreement. The Director of Finance shall determine the terms and conditions of the Hedge Agreement, including without limitation, the time or times and procedures for the exercise by the counterparty or the City, as the case may be, of its option under the Hedge Agreement, whether the obligations of the City under the Hedge Agreement shall be secured by a Credit Support Instrument, and the rates to be paid by the counterparty to the City and by the City to the counterparty under the Hedge Agreement in the event of the exercise of the option. The approval of each interest rate hedge transaction by the Director of Finance shall be conclusively evidenced by the signing and delivery of the applicable Hedge Agreement by the Director of Finance.

The City's obligations under any Hedge Agreement shall be payable from the Net Revenues and the Pledged Funds as permitted by the Indenture, and may be payable also from other funds permitted by law to be used for the purpose, as identified by the Director of Finance in the Hedge Agreement. Those payments may be secured by a pledge of the Net Revenues and the Pledged Funds to the extent permitted by the Indenture, all as determined by the Director of Finance and set forth in the Hedge Agreement. The obligation of the City to make payments under any Hedge Agreement does not and shall not represent or constitute a general obligation, debt, bonded indebtedness or a pledge of the faith and credit of the City or the State of Ohio. Nothing

gives any party to any Hedge Agreement the right to have excises, ad valorem or other taxes levied by the City or the State of Ohio for the payment of any amounts due under any Hedge Agreement.

Section 5. Terms of Series 2014 Refunding Bonds. The Series 2014 Refunding Bonds shall contain the terms provided in or determined pursuant to, the Indenture, this Series 2014 Refunding Bond Legislation, the Series 2014 Refunding Certificate of Award and the Twelfth Supplemental Indenture. Each series of Series 2014 Refunding Bonds may be secured by a separate Supplemental Indenture, or a single Supplemental Indenture may secure more than one series of Series 2014 Refunding Bonds, and the authorization in this Series 2014 Refunding Bond Legislation for the Twelfth Supplemental Indenture shall encompass the authorization for those one or more Supplemental Indentures, regardless of their designation.

(a) General. In the event that the Director of Finance, based on the written advice of a Financial Advisor, determines that the City's best interests will be served by causing a series of Series 2014 Refunding Bonds to be Variable Rate Bonds, then the Director of Finance is authorized to so specify in the Series 2014 Refunding Certificate of Award. If the Director of Finance so determines, then the method and procedure by which the variable rate of interest to be borne by the Series 2014 Refunding Bonds of that series shall be determined as provided in the Twelfth Supplemental Indenture, whether by reference to a market index, by a remarketing agent or otherwise, provided that no series of variable rate Series 2014 Refunding Bonds shall bear interest at a rate in excess of twenty-five percent (25%) per year (including any Series 2014 Refunding Bonds held by a provider of a Credit Support Instrument). The Director of Finance may determine that the terms of a variable rate series of Series 2014 Refunding Bonds may or may not permit the holders to tender their variable rate Series 2014 Refunding Bonds for purchase by the City. If the Director of Finance designates any series of Series 2014 Refunding Bonds as Variable Rate Bonds, and if the Holders of that series of Series 2014 Refunding Bonds are to be entitled to tender those Series 2014 Refunding Bonds for purchase, then the Director of Finance shall also designate for those variable rate Series 2014 Refunding Bonds (and may designate others, from time to time, in substitution therefor) the tender agent or agents and the remarketing agent or agents, which designations shall be based on the determination of the Director of Finance, based on the written advice of a Financial Advisor, that the parties so designated possess the requisite resources and experience to provide the services required of them and that the terms on which the designated parties have agreed to provide such services are fair and commercially reasonable. The Director of Finance is authorized to enter into agreements in connection with the delivery of the Series 2014 Refunding Bonds, and from time to time thereafter so long as the Series 2014 Refunding Bonds are outstanding, with providers of Credit Support Instruments, tender agents (which may be the Trustee), remarketing

agents (which may be any of the Original Purchasers) and others as may be determined by the Director of Finance to be necessary or appropriate to provide for the method of determining the variable interest rates, permitting holders the right of tender and providing for payment of the purchase price of, or debt service on, the variable rate Series 2014 Refunding Bonds.

The Director of Finance, in connection with the original issuance of any series of Series 2014 Refunding Bonds, and regardless of whether that series of Series 2014 Refunding Bonds bears interest at variable or fixed rates, is authorized to contract for a Credit Support Instrument, and to pay the costs of it from proceeds of the Series 2014 Refunding Bonds, if the Director determines, based on the written advice of a Financial Advisor, that the Credit Support Instrument will result in a savings in the cost of the financing to the City.

In the event that the Director of Finance, based on the written advice of a Financial Advisor, determines that the City's best interests will be served by causing a series of Series 2014 Refunding Bonds to be Capital Appreciation Bonds, then the Director of Finance is authorized to so specify in the Series 2014 Refunding Certificate of Award. If the Director of Finance so determines, then the authorizations and limitations in this Section 5 and Section 6 shall be interpreted and applied in a manner that the Director of Finance determines to be consistent with the character of Capital Appreciation Bonds.

(b) Form; Exchange and Transfer. All Series 2014 Refunding Bonds shall be issued in fully registered form. The Series 2014 Refunding Bonds initially shall be delivered only in book-entry form, shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository, and shall not be transferable or exchangeable (except for transfer to another Depository or its nominee) without further action by the City pursuant to the provisions of the Twelfth Supplemental Indenture. No Series 2014 Refunding Bonds shall be exchanged for or transferable into a coupon Revenue Bond or Bonds except to the extent that the Indenture permits such exchanges or transfers.

If any Depository determines not to continue to act as a Depository for the Series 2014 Refunding Bonds of any series for use in a book entry system, the Director of Finance and the Trustee may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance and the Trustee do not or are unable to do so, the Director of Finance and the Trustee, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Series 2014 Refunding Bonds of any series from the Depository, and authenticate and deliver registered Bond certificates to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of action or inaction of the City, of those persons requesting such issuance.

The Director of Finance is authorized to enter into any agreements determined by the Director to be necessary in connection with the book entry system for the Series 2014 Refunding Bonds, after determining that those agreements will not endanger the funds or securities of the City under the Indenture (as evidenced by the Director's signing of those agreements).

(c) Dates; Denominations. The Series 2014 Refunding Bonds of each series shall be dated as of the date or dates provided in the Series 2014 Refunding Certificate of Award for that series. The Series 2014 Refunding Bonds of each series shall be issued in the denominations permitted in the Twelfth Supplemental Indenture.

(d) Interest and Place of Payment. The Series 2014 Refunding Bonds of each series shall bear interest at their respective interest rates specified in the Series 2014 Refunding Certificate of Award (or, in the case of variable rate Series 2014 Refunding Bonds, determined pursuant to the Twelfth Supplemental Indenture) for that series. The Series 2014 Refunding Bonds of each series shall bear interest from the most recent date to which interest has been paid or duly provided for or, if no interest has been paid or duly provided for, from their date. The principal and any redemption premium and the interest payable on each series of Series 2014 Refunding Bonds shall be payable at the times, to the persons and in the manner set forth in, or referenced by, the Supplemental Indenture, including, without limitation, provisions thereof permitting special arrangements for payments to the Depository.

(e) Maturities. The Series 2014 Refunding Bonds of each series shall mature on the Principal Retirement Dates and in accordance with the Principal Retirement Schedule specified in the Series 2014 Refunding Certificate of Award, consistent with this Series 2014 Refunding Bond Legislation and the Indenture and subject to any provisions for their optional or mandatory redemption specified in the Series 2014 Refunding Certificate of Award pursuant to this Series 2014 Refunding Bond Legislation.

(f) Optional and Mandatory Redemption. The Series 2014 Refunding Bonds of each series may be subject to redemption prior to maturity at the option of the City, if and to the extent so provided in the Series 2014 Refunding Certificate of Award for that series. Any Series 2014 Refunding Bonds so determined to be subject to optional redemption and maturing by their stated terms after the earliest optional redemption date shall be subject to redemption at the option of the City on or after the earliest optional redemption date in whole or in part on any date at the redemption prices provided in the Series 2014 Refunding Certificate of Award and in accordance with the Indenture. The Series 2014 Refunding Bonds designated in the Series 2014 Certificate of Award as Term Bonds subject to mandatory sinking fund redemption shall be redeemed prior to maturity on each Mandatory Redemption Date designated in the Series 2014 Refunding Certificate of Award in the aggregate amount of the Mandatory Sinking Fund Installment to be paid on such Mandatory Redemption Date, all as provided in the Series 2014 Refunding

Certificate of Award and in accordance with the Indenture.

(g) **Signing.** The Series 2014 Refunding Bonds shall be signed by the Mayor and the Director of Finance, and approved as to form by the Director of Law. Any or all of the signatures of those officials may be facsimiles. The Series 2014 Refunding Bonds shall bear the corporate seal of the City or a facsimile thereof.

(h) **Numbering.** The Series 2014 Refunding Bonds shall be numbered as determined by the Director of Finance.

Section 6. Award and Sale of Series 2014 Refunding Bonds. The Director of Finance is authorized to sign and deliver a Series 2014 Refunding Certificate of Award for the Series 2014 Refunding Bonds. In the event the Series 2014 Refunding Bonds are issued in more than one series sold at different times, a separate Series 2014 Refunding Certificate of Award shall be signed and delivered for each separately delivered series. Each series of Series 2014 Refunding Bonds shall bear such designation as the Director of Finance determines to be appropriate (including, without limitation, changing 2014 to the year in which the series is issued). The sale of the Series 2014 Refunding Bonds shall be awarded to the firm or firms (collectively, the "Original Purchaser") identified in the Certificate of Award, following consultation with the Director of Public Utilities and the Director of Finance. Each Series 2014 Refunding Certificate of Award shall determine the following, based on the written advice of a Financial Advisor, consistent with this Series 2014 Refunding Bond Legislation and the Indenture:

(a) the aggregate principal amount of Series 2014 Refunding Bonds issued;

(b) the Purchase Price to be paid to the City by the Original Purchaser, which amount shall be not less than: (i) 97% of the amount determined by adding to the aggregate principal amount of the Series 2014 Refunding Bonds any aggregate original issue premium and subtracting from that amount any aggregate original issue discount, plus (ii) any accrued interest on the Series 2014 Refunding Bonds from their date to the date of their delivery to the Original Purchaser;

(c) whether any Series 2014 Refunding Bonds are to be subject to optional redemption prior to maturity, and, if so, the earliest optional redemption date for those Series 2014 Refunding Bonds that are subject to prior redemption, which shall be not later than ten years from the first interest payment date of the applicable series, and the applicable Optional Redemption Price, which shall be not greater than 102% of the principal amount redeemed;

(d) the Principal Retirement Dates, the Term Maturity Dates (if any), and the Mandatory Redemption Dates (if any) on which principal of the Series 2014 Refunding Bonds is to be paid, which shall be not later than thirty-one (31) years from their respective dates of issuance;

(e) whether the Series 2014 Refunding Bonds are Tax-Exempt Bonds or Taxable Bonds;

(f) the specified interest rates to be borne by Series 2014 Refunding Bonds bearing interest at a fixed rate, the weighted average of which shall not exceed seven percent (7%) as to

Series 2014 Refunding Bonds of any series that are Tax-Exempt Bonds, or nine percent (9%) as to Series 2014 Refunding Bonds of any series that are Taxable Bonds, or the method by which the interest rate is to be determined for Series 2014 Refunding Bonds bearing interest at variable rates, consistent with Section 6 (Series 2014 Refunding Bonds of the same series and same maturity may bear interest at different interest rates);

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

(h) the title and series designation for the Series 2014 Refunding Bonds;

(i) the amount, if any, of proceeds of the sale of the Series 2014 Refunding Bonds to be deposited in the Bond Service Reserve Fund in order to cause the balance therein to equal the Bond Reserve Requirement, if and to the extent required by the Amended and Restated Indenture, and any determination as to whether there shall be a special reserve fund for the Series 2014 Refunding Bonds of any series, separate from the common Bond Service Reserve Fund, or a Credit Facility from a Qualified Credit Facility Provider, or any other instrument in lieu of a funded reserve fund, all as may be permitted by the Indenture;

(j) the Paying Agent; and

(k) whether any Series 2014 Refunding Bonds are to be secured by or payable from a Credit Support Instrument.

It is determined that the terms of the Series 2014 Refunding Bonds as so determined and specified in the Series 2014 Refunding Certificate of Award within the limitations set forth in this Series 2014 Refunding Bond Legislation and as permitted or required by the Indenture will be in the best interest of the City and consistent with all legal requirements.

The Director of Finance is authorized to enter into one or more Series 2014 Refunding Bond Purchase Agreements with the Original Purchaser of Series 2014 Refunding Bonds setting forth the conditions for delivery of the Series 2014 Refunding Bonds that are consistent with this Series 2014 Refunding Bond Legislation, the Series 2014 Refunding Certificate of Award, and the Indenture and that are determined by the Director of Finance, based on the written advice of a Financial Advisor, to be customary for comparable revenue bonds issued by governmental entities, including, without limitation, representations as to the accuracy and completeness of information contained in the Official Statement of the City described in Section 11.

Section 7. Allocation of Purchase Price for the Series 2014 Refunding Bonds; Refunding of Refunded Bonds; Escrow Agreements. The net proceeds from the sale of the Series 2014 Refunding Bonds (consisting of the Purchase Price less bond insurance premiums and other costs of Credit Support Instruments) shall be received and receipted for by the Director of Finance or by the Trustee on the City's behalf and shall be allocated, deposited and credited as follows, all pursuant to and in accordance with the Indenture: (a) to the Interest Payment Account in the Bond Service Fund, that portion, if any, representing accrued interest on the Series 2014 Refunding Bonds from

their date to the date of their delivery; (b) to the Bond Service Reserve Fund, the amount, if any, necessary to cause the balance therein to equal the Bond Reserve Requirement; (c) to the Renewal and Replacement Fund, the amount, if any, necessary to cause the balance therein to equal the Renewal and Replacement Fund Required Balance; (d) to the Series 2014 Escrow Fund, the amount necessary to provide for the defeasance of the Refunded Bonds; (e) to the counterparty under any Hedge Agreement, any payment determined by the Director of Finance to be paid from the proceeds of the Refunding Bonds, including any termination payment in the event that the Director of Finance determines it is in the best interests of the City to terminate a Hedge Agreement relating to Outstanding Bonds; and (f) to an account to be created under the Indenture for the payment of costs of issuance, such amounts as are needed to pay costs of issuing the Series 2014 Refunding Bonds and refunding the Refunded Bonds. The proceeds from the sale of the Series 2014 Refunding Bonds are appropriated and shall be used for the purposes for which the Series 2014 Refunding Bonds are issued as provided in this Series 2014 Refunding Bond Legislation.

The Director of Finance is authorized to sign and deliver, in the name and on behalf of the City, a Series 2014 Escrow Agreement between the City and the Trustee, as Series 2014 Escrow Agent, providing for, among other matters: the investment and holding in escrow of the proceeds of the Series 2014 Refunding Bonds to be applied to the refunding of the Refunded Bonds; the application of the moneys derived from those investments to the payment of the Bond Service Charges on those Refunded Bonds; and the irrevocable call for redemption of the Refunded Bonds to be called for redemption prior to maturity. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Series 2014 Escrow Agreement from proceeds of the Series 2014 Refunding Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose. Provision shall be made in the Series 2014 Escrow Agreement to give the Trustee any written notice of redemption required under Article III of the Original Indenture. The Director of Finance, the Director of Public Utilities and other appropriate City officials shall sign all documents and take all other actions necessary or appropriate on the part of the City to effect such refunding in accordance with the Indenture and to cause the Refunded Bonds to be deemed paid and discharged, including without limitation, the retention of an independent firm of accountants to verify the mathematical accuracy of the calculations relating to the escrow.

Section 8. Twelfth Supplemental Indenture. In order to secure the payment of Bond Service Charges as and when due and payable, the Director of Finance and the Director of Public Utilities are hereby authorized, in the name and on behalf of the City, to make, execute, acknowledge and deliver to the Trustee, a Twelfth Supplemental Indenture, approved as to form and correctness by the Director

of Law, not inconsistent with this Series 2014 Refunding Bond Legislation, the Series 2014 Refunding Certificate of Award and the Indenture and not substantially adverse to the City as may be approved by the officers executing the same on behalf of the City. The determination by such officers that the Twelfth Supplemental Indenture is not substantially adverse to the City shall be conclusively evidenced by the execution of the Twelfth Supplemental Indenture by such officers. This Series 2014 Refunding Bond Legislation shall constitute a part of the Twelfth Supplemental Indenture as therein provided and for all purposes thereof, including, without limitation, the application to this Series 2014 Refunding Bond Legislation of the provisions of the Twelfth Supplemental Indenture relating to amendment, modification, supplementation and severability.

Section 9. Tax Covenants. With respect to Series 2014 Refunding Bonds that are to be issued and sold as Tax-Exempt Bonds, the City covenants that it will use, and will restrict the use and investment of, the proceeds of the Tax-Exempt Bonds in such manner and to such extent as may be necessary so that (a) the interest on the Tax-Exempt Bonds will be excluded from gross income for federal income tax purposes, and (b) in the case of any Tax-Exempt Bonds qualifying as bonds, the interest on which is not treated as an item of tax preference under Section 57 of the Code ("Non-AMT Bonds"), such Tax-Exempt Bonds will be treated as Non-AMT Bonds.

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

The Director of Finance, or any other officer of the City having responsibility for issuance of the Tax-Exempt Bonds, is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Tax-Exempt Bonds as the City is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting the favorable tax treatment or status of the Tax-Exempt Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing

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

Each covenant made in this Section 9 with respect to the Tax-Exempt Bonds is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Tax-Exempt Bonds (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Tax-Exempt Bonds from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this Section to take with respect to the Tax-Exempt Bonds.

Section 10. Additional Documents. The Director of Finance, the Director of Public Utilities and other City officials, as appropriate, are authorized to sign and deliver such instruments, certificates and documents as are necessary or appropriate to consummate the transactions authorized by this Series 2014 Refunding Bond Legislation, the Series 2014 Refunding Bond Purchase Agreement, the Twelfth Supplemental Indenture, the Indenture, the Series 2014 Escrow Agreement and any Hedge Agreements.

The Director of Finance, the Director of Public Utilities, the Director of Law and other City officials, as appropriate, are authorized to make the necessary arrangements on behalf of the City to establish the date, location, procedure and conditions for the delivery of each series of Series 2014 Refunding Bonds to the Original Purchaser and to take all actions necessary to effect due signing, authentication and delivery of each series of Series 2014 Refunding Bonds under the terms of this Series 2014 Refunding Bond Legislation, the Twelfth Supplemental Indenture, the Series 2014 Refunding Bond Purchase Agreement and the Indenture. The Clerk of Council or other appropriate official of the City shall furnish the Original Purchaser a true transcript of proceedings certified by the Clerk or other official, of all proceedings had with reference to the issuance of the Series 2014 Refunding Bonds along with such information for the records as is necessary to determine the regularity and validity of the issuance of the Series 2014 Refunding Bonds.

Section 11. Official Statements; Continuing Disclosure. The Director of Finance, the Director of Public Utilities and other City officials as deemed appropriate, are each authorized, on behalf of the City and in their official capacities, to (i) prepare or cause to be prepared, and make or authorize modifications, completions or changes of or supplements to, disclosure documents in the form of a preliminary official statement relating to the issuance of the Series 2014 Refunding Bonds of one or more series, and (ii) determine, and certify or otherwise represent, when each preliminary official statement as so prepared is a "deemed final" official statement (except for permitted omissions) by the City as of its date for purposes of Securities and Exchange Commission ("SEC") Rule 15c2-12(b)(1). The distribution and use of one or more preliminary official statements are hereby authorized and approved.

Those officers and each of them are also authorized, on behalf of the City and in their official capacities, to complete each preliminary official statement with such modifications, changes and supplements as those officers shall approve or authorize for the purpose of preparing and determining, and to certify or otherwise represent, that the official statement as so revised is a final official statement for purposes of SEC Rule 15c2-12(b)(3) and (4). Those officers each are further authorized to use and distribute, or authorize the use and distribution of, one or more final official statements and supplements thereto in connection with the original issuance of the Series 2014 Refunding Bonds as may, in their judgment, be necessary or appropriate. Those officers each are further authorized to sign and deliver, on behalf of the City and in their official capacities, each final official statement and such certificates in connection with the accuracy of each preliminary official statement and each final official statement and any amendments thereto as may, in their judgment, also be necessary or appropriate. The Director of Finance is authorized to contract for services for the production and distribution of preliminary and final official statements, including by printed and electronic means.

For the benefit of the holders and beneficial owners from time to time of the Series 2014 Refunding Bonds, the City agrees, in accordance with, and as an obligated person with respect to the Series 2014 Refunding Bonds under, SEC Rule 15c2-12, to provide or cause to be provided such financial information and operating data and notices, in such manner, as may be required for purposes of SEC Rule 15c2-12. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Director of Finance is authorized to prepare, or cause to be prepared, and to sign and deliver, in the name and on behalf of the City, a continuing disclosure agreement or certificate, which shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and beneficial owners of the Series 2014 Refunding Bonds in accordance with SEC Rule 15c2-12. The performance of that agreement shall be

subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform it.

Section 12. Lien of Pledge. The Net Revenues are subject to the lien of the pledge under the Indenture without any physical delivery of the Net Revenues or further act, and the lien of such pledge is valid and binding against all parties having claims of any kind against the City (irrespective of whether such parties have notice of such pledge and create a perfected security interest for all purposes of Chapter 1309, Ohio Revised Code) without the necessity for separation of delivery of the Net Revenues or for the filing or recording of the Indenture or any other resolution or instrument by which such pledge is created or any certificate, statement or other document with respect to such pledge. The pledge of the Net Revenues under the Indenture shall be effective and the money therefrom and thereof may be applied to the purposes for which pledged without necessity for any further act of appropriation.

Section 13. Financial Advisors and Consultants. The Director of Finance may obtain the services of one or more Financial Advisors, from time to time, to assist the Director of Finance in making any of the determinations required by this Series 2014 Refunding Bond Legislation to be determined by the Director of Finance or to negotiate any Hedge Agreements. The Director of Finance may rely on the written advice of any Financial Advisor so retained. The Director of Public Utilities and Director of Finance may obtain the services of one or more feasibility consultants, from time to time, to provide reports in connection with the issuance and sale of any Series 2014 Refunding Bonds or the delivery of any Hedge Agreements concerning the utilization and operation of Cleveland Public Power, debt service coverage, rates and charges or other matters. Any Financial Advisor or consultant employed under the authority of this Series 2014 Refunding Bond Legislation shall be disinterested in the transaction and be independent of the underwriters or counterparties and any other party interested in the transaction.

Section 14. Appointment of Successor Trustee. The Director of Finance is hereby authorized to appoint a successor Trustee on behalf of the City in the event that the current Trustee shall resign or be removed, or be dissolved or otherwise become incapable of acting as Trustee under the Indenture, or in case it shall be taken under the control of any public officer or officers or of a receiver appointed by a court, in accordance with the provisions of Section 6.08 of the Original Indenture.

Section 15. Open Meeting Determination. It is found and determined that all formal actions of the Council concerning and relating to the adoption of this Series 2014 Refunding Bond Legislation were adopted in an open meeting of the Council, and that all deliberations of the Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all applicable legal requirements.

Section 16. Separability. Each section of this Series 2014 Refunding

Bond Legislation and each subdivision of any section is declared to be independent, and the finding or holding of any section or subdivision of any section to be invalid or void shall not be deemed or held to affect the validity of any other section or subdivision of this Series 2014 Refunding Bond Legislation.

Section 17. Recitals. It is determined and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Series 2014 Refunding Bonds in order to make the same legal, valid and binding special obligations issued by the City of Cleveland, Ohio will have happened, been done and performed or will happen, be done and performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, is applicable to the issuance of the Series 2014 Refunding Bonds.

Section 18. Effectiveness. This Ordinance shall remain in effect for the authorization of Series 2014 Refunding Bonds issued hereunder for three years from its date of adoption.

Section 19. Emergency. This Ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

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

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

Ord. No. 565-14.

**By Council Members Cimperman
and Zone.**

An emergency ordinance consenting and approving the issuance of a permit for the Rite Aid 2014 Cleveland Marathon, on May 18, 2014.

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 Rite Aid 2014 Cleveland Marathon on May 18, 2014, 10K, Full Marathon, Half Marathon Course Turns starting at (all routes) W. Superior near W. 3rd; straight/east on W. Superior, becomes Superior E, to E. 18th; right on E. 18th to Carnegie; right on Carnegie, becomes Lorain, to W. 20th; (10K route continued), right on W. 25th to Franklin; left on Franklin to W. 45th; right on W. 45th to Detroit; left on Detroit to W. 49th; right on W. 49th to Cleveland Memorial Shoreway entrance/exit ramp; right on exit ramp to Cleveland Memorial Shoreway; straight on Cleveland Memorial Shoreway, in west bound lanes, against traffic, to shoreway entrance ramp at W. Lakeside; bear left at top of Cleveland Memorial Shoreway/W. Lakeside Avenue entrance ramp to

W. Lakeside; FINISH: straight on W. Lakeside to Onatario; (Full & Half Marathon continued), left on W. 20th Abbey; left on Abbey to W. 11th; right on W. 11th to Starkweather; right on Starkweather to Scranton; left on Scranton to Barber; right on Barber to W. 25th right on W. 25 to Lorain; left on Lorain to W. 45th; right on W. 45th to Franklin; left on Franklin to W. 74th; right on W. 74th to Detroit; left on Detroit to Lake; right on Lake to West Blvd; left on West Blvd to Baltic; right on Baltic to W. 106th; right on W. 106th to Clinton; right on Clinton to W. 104th; left on W. 104th to Lake; (Half Marathon route continued), right on Lake to West Blvd/Cleveland Memorial Shoreway entrance ramp; bear left at entrance ramp, stay on Cleveland Memorial Shoreway to W. Lakeside exit ramp; bear right at W. Lakeside exit ramp to W. Lakeside; FINISH: straight on W. Lakeside to Ontario; (Full Marathon continued), left on Lake, in east bound lanes, against traffic, to Webb, Lakeside; right on Webb, in south bound lane, against traffic, to Lake; left on Lake, in east bound lane, against traffic; bear right on Lake, in east bound lane, against traffic, to Clifton; right on Clifton, becomes Lake, in east bound lanes, against traffic, to turn around near Brandon, Rocky River; 180 degree turn, Lake near Brandon, in west bound lanes, against traffic, to Avalon; left on Avalon to Lake; left on Lake, becomes Clifton, in west bound lanes, against traffic, to Lake-Lakewood; left on Lake, in west bound lanes, against traffic, to Lake/Forest/W. Clifton intersection; bear left on Lake, in west bound lanes, against traffic, to Webb; right on Webb, in north bound lane, against traffic to Lake; left on Lake, in west bound lanes, against traffic, to W. 117th; left on W. 117th to Edgewater; right on Edgewater to West Blvd/Cleveland Memorial Shoreway exit ramp; straight on Cleveland Memorial Shoreway, in west bound lanes, against traffic, to shoreway entrance ramp at W. Lakeside; bear left at top of Cleveland Memorial Shoreway/W. Lakeside entrance ramp to W. Lakeside; FINISH: straight on W. Lakeside to Ontario; 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 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

**Res. No. 566-14.
By Council Member Dow.**

An emergency resolution objecting to the transfer of ownership of a C1 Liquor Permit to 5510 St. Clair Avenue.

Whereas, Council has been notified by the Division of Liquor Control of an application for the transfer of ownership of a C1 Liquor Permit from SMK1, Inc., DBA St. Clair BP, 5510 St. Clair Avenue, Cleveland, Ohio 44103, Permanent Number 8320705 to AS & KS, Inc., DBA St. Clair BP, 5510 St. Clair Avenue, Cleveland, Ohio 44103, Permanent Number 0006566; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1 Liquor Permit from SMK1, Inc., DBA St. Clair BP, 5510 St. Clair Avenue, Cleveland, Ohio 44103, Permanent Number 8320705 to AS & KS, Inc., DBA St. Clair BP, 5510 St. Clair Avenue, Cleveland, Ohio 44103, Permanent Number 0006566; and requests the Superintendent of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

**Res. No. 569-14.
By Council Member Dow.**

An emergency resolution withdrawing objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit at 7017-19 Superior Avenue, 1st floor only and repealing Resolution No. 1064-13, objecting to said renewal.

Whereas, this Council objected to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit to C & S Entertainment, LLC, DBA Club Bottoms Up, 7017-19 Superior Avenue, 1st floor only, Cleveland, Ohio 44103, Permanent Number 1173725 by Resolution No. 1064-13, adopted by the Council on August 14, 2013; and

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

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

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

Section 1. That objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit to C & S Entertainment, LLC, DBA Club Bottoms Up, 7017-19 Superior Avenue, 1st floor only, Cleveland, Ohio 44103, Permanent Number 1173725, be and the same is hereby withdrawn and Resolution No. 1064-13, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

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

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

**Res. No. 570-14.
By Council Member Brancatelli.**

An emergency resolution withdrawing objection to the transfer of ownership of a C1 and C2 Liquor Permit at 5222 Fleet Avenue, and repealing Resolution No 69-14, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a C1 and C2 Liquor Permit to A & H Pantry, Inc., 5222 Fleet Avenue, Cleveland, Ohio 44105, Permanent No. 0003595 by

Resolution No. 69-14 adopted by the Council on January 13, 2014; and

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

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

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

Section 1. That objection to the transfer of location of a C1 and C2 Liquor Permit to A & H Pantry, Inc., 5222 Fleet Avenue, Cleveland, Ohio 44105, Permanent No. 0003595, be and the same is hereby withdrawn and Resolution No. 69-14, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

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

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

Res. No. 571-14.

By Council Member Brancatelli.

An emergency resolution withdrawing objection to the transfer of ownership of a C1 and C2 Liquor Permit at 6506 Fleet Avenue, and repealing Resolution No 174-14, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a C1 and C2 Liquor Permit to Mr. Z Beverage, Inc., 6506 Fleet Avenue, Cleveland, Ohio 44105, Permanent No. 6208550 by Resolution No. 174-14 adopted by the Council on February 3, 2014; and

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

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

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

Section 1. That objection to the transfer of location of a C1 and C2 Liquor Permit to Mr. Z Beverage, Inc., 6506 Fleet Avenue, Cleveland, Ohio 44105, Permanent No. 6208550, be and the same is hereby withdrawn and Resolution No. 174-14, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

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

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

SECOND READING EMERGENCY ORDINANCE PASSED

Ord. No. 299-14.

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

An emergency ordinance authorizing the Director of Public Safety to enter into an agreement with Cuyahoga County to permit the County's Sheriff's Department to provide the City with all booking, housing, and other related services for City Prisoners for a per diem rate per prisoner.

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

1. In Section 1, at the end, strike the period after "Prisoners" and insert "any such suggested cost increase, along with substantiation, shall be immediately reported to Council."

2. Insert new Section 4 to read as follows:

"Section 4. That a copy of the final agreement and the report dated March 2014 compiled by Guy Gadomski entitled "Cleveland Jails" shall be placed in File No. 299-14-A."

3. Re-number existing Section 4 to new "Section 5."

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.

MOTION

The Council Meeting adjourned at 7:55 p.m. to meet on Monday, May 12, 2014, at 7:00 p.m. in the Council Chamber.



Patricia J. Britt
City Clerk, Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

CORRECTION

April 16, 2014

The following reprint of Board of Control Resolution No. 155-14 as reported in the April 23, 2014 City Record (Volume 101, No. 5237) reflects the correct vote.

Resolution No. 155-14.

By Director Bender.

Be it resolved by the Board of Control of the City of Cleveland that the bid of PAR Electrical Contractors, Inc. dba J. W. Didado Electric for the public improvement of the Ridge Road Ring Bus Project, including the 10% contingency allowance, all items, for the Division of Cleveland Public Power, Department of Public Utilities, received on October 9, 2013, under the authority of Ordinance No. 556-08, passed June 9, 2008, upon a gross price for the improvement in the aggregate amount of \$4,145,900.00, is affirmed and approved as the lowest responsible bid, and the Director of Public Utilities is authorized to enter into a contract for the improvement with the bidder.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following sub-contractors for the above-mentioned public improvement is approved:

<u>SUBCONTRACTORS</u>	<u>WORK PERCENTAGE</u>
Donato Electric, Inc. (CSB/FBE)	\$203,000.00 4.896%
Safeguard Associates, Inc. (CSB/MBE)	\$626,000.00 15.099%
Marous Brothers	\$626,000.00 15.099%
Rockport Construction and Materials (CSB/FBE)	\$ 90,000.00 2.171%

Yeas: None.

Nays: Director Langhenry, Acting Director White, Directors Bender, Smith, Cox, Interim Director Baker, Acting Director Gehlmann, Directors Rush, Southerington, Nichols, Fumich and Acting Director O'Leary.

Absent: Mayor Jackson.

BOARD OF CONTROL

April 23, 2014

The Regular meeting of the Board of Control convened in the Mayor's office on Wednesday, April 23, 2014 at 10:44 a.m. with Director Langhenry presiding.

Present: Director Langhenry, Acting Director White, Director Bender, Acting Director Saunders, Directors Cox, McGrath, Acting Director Cosgrove, Directors Southerington, Nichols, Fumich and Rybka.

Absent: Mayor Jackson and Interim Director Baker.

Others: Natoya Walker Minor, Interim Director, Office of Equal Opportunity.

Tiffany White, Commissioner, Division of Purchases & Supplies.

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

Resolution No. 172-14.

By Director Bender.

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 199-13, passed by the Council of the

City of Cleveland on March 18, 2013, Hylant Group is selected from a list of firms determined after a full and complete canvass by the Director of Public Utilities as the firm to be employed by contract to supplement the regularly employed staff of the Public Utilities Department to provide professional services necessary to procure fire and extended coverage and 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, for a period of one year, for the Division of Cleveland Public Power, Department of Public Utilities.

Be it further resolved that the Director of Public Utilities is authorized to enter into contract with Hylant Group, based on its proposal dated April 2014, which contract shall be prepared by the Director of Law, shall provide for the furnishing of professional services necessary to provide fire and extended real and personal property insurance including oil testing and other risk management services as described in the proposal, consisting of a premium cost of \$519,549.00 plus \$40,553.00 in loss control services, for a total fee of \$560,102.00, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved that the employment of the following sub-consultant is approved:

<u>SUB-CONSULTANT</u>	<u>AMOUNT PERCENTAGE</u>
Pinkney-Perry Insurance Agency (MBE/CSB/LPE)	\$6,437.00 1.15%

Yeas: Director Langhenry, Acting Director White, Director Bender, Acting Director Saunders, Directors Cox, McGrath, Acting Director Cosgrove, Directors Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Interim Director Baker.

Resolution No. 173-14.

By Director Bender.

Whereas, under the authority of Ordinance No. 1036-07, passed by the Council of the City of Cleveland on August 8, 2007, and Resolution No. 531-11, adopted by this Board of Control on November 9, 2011, the City through its Director of Public Utilities, entered into Contract No. CT-2002-PS2012*010 with Rahim Inc. dba RNR Consulting to provide professional consulting services necessary to provide professional customer service systems support, including general IT support, billing system support, Cisco VoIP and call center support, business intelligence support and development, IT infrastructure support and Microsoft system support, for a period not exceeding two years, for the Division of Water, Department of Public Utilities, in the amount of \$975,000.00; and

Whereas, under Board of Control Resolution No. 615-13, adopted October 23, 2013, the Director of Public Utilities was authorized to enter into a modification to Contract No. CT-2002-PS2012*010 to extend the

term of City Contract No. CT2002-PS2012*010 for an additional year to November 8, 2014 to enhance, integrate, and maintain the Division of Water, Department of Public Utilities customer service IT systems including, but not limited to: billing, work management, and meter reading systems; call center application; internet/intranet sites; payment processing system; and other related IT systems that support customer services and operations; and

Whereas, the City desires to increase the amount of Contract No. CT2002-PS2012*010 by \$626,750.00 to continue the current professional services to enhance, integrate, and maintain the Division of Water, Department of Public Utilities customer service IT systems including, but not limited to: billing, work management, and meter reading systems; call center application; internet/intranet sites; payment processing system; and other related IT systems that support customer services and operations; and

Whereas, Rahim Inc. dba RNR Consulting has proposed by its letter dated March 26, 2014 ("Proposal") to perform the above-described additional services; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland, that the Director of Public Utilities is authorized to enter into a modification to City Contract No. CT2002-PS2012*010 with Rahim Inc. dba RNR Consulting, on the basis of its proposal dated March 26, 2014, for performance of the above-mentioned services, increasing the contract amount by \$626,750.00 to \$2,100,879.68. The modification shall be prepared by the Director of Law and shall include such additional provisions as the Director deems necessary to benefit and protect the public interest.

Be it further resolved that the participation of Recess Creative, LLC (CSB) and TieBridge, Inc. as sub-consultants to Rahim Inc. dba RNR Consulting under City Contract No. CT-2002-PS2012*010 is increased from \$50,000.00 (3.392%) to \$112,750.00 (5.367%) and from \$400,000.00 (27.135%) to \$900,000.00 (42.839%) respectively.

Yeas: Director Langhenry, Acting Director White, Director Bender, Acting Director Saunders, Directors Cox, McGrath, Acting Director Cosgrove, Directors Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Interim Director Baker.

Resolution No. 174-14.

By Director Bender.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Terrace Construction Company, Inc. for the public improvement of the Transmission Water Main Renewal Phase I, including a \$38,088.94 contingency allowance, all items, for the Division of Water, Department of Public Utilities, received on December 20, 2013, under the authority of Ordinance No. 444-10, passed June 7, 2010 as amended by Ordinance No. 1052-12, passed on October 8, 2012, upon a unit basis for the improvement in the aggregate amount of \$418,978.34, is affirmed and approved as the lowest responsible bid, and the Director of Public Utilities is authorized to

enter into a contract for the improvement with the bidder.

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

<u>SUBCONTRACTOR</u>	<u>WORK PERCENTAGE</u>
Rockport Construction & Materials, Inc. (CSB/FBE)	\$ 24,000.00 5.73%
The Vallejo Company (CSB/MBE)	\$101,700.00 24.27%

Yeas: Director Langhenry, Acting Director White, Director Bender, Acting Director Saunders, Directors Cox, McGrath, Acting Director Cosgrove, Directors Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Interim Director Baker.

Resolution No. 175-14.

By Director Bender.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on January 24, 2014 for the public improvement of 1201 Lakeside Avenue Skylight Restoration and Partial Roof Replacement for the Division of Water, Department of Public Utilities, under the authority of Ordinance No. 262-12, passed May 14, 2012, are rejected.

Yeas: Director Langhenry, Acting Director White, Director Bender, Acting Director Saunders, Directors Cox, McGrath, Acting Director Cosgrove, Directors Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Interim Director Baker.

Resolution No. 176-14.

By Director Smith.

Whereas, under the authority of Ordinance No. 183-09 and Ordinance No. 496-12, passed by the Council of the City of Cleveland on April 13, 2009 and May 14, 2012, respectively, and Board of Control Resolution No. 98-10, adopted March 10, 2010, the City through its Director of Port Control entered into City Contract No. PS2010*106 with Precision Analytical, Inc. to perform environmental analytical laboratory services needed to comply with regulatory permits and orders, and for miscellaneous sampling, environmental compliance strategies, environmental modeling efforts and reporting; and

Whereas, by letter dated April 2, 2014 Precision Analytical, Inc. has informed the City that it has been acquired by CWM Environmental, Inc., requested the City's consent to acquisition of Precision Analytical, Inc. by CWM Environmental, Inc., and has stated that the City's active contract will continue to be honored; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that at the request of Precision Analytical, Inc. in its April 2, 2014 letter, this Board consents to the acquisition of Precision Analytical, Inc.,

consultant to the City under Contract No. PS2010*106, by CWM Environmental, Inc., effective March 7, 2014; provided, however, that CWM Environmental, Inc. and Precision Analytical, Inc. do all things necessary and appropriate to implement the above-mentioned acquisition and that CWM Environmental assumes and performs all Precision's obligations under the contract.

Be it further resolved that the Director of Port Control is authorized to execute all documents and to do all things necessary and appropriate to implement the consent authorized above, provided that the terms of the acquisition do not conflict with or modify the terms and conditions of City Contract No. PS2010*106.

Yeas: Director Langhenry, Acting Director White, Director Bender, Acting Director Saunders, Directors Cox, McGrath, Acting Director Cosgrove, Directors Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Interim Director Baker.

Resolution No. 177-14.

By Director Cox.

Whereas, the City of Cleveland owns and operates certain real property commonly known as the Chester Parking Lot under the supervision and direction of the Director of Public Works; and

Whereas, Siberian Tiger, LLC, dba VIP Valet Parking, has proposed to offer valet parking services to the general public for the Dazzle the District Event at Cleveland Playhouse Square using the Chester Parking Lot; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that, under Section 183.04 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Works is authorized to enter into a concession agreement with Siberian Tiger, LLC, dba VIP Valet Parking, to operate a valet parking service for the Dazzle the District at Cleveland Playhouse on May 2, 2014, using the Chester Parking Lot, for a concession fee of \$450.00 plus \$5.00 per vehicle parked. The concession agreement shall be prepared by the Director of Law and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Yeas: Director Langhenry, Acting Director White, Director Bender, Acting Director Saunders, Directors Cox, McGrath, Acting Director Cosgrove, Directors Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Interim Director Baker.

Resolution No. 178-14.

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 119-32-001 located at 2265 East 86th Street; and

Whereas, Section 183.021 of the Codified Ordinances of Cleveland,

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

Whereas, Evelyn Wilder 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 6 has approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested, to execute an Official Deed for and on behalf of the City of Cleveland, with Evelyn Wilder for the sale and development of Permanent Parcel No. 119-32-001 located at 2265 East 86th Street, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

Yeas: Director Langhenry, Acting Director White, Director Bender, Acting Director Saunders, Directors Cox, McGrath, Acting Director Cosgrove, Directors Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Interim Director Baker.

Resolution No. 179-14.

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 112-24-080 located at 14309 Sylvia Avenue; and

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

Whereas, Richard M. Easley 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 8 has approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested, to execute an Official Deed for and on behalf of the City of Cleveland, with Richard M. Easley for the sale and development of Permanent Parcel No. 112-24-080 located at 14309 Sylvia Avenue, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

Yeas: Director Langhenry, Acting Director White, Director Bender, Acting Director Saunders, Directors Cox, McGrath, Acting Director Cosgrove, Directors Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Interim Director Baker.

Resolution No. 180-14.

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 016-16-052 located at 3452 West 59th Street; and

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

Whereas, Lourdes M. Rosado 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 14 has approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested, to execute an Official Deed for and on behalf of the City of Cleveland, with Lourdes M. Rosado for the sale and development of Permanent Parcel No. 016-16-052 located at 3452 West 59th Street, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

Yeas: Director Langhenry, Acting Director White, Director Bender, Acting Director Saunders, Directors Cox, McGrath, Acting Director Cosgrove, Directors Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Interim Director Baker.

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

CIVIL SERVICE NOTICE

ANNOUNCEMENTS — 2014
5/2/14 - 5/8/14

Announcement No.	Exam Method	Classification	Exam Type
52	EE/Perf	Electric Bridge Operator	Open
53	WR	Electrical Worker	Open
54	WR	Junior Clerk	Open
55	WR	Storekeeper	Open

PROOF OF CITY RESIDENCY

Any applicant wishing to receive residency credit will be asked to show that he/she is a bona fide resident of the City of Cleveland. The

following list gives examples of items that an applicant may present **at the time of filing**. The Civil Service Commission requires a minimum of three items from at least three **different** categories, where applicable. All items must be **current**. Please note that presentation of these items does not constitute conclusive proof of bona fide residency. Acceptable categories include, but are not limited to, the following:

Lease - from rental agency.

Lease - from independent party. Must include copy of cancelled check or money order receipts for previous rent and/or security deposit, and fully executed; otherwise, it is unacceptable.

Utility bills bearing the property address **and** your name.

Post Office change of address form properly date stamped.

Official documents relating to home ownership including deed, purchase agreement, or insurance policy.

Bank statements (Within last three months).

School registration of children.

Car insurance documents.

Car registration **or** Driver's License **or** Ohio I.D. (**One only**).

Loans and credit card statements (Within last three months).

Rental contracts (e.g.: furniture, tools, car, etc.).

Current bills not listed above (Within last three months).

The following are examples of **unacceptable** categories of proof:

Library cards.

Voter registration cards.

Birth certificates.

Notarized letters or affidavits.

Social Security card.

Rental receipts from independent party without cancelled checks or money order receipt.

APPROVED C.S.C. MINUTES
ANNOUNCEMENT NO. 52

**ELECTRIC BRIDGE OPERATOR
LEADER (OPEN)**

Public notice is hereby given by the Civil Service Commission of Cleveland, Ohio of an Open examination for the above mentioned classification.

SALARY

The prevailing salary range for this position as established by Ordinance of the Council of the City of Cleveland is \$10.00 - \$19.16 per Hour.

FILING OF APPLICATION

Application must be made on the regular application form available online or at the Office of the Civil Service Commission, 601 Lakeside

Avenue, Room 119. No other form will be accepted. APPLICATIONS WILL BE AVAILABLE FOR PICK-UP IN THE CIVIL SERVICE OFFICE TO APPLY TO TAKE THE CIVIL SERVICE EXAMINATION - APPLICATIONS WILL BE AVAILABLE FROM 8:30 A.M. ON FRIDAY, MAY 2, 2014 UNTIL 4:30 P.M. ON THURSDAY, MAY 8, 2014.

NOTE: APPLICATIONS WILL NOT BE ACCEPTED AFTER 4:30 P.M. ON THURSDAY, MAY 8, 2014

THE CIVIL SERVICE COMMISSION'S POLICY IS THAT NO LATE FILING WILL BE ALLOWED.

EXAMINATION INFORMATION

TYPE: EXPERIENCE EVALUATION: Sixty Percent of Applicant's grade will be determined based on Education and Experience found in Resume. Each applicant is required to submit a detailed resume of his/her education and experience at the time of filing application.

PERFORMANCE TEST: Forty Percent of the applicant's grade will be determined based on proficiency in utilizing Microsoft Office Suites (Word, Excel, Outlook).

NOTE: THE CIVIL SERVICE COMMISSION RESERVES THE RIGHT TO REVIEW AND EVALUATE ANY AND ALL INFORMATION CONTAINED IN THE APPLICATION OR RESUME. LACK OF HONESTY WILL RESULT IN IMMEDIATE REMOVAL FROM THE ELIGIBLE LIST.

DUTIES OF THE POSITION

Under supervision, operates and maintains the mechanism of an electrically controlled swing or draw bridge as assigned. Leads the operation of a shift of Bridge Operators and Attendants on their work shift and performs related duties as required. Maintains a bridge log recording bridge openings, vessel movements, accidents, equipment malfunctions and unusual occurrences. Records vessel names, direction, and time of passing in logbook. Completes bridge accident report forms. Tests to ascertain that all bells, lights, and warning signals are operational when starting a shift. Checks locks on stairways at the beginning of shift to ensure they are locked and to prevent any person's entry to unauthorized areas as well as the operator's cabin. Maintains constant audio and video watch for signals from boats or barges. Observes that all bells, lights, and warning signals are operating and that all highway traffic over bridge has been stopped before opening bridge. Notifies bridge mechanic of any equipment malfunctions. Opens bridge for passage of boats and closes bridge following passage. Reports any security issues. Operates a computer. Cleans and maintains operator house and facilities. Keeps bridge sidewalks swept clean/washed down. Removes snow and ice from bridge proper and bridge sidewalks using powered equipment and/or by hand when necessary. Removes litter from the general area and keeps the bridge roadway clear of road hazards.

Assists bridge maintenance personnel in performing more complex maintenance on mechanical and electrical equipment. Acts as Flag Person in emergency situations if necessary. Calls for police and records license numbers of vehicles involved in accidents. Drives personal vehicle to other bridges to operate as necessary. Receives reports of unusual incidents, hours worked, overtime, and sick leave and passes on all such reports to the Chief Bridge Operator or other designated supervisor. Inventories equipment and supplies, and performs related duties as required. Follows all operations and safety policies and safe work practices. Attends and participates in operations and safety training classes and demonstrates competence (demonstration of competence may be determined by exam.) Wears and properly utilizes safety equipment in accordance with Divisional policy at all times.

MINIMUM QUALIFICATIONS FOR ENTRANCE TO THIS EXAMINATION AS ESTABLISHED BY THE CIVIL SERVICE COMMISSION OF THE CITY OF CLEVELAND ARE AS FOLLOWS:

A High School Diploma or GED is required. Three years of full time paid Electric Bridge Operator experience is required. Two years of full time paid experience in the operation, installation, maintenance or repair of heavy industrial electro-mechanical equipment (such as electric motors, large cranes, or elevators, etc.) is required. Must be able to climb ladders and stairs to a height of 100 feet above water and must be able to work various shifts and days. A valid State of Ohio Driver's License is required. Must own or have access to a properly insured vehicle. Must be able to lift and carry at least 30 pounds. Must possess computer skills and be familiar with various Microsoft programs such as Word, Excel, and Outlook.

NOTE: Applicants will be required to pay a \$10.00 (TEN DOLLARS) filing fee payable in cash or money order (no checks). Applicants who are currently employed in this position with the City of Cleveland are exempt. However, that when an applicant is disqualified from taking an examination on the basis of age, education or failure to meet other minimum entrance requirements, the fee paid by such applicant shall be refunded to such applicant upon the applicant's request in writing made within ten (10) days after the date of examination. Any applicant who can provide proof of unemployment, public assistance, or indigence is exempt from the filing fee. A copy of such proof must be included with the application.

NOTE: Applications must be returned in person. All copies of diplomas, licenses, certificates, and resumes must be presented at the time of filing. Applications may not be accepted if copies are not submitted with application at time of filing.

NOTE: Any applicant who resigns or is dismissed from employment with the City of Cleveland will have his/her name removed from the eligible list.

AN EQUAL OPPORTUNITY EMPLOYER

APPROVED C.S.C. MINUTES
ANNOUNCEMENT NO. 53

ELECTRICAL WORKER (OPEN)

Public notice is hereby given by the Civil Service Commission of Cleveland, Ohio of an Open examination for the above mentioned classification.

SALARY

The prevailing salary range for this position as established by Ordinance of the Council of the City of Cleveland is \$45.13 - \$56.41 per Hour.

FILING OF APPLICATION

Application must be made on the regular application form available at the Office of the Civil Service Commission, 601 Lakeside Avenue, Room 119. No other form will be accepted. APPLICATIONS WILL BE AVAILABLE FOR PICK-UP IN THE CIVIL SERVICE OFFICE TO APPLY TO TAKE THE CIVIL SERVICE EXAMINATION - APPLICATIONS WILL BE AVAILABLE FROM 8:30 A.M. ON FRIDAY, MAY 2, 2014 UNTIL 4:30 P.M. ON THURSDAY, MAY 8, 2014.

NOTE: APPLICATIONS WILL NOT BE ACCEPTED AFTER 4:30 P.M. ON THURSDAY, MAY 8, 2014

THE CIVIL SERVICE COMMISSION'S POLICY IS THAT NO LATE FILING WILL BE ALLOWED.

EXAMINATION INFORMATION

TYPE: WRITTEN EXAMINATION
Applicants will be notified of the date, time, and place of the exam via U.S. Mail

NOTE: THE CIVIL SERVICE COMMISSION RESERVES THE RIGHT TO REVIEW AND EVALUATE ANY AND ALL INFORMATION CONTAINED IN THE APPLICATION OR RESUME. LACK OF HONESTY WILL RESULT IN IMMEDIATE REMOVAL FROM THE ELIGIBLE LIST.

DUTIES OF THE POSITION

Under supervision, does skilled work in connection with the installation, repair and maintenance of electrical light and power transmission lines and circuits, signal lines and circuits, and electric generating and electrically operated equipment. Performs related duties as required. Follows all operations and safety policies and safe work practices. Attends and participates in operations and safety training classes and demonstrates competence (demonstration of competence may be determined by exam.) Wears and properly utilizes safety equipment in accordance with Divisional policy at all times.

MINIMUM QUALIFICATIONS FOR ENTRANCE TO THIS EXAMINATION AS ESTABLISHED BY THE CIVIL SERVICE COMMISSION OF THE CITY OF CLEVELAND ARE AS FOLLOWS:

A High School Diploma or GED is required. Completion of a certified four-year Electrical Apprentice Program or equivalent is required. Must have a valid State of Ohio Driver's License. Must be able to lift and carry a minimum of 30 pounds and climb a

ladder. (Substitution: One year of direct electrical experience may substitute for each year of Apprentice Program lacking.)

NOTE: Applicants will be required to pay a \$10.00 (TEN DOLLARS) filing fee. Applicants who are currently employed in this position with the City of Cleveland are exempt. However, that when an applicant is disqualified from taking an examination on the basis of age, education or failure to meet other minimum entrance requirements, the fee paid by such applicant shall be refunded to such applicant upon the applicant's request in writing made within ten (10) days after the date of examination. Any applicant who can provide proof of unemployment, public assistance, or indigence is exempt from the filing fee. A copy of such proof must be included with the application.

NOTE: Applications must be returned in person. All copies of diplomas, licenses, certificates, and resumes must be presented at the time of filing. Applications may not be accepted if copies are not submitted with application at time of filing.

NOTE: Any applicant who resigns or is dismissed from employment with the City of Cleveland will have his/her name removed from the eligible list.

AN EQUAL OPPORTUNITY EMPLOYER

APPROVED C.S.C. MINUTES
ANNOUNCEMENT NO. 54

JUNIOR CLERK (OPEN)

Public notice is hereby given by the Civil Service Commission of Cleveland, Ohio of an Open examination for the above mentioned classification.

SALARY

The prevailing salary range for this position as established by Ordinance of the Council of the City of Cleveland is \$11.97 - \$14.14 per Hour.

FILING OF APPLICATION

Application must be made on the regular application form available at the Office of the Civil Service Commission, 601 Lakeside Avenue, Room 119. No other form will be accepted. APPLICATIONS WILL BE AVAILABLE FOR PICK-UP IN THE CIVIL SERVICE OFFICE TO APPLY TO TAKE THE CIVIL SERVICE EXAMINATION - APPLICATIONS WILL BE AVAILABLE FROM 8:30 A.M. ON FRIDAY, MAY 2, 2014 UNTIL 4:30 P.M. ON THURSDAY, MAY 8, 2014.

NOTE: APPLICATIONS WILL NOT BE ACCEPTED AFTER 4:30 P.M. ON THURSDAY, MAY 8, 2014

THE CIVIL SERVICE COMMISSION'S POLICY IS THAT NO LATE FILING WILL BE ALLOWED.

EXAMINATION INFORMATION

TYPE: WRITTEN EXAMINATION
Applicants will be notified of the date, time, and place of the exam via U.S. Mail

NOTE: THE CIVIL SERVICE COMMISSION RESERVES THE RIGHT

TO REVIEW AND EVALUATE ANY AND ALL INFORMATION CONTAINED IN THE APPLICATION OR RESUME. LACK OF HONESTY WILL RESULT IN IMMEDIATE REMOVAL FROM THE ELIGIBLE LIST.

DUTIES OF THE POSITION

Under immediate supervision, does clerical work of a routine nature. Performs related duties as required. Follows all operations and safety policies and safe work practices. Attends and participates in operations and safety training classes and demonstrates competence (demonstration of competence may be determined by exam.) Wears and properly utilizes safety equipment in accordance with Divisional policy at all times.

MINIMUM QUALIFICATIONS FOR ENTRANCE TO THIS EXAMINATION AS ESTABLISHED BY THE CIVIL SERVICE COMMISSION OF THE CITY OF CLEVELAND ARE AS FOLLOWS:

A High School Diploma or GED is required. One year of full time paid experience in an office setting with a working knowledge of Microsoft Office is required. Must be able to lift and carry at least 30 pounds.

NOTE: Applicants will be required to pay a \$10.00 (TEN DOLLARS) filing fee. Applicants who are currently employed in this position with the City of Cleveland are exempt. However, that when an applicant is disqualified from taking an examination on the basis of age, education or failure to meet other minimum entrance requirements, the fee paid by such applicant shall be refunded to such applicant upon the applicant's request in writing made within ten (10) days after the date of examination. Any applicant who can provide proof of unemployment, public assistance, or indigence is exempt from the filing fee. A copy of such proof must be included with the application.

NOTE: Those persons who are residents of the City of Cleveland for at least one year at the date of filing and who received passing scores shall have ten (10) additional points added to their grades. A list of acceptable forms of proof of residency applicants need to present at the time of filing is included with the application.

NOTE: Applications must be returned in person. All copies of diplomas, licenses, certificates, and resumes must be presented at the time of filing. Applications may not be accepted if copies are not submitted with application at time of filing.

NOTE: Any applicant who resigns or is dismissed from employment with the City of Cleveland will have his/her name removed from the eligible list.

AN EQUAL OPPORTUNITY EMPLOYER

APPROVED C.S.C. MINUTES
ANNOUNCEMENT NO. 55

STOREKEEPER (OPEN)

Public notice is hereby given by the Civil Service Commission of Cleveland, Ohio of an Open examination for the above mentioned classification.

SALARY

The prevailing salary range for this position as established by Ordinance of the Council of the City of Cleveland is \$16.66 - \$20.76 per Hour.

FILING OF APPLICATION

Application must be made on the regular application form available at the Office of the Civil Service Commission, 601 Lakeside Avenue, Room 119. No other form will be accepted. APPLICATIONS WILL BE AVAILABLE FOR PICK-UP IN THE CIVIL SERVICE OFFICE TO APPLY TO TAKE THE CIVIL SERVICE EXAMINATION - APPLICATIONS WILL BE AVAILABLE FROM 8:30 A.M. ON FRIDAY, MAY 2, 2014 UNTIL 4:30 P.M. ON THURSDAY, MAY 8, 2014.

NOTE: APPLICATIONS WILL NOT BE ACCEPTED AFTER 4:30 P.M. ON THURSDAY, MAY 8, 2014

THE CIVIL SERVICE COMMISSION'S POLICY IS THAT NO LATE FILING WILL BE ALLOWED.

EXAMINATION INFORMATION

TYPE: WRITTEN EXAMINATION
Applicants will be notified of the date, time, and place of the exam via U.S. Mail

NOTE: THE CIVIL SERVICE COMMISSION RESERVES THE RIGHT TO REVIEW AND EVALUATE ANY AND ALL INFORMATION CONTAINED IN THE APPLICATION OR RESUME. LACK OF HONESTY WILL RESULT IN IMMEDIATE REMOVAL FROM THE ELIGIBLE LIST.

DUTIES OF THE POSITION

Under supervision, has immediate charge of a small storeroom or/ of a supply yard. Supervises the receiving and issuance of materials and supplies. Performs related duties as required. **TYPICAL TASKS:** Operates and maintains a small storeroom or supply yard with or without immediate assistance. Generates purchase requests for authorization to obtain materials. Performs or assists in the work of receiving, unpacking, checking, storing, and issuing of tools, supplies, and materials. Supervises miscellaneous and related storeroom activities. In a supply yard, supervises and assists in the receiving, storing, and disbursing of brick, sand, gravel, slag, cement, crushed stone, curbing, cinders, tools, and other supplies. Checks supplies and materials for the purpose of maintaining adequate supply on hand. Maintains records on computer. Tracks Purchase Order balances. Issues tallies and debits for materials received and returned. Requisitions supplies. Maintains records of supplies received and issued. Checks and inspects supplies received. Takes inventories and completes appropriate forms. Orders supplies. Compares physical quantities on hand with perpetual inventory records. Contacts Purchasing Division and vendors concerning specifications and deliveries. Distributes labor and material charges. Participates in inventory, audit, and procurement related projects with the Division, Department, or Citywide as assigned. Keeps storeroom, supply yard, buildings, or grounds in orderly condition. Prepares reports. Answers

telephones. Follows all operations and safety policies and safe work practices. Attends and participates in operations and safety training classes and demonstrates competence (demonstration of competence may be determined by exam.) Wears and properly utilizes safety equipment in accordance with Divisional policy at all times.

MINIMUM QUALIFICATIONS FOR ENTRANCE TO THIS EXAMINATION AS ESTABLISHED BY THE CIVIL SERVICE COMMISSION OF THE CITY OF CLEVELAND ARE AS FOLLOWS:

A High School Diploma or GED is required. Three years of full time paid storeroom or related experience is required. Supervisory experience is strongly preferred. Must possess basic computer skills, especially Microsoft Office Suites and must be able to attain proficiency on various inventory software packages. Must be knowledgeable in the various machines associated with the automated office (e.g.: Computer, fax, copier, postage meter, adding machine, etc.). A valid state of Ohio Driver's License is required. Must be able to lift and carry 75 pounds upon occasion with the use of equipment or the assistance of others.

NOTE: Applicants will be required to pay a \$10.00 (TEN DOLLARS) filing fee. Applicants who are currently employed in this position with the City of Cleveland are exempt. However, that when an applicant is disqualified from taking an examination on the basis of age, education or failure to meet other minimum entrance requirements, the fee paid by such applicant shall be refunded to such applicant upon the applicant's request in writing made within ten (10) days after the date of examination. Any applicant who can provide proof of unemployment, public assistance, or indigence is exempt from the filing fee. A copy of such proof must be included with the application.

NOTE: Applications must be returned in person. All copies of diplomas, licenses, certificates, and resumes must be presented at the time of filing. Applications may not be accepted if copies are not submitted with application at time of filing.

NOTE: Any applicant who resigns or is dismissed from employment with the City of Cleveland will have his/her name removed from the eligible list.

AN EQUAL OPPORTUNITY EMPLOYER

ROBERT BENNETT,
President

April 30, 2014

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, MAY 12, 2014

9:30 A.M.

Calendar No. 14-056: 2169 West 31st Street (Ward 3)
Cuyahoga County Land Reutilization, owner, and Jason Brooks,

prospective purchaser, appeal to erect a 12' x 24' two-story frame, lower open carport and an open wooden deck addition to a single family dwelling on a 35' x 63' parcel located in a B1 Two-Family District; subject to the restrictions in Section 337.23(a) no parking space shall be located less than 10 feet from a wall or building with ground floor windows designed to provide light and ventilation and contrary to Section 337.23 (a) proposing an accessory use at 24 feet where the rear half of the lot would be at 31 feet; and proposing a rear yard depth of 14'-11" contrary to 20 feet required by Section 357.08(b)1; and with a distance of 3 feet proposed where no building shall be less than 10 feet from a dwelling on an adjacent lot and interior side yards of 2 feet where 3 feet is required, and a total width of side yards on the same premises that equals 3'-6" where not less than 10 feet is required pursuant to Sections 357.09(2)(A) and (B) in the Cleveland Codified Ordinances. (Filed 4-16-14)

Calendar No. 14-058: 10507 Superior Avenue (Ward 9)

All Mohammed, owner, appeals to expand his store to include a service station on a corner parcel located in a D2 Local Retail Business District said expansion being contrary to Section 343.01 of the Cleveland Codified Ordinances which states that a Service Station is not permitted in a Local Retail Business District but is first permitted in a General Retail Business District per Section 343.11(b)(2)(1)(5); and contrary to Section 347.08 (a) the trash area and refuse container shall be located in such a manner that they shall not be visible from the public street or from any lot or lots designated for residential purpose; and subject to Section 347.08 which states that refuse doors shall have locking latches and must be locked at all times other than when refuse is being loaded or collected; and subject to Section 341.02 (a) exterior alterations of site in a designated Design Review District requires the review and approval of the City Planning Commission. (Filed 4-21-14)

REINSTATED

Calendar No. 14-041: 2438 West 10th Street (Ward 3)

Peter G. Kochera, owner, appeals to construct a 4 door, 2,668 square foot garage with a second story and balcony on an approximately 66' x 189' parcel in a B1 Two Family District and contrary to Section 337.23 (a)(7)(A) the floor area of a private garage erected as an accessory building shall not exceed 650 square feet unless the lot area exceeds 4800 square feet in which event the floor area may be increased in the ratio of one (1) square foot for each twelve square feet of additional lot area, the maximum square footage allowed on this particular lot is 1,035 square feet and 2,668 square feet are proposed and contrary to

Section 353.05 an accessory building shall not exceed 15feet in height and 21 feet are proposed. (Filed 3-19-14-No Testimony Taken)

POSTPONED FROM MARCH 24, 2014

Calendar No. 14-020: 7202 Hague Avenue (Ward 15) Shpresa Deda, owner, appeals to establish use as a motor vehicle service garage for minor repairs on a triangular shaped corner parcel in a C1 General Retail Business District and contrary to Section 343.14 (a) (2) of the Cleveland Codified Ordinances no motor vehicle repair activity may occur within 10 feet of a Residence District and the property abuts a Two Family Residential District; and pursuant to Sections 343.14 (a) (1) a 6 foot high solid wood fence or wall is required where the use abuts the Two Family District and none is shown; and subject to 352.09 a 10 foot wide transition strip is required where the address abuts the Residence District and no screening is proposed and pursuant to Section 352.10 a 6 foot wide minimum frontage strip is required along West 73rd Street and none is proposed. (Filed 2-27-2014 - Testimony Taken)

POSTPONED FROM APRIL 21, 2014

Violation Notice

Calendar No. 14-043: 3226 West 35 Street (Ward 14) Leah Burchnell, owner, appeals from a Notice of Violation issued on March 13, 2014 by the Cleveland Department of Building and Housing for unauthorized use of 3226 West 35th Street as a motor vehicles repair and storage of wrecked, dismantled, inoperative, and or unlicensed motor vehicles in a Two Family District which is contrary to Sections 337.23 of the Cleveland Codified Ordinances. (Filed 3-20-14)

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, APRIL 28, 2014

At the meeting of the Board of Zoning Appeals on Monday, April 28, 2014, the following appeals were scheduled for hearing before the Board.

The following appeals were **APPROVED:**

Calendar No. 14-47: 1882 West 65th Street David Harper, owner, appealed to install telecommunications equipment and antennas on the roof of a structure located on a corner parcel in a B1 Two Family Residential District.

Calendar No. 14-049: 11125 Magnolia Drive Cleveland Music School Settlement, owner, appeals to install a 30' x 40' temporary tent for various events occurring between April 9, 2014 and October 9, 2014.

Calendar No. 14-51: 16801 Fischer Road Anne Agozzino, owner, appeals to build an addition, a garage, a pool and outdoor open space trellis with fireplace on a 10' x 170' lot located in an A1 One Family Residential District.

The following appeal was **DENIED:**

Calendar No. 14-50: 310-320 Prospect Avenue LR 310 Prospect Investor, LLC, owner appealed the decision of the Cleveland City Planning Commission rendered on March 21, 2014 regarding a request for a demolition permit.

The following appeal was **WITHDRAWN:**

Calendar No. 14-48: 4209 East 131 Street Winston House, owner, appeals to erect a 960 square foot addition and expand use to include a banquet/assembly hall on a parcel located in a B1 Local Retail Business District.

The following appeals were **DISMISSED:**

None.

The following appeal was **POSTPONED:**

Calendar No. 14-017: 16917 Euclid Avenue John Lewis, owner Postponed to May 19, 2014 at 9:30 a.m.

The following appeals were heard by the Board on April 21, 2014 and the decisions were adopted and approved on April 28, 2014;

The following appeals were **APPROVED:**

Calendar No. 14-46: 2390 East 30th Street CMHA, owner, appealed to construct 60 dwelling units, stores and office on a corner parcel located in C1 Multi-Family.

Calendar No. 14-022: 5209 Detroit Avenue Westside Ministries, owner, and The Centers for Families and Children, tenant, appealed to erect six new wall signs on a two story brick building located in a C2 Local Retail Business District.

The following appeals were **DENIED:**

None.

The following appeals were **WITHDRAWN:**

None.

The following appeals were **DISMISSED:**

None.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of April 23, 2014

As required by the provisions of Section 3103.20(2) of the Codified Ordinances of the City of Cleveland, Ohio 1976, the following brief of action of the subject meeting is given for publication in the City Record:

* * *

Docket A-30-14.

RE: Appeal of Daryl Williams & Charles Scott, Owners of the Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property, located on the premises known as 1643 Avalon Road from a NOTICE OF VIOLATION — INTERIOR/ EXTERIOR MAINTENANCE, dated August 21, 2013 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant ninety (90) days in which to complete abatement of all violations, interior and exterior; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

Yeas: Messrs. Denk, Gallagher, Saab, Bradley, Maschke. Nays: None.

* * *

Docket A-56-14.

RE: Appeal of Joseph Assily, Owner of the One Dwelling Unit Single-Family Residence Three Story Wood Frame/Siding/Masonry Veneer Property, located on the premises known as 2056 West 85th Street from a NOTICE OF VIOLATION — FIRE DAMAGE, dated February 13, 2014 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant thirty (30) days in which to obtain all required permits, ninety (90) days in which to abate all exterior violations, and one hundred eighty (180) days in which to complete abatement of all violations on the property, noting that failure to meet any of these dates will result in remanding the property immediately; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Bradley.

Yeas: Messrs. Denk, Gallagher, Saab, Bradley, Maschke. Nays: None.

* * *

Docket A-57-14.

RE: Appeal of James A. Wright III, Owner of the One Dwelling Single-Family Residence One &

One/half Story Frame Property, located on the premises known as 3333 Woodbridge Avenue from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated February 19, 2014 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant thirty (30) days in which to obtain all required permits, ninety (90) days in which to abate all exterior violations and one hundred eighty (180) days in which to complete abatement of all violations on the property; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

Yeas: Messrs. Denk, Gallagher, Saab, Bradley, Maschke. Nays: None.

* * *

Docket A-58-14.

RE: Appeal of Robert Cangami, Owner of the Residential Property, located on the premises known as 4537 West 148th Street from a NOTICE OF VIOLATION — JUNK VEHICLES, dated February 3, 2014, of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-58-14 has been POSTPONED; to be rescheduled for May 7, 2014.

* * *

Docket A-59-14.

RE: Appeal of Denis J. Bergeron IV, Owner of the Two Dwelling Units Two-Family Residence Two & One/half Story Frame Residential Property, located on the premises known as 6734 Baxter Avenue from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated January 31, 2014, of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the Violation Notice was properly issued and to DENY the request for additional time; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action, noting that the property continues to deteriorate and there has been no effort made to abate the violations, and that the owner nor the owner's representative is present for the hearing. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

Yeas: Messrs. Denk, Gallagher, Saab, Bradley, Maschke. Nays: None.

* * *

Docket A-61-14.

RE: Appeal of SRMOF II 2012-1 Trust, U.S. Bank Trust National Association, Owner of the One

Dwelling Unit Single-Family Residence One Story Garage - Detached Wood Frame Property, located on the premises known as 13104 Wainfleet Avenue from a CONDEMNATION ORDER — GARAGE, dated February 10, 2014, of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to DENY the appeal and to REMAND the property to the Department of Building and Housing for supervision and any required further action, noting that the owner has transferred the property and that the new owner has obtained permits and is permitted to proceed without action from the Board. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saab.

Yeas: Messrs. Denk, Gallagher, Saab, Bradley, Maschke. Nays: None.

* * *

Dockets A-62-14.

RE: Appeal of Farid Nagib, Owner of the S-1 Storage - Moderate Hazard (Combustibles) One & One/half Story Masonry Property, located on the premises known as 5000 Track Road from a NOTICE OF VIOLATION — UNAUTHORIZED/ILLEGAL USE, dated January 29, 2014 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

No action required by the Board at this time.

* * *

Docket A-63-14.

RE: Appeal of Lei Wei, Owner of the Two Dwelling Units Two-Family Residence Two & One/half Story Wood Frame/Siding/Masonry Veneer Property, located on the premises known as 925 East 126th Street from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated February 24, 2014, of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the Violation Notice was properly issued based upon photographic evidence and testimony presented by the inspector, that no work has been done on the property, and that the Appellant is not present at the hearing, the request for additional time is DENIED; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Bradley.

Yeas: Messrs. Denk, Gallagher, Saab, Bradley, Maschke. Nays: None.

* * *

OTHER BOARD BUSINESS:

Dockets A-36-14 to A-39-14.

University Place Dev. Co., LP - 1569 East 118th Street (Bldgs. A,B,C,D):

Dockets A-40-14 to A-41-14. University Place Dev. Co., LP - 1569 East 118th Street (Bldgs. A,B):

Dockets A-42-14 to A-46-14. University Place Dev. Co., LP - 1569 East 118th Street (Bldgs. A,B,C,D,E):

Dockets A-47-14 to A-51-14. University Place Dev. Co., LP - 1569 East 118th Street (Bldgs. A,B,C,D,E):

Dockets A-52-14 to A-54-14. University Place Dev. Co., LP - 1569 East 118th Street (Bldgs. A,B,C):

A motion is in order at this time to grant a variance to allow the site utilities installation as shown on permit drawings P1-11 thru P5-11 dated July 25, 2013 with revisions as shown on drawing PO-02 dated April 7, 2014 and Articles of Incorporation dated April 1, 2014. These documents describe water service to each property from a central meter with individual water meters and shut offs as approved by the Cleveland Water Department, sanitary sewers with accessible cleanouts, natural gas distribution as approved by the utility, and the articles of incorporation including easements and maintenance requirements and responsibilities. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

Yeas: Messrs. Denk, Gallagher, Saab. Nays: Messrs. Bradley, Maschke.

* * *

APPROVAL OF RESOLUTIONS:

Separate motions were entered by Mr. Bradley and seconded by Mr. Gallagher for Approval and Adoption of the Resolutions as presented by the Secretary for the following Dockets respectively, subject to the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC):

- A-293-13 — John H. Deleva
- A-34-14 — Yvette Attaway
- A-55-14 — GLSD Steel Warehouse
- A-65-14 — DeWayne Cooper

Yeas: Messrs. Denk, Gallagher, Bradley, Maschke. Nays: None. Not Voting: Mr. Saab.

* * *

Separate motions were entered by Mr. Gallagher and seconded by Mr. Maschke for Approval and Adoption of the Resolutions as presented by the Secretary for the following Dockets respectively, subject to the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC):

- A-18-14 — SunPace Property, LLC
- A-28-14 — George Caraman

Yeas: Messrs. Denk, Gallagher, Bradley, Maschke. Nays: None. Not Voting: Mr. Saab.

* * *

Separate motions were entered by Mr. Bradley and seconded by Mr. Maschke for Approval and Adoption of the Resolutions as presented by the Secretary for the following Dockets respectively, subject to the

Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC):

- A-31-14 — Khalil Abdur Rahman
- A-32-14 — Roland Realty Co.
- A-33-14 — Shaker Square Towers, LLC

Yeas: Messrs. Denk, Gallagher, Bradley, Maschke. Nays: None. Not Voting: Mr. Saab.

* * *

APPROVAL OF MINUTES:

Separate motions were entered by Mr. Gallagher and seconded by Mr. Maschke for Approval and Adoption of the Minutes as presented by the Secretary, subject to the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC):

April 9, 2014

Yeas: Messrs. Denk, Gallagher, Bradley, Maschke. Nays: None. Not Voting: Mr. Saab.

* * *

JOSEPH F. DENK
Chairman

PUBLIC NOTICE

On March 3, 2014, Cleveland City Council passed Ordinance No. 280-14 authorizing the submission to the electors of the City of Cleveland of a proposal to amend the Charter of the City of Cleveland by amending existing Section 33 to allow for legislation to be presented in electronic, digital, written or printed form. The language that will appear on the ballot for the May 6, 2014 election is as follows:

**ISSUE 11
PROPOSED CHARTER
AMENDMENT
CITY OF CLEVELAND**

A majority affirmative vote is required for passage.

Shall Section 33 of the Charter of the City of Cleveland be amended to provide that copies of ordinances and resolutions shall be introduced in the Council in electronic, digital, written or printed form, and that members of council shall receive an electronic, digital, written or printed copy of an ordinance prior to the final reading of that ordinance?

For more information, go to www.clevelandcitycouncil.org.

March 26, 2014, April 2, 2014, April 9, 2014, April 16, 2014, April 23, 2014, and April 30, 2014

**PUBLIC NOTICE
PROCLAMATION**

NOTICE OF PRIMARY ELECTION

R.C. 3501.03

The Board of Elections of Cuyahoga County, Ohio issues this Proclamation and Notice of Election.

**A PRIMARY ELECTION
WILL BE HELD ON**

TUESDAY, the 6th Day of May, 2014 at the usual places of holding elections in each and every precinct in Cuyahoga County or at such places as the Board may designate, to nominate party candidates and to select members of controlling committees of political parties:

DEMOCRATIC PRIMARY

- Governor and Lieutenant Governor ONE (1)
- Attorney General ONE (1)
- Auditor of State ONE (1)
- Secretary of State ONE (1)
- Treasurer of State ONE (1)
- Representative to Congress ONE (1) From the 9th, 11th, 14th, and 16th Congressional Districts
- Justice of the Supreme Court ONE (1) Full Term Commencing 1/1/2015
- ONE (1) Full Term Commencing 1/2/2015
- Judge of the Court of Appeals ONE (1) Full Term Commencing 2/9/2015
- (Eighth District) ONE (1) Full Term Commencing 2/10/2015
- ONE (1) Full Term Commencing 2/11/2015
- ONE (1) Full Term Commencing 2/12/2015
- Member of State Central Committee, Man ONE (1) From the 21st, 23rd, 24th and 25th State Senate Districts
- Member of State Central Committee Woman ONE (1) From the 21st, 23rd, 24th and 25th State Senate Districts
- State Senator ONE (1) From the 21st, 23rd and 25th State Senate Districts
- State Representative ONE (1) From the 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th and 16th
- Judge of the Court of Common Pleas ONE (1) Full Term Commencing 1/1/2015
- (General Division) ONE (1) Full Term Commencing 1/2/2015
- ONE (1) Full Term Commencing 1/3/2015
- ONE (1) Full Term Commencing 1/4/2015
- ONE (1) Full Term Commencing 1/5/2015
- ONE (1) Full Term Commencing 1/6/2015
- ONE (1) Full Term Commencing 1/7/2015
- ONE (1) Full Term Commencing 1/10/2015
- ONE (1) Full Term Commencing 2/9/2015
- ONE (1) Unexpired Term Ending 1/11/2017
- Judge of the Court of Common Pleas ONE (1) Full Term Commencing 1/8/2015
- (Domestic Relations Division) ONE (1) Full Term Commencing 1/9/2015
- ONE (1) Unexpired Term Ending 1/12/17
- Member of Cuyahoga County Council ONE (1) From the 1st, 3rd, 5th, 7th, 9th and 11th
- ONE (1) 10th District Unexpired Term Ending 12/31/2016
- Member of County Central Committee ONE (1) From most precincts

REPUBLICAN PRIMARY

- Governor and Lieutenant Governor ONE (1)
- Attorney General ONE (1)
- Auditor of State ONE (1)

- Secretary of State ONE (1)
 - Treasurer of State ONE (1)
 - Representative to Congress ONE (1) From the 9th, 11th, 14th, and 16th Congressional Districts
 - Justice of the Supreme Court ONE (1) Full Term Commencing 1/1/2015
 - ONE (1) Full Term Commencing 1/2/2015
 - Judge of the Court of Appeals ONE (1) Full Term Commencing 2/9/2015
 - (Eighth District) ONE (1) Full Term Commencing 2/10/2015
 - ONE (1) Full Term Commencing 2/11/2015
 - ONE (1) Full Term Commencing 2/12/2015
 - Member of State Central Committee, Man ONE (1) From the 21st, 23rd, 24th and 25th State Senate Districts
 - Member of State Central Committee Woman ONE (1) From the 21st, 23rd, 24th and 25th State Senate Districts
 - State Senator ONE (1) From the 21st, 23rd and 25th State Senate Districts
 - State Representative ONE (1) From the 7th, 8th, 9th, 10th, 11th, 12th, 13th, 14th, 15th and 16th
 - Judge of the Court of Common Pleas ONE (1) Full Term Commencing 1/1/2015
 - (General Division) ONE (1) Full Term Commencing 1/2/2015
 - ONE (1) Full Term Commencing 1/3/2015
 - ONE (1) Full Term Commencing 1/4/2015
 - ONE (1) Full Term Commencing 1/5/2015
 - ONE (1) Full Term Commencing 1/6/2015
 - ONE (1) Full Term Commencing 1/7/2015
 - ONE (1) Full Term Commencing 1/10/2015
 - ONE (1) Full Term Commencing 2/9/2015
 - ONE (1) Unexpired Term Ending 1/11/2017
 - Judge of the Court of Common Pleas ONE (1) Full Term Commencing 1/8/2015
 - (Domestic Relations Division) ONE (1) Full Term Commencing 1/9/2015
 - ONE (1) Unexpired Term Ending 1/12/17
 - Member of Cuyahoga County Council ONE (1) From the 1st, 3rd, 5th, 7th, 9th and 11th
- GREEN PRIMARY**
- Governor and Lieutenant Governor ONE (1)
 - Member of County Central Committee SEVEN (7) From Cuyahoga County
- LIBERTARIAN PRIMARY**
- Auditor of State ONE (1)
 - Secretary of State ONE (1)
 - Representative to Congress ONE (1) 14th Congressional District
 - Member of State Central Committee ONE (1) 14th Congressional District
- And determining the following questions and issues:

STATE ISSUES

Proposed Constitutional Amendment - Issue One - to fund public infrastructure capital improvements by permitting the issuance of general obligation bonds in the amount of no more than \$1.875 billion over a ten-year period, with no more than

\$175 million issued in each of the first five fiscal years and no more than \$200 million in each of the next five fiscal years, to be repaid annually in no more than thirty (30) years.

SCHOOL ISSUES

BROOKLYN CITY SCHOOL DISTRICT

Proposed Tax Levy (Renewal) - 6.7 mills for the purpose of avoiding an operating deficit for six years.

NORTH ROYALTON CITY SCHOOL DISTRICT

Proposed Bond Issue - \$49,830,000 for the purpose of constructing, renovating, remodeling, rehabilitating, adding to, furnishing, equipping and otherwise improving buildings and facilities, and preparing, equipping and otherwise improving real estate, for school district purposes and an annual levy of 2.56 mills over a maximum period of 35 years.

OLMSTED FALLS CITY SCHOOL DISTRICT

Proposed Bond Issue - \$15,000,000 for the purpose of rehabilitating, renovating, remodeling, adding to, furnishing, equipping and otherwise improving Olmsted Falls High School and an annual levy of 1.8 mills over a maximum period of 30 years.

PARMA CITY SCHOOL DISTRICT

Proposed Tax Levy (Renewal) - 3.8 mills for the purpose of providing for the emergency requirements of the Parma City School District for ten years.

SHAKER HEIGHTS CITY SCHOOL DISTRICT

Proposed Tax Levy (Additional) - 6.9 mills for the purpose of current expenses for a continuing period of time.

COUNTY ISSUES

PROPOSED EXTENSION OF ALCOHOL AND CIGARETTE TAXES FOR SPORTS FACILITIES

For the purpose of paying the costs of constructing, renovating, improving, or repairing sports facilities and reimbursing a county for costs incurred by the county in the construction of sports facilities, shall excise taxes be levied by Cuyahoga County at the rate of three dollars on each gallon of spirituous liquor sold in the county, sixteen cents per gallon on the sale of beer at wholesale in the county, thirty-two cents per gallon on the sale of wine and mixed beverages at wholesale in the county, twenty-four cents per gallon on the sale of cider at wholesale in the county, and 2.25 mills per cigarette on the sale of cigarettes at wholesale in the county, for 20 years beginning August 1, 2015.

MUNICIPAL ISSUES

CITY OF BEDFORD HEIGHTS

Proposed Charter Amendment - Shall Article XIII, Section 13.07 of the Charter of the City of Bedford Heights be amended to authorize to renew a levy of taxes, in an amount not to exceed 2 mills per year, for the purpose of providing funds to

pay costs to repave, repair, upgrade and maintain city streets, for a ten years, commencing in tax year 2014?

CITY OF BROOK PARK WARD 3 PRECINCT A

Local Option - Permitting the sale of wine and mixed beverages on Sunday between the hours of eleven a.m. and midnight by True North Energy, L.L.C., dba True North #373 at 13030 Brookpark Road, Brook Park, OH 44135.

CITY OF BROOKLYN PRECINCT D

Local Option - Permitting the sale of wine and mixed beverages and spirituous liquor on Sunday between the hours of ten a.m. and midnight by Brooklyn Wings, L. L. C., dba Buffalo Wild Wings at 5020 Tiedemen Road, Brooklyn, OH 44144.

CITY OF CLEVELAND

Proposed Charter Amendment - Shall Section 33 of the Charter of the City of Cleveland be amended to provide that copies of ordinances and resolutions shall be introduced in the Council in electronic, digital, written or printed form, and that members of council shall receive an electronic, digital, written or printed copy of an ordinance prior to the final reading of that ordinance?

CITY OF CLEVELAND WARD 15 PRECINCT A

Local Option - Permitting the sale of wine and mixed beverages and spirituous liquor on Sunday between the hours of ten a.m. and midnight by Riser Foods Company dba Clifton Market District 5106 at 11604 Clifton Blvd., Cleveland, OH 44102.

CITY OF CLEVELAND HEIGHTS WARD 2 PRECINCT G

Local Option - Permitting the sale of wine and mixed beverages on Sunday between the hours of eleven a.m. and midnight by True North Energy, L. L. C., dba True North 308 at 2310 Lee Road, Cleveland Heights, OH 44118.

CITY OF GARFIELD HEIGHTS

Proposed Zoning Amendment - Shall Ordinance No. 56-2013 of the City of Garfield Heights, changing the zoning of nine (9) parcels of land (PP# 542-12-002, 542-12-004, 542-12-005, 542-12-006, 542-12-010, 542-12-013, 542-12-015, 542-12-016 and 542-17-010) located North of North Granger Road, South of Midwest Avenue, and West of Transportation Boulevard from U-1 (Single-Family Districts) and U-6 districts (Light Manufacturing Districts), to U-11B (Industrial Park Districts) be approved?

CITY OF MAPLE HEIGHTS

Proposed Income Tax (Increase) - Shall the Ordinance providing for a 0.5% levy increase on income, to a rate of 3% per annum, for the purpose of current expenses and general operation of the city, effective July 1, 2014, be passed?

VILLAGE OF NEWBURGH HEIGHTS

Proposed Ordinance - Shall the proposed Ordinance reducing the number of members of Village Council from six (6) to five (5) effective for Council terms commencing January 1, 2016 be adopted?

CITY OF PARMA WARD 9 PRECINCT F

Local Option - Permitting the sale of wine and mixed beverages and spirituous liquor on Sunday between the hours of ten a.m. and midnight by Moonlight Tavern Inc. at 6174 Broadview Road, 1st fl and bsmt, Parma, OH 44134.

CITY OF PEPPER PIKE

Proposed Tax Levy (Renewal) - 4 mills for the purpose of providing fire apparatus, appliances, buildings, and for the payment of permanent, part-time, firefighter/emergency medical service personnel to operate the City's fire equipment including ambulance for five years.

CITY OF ROCKY RIVER WARD 2 PRECINCT C

Local Option - Permitting the sale of wine and mixed beverages and spirituous liquor on Sunday between the hours of ten a.m. and midnight by Riser Foods Co. dba Giant Eagle #1297 at 22080-22160 Center Ridge Rd., Rocky River, OH 44116.

CITY OF SEVEN HILLS

Proposed Tax Levy (Renewal) - 0.5 mill for the purpose of acquiring motorized vehicles and equipment, including a street sweeper, a tractor with front-end loader and backhoe, a mower, dump trucks, pick-up trucks, and snow plow assemblies, salt spreaders and other related equipment therefor, for use in carrying out functions of the Department of Public Service for five years.

CITY OF SOUTH EUCLID WARD 4 PRECINCT D

Local Option - Permitting the sale of wine and mixed beverages on Sunday between the hours of eleven a.m. and midnight by True North Energy, L. L. C., dba True North #356 at 14473 Cedar Road, South Euclid, OH 44121.

CITY OF STRONGSVILLE

Proposed Tax Levy (Renewal) - 1.5 mills for the purpose of current expenses for five years.

CITY OF STRONGSVILLE

Proposed Zoning Amendment - Shall the Zoning Map of Strongsville be amended to change the classification of certain real estate located at 8422 Pearl Road (part of PP# 395-05-012) for the purpose of rezoning the property from its present zoning classification of R1-75 (One Family 75) to GB (General Business) classification?

CITY OF STRONGSVILLE WARD 2 PRECINCT E

Local Option - Permitting the sale of wine and mixed beverages and spirituous liquor on Sunday between the hours of ten a.m. and midnight by Tamarkin Co. dba Giant Eagle 4086 at 15919 Pearl Road, Strongsville, OH 44149.

The polls for the election will be open at 6:30 a.m. and will remain open until 7:30 p.m. on election day.

**BY ORDER OF
THE BOARD OF ELECTIONS,
CUYAHOGA COUNTY, OHIO**
INAJO DAVIS CHAPPELL, CHAIR
PAT MCDONALD, DIRECTOR

**PROCLAMACIÓN AVISO
DE ELECCIÓN PRIMARIA**

R.C. 3501.03

La Junta Electoral del Condado de Cuyahoga, Ohio, publica esta Proclamación y Aviso de Elección.

**SE CELEBRAR UNA
ELECCIÓN PRIMARIA
EL MARTES, 6 de mayo de 2014**

en los lugares usuales para celebrar elecciones en todos y cada uno de los distritos electorales del Condado de Cuyahoga o en los lugares que pueda designar la Junta, con el fin de elegir candidatos del partido y seleccionar miembros de los comités del control de los partidos políticos:

PRIMARIA DEMÓCRATA

Gobernador y Vicegobernador UNO (1)

Fiscal General UNO (1)

Auditor del Estado UNO (1)

Secretario de Estado UNO (1)

Tesorero del Estado UNO (1)

Representante al Congreso UNO (1) Distritos 9, 11, 14 y 16 del Congreso

Juez del Tribunal Supremo UNO (1) Período Completo Comenzando el 1/1/15

UNO (1) Período Completo Comenzando el 1/2/15

Juez del Tribunal de Apelaciones (Distrito Ocho) UNO (1) Período Completo Comenzando el 2/9/15

UNO (1) Período Completo Comenzando el 2/10/15

UNO (1) Período Completo Comenzando el 2/11/15

UNO (1) Período Completo Comenzando el 2/12/15

Miembro del Comité Central del Estado, Hombre UNO (1) Distritos 21, 23, 24 y 25 del Senado del Estado

Miembro del Comité Central del Estado, Mujer UNO (1) Distritos 21, 23, 24 y 25 del Senado del Estado

Senador del Estado UNO (1) Distritos 21, 23 y 25 del Senado del Estado

Representante del Estado UNO (1) De los Distritos 7, 8, 9, 10, 11, 12, 13, 14, 15 y 16 del Representante del Estado

Juez del Tribunal de Causas Comunes UNO (1) Período Completo Comenzando el 1/1/15

(División General) UNO (1) Período Completo Comenzando el 1/2/15

UNO (1) Período Completo Comenzando el 1/3/15

UNO (1) Período Completo Comenzando el 1/4/15

UNO (1) Período Completo Comenzando el 1/5/15

UNO (1) Período Completo Comenzando el 1/6/15

UNO (1) Período Completo Comenzando el 1/7/15

UNO (1) Período Completo Comenzando el 1/10/15

UNO (1) Período Completo Comenzando el 2/9/15

UNO (1) Período Inconcluso que Finaliza el 1/11/17

Juez del Tribunal de Causas Comunes UNO (1) Período Completo Comenzando el 1/8/15

(División de Relaciones Doméstic) UNO (1) Período Completo Comenzando el 1/9/15

UNO (1) Período Inconcluso que Finaliza el 1/12/17

Miembro del Consejo del Condado UNO (1) Distritos 1, 3, 5, 7, 9 y 11

UNO (1) Distrito 10, Período Inconcluso que Finaliza el 12/31/16

Miembro del Comité Central del Condado UNO (1) De la mayor a de los distritos electorales

PRIMARIA REPUBLICANA

Gobernador y Vicegobernador UNO (1)

Fiscal General UNO (1)

Auditor del Estado UNO (1)

Secretario de Estado UNO (1)

Tesorero del Estado UNO (1)

Representante al Congreso UNO (1) Distritos 9, 11, 14 y 16 del Congreso

Juez del Tribunal Supremo UNO (1) Período Completo Comenzando el 1/1/15

UNO (1) Período Completo Comenzando el 1/2/15

Juez del Tribunal de Apelaciones (Distrito Ocho) UNO (1) Período Completo Comenzando el 2/9/15

UNO (1) Período Completo Comenzando el 2/10/15

April 9, 2014 and April 30, 2014

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."

THURSDAY, MAY 15, 2014

File No. 54-14 — Pool Chemicals, for the Division of Recreation, 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 THURSDAY, MAY 1, 2014 AT 10:00 A.M. CLEVELAND CITY HALL, DIVISION OF RECREATION, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

File No. 55-14 — EMS Inventory Management Systems, for the Division of Emergency Medical Services, Department of Public Safety, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, MAY 1, 2014 AT 1:00 P.M. CLEVELAND CITY HALL, DIVISION OF PURCHASE AND SUPPLIES, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

April 23, 2014 and April 30, 2014

FRIDAY, MAY 16, 2014

File No. 51-14 — Cable Carts and Related Equipment, for the Division of Motor Vehicle Maintenance, Department of Public Works, as authorized by Ordinance No. 790-13, passed by the Council of the City of Cleveland, May 20, 2013.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING FRIDAY, MAY 2, 2014 AT 10:00 A.M. MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

File No. 52-14 — Purchase Various Steering Gear and Related Parts, for the Division of Motor Vehicle Maintenance, Department of Public Works, as authorized by Ordinance No. 1330-A-10, passed by the Council of the City of Cleveland, December 6, 2010.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING FRIDAY, MAY 2, 2014 AT 10:30 A.M. MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

File No. 53-14 — Direct Haul of Municipal Solid Waste, for the Division of Waste Collection, Department of Public Works, as authorized by Ordinance No. 1499-13, passed by the Council of the City of Cleveland, November 25, 2013.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING WEDNESDAY, MAY 7, 2014 AT 10:00 A.M. THE DIVISION OF WASTE COLLECTION AND DISPOSAL, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

April 23, 2014 and April 30, 2014

THURSDAY, MAY 22, 2014

File No. 59-14 Employee Uniforms, (Re-bid), for the Various Divisions of Port Control, Department of Port Control, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING FRIDAY, MAY 9, 2014 AT 10:00 A.M. CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S CENTRAL RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OH 44135-3193.

File No. 60-14 Constructing and Installing Replacement Sewers and Repairing and Rehabilitation of Existing Sewers, (Re-bid), for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 1105-13, passed by the Council of the City of Cleveland, September 23, 2013.

*THERE WILL BE A **NON-REFUNDABLE FEE** FOR PLANS AND SPECIFICATIONS IN THE AMOUNT OF FIFTY DOLLARS (\$50.00) ONLY IN THE FORM OF A CASHIER'S CHECK OR A MONEY ORDER (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED TO PURCHASE PLANS).

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING THURSDAY, MAY 8, 2014 AT 11:30 A.M. THE DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44114.

***Bidders must purchase plans and specifications directly from the office of the Commissioner of Purchases and Supplies. Only registered Plan Holders will receive Addenda. Bids cannot be accepted from Bidders who only purchase plans from other entities such as Plan Rooms and/or who fail to register to be on the City of Cleveland Plan Holders List.**

April 30, 2014 and May 7, 2014

FRIDAY, MAY 23, 2014

File No. 56-14 Regular and Synthetic Lubricants, for the Division of Motor Vehicle Maintenance, Department of Public Works, as authorized by Section 131.64 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING FRIDAY, MAY 9, 2014 AT 10:30 A.M. MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

File No. 57-14 International Truck Parts and Labor, for the Division of Motor Vehicle Maintenance, Department of Public Works, as authorized by Section 131.64 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING FRIDAY, MAY 9, 2014 AT 10:00 A.M.

MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, BUILDING #1, CLEVELAND, OHIO 44105.

File No. 58-14 Vehicle Exhaust System Upgrade, for the Division of Fire, Department of Public Safety, as authorized by Ordinance No. 1089-13, passed by the Council of the City of Cleveland, August 14, 2013.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING THURSDAY, MAY 8, 2014 AT 1:00 P.M. CLEVELAND FIRE HEADQUARTERS, 1645 SUPERIOR AVENUE, CLEVELAND, OHIO 44114.

April 30, 2014 and May 7, 2014

WEDNESDAY, MAY 28, 2014

File No. 61-14 Labor And Materials For Maintenance of Uninterruptible Power Supply Systems, Appurtenances And Specialized Batteries, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 675-13, passed by the Council of the City of Cleveland, May 20, 2013.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING THURSDAY, MAY 8, 2014 AT 10:00 A.M. THE CARL B. STOKES PUBLIC UTILITIES BUILDING, 2ND FLOOR CONFERENCE ROOM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

April 30, 2014 and May 7, 2014

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 534-14. By Council Member Cimperman. An emergency resolution objecting to a New C1 Liquor Permit at 4423 Detroit Avenue.

Whereas, Council has been notified by the Division of Liquor Control of an application for a New C1 Liquor Permit at Maria Food Market, LLC, DBA Thomas Beverage, 4423 Detroit Avenue, Cleveland, Ohio 44113, Permanent Number 5531533; and

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

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a New C1 Liquor Permit at Maria Food Market, LLC, DBA Thomas Beverage, 4423 Detroit Avenue, Cleveland, Ohio 44113, Permanent Number 5531533; and requests the Superintendent of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted April 21, 2014.
Effective April 22, 2014.

Res. No. 538-14. By Council Member Kelley. An emergency resolution objecting to the transfer of ownership of a D5 Liquor Permit to 6101 Memphis Avenue.

Whereas, Council has been notified by the Division of Liquor Control of an application for the transfer of ownership of a D5 Liquor Permit from Memphis Station, LLC, DBA Memphis Station, 6101 Memphis Avenue, Cleveland, Ohio 44144, Permanent Number 5830264 to Memphis March 2014, LLC, 6101 Memphis Avenue, Cleveland, Ohio 44144, Permanent Number 5830330; and

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

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

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

Whereas, the place for which the permit is sought is so arranged or constructed that law enforcement officers or agents of the Division of

Liquor Control are prevented reasonable access to the establishment; and

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D5 Liquor Permit from Memphis Station, LLC, DBA Memphis Station, 6101 Memphis Avenue, Cleveland, Ohio 44144, Permanent Number 5830264 to Memphis March 2014, LLC, 6101 Memphis Avenue, Cleveland, Ohio 44144, Permanent Number 5830330; and requests the Superintendent of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted April 21, 2014.
Effective April 22, 2014.

Ord. No. 263-14.
By Council Members Zone and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Law to apply for and accept a grant from the Criminal Justice Services Agency for the FY 2013 Cleveland Domestic Violence Program; and to enter into one or more contracts with Cuyahoga County and other entities 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 Law is authorized to apply for and accept a grant in the approximate amount of \$108,202.84, and any other funds that may become available during the grant term, from the Criminal Justice Service Agency, to conduct the FY 2013 Cleveland Domestic Violence Program, for the purposes set forth in the application and according thereto; that the Director of Law 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 file for the grant.

Section 2. That the award letter, budget, and narrative for the grant, File No. 263-14-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, including the obligation of the City of Cleveland to provide cash matching funds in the sum of \$36,067.61 from Fund No. 01-1001-6397, is approved in all respects. (RQS 6001, RL 2014-10).

Section 3. That the Director of Law is authorized to enter into one or more contracts with the County of Cuyahoga and one or more contracts with other entities to implement the program as described in the file.

Section 4. That the Law Director will provide an update on the progress of the program for Council to review in October, 2014.

Section 5. That the cost of the contract or contracts shall be paid from the fund or funds to which are credited the grant proceeds accepted under this ordinance and the cash match.

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

Passed April 21, 2014.
Effective April 22, 2014.

Ord. No. 298-14.
By Council Members Zone and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to enter into an agreement with Cuyahoga County to transfer the responsibility of answering cellular 9-1-1 calls made within the City of Cleveland from the County to the City for a period of five years, with one five-year option to renew exercisable by the Director of Public Safety; authorizing the City to accept funds from the County to support the City's increased responsibility; and authorizing other agreements with various wireless providers.

Whereas, currently Cuyahoga County through the Cuyahoga Emergency Communications System ("CECOMS") answers all cellular 9-1-1 calls made in Cuyahoga County, including those calls made within the City of Cleveland; and

Whereas, currently CECOMS then transfers these calls to the appropriate Public Safety Answering Point ("PSAP") based upon caller location; and

Whereas, the City's Department of Public Safety, Division of Police, operates a PSAP in Cleveland; and

Whereas, the County and the City desire to have CECOMS no longer answer cellular 9-1-1 calls originating in Cleveland but rather for the City's PSAP to directly answer and handle these calls; and

Whereas, the County desires to assist the City in taking over CECOM's responsibilities for these

calls by providing certain funding; and

Whereas, the Cuyahoga County 9-1-1 Board has approved the transfer of this responsibility from CECOMS to the City's PSAP; 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 enter into an agreement with Cuyahoga County to transfer the responsibility of directly answering 9-1-1 cellular calls made within the City of Cleveland from the County's CECOMS to the City of Cleveland Department of Public Safety's PSAP for a period of five years, with one five-year option to renew, exercisable by the Director of Public Safety (the "Transfer Agreement").

Section 2. That the Transfer Agreement shall provide that the City receive up to \$600,000 annually from the County to support the City's increased responsibilities following the transfer, and shall not exceed \$3,000,000 over the five-year initial term. That under the Transfer Agreement, the parties agree that the amount of the County's payments to the City under the Transfer Agreement is contingent upon the amount of funding the County receives from the State of Ohio Wireless Government Assistance Fund.

Section 3. That the Director of Public Safety is authorized to enter into one or more agreements with various cellular providers to implement this ordinance (the "Provider Agreements"). The Provider Agreements shall run independently of the Transfer Agreement and may, as determined appropriate by the Director of Public Safety, exceed the term of the Transfer Agreement and continue even if the Transfer Agreement is terminated early under the terms of the Transfer Agreement.

Section 4. That Transfer Agreement and Provider Agreements shall be prepared by the Director of Law.

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

Passed April 21, 2014.
Effective April 22, 2014.

Ord. No. 301-14.
By Council Members Zone, K. Johnson and Brancatelli (by departmental request).

An emergency ordinance authorizing the Director of Capital Projects to issue a permit to Near West Theater, Inc. to encroach into the public right-of-way below and at grade of West 67th Street by installing, using, and maintaining a frost slab, pier shoring, and an entrance doorway.

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 Near West Theatre, Inc., 6702 Detroit Avenue N.W. Cleveland, Ohio 44102 ("Permittee"), to encroach into the public right-of-way below and at grade of West 67th Street by installing, using, and maintaining a frost slab, pier shoring, and an entrance doorway at the following locations:

**Below Grade frost slab and pier shoring
Legal Description of 3.5 foot wide Encroachment Area For Near West Theatre, Inc.**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being a part of Original Brooklyn Township Lot Number 32, bounded and described as follows: Beginning at the intersection of the northerly line of Detroit Avenue N.W. (66 feet wide) with the westerly line of West 67th Street (40 feet wide), said point also being the southeasterly corner of a parcel of land conveyed to Near West Theatre, Inc., as recorded in File Number _____ of Cuyahoga County Deed Records;

Thence along the westerly line of said West 67th Street, North 00°52' 45" East, a distance of 70.74 feet to the Principal Place of Beginning;

Thence continuing along the westerly line of said West 67th Street, North 00°52' 45" East, a distance of 150.68 feet to the northeasterly corner of said parcel of land conveyed to Near West Theatre, Inc.

Thence South 89°07' 15" East a distance of 3.50 feet to a point;

Thence parallel with the aforesaid westerly line of West 67th Street bearing South 00°52' 45" West, a distance of 150.68 feet to a point;

Thence North 89°09' 47" West a distance of 3.50 feet to the Principal Place of Beginning and containing 0.0121 acre of land according to a survey by Matthew C. Neff, Professional Ohio Surveyor #7315, of the M. Neff Design Group dated February 26, 2013. Be the same more or less but subject to all legal highways Below Grade Legal Description of 3.5 foot wide Encroachment Area For Near West Theatre, Inc.

**At Grade entrance doorway.
Legal Description of 3.5 foot wide Encroachment Area For Near West Theatre, Inc.**

Situated in the City of Cleveland, County of Cuyahoga and State of

Ohio, and known as being a part of Original Brooklyn Township Lot Number 32, bounded and described as follows: Beginning at the intersection of the northerly line of Detroit Avenue N.W. (66 feet wide) with the westerly line of West 67th Street (40 feet wide), said point also being the southeasterly corner of a parcel of land conveyed to Near West Theatre, Inc., as recorded in File Number _____ of Cuyahoga

County Deed Records;

Thence along the westerly line of said West 67th Street, North 00°52' 45" East, a distance of 185.02 feet to the Principal Place of Beginning;

Thence continuing along the westerly line of said West 67th Street, North 00°52' 45" East, a distance of 15.00 feet to a point.

Thence South 89°07' 15" East a distance of 3.50 feet to a point;

Thence parallel with the aforesaid westerly line of West 67th Street bearing South 00°52' 45" West, a distance of 15.00 feet to a point;

Thence North 89°09' 47" West a distance of 3.50 feet to the Principal Place of Beginning and containing 0.0012 acre of land according to a survey by Matthew C. Neff, Professional Ohio Surveyor #7315, of the M. Neff Design Group dated February 26, 2013. Be the same more or less but subject to all legal highways.

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

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

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

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

Section 5. That this ordinance is declared to be an emergency measure

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

Passed April 21, 2014.
Effective April 22, 2014.

**Ord. No. 464-14.
By Council Member Kelley (by departmental request).**

An emergency ordinance approving the collective bargaining agreement with the Ohio Nurses Association.

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 Ohio Nurses Association, under the terms contained in File No. 464-14-A, for the period from April 1, 2013 through March 31, 2016, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit under the following schedule:

<u>Increase</u>	<u>Approximate Date of Increase*</u>
1%	April 1, 2013
2%	April 1, 2014
2%	April 1, 2015

* 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 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 21, 2014.
Effective April 22, 2014.

Ord. No. 495-14.

By Council Member Kelley (by departmental request).

An emergency ordinance to amend Sections 33, 36, and 42 of Ordinance No. 385-14, passed March 31, 2014, relating to compensation for various classifications.

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

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

Section 1. That Sections 33, 36, and 42 of Ordinance No. 385-14, passed March 31, 2014, are amended to read as follows:

Section 33. That the salaries and the compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Accountant IV	\$20,800.00	\$61,213.89
2. Airport Operations Agent III	20,800.00	57,473.28
3. Assistant Personnel Administrator	20,800.00	57,473.28
4. Assistant Water Plant Manager	10.00	34.11
5. Assistant Water Plant Manager - Parma	10.00	34.11
6. Budget and Management Analyst.....	20,800.00	57,473.28
7. Chief Animal Control Officer.....	20,800.00	84,555.45
8. Demolition Compliance Officer.....	26,797.11	97,572.38
9. Labor Relations Assistant.....	20,800.00	55,528.34
10. Machinist Unit Leader	14.28	25.77
11. Rehabilitation Supervisor	20,800.00	55,528.34
12. Superintendent of Sewer Maintenance.....	20,800.00	76,867.55
13. Supervisor of Architectural Construction	20,800.00	57,496.23
14. Supervisor of Personnel Records.....	20,800.00	55,528.34
15. Supervisor of Site Development	20,800.00	55,528.34
16. Supervisor of Vital Statistics.....	20,800.00	57,473.28
17. Systems Analyst	20,800.00	63,677.78
18. Water System Construction Inspector Supervisor.....	20,800.00	64,449.34

Section 36. That the salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Airport Operations Superintendent.....	\$23,333.40	\$67,822.56
2. Airport Security Coordinator.....	23,333.40	65,528.58
3. Assistant Airport Safety Chief/Training Officer	23,333.40	65,528.58
4. Human Resources Program Planning & Management Specialist	22,333.40	65,528.58
5. Assistant Manager of Stage	22,333.40	65,528.58
6. Chief of Bureau of Accounts and Collections.....	22,333.40	65,528.58
7. Chief of Bureau of Smoke Abatement	22,333.40	65,528.58
8. Chief Engineer-Traffic.....	22,333.40	76,344.01
9. Chief Senior Electric Switchboard Operator	22,333.40	82,416.00
10. Chief of Tax Auditing Bureau.....	22,333.40	67,822.56
11. Chief of Tax Records Bureau	22,333.40	65,528.58
12. Deputy Commissioner of Purchases and Supplies.....	22,333.40	77,446.20
13. Grants Administrator.....	22,333.40	77,446.20
14. Health Center Director.....	22,333.40	77,446.20
15. Human Resources Fiscal Administrator.....	22,333.40	65,528.58
16. Income Tax Financial Supervisor.....	22,333.40	65,528.58
17. Manager of Assigned Maintenance.....	22,333.40	76,344.01
18. Manager of Parks and Recreation Research and Planning.....	22,333.40	76,344.01
19. Manager of Parks and Urban Forestry	22,333.40	76,344.01
20. Manager of Site Development.....	22,333.40	76,344.01
21. Prevailing Wage Coordinator	27,193.50	69,367.62
22. Project Director	22,333.40	82,706.96
23. Programming Supervisor.....	22,333.40	65,528.58
24. Superintendent of Sidewalks	22,333.40	65,528.58
25. Warehouse Inventory Manager	22,333.40	82,706.96
26. Water Business Plan Assistant Manager.....	22,333.40	82,706.96

Section 42. That the salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Administration Bureau Manager.....	\$40,314.82	\$136,049.25
2. Assistant Manager - Applications Development and Technical Support.....	46,224.91	128,595.56
3. Assistant Manager - Data Processing Operations	46,224.91	118,705.54
4. Assistant to Manager of Planning	46,224.91	118,705.54
5. Customer Support and Inspection Scheduling Coordinator	42,286.40	97,572.38
6. Deputy Commissioner of Cleveland Public Power.....	46,224.91	133,631.28

Section 2. That existing Sections 33, 36, and 42 of Ordinance No. 385-14, passed March 31, 2014, are repealed.

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

Passed April 21, 2014.

Effective April 22, 2014.

**Ord. No. 497-14.
By Council Member Kelley (by
departmental request).**

An emergency ordinance authorizing the issuance and sale of bonds in the maximum principal amount of \$21,200,000 for the purpose of providing funds for Bridges and Roadway improvements and authorizing related matters.

Whereas, this Council desires to issue bonds in an aggregate principal amount not to exceed \$21,200,000 (the "Series 2014B Bonds") to finance the costs of certain permanent improvements described in Section 1; and

Whereas, the Series 2014B Bonds shall be payable from and secured by income tax revenues of the City remaining after deposits required under the General Bond Ordinance (as defined in Section 2) are made to the escrow agent for the City's general obligation bonds; and

Whereas, the Director of Finance, as fiscal officer of this City, has certified to this Council that the estimated life or usefulness of the improvements to be financed with the proceeds of the Series 2014B Bonds is at least five years and the maximum maturity of the Series 2014B Bonds is 18 years, as evidenced by the certificate contained in File No. 497-14-A; and

Whereas, the authorization for issuance of the Series 2014B Bonds is necessary to provide funds to pay the costs of certain permanent improvements described in Section 1 that are urgently needed for the benefit of the City, and as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health and safety, and for the usual daily operation of a municipal department; now, therefore,

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

Section 1. Purpose. It is deemed necessary to issue the Series 2014B Bonds in an aggregate principal amount not to exceed \$21,200,000 for the purpose of providing funds to improve the municipal street system and related facilities, including streets, expressways, roadways, driveways, driveway approaches, retaining walls, underground vaults, sidewalks and pedestrian walkways, by acquiring, constructing, reconstructing, opening, extending, widening, grading, draining, paving, resurfacing, striping, lighting and curbing, removing or reconstructing underground vaults to preserve the public right of way; installing gutters, on-street bicycle facilities, bicycle paths, sidewalks and related pedestrian improvements; constructing, installing and improving bus stations, ADA ramps and streetscape entryways; constructing and improving culverts; constructing sanitary sewers, storm sewers and water lines; resetting and constructing catch basins and other storm drainage facilities; constructing, reconstructing, replacing, renovating and rehabilitating bridges; acquiring any real estate and interests in real estate, including easements, necessary for such purpose; and installing street lighting and signs, signals, markings and other devices for traffic control purposes, together with all necessary and incidental appurtenances, and to pay any capitalized interest and all expenses incurred in

connection with the issuance of the securities, including all financing costs within the meaning of Section 133.01(K) of the Revised Code and such other costs of the foregoing permanent improvements that may be financed with the proceeds of securities as permitted by Section 133.15(B) of the Ohio Revised Code and as otherwise permitted by law.

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

Section 3. Pledge and Covenant to Maintain Income Tax. So long as Bonds are outstanding under the Indenture, the City pledges the municipal income taxes of the City and grants a lien thereon, subordinate to the lien granted in the General Bond Ordinance as security for the General Obligation Bonds of the City issued and outstanding under the General Bond Ordinance, to the full

extent required to meet debt charges payable on the Bonds issued and outstanding, from time to time, under the Indenture. The City covenants to appropriate annually sufficient amounts from the income taxes to pay all debt charges on the General Obligation Bonds, the Bonds outstanding under the Indenture, any Parity Obligations and the Unrestricted Income Tax Obligations (each as defined in the Indenture). The City further covenants that so long as any Bonds are outstanding under the Indenture, the City shall not repeal or amend, or suffer the repeal of, any ordinance for the levy or collection of its income taxes in any manner or to such extent that the City would not be able to meet its obligations to the holders of the Bonds.

Section 4. Terms of the Series 2014B Bonds. The Series 2014B Bonds shall be issued in fully registered form. The Series 2014B Bonds may be issued in one or more series or subseries. The Series 2014B Bonds may be delivered only in book-entry form, and if so delivered, shall be registered in the name of the Depository (as defined in the Indenture) or its nominee, as registered owner, and immobilized in the custody of the Depository, and shall not be transferable or exchangeable (except for transfer to another Depository or its nominee) without further action by the City pursuant to the provisions of the Indenture and the Sixth Supplement identified in Section 7. The Series 2014B Bonds shall be designated "Bridges and Roadway Improvement Bonds, Series 2014B" and may contain such further designation as provided in the Certificate of Award identified below. The Series 2014B Bonds shall be issued in one lot as fully registered Series 2014B Bonds in denominations of \$5,000 or any whole multiple thereof. The Series 2014B Bonds shall be numbered as determined by the Director of Finance. The Series 2014B Bonds shall be signed by the officials of the City and in the manner set forth in the Indenture.

The Series 2014B Bonds shall be dated the date of their issuance and delivery or such other date specified in the certificate of award providing for the final terms of the Series 2014B Bonds and the sale of the Series 2014B Bonds in accordance with this Ordinance (the "Certificate of Award"). The Series 2014B Bonds shall bear interest from their date until the principal amount is paid at the rate or rates per year specified in the Certificate of Award, provided that the yield (determined in accordance with the arbitrage provisions of the Internal Revenue Code of 1986, as amended) of the Series 2014B Bonds shall not exceed 6.00% per year. Interest on the Series 2014B Bonds shall be payable semi-annually on April 1 and October 1, or such other dates specified in the Certificate of Award (the "Interest Payment Dates").

The Series 2014B Bonds shall mature in the years and principal amounts set forth in the Certificate of Award, provided that (i) each principal payment shall occur on an Interest Payment Date, and (ii) the final maturity date of the Series 2014B Bonds shall be no later than August 1, 2033. The Series 2014B Bonds stated to mature in any year may be issued as serial Series 2014B Bonds or as term Series 2014B Bonds payable prior to stated maturity pursuant to sinking

fund redemption (the "Term Bonds"). The Director of Finance shall determine in the Certificate of Award whether any of the Series 2014B Bonds shall be issued as Term Bonds, any dates (the "Mandatory Redemption Dates") on which the principal amount of the Term Bonds shall be payable pursuant to mandatory sinking fund installments rather than at stated maturity and the amount of principal to be paid on each Mandatory Redemption Date (the "Mandatory Sinking Fund Redemption Requirements"). If any of the Series 2014B Bonds are issued as Term Series 2014B Bonds, the Term Bonds shall be redeemed pursuant to the Mandatory Sinking Fund Redemption Requirements at a redemption price of 100% of the principal amount redeemed, plus interest accrued to the redemption date, on the Mandatory Redemption Dates. The aggregate of the monies to be deposited with the Trustee for payment of principal of and interest on any Term Bonds shall include amounts sufficient to redeem on the Mandatory Redemption Dates the principal amount of Term Bonds payable on those dates pursuant to the Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as provided in the Indenture and the Sixth Supplement).

The Series 2014B Bonds may be subject to redemption prior to maturity by and at the option of the City, in whole or in part on any date, in whole multiples of \$5,000, on the redemption dates and at the redemption prices specified in the Certificate of Award, plus, in each case, accrued interest to the redemption date. Based on the written advice of a financial advisor, the Director of Finance may determine in the Certificate of Award that it is in the best interests of the City (i) for some or all of the Series 2014B Bonds not to be callable prior to their stated maturity, and (ii) for a premium to be payable on the redemption of any Series 2014B Bonds calculated in a manner to make the bondholder whole for the loss of the investment or calculated as a percentage in excess of 100% of the principal amount redeemed.

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

If and to the extent provided in the Certificate of Award, the Series 2014B Bonds may be secured by a Debt Service Reserve Fund to be held by the Trustee under the Indenture. The principal amount of the Series 2014B Bonds may include provision for funding the Debt Service Reserve Fund from the proceeds of the Bonds, subject to compliance with applicable federal tax laws.

Section 5. Sale of Series 2014B Bonds. The Series 2014B Bonds shall first be offered for purchase to the Trustees of the Sinking Fund and, if not purchased by them, shall be offered to the Treasury Investment Account for purchase and, if not purchased for that Account, shall be sold to the purchaser identified in the Certificate of Award (the "Original Purchaser"). The Certificate of Award

shall specify the final terms of the Series 2014B Bonds in accordance with law, the provisions of this Ordinance, the written advice of a financial advisor retained under authority of Section 12 and the Original Purchaser's offer to purchase the Series 2014B Bonds, including: the principal amount of the Series 2014B Bonds (which shall not exceed the amount stated in Section 1), the purchase price (which shall be not less than 97% of the principal amount plus accrued interest to their date of delivery), interest rate or rates, the amounts and years in which principal installments are payable (at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements), terms and conditions under which any Series 2014B Bonds may be redeemed prior to maturity at the option of the City, the Interest Payment Dates and the date of the Series 2014B Bonds (if different from those set forth in Section 3) and any other matters required in this Ordinance to be set forth in that Certificate. As appropriate under the Charter, the Mayor, Director of Finance, Director of Law, Clerk of Council and other appropriate officers of the City are, and each of them is, authorized to take such actions as are necessary, appropriate and in the best interest of the City to establish the terms and requirements for delivery of the Series 2014B Bonds and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, procedures, and conditions for the delivery of the Series 2014B Bonds to the Original Purchaser, to give all appropriate notices and certificates, to cause a true transcript of proceedings with reference to the issuance of the Series 2014B Bonds to be delivered to the Original Purchaser, to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance and to take all steps necessary to effect the due execution, authentication and delivery of the Series 2014B Bonds. The Director of Finance is authorized to sign and deliver on behalf of the City a bond purchase agreement between the City and the Original Purchaser (the "Bond Purchase Agreement"), approved as to form by the Director of Law, setting forth the terms and conditions on which the City agrees to sell the Series 2014B Bonds and the Original Purchaser agrees to buy the Series 2014B Bonds on terms consistent with this Ordinance and the Indenture, that are not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement or amendments to the Bond Purchase Agreement by the Director of Finance. It is determined that the terms of the Series 2014B Bonds, as provided in this Ordinance and as may be provided in or pursuant to the Certificate of Award, the Indenture and the Sixth Supplement, are in the best interest of the City and in compliance with all legal requirements.

Section 6. Application of Proceeds. The proceeds from the sale of the Series 2014B Bonds shall be applied as follows:

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

(b) to the Trustee, for deposit in the Interest Payment Account in the Debt Service Fund, the amount, if any, received by the City upon delivery of the Series 2014B Bonds as accrued interest from their dated date to the date of their delivery to the Original Purchaser;

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

(d) to the Trustee for deposit in the Project Fund, the balance of the proceeds (including any original issue premium received from the sale of the Series 2014B Bonds).

Section 7. Supplemental Indenture;

Lease. The Director of Finance is authorized to sign and deliver on behalf of the City a supplemental trust indenture (the "Sixth Supplement"), supplementing the Indenture to provide procedures for the authentication, registration and transfer of the Series 2014B Bonds, redemption of Series 2014B Bonds, payments under any Credit Support Instrument authorized by Section 11, application of the proceeds of the Series 2014B Bonds, defeasance of the Series 2014B Bonds, and other terms consistent with this Ordinance and the Certificate of Award and approved by the Director of Finance as not substantially adverse to the City. The Sixth Supplement shall be approved as to form by the Director of Law. The determination by the Director of Finance that the provisions of the Sixth Supplement are not substantially adverse to the City shall be conclusively evidenced by the Director's signing of the Sixth Supplement. As appropriate under the Charter, the Mayor, the Director of Finance, the Director of Law, the Clerk of Council and other appropriate officers of the City are, and each of them is, authorized to sign, acknowledge and deliver, in the name and on behalf of the City, such documents, certifications and instruments in addition to the Indenture and Sixth Supplement as may be necessary or appropriate to issue and sell the Series 2014B Bonds and to consummate the transactions authorized by this Ordinance.

The Director of Finance is further authorized to sign and deliver on behalf of the City a five-year lease agreement (the "Lease") and any related agreements with PlayhouseSquare Foundation, Inc. ("PSF") for the City's acquisition, under Section 133.15 of the Revised Code, of a leasehold interest in the streetscape entryways described in Section 1 to be acquired with a portion of the proceeds of the Series 2014B Bonds, which proceeds of the Series 2014B Bonds may be expended as a single lease payment or pre-payment for the rental under the Lease. Pursuant to the Lease, PSF shall agree, among other things, to have full responsibility for maintaining the leased streetscape entryways in substantially the same condition as they will be at the commencement of the Lease and not to make any structural alterations of the leased streetscape entryways without the written approval of the City.

Section 8. Bond Anticipation Notes. For the purpose of raising money in anticipation of the issuance of the Series 2014B Bonds for the purpose set forth in Section 1, notes of the City may be issued in an aggregate principal amount not to exceed \$21,200,000 (the "Notes") upon the direction of the Director of Finance to be set forth in a certificate providing for the final terms of the Notes and the sale of the Notes and signed by the Director of Finance (the "Note Certificate of Award"). The Notes, if sold as fixed rate obligations, shall bear interest at such rate, not exceeding 6.00% per year, and shall be payable on the date or dates, as shall be determined by the Director of Finance of the City in the Note Certificate of Award; shall be dated their date of issuance; shall mature on the date set forth in the Note Certificate of Award; shall be subject to redemption by the City at any time prior to maturity without penalty, unless the Director of Finance, based on the advice of a financial advisor, determines that it is in the best interest of the City in order to enhance the marketability of the Notes, that the Notes not be redeemable prior to maturity or that a premium be paid on their prior redemption; shall be designated "Bridges and Roadway Improvement Bond Anticipation Notes" or as otherwise provided in the Note Certificate of Award; shall be issued in such numbers and denominations as may be requested by the Note Purchaser (hereinafter defined); and shall be issued in fully registered form (which may be in a book entry only system). The provisions of Sections 9.98 to 9.983 of the Revised Code shall apply to the Notes and pursuant to that authority and this Ordinance, the Director of Finance may determine in the Certificate of Award, based on the written advice of a financial advisor, that the City's best interests will be served by causing all or a portion of the Notes to be obligations bearing interest at variable rates. If the Director of Finance so determines, then the Director of Finance shall specify in the Certificate of Award the method and procedure by which the variable rate of interest to be borne by the variable rate Notes shall be determined; provided that the variable rate Notes shall not bear interest at a rate in excess of 25.00% per year. The Director of Finance is authorized to enter into agreements in connection with the delivery of the variable rate Notes, and from time to time thereafter so long as the variable rate Notes are outstanding, with providers of Credit Support Instruments (as defined in Section 11) and others as may be determined by the Director of Finance, based on the written advice of a financial advisor, to be necessary or appropriate to provide for the method of determining the variable interest rates, permitting holders the right of tender, providing for liquidity or credit support for the payment of the variable rate Notes upon tender for purchase or redemption, and providing for the repayment by the City of any amounts drawn under the Credit Support Instrument. The Trustee shall be the authenticating agent, registrar, transfer agent and paying agent for the Notes. The Notes shall be signed by the officials of the City and in the manner set forth in the Indenture. The Notes shall first be offered for purchase to the Trustees

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

Section 9. Official Statement; Continuing Disclosure. If, in the judgment of the Director of Finance, a disclosure document (each, an "Official Statement") is appropriate or necessary in connection with the sale of the Notes or the Series 2014B Bonds, the Director of Finance is authorized to prepare or cause to be prepared on behalf of the City an Official Statement with respect to the Notes or the Series 2014B Bonds, as the case may be, and any necessary supplements and to authorize the use and distribution of each Official Statement and any supplements. The Director of Finance is authorized to sign on behalf of the City and in her official capacity each Official Statement and any supplements approved by her. The Director of Finance is authorized to sign and deliver on behalf of the City and in her official capacity such certificates in connection with the accuracy of each Official Statement and any supplements as may, in her judgment, be necessary or appropriate. The Director of Finance is also authorized to determine and certify on behalf of the City that such disclosure document is "deemed final" by the City within the meaning of Securities and Exchange Commission Rule 15c2-12 the "SEC Rule." The Director of Finance is authorized to contract for services for the production and distribution of preliminary and final Official Statements, including by printed and electronic means.

For the benefit of the holders and beneficial owners from time to time of the Notes or the Series 2014B Bonds, the City agrees, in accordance with, and as the only obligated person with respect to the Notes and the Series 2014B 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 Series 2014B Bonds, as the case may be, in accordance with the SEC Rule. The performance of that agreement shall be subject to the availability of funds

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

Section 10. Federal Tax Considerations. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Series 2014B Bonds and any Notes in such manner and to such extent as may be necessary so that (i) the Series 2014B Bonds and any Notes will not (A) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Internal Revenue Code of 1986, as amended (the "Code") or (B) be treated other than as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (ii) the interest on the Series 2014B Bonds and any Notes will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (i) it will take or cause to be taken such actions that may be required of it for the interest on the Series 2014B Bonds and any Notes to be and remain excluded from gross income for federal income tax purposes, (ii) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (iii) it, or persons acting for it, will, among other acts of compliance, (A) apply the proceeds of the Series 2014B Bonds and any Notes to the governmental purpose of the borrowing, (B) restrict the yield on investment property, (C) make timely and adequate payments to the federal government, (D) maintain books and records and make calculations and reports and (E) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Director of Finance or any other officer of the City having responsibility for issuance of the Series 2014B Bonds and any Notes is hereby authorized (i) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Series 2014B Bonds and any Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or tax status of the Series 2014B Bonds and any Notes or interest thereon, or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing rebate amounts or payments or penalties or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, which action shall be in writing and signed by the officer, (ii) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the intended tax status of the Series 2014B Bonds and any

Notes and (iii) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Series 2014B Bonds and any Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Series 2014B Bonds and any Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on the Series 2014B Bonds and any Notes and the tax status of the Series 2014B Bonds and any Notes.

Section 11. Credit Facilities and Ratings. If the Director of Finance determines it to be in the best interests of the City, based on the written advice of a financial advisor, the Director of Finance may obtain an insurance policy, letter of credit, standby bond purchase agreement or other credit enhancement instrument as further security for the payment when due of the principal of and interest on all or any portion of the Series 2014B Bonds or any Notes (a "Credit Support Instrument"). The Director of Finance may request a rating on the Series 2014B Bonds or Notes from one or more nationally recognized rating organizations, and do any and all things and take any and all actions required to secure a Credit Support Instrument and/or a rating or ratings on the Series 2014B Bonds or Notes. The Director of Finance may enter into one or more agreements for Credit Support Instruments containing terms not materially inconsistent with this Ordinance or the Indenture. The expenditure of the amounts necessary to secure Credit Support Instruments or obtain those ratings is authorized and approved, and the Director of Finance is authorized to provide for the payment of any such amounts from the proceeds of the Series 2014B Bonds or Notes to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

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

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

Section 14. Findings and Recitals of Validity. It is hereby determined, represented and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Series 2014B Bonds and the

Notes in order to make them legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of the Series 2014B Bonds or the Notes. It is further found and determined, and is represented and recited, that the provisions of Sections 28, 29, 32, 33 (including the provisions of Section 33 with respect to readings on three separate days or dispensing with such readings by a two-thirds vote of all members of the Council), 36, 37, 48 and all other applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this Ordinance was passed in conformity therewith.

Section 15. Delivery to County Fiscal Officer. The Director of Finance is directed to forward a certified copy of this Ordinance and of the Certificate of Award for the Series 2014B Bonds and any Note Certificate of Award to the County Fiscal Officer of Cuyahoga County and to secure a receipt therefore.

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

Section 17. Legislative Intent. All terms, conditions, pledges, covenants or agreements on the part of the City provided for in this Ordinance are made by the voluntary act of the City under its lawful authority, including its authority under its Charter and Article XVIII of the Constitution of Ohio. Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance shall not apply to the Series 2014B Bonds or the Notes authorized herein.

Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding Series 2014B Bonds, notes, certificates of indebtedness, other obligations, trust indentures, trust agreements, or other agreements or contracts made or entered into by the City and for which consideration was duly received by the City prior to the passage of this Ordinance.

Section 18. Emergency Measure. This Ordinance is declared to be an emergency measure for the immediate preservation of the public peace, property, health and safety of the City by providing funds to pay the costs of certain permanent improvements which are urgently needed for the benefit of the City and for the usual

daily operation of a municipal department, and, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest date allowed by law.

Passed April 21, 2014.
Effective April 22, 2014.

**Ord. No. 498-14,
By Council Member Kelley (by
departmental request).**

An emergency ordinance authorizing the issuance and sale of bonds in the maximum principal amount of \$7,000,000 for the purpose of providing funds to improve Municipal Parks and Recreation Facilities and authorizing related matters.

Whereas, this Council desires to issue bonds in an aggregate principal amount not to exceed \$7,000,000 (the "Series 2014B Bonds") to finance the costs of certain permanent improvements described in Section 1; and

Whereas, the Series 2014B Bonds shall be payable from and secured by income tax revenues of the City remaining after deposits required under the General Bond Ordinance (as defined in Section 2) are made to the escrow agent for the City's general obligation bonds; and

Whereas, the Director of Finance, as fiscal officer of this City, has certified to this Council that the estimated life or usefulness of the improvements to be financed with the proceeds of the Series 2014B Bonds is at least five years and the maximum maturity of the Series 2014B Bonds is 21 years, as evidenced by the certificate contained in File No. 498-14-A; and

Whereas, the authorization for issuance of the Series 2014B Bonds is necessary to provide funds to pay the costs of certain permanent improvements described in Section 1 that are urgently needed for the benefit of the City, and as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health and safety, and for the usual daily operation of a municipal department; now, therefore,

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

Section 1. Purpose. It is deemed necessary to issue the Series 2014B Bonds in an aggregate principal amount not to exceed \$7,000,000 for the purpose of providing funds to improve municipal parks and recreation facilities by constructing, reconstructing, rehabilitating, installing, renovating, enlarging and otherwise improving parks and recreation centers and areas, pools, aquatic facilities, skating rinks, greenhouses, bicycle paths, playgrounds, playfields, tracks, fields and related buildings, structures, walkways, pavement, safety surfaces and facilities, and providing necessary water systems, drainage, lighting, signage, fixtures, furnishings, equipment, safety modifications and site improvements, together with all necessary and incidental appurtenances and the acquisition of any required real estate and interests in real estate and the demolition of any existing

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

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

Section 3. Pledge and Covenant to Maintain Income Tax. So long as Bonds are outstanding under the Indenture, the City pledges the municipal income taxes of the City and grants a lien thereon, subordinate to the lien granted in the General Bond Ordinance as security for the

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

Section 4. Terms of the Series 2014B Bonds. The Series 2014B Bonds shall be issued in fully registered form. The Series 2014B Bonds may be issued in one or more series or subseries. The Series 2014B Bonds may be delivered only in book-entry form, and if so delivered, shall be registered in the name of the Depository (as defined in the Indenture) or its nominee, as registered owner, and immobilized in the custody of the Depository, and shall not be transferable or exchangeable (except for transfer to another Depository or its nominee) without further action by the City pursuant to the provisions of the Indenture and the Sixth Supplement identified in Section 7. The Series 2014B Bonds shall be designated "Parks and Recreation Facilities Improvement Bonds, Series 2014B" and may contain such further designation as provided in the Certificate of Award identified below. The Series 2014B Bonds shall be issued in one lot as fully registered Series 2014B Bonds in denominations of \$5,000 or any whole multiple thereof. The Series 2014B Bonds shall be numbered as determined by the Director of Finance. The Series 2014B Bonds shall be signed by the officials of the City and in the manner set forth in the Indenture.

The Series 2014B Bonds shall be dated the date of their issuance and delivery or such other date specified in the certificate of award providing for the final terms of the Series 2014B Bonds and the sale of the Series 2014B Bonds in accordance with this Ordinance (the "Certificate of Award"). The Series 2014B Bonds shall bear interest from their date until the principal amount is paid at the rate or rates per year specified in the Certificate of Award, provided that the yield (determined in accordance with the arbitrage provisions of the Internal Revenue Code of 1986, as amended) of the Series 2014B Bonds shall not exceed 6.00% per year. Interest on the Series 2014B Bonds shall be payable semi-annually on April 1 and October 1, or such other dates specified in the Certificate of Award (the "Interest Payment Dates").

The Series 2014B Bonds shall mature in the years and principal amounts set forth in the Certificate of Award, provided that (i) each principal payment shall occur on an Interest Payment Date, and (ii) the final maturity date of the Series 2014B Bonds shall be no later than August 1, 2036. The Series 2014B Bonds stated to mature in any year may be issued as

serial Series 2014B Bonds or as term Series 2014B Bonds payable prior to stated maturity pursuant to sinking fund redemption (the "Term Bonds"). The Director of Finance shall determine in the Certificate of Award whether any of the Series 2014B Bonds shall be issued as Term Bonds, any dates (the "Mandatory Redemption Dates") on which the principal amount of the Term Bonds shall be payable pursuant to mandatory sinking fund installments rather than at stated maturity and the amount of principal to be paid on each Mandatory Redemption Date (the "Mandatory Sinking Fund Redemption Requirements"). If any of the Series 2014B Bonds are issued as Term Series 2014B Bonds, the Term Bonds shall be redeemed pursuant to the Mandatory Sinking Fund Redemption Requirements at a redemption price of 100% of the principal amount redeemed, plus interest accrued to the redemption date, on the Mandatory Redemption Dates. The aggregate of the moneys to be deposited with the Trustee for payment of principal of and interest on any Term Bonds shall include amounts sufficient to redeem on the Mandatory Redemption Dates the principal amount of Term Bonds payable on those dates pursuant to the Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as provided in the Indenture and the Sixth Supplement).

The Series 2014B Bonds may be subject to redemption prior to maturity by and at the option of the City, in whole or in part on any date, in whole multiples of \$5,000, on the redemption dates and at the redemption prices specified in the Certificate of Award, plus, in each case, accrued interest to the redemption date. Based on the written advice of a financial advisor, the Director of Finance may determine in the Certificate of Award that it is in the best interests of the City (i) for some or all of the Series 2014B Bonds not to be callable prior to their stated maturity, and (ii) for a premium to be payable on the redemption of any Series 2014B Bonds calculated in a manner to make the bondholder whole for the loss of the investment or calculated as a percentage in excess of 100% of the principal amount redeemed.

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

If and to the extent provided in the Certificate of Award, the Series 2014B Bonds may be secured by a Debt Service Reserve Fund to be held by the Trustee under the Indenture. The principal amount of the Series 2014B Bonds may include provision for funding the Debt Service Reserve Fund from the proceeds of the Bonds, subject to compliance with applicable federal tax laws.

Section 5. Sale of Series 2014B Bonds. The Series 2014B Bonds shall first be offered for purchase to the Trustees of the Sinking Fund and, if not purchased by them, shall be offered to the Treasury Investment

Account for purchase and, if not purchased for that Account, shall be sold to the purchaser identified in the Certificate of Award (the "Original Purchaser"). The Certificate of Award shall specify the final terms of the Series 2014B Bonds in accordance with law, the provisions of this Ordinance, the written advice of a financial advisor retained under authority of Section 12 and the Original Purchaser's offer to purchase the Series 2014B Bonds, including: the principal amount of the Series 2014B Bonds (which shall not exceed the amount stated in Section 1), the purchase price (which shall be not less than 97% of the principal amount plus accrued interest to their date of delivery), interest rate or rates, the amounts and years in which principal installments are payable (at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements), terms and conditions under which any Series 2014B Bonds may be redeemed prior to maturity at the option of the City, the Interest Payment Dates and the date of the Series 2014B Bonds (if different from those set forth in Section 3) and any other matters required in this Ordinance to be set forth in that Certificate. As appropriate under the Charter, the Mayor, Director of Finance, Director of Law, Clerk of Council and other appropriate officers of the City are, and each of them is, authorized to take such actions as are necessary, appropriate and in the best interest of the City to establish the terms and requirements for delivery of the Series 2014B Bonds and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, procedures, and conditions for the delivery of the Series 2014B Bonds to the Original Purchaser, to give all appropriate notices and certificates, to cause a true transcript of proceedings with reference to the issuance of the Series 2014B Bonds to be delivered to the Original Purchaser, to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance and to take all steps necessary to effect the due execution, authentication and delivery of the Series 2014B Bonds. The Director of Finance is authorized to sign and deliver on behalf of the City a bond purchase agreement between the City and the Original Purchaser (the "Bond Purchase Agreement"), approved as to form by the Director of Law, setting forth the terms and conditions on which the City agrees to sell the Series 2014B Bonds and the Original Purchaser agrees to buy the Series 2014B Bonds on terms consistent with this Ordinance and the Indenture, that are not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement or amendments to the Bond Purchase Agreement by the Director of Finance. It is determined that the terms of the Series 2014B Bonds, as provided in this Ordinance and as may be provided in or pursuant to the Certificate of Award, the Indenture and the Sixth Supplement, are in the best interest of the City and in compliance with all legal requirements.

Section 6. Application of Proceeds. The proceeds from the sale of the Series 2014B Bonds shall be applied as follows:

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

(b) to the Trustee, for deposit in the Interest Payment Account in the Debt Service Fund, the amount, if any, received by the City upon delivery of the Series 2014B Bonds as accrued interest from their dated date to the date of their delivery to the Original Purchaser;

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

(d) to the Trustee for deposit in the Project Fund, the balance of the proceeds (including any original issue premium received from the sale of the Series 2014B Bonds).

Section 7. Supplemental Indenture. The Director of Finance is authorized to sign and deliver on behalf of the City a supplemental trust indenture (the "Sixth Supplement"), supplementing the Indenture to provide procedures for the authentication, registration and transfer of the Series 2014B Bonds, redemption of Series 2014B Bonds, payments under any Credit Support Instrument authorized by Section 11, application of the proceeds of the Series 2014B Bonds, defeasance of the Series 2014B Bonds, and other terms consistent with this Ordinance and the Certificate of Award and approved by the Director of Finance as not substantially adverse to the City. The Sixth Supplement shall be approved as to form by the Director of Law. The determination by the Director of Finance that the provisions of the Sixth Supplement are not substantially adverse to the City shall be conclusively evidenced by the Director's signing of the Sixth Supplement. As appropriate under the Charter, the Mayor, the Director of Finance, the Director of Law, the Clerk of Council and other appropriate officers of the City are, and each of them is, authorized to sign, acknowledge and deliver, in the name and on behalf of the City, such documents, certifications and instruments in addition to the Indenture and Sixth Supplement as may be necessary or appropriate to issue and sell the Series 2014B Bonds and to consummate the transactions authorized by this Ordinance.

Section 8. Bond Anticipation Notes. For the purpose of raising money in anticipation of the issuance of the Series 2014B Bonds for the purpose set forth in Section 1, notes of the City may be issued in an aggregate principal amount not to exceed \$7,000,000 (the "Notes") upon the direction of the Director of Finance to be set forth in a certificate providing for the final terms of the Notes and the sale of the Notes and signed by the Director of Finance (the "Note Certificate of Award"). The Notes, if sold as fixed rate obligations, shall bear interest at such rate, not exceeding 6.00% per year, and shall be payable on the date or dates, as shall be determined by the Director of Finance of the City in the Note Certificate of Award; shall be dated their date of issuance; shall mature on the date set forth in the Note Certificate of Award; shall be

subject to redemption by the City at any time prior to maturity without penalty, unless the Director of Finance, based on the advice of a financial advisor, determines that it is in the best interest of the City in order to enhance the marketability of the Notes, that the Notes not be redeemable prior to maturity or that a premium be paid on their prior redemption; shall be designated "Parks and Recreation Facilities Improvement Bond Anticipation Notes" or as otherwise provided in the Note Certificate of Award; shall be issued in such numbers and denominations as may be requested by the Note Purchaser (hereinafter defined); and shall be issued in fully registered form (which may be in a book entry only system). The provisions of Sections 9.98 to 9.983 of the Revised Code shall apply to the Notes and pursuant to that authority and this Ordinance, the Director of Finance may determine in the Certificate of Award, based on the written advice of a financial advisor, that the City's best interests will be served by causing all or a portion of the Notes to be obligations bearing interest at variable rates. If the Director of Finance so determines, then the Director of Finance shall specify in the Certificate of Award the method and procedure by which the variable rate of interest to be borne by the variable rate Notes shall be determined; provided that the variable rate Notes shall not bear interest at a rate in excess of 25.00% per year. The Director of Finance is authorized to enter into agreements in connection with the delivery of the variable rate Notes, and from time to time thereafter so long as the variable rate Notes are outstanding, with providers of Credit Support Instruments (as defined in Section 11) and others as may be determined by the Director of Finance, based on the written advice of a financial advisor, to be necessary or appropriate to provide for the method of determining the variable interest rates, permitting holders the right of tender, providing for liquidity or credit support for the payment of the variable rate Notes upon tender for purchase or redemption, and providing for the repayment by the City of any amounts drawn under the Credit Support Instrument. The Trustee shall be the authenticating agent, registrar, transfer agent and paying agent for the Notes. The Notes shall be signed by the officials of the City and in the manner set forth in the Indenture. The Notes shall first be offered for purchase to the Trustees of the Sinking Fund and, if not purchased by them, shall be offered to the Treasury Investment Account for purchase and, if not purchased for that Account, shall be sold at not less than par and accrued interest to one or more firms that have proposed to underwrite the Notes and have been selected by the Director of Finance based on an evaluation of the qualifications of those firms (the "Note Purchaser") in the principal amount set forth in a certificate of award to be executed by the Director of Finance (the "Note Certificate of Award"). The proceeds of such sale shall be paid into the proper fund or funds set forth in the Note Certificate of Award and used for the purpose for which the Notes are being issued under the provisions of this Ordinance.

Section 9. Official Statement; Continuing Disclosure. If, in the judgment of the Director of Finance, a disclosure document (each, an "Official Statement") is appropriate or necessary in connection with the sale of the Notes or the Series 2014B Bonds, the Director of Finance is authorized to prepare or cause to be prepared on behalf of the City an Official Statement with respect to the Notes or the Series 2014B Bonds, as the case may be, and any necessary supplements and to authorize the use and distribution of each Official Statement and any supplements. The Director of Finance is authorized to sign on behalf of the City and in her official capacity each Official Statement and any supplements approved by her. The Director of Finance is authorized to sign and deliver on behalf of the City and in her official capacity such certificates in connection with the accuracy of each Official Statement and any supplements as may, in her judgment, be necessary or appropriate. The Director of Finance is also authorized to determine and certify on behalf of the City that such disclosure document is "deemed final" by the City within the meaning of Securities and Exchange Commission Rule 15c2-12 the "SEC Rule." The Director of Finance is authorized to contract for services for the production and distribution of preliminary and final Official Statements, including by printed and electronic means.

For the benefit of the holders and beneficial owners from time to time of the Notes or the Series 2014B Bonds, the City agrees, in accordance with, and as the only obligated person with respect to the Notes and the Series 2014B 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 Series 2014B Bonds, as the case may be, in accordance with the SEC Rule. The performance of that agreement shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform it. The Director of Finance is further authorized to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices.

Section 10. Federal Tax Considerations. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Series 2014B Bonds and any Notes in such manner and to such extent as may be necessary so that (i) the Series 2014B Bonds and any Notes will not (A) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Internal Revenue Code of 1986, as amended (the "Code") or (B) be treated other than

as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (ii) the interest on the Series 2014B Bonds and any Notes will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (i) it will take or cause to be taken such actions that may be required of it for the interest on the Series 2014B Bonds and any Notes to be and remain excluded from gross income for federal income tax purposes, (ii) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (iii) it, or persons acting for it, will, among other acts of compliance, (A) apply the proceeds of the Series 2014B Bonds and any Notes to the governmental purpose of the borrowing, (B) restrict the yield on investment property, (C) make timely and adequate payments to the federal government, (D) maintain books and records and make calculations and reports and (E) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Director of Finance or any other officer of the City having responsibility for issuance of the Series 2014B Bonds and any Notes is hereby authorized (i) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Series 2014B Bonds and any Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or tax status of the Series 2014B Bonds and any Notes or interest thereon, or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing rebate amounts or payments or penalties or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, which action shall be in writing and signed by the officer, (ii) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the intended tax status of the Series 2014B Bonds and any Notes and (iii) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Series 2014B Bonds and any Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Series 2014B Bonds and any Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on the Series 2014B Bonds and any Notes and the tax status of the Series 2014B Bonds and any Notes.

Section 11. Credit Facilities and Ratings. If the Director of Finance determines it to be in the best interests of the City, based on the written advice of a financial advisor, the Director of Finance may obtain an insurance policy, letter of credit,

standby bond purchase agreement or other credit enhancement instrument as further security for the payment when due of the principal of and interest on all or any portion of the Series 2014B Bonds or any Notes (a "Credit Support Instrument"). The Director of Finance may request a rating on the Series 2014B Bonds or Notes from one or more nationally recognized rating organizations, and do any and all things and take any and all actions required to secure a Credit Support Instrument and/or a rating or ratings on the Series 2014B Bonds or Notes. The Director of Finance may enter into one or more agreements for Credit Support Instruments containing terms not materially inconsistent with this Ordinance or the Indenture. The expenditure of the amounts necessary to secure Credit Support Instruments or obtain those ratings is authorized and approved, and the Director of Finance is authorized to provide for the payment of any such amounts from the proceeds of the Series 2014B Bonds or Notes to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

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

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

Section 14. Findings and Recitals of Validity. It is hereby determined, represented and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Series 2014B Bonds and the Notes in order to make them legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of the Series 2014B Bonds or the Notes. It is further found and determined, and is represented and recited, that the provisions of Sections 28, 29, 32, 33 (including the provisions of Section 33 with respect to readings on three separate days or dispensing with such readings by a two-thirds vote of all members of the Council), 36, 37, 48 and all other applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this Ordinance was passed in conformity therewith.

Section 15. Delivery to County Fiscal Officer. The Director of Finance is directed to forward a certified copy of this Ordinance and of the Certificate of Award for the Series 2014B Bonds and any Note Certificate of Award to the County Fiscal Officer of Cuyahoga County and to secure a receipt therefore.

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

Section 17. Legislative Intent. All terms, conditions, pledges, covenants or agreements on the part of the City provided for in this Ordinance are made by the voluntary act of the City under its lawful authority, including its authority under its Charter and Article XVIII of the Constitution of Ohio. Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance shall not apply to the Series 2014B Bonds or the Notes authorized herein.

Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding Series 2014B Bonds, notes, certificates of indebtedness, other obligations, trust indentures, trust agreements, or other agreements or contracts made or entered into by the City and for which consideration was duly received by the City prior to the passage of this Ordinance.

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

Passed April 21, 2014.
Effective April 22, 2014.

Ord. No. 499-14.
By Council Member Kelley (by departmental request).

An emergency ordinance authorizing the issuance and sale of bonds in the maximum principal amount of \$14,500,000 for the purpose of providing funds to improve facilities for the discharge of governmental functions or for services otherwise benefiting Public Safety, Health and Welfare and authorizing related matters.

Whereas, this Council desires to issue bonds in an aggregate principal amount not to exceed \$14,500,000 (the "Series 2014B Bonds") to finance the costs of certain permanent improvements described in Section 1; and

Whereas, the Series 2014B Bonds shall be payable from and secured by income tax revenues of the City remaining after deposits required under the General Bond Ordinance (as defined in Section 2) are made to the escrow agent for the City's general obligation bonds; and

Whereas, the Director of Finance, as fiscal officer of this City, has certified to this Council that the estimated life or usefulness of the improvements to be financed with the proceeds of the Series 2014B Bonds is at least five years and the maximum maturity of the Series 2014B Bonds is 15 years, as evidenced by the certificate contained in File No. 499-14-A; and

Whereas, the authorization for issuance of the Series 2014B Bonds is necessary to provide funds to pay the costs of certain permanent improvements described in Section 1 that are urgently needed for the benefit of the City, and as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health and safety, and for the usual daily operation of a municipal department; now, therefore,

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

Section 1. Purpose. It is deemed necessary to issue the Series 2014B Bonds in an aggregate principal amount not to exceed \$14,500,000 for the purpose of providing funds to improve facilities for the discharge of governmental functions or for services otherwise benefiting the public safety, health and welfare, including constructing, reconstructing, rehabilitating, installing, renovating, enlarging and otherwise improving buildings, structures and other facilities in, of and for City Hall, police stations, fire stations, emergency medical centers, service stations, waste collection, transfer and disposal facilities, correctional facilities, health facilities, maintenance facilities, kennels, parking facilities, centers and other facilities, the provision of necessary fixtures, furnishings, equipment, information technology hardware and software, utilities, site improvements and appurtenances, and the acquisition of vehicles, and to pay any capitalized interest and all expenses incurred in connection with the issuance of the securities, including all financing costs within the meaning of Section 133.01(K) of the Revised Code and such other costs of the foregoing permanent improvements that may be financed with the proceeds of securities as permitted by Section 133.15(B) of the Ohio Revised Code and as otherwise permitted by law.

Section 2. Authority, Security and Source of Payment. The Series 2014B Bonds shall be issued pursuant to the Ohio Constitution, Chapter 133 of the Ohio Revised Code, the Charter of the City, and this Ordinance for the purpose stated in Section 1. The Series 2014B Bonds shall be payable from and secured by the income tax revenues of the City on a basis subordinate to the security given to the General Obligation Bonds of the City

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

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

Section 4. Terms of the Series 2014B Bonds. The Series 2014B Bonds shall be issued in fully registered form. The Series 2014B Bonds may be issued in one or more series or subseries. The Series 2014B Bonds may be delivered only in book-entry form, and if so delivered, shall be registered in the name of the Depository (as defined in the Indenture) or its nominee, as registered owner, and immobilized in the custody of the Depository, and shall not be transferable or exchangeable (except for transfer to another Depository or its nominee) without further action by the City pursuant to the provisions of the Indenture and the Sixth Supplement identified in Section 7. The Series 2014B Bonds shall be designated "Public Facilities Improvement Bonds, Series 2014B" and may contain such further designation as provided in the Certificate of Award identified below. The Series 2014B Bonds shall be issued in one lot as fully registered Series 2014B Bonds in denominations of \$5,000 or any whole multiple thereof. The Series 2014B Bonds shall be numbered as determined by the Director of Finance. The Series 2014B Bonds shall be signed by the officials of the City and in the manner set forth in the Indenture.

The Series 2014B Bonds shall be dated the date of their issuance and delivery or such other date specified in the certificate of award providing for the final terms of the Series 2014B Bonds and the sale of the Series 2014B Bonds in accordance with this Ordinance (the "Certificate of Award"). The Series 2014B Bonds shall bear interest from their date until the principal amount is paid at the rate or rates per year specified in the Certificate of Award, provided that the yield (determined in accordance with the arbitrage provisions of the Internal Revenue Code of 1986, as amended) of the Series 2014B Bonds shall not exceed 6.00% per year. Interest on the Series 2014B Bonds shall be payable semi-annually on April 1 and October 1, or such other dates specified in the Certificate of Award (the "Interest Payment Dates").

The Series 2014B Bonds shall mature in the years and principal amounts set forth in the Certificate of Award, provided that (i) each principal payment shall occur on an Interest Payment Date, and (ii) the final maturity date of the Series 2014B Bonds shall be no later than August 1, 2030. The Series 2014B Bonds stated to mature in any year may be issued as serial Series 2014B Bonds or as term Series 2014B Bonds payable prior to stated maturity pursuant to sinking fund redemption (the "Term Bonds"). The Director of Finance shall determine in the Certificate of Award whether any of the Series 2014B Bonds shall be issued as Term Bonds, any dates (the "Mandatory Redemption Dates") on which the principal amount of the Term Bonds shall be payable pursuant to mandatory sinking fund installments rather than at stated maturity and the amount of principal to be paid on each Mandatory Redemption Date (the "Mandatory Sinking Fund Redemption Requirements"). If any of the Series 2014B Bonds are issued as Term Series 2014B Bonds, the Term Bonds shall be redeemed pursuant to the Mandatory Sinking Fund Redemption Requirements at a redemption price of 100% of the principal amount redeemed,

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

The Series 2014B Bonds may be subject to redemption prior to maturity by and at the option of the City, in whole or in part on any date, in whole multiples of \$5,000, on the redemption dates and at the redemption prices specified in the Certificate of Award, plus, in each case, accrued interest to the redemption date. Based on the written advice of a financial advisor, the Director of Finance may determine in the Certificate of Award that it is in the best interests of the City (i) for some or all of the Series 2014B Bonds not to be callable prior to their stated maturity, and (ii) for a premium to be payable on the redemption of any Series 2014B Bonds calculated in a manner to make the bondholder whole for the loss of the investment or calculated as a percentage in excess of 100% of the principal amount redeemed.

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

If and to the extent provided in the Certificate of Award, the Series 2014B Bonds may be secured by a Debt Service Reserve Fund to be held by the Trustee under the Indenture. The principal amount of the Series 2014B Bonds may include provision for funding the Debt Service Reserve Fund from the proceeds of the Bonds, subject to compliance with applicable federal tax laws.

Section 5. Sale of Series 2014B Bonds. The Series 2014B Bonds shall first be offered for purchase to the Trustees of the Sinking Fund and, if not purchased by them, shall be offered to the Treasury Investment Account for purchase and, if not purchased for that Account, shall be sold to the purchaser identified in the Certificate of Award (the "Original Purchaser"). The Certificate of Award shall specify the final terms of the Series 2014B Bonds in accordance with law, the provisions of this Ordinance, the written advice of a financial advisor retained under authority of Section 12 and the Original Purchaser's offer to purchase the Series 2014B Bonds, including: the principal amount of the Series 2014B Bonds (which shall not exceed the amount stated in Section 1), the purchase price (which shall be not less than 97% of the principal amount plus accrued interest to their date of delivery), interest rate or rates, the amounts and years in which principal installments are payable (at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements), terms and conditions under

which any Series 2014B Bonds may be redeemed prior to maturity at the option of the City, the Interest Payment Dates and the date of the Series 2014B Bonds (if different from those set forth in Section 3) and any other matters required in this Ordinance to be set forth in that Certificate. As appropriate under the Charter, the Mayor, Director of Finance, Director of Law, Clerk of Council and other appropriate officers of the City are, and each of them is, authorized to take such actions as are necessary, appropriate and in the best interest of the City to establish the terms and requirements for delivery of the Series 2014B Bonds and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, procedures, and conditions for the delivery of the Series 2014B Bonds to the Original Purchaser, to give all appropriate notices and certificates, to cause a true transcript of proceedings with reference to the issuance of the Series 2014B Bonds to be delivered to the Original Purchaser, to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance and to take all steps necessary to effect the due execution, authentication and delivery of the Series 2014B Bonds. The Director of Finance is authorized to sign and deliver on behalf of the City a bond purchase agreement between the City and the Original Purchaser (the "Bond Purchase Agreement"), approved as to form by the Director of Law, setting forth the terms and conditions on which the City agrees to sell the Series 2014B Bonds and the Original Purchaser agrees to buy the Series 2014B Bonds on terms consistent with this Ordinance and the Indenture, that are not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement or amendments to the Bond Purchase Agreement by the Director of Finance. It is determined that the terms of the Series 2014B Bonds, as provided in this Ordinance and as may be provided in or pursuant to the Certificate of Award, the Indenture and the Sixth Supplement, are in the best interest of the City and in compliance with all legal requirements.

Section 6. Application of Proceeds. The proceeds from the sale of the Series 2014B Bonds shall be applied as follows:

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

(b) to the Trustee, for deposit in the Interest Payment Account in the Debt Service Fund, the amount, if any, received by the City upon delivery of the Series 2014B Bonds as accrued interest from their dated date to the date of their delivery to the Original Purchaser;

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

(d) to the Trustee for deposit in the Project Fund, the balance of the proceeds (including any original issue

premium received from the sale of the Series 2014B Bonds).

Section 7. Supplemental Indenture. The Director of Finance is authorized to sign and deliver on behalf of the City a supplemental trust indenture (the "Sixth Supplement"), supplementing the Indenture to provide procedures for the authentication, registration and transfer of the Series 2014B Bonds, redemption of Series 2014B Bonds, payments under any Credit Support Instrument authorized by Section 11, application of the proceeds of the Series 2014B Bonds, defeasance of the Series 2014B Bonds, and other terms consistent with this Ordinance and the Certificate of Award and approved by the Director of Finance as not substantially adverse to the City. The Sixth Supplement shall be approved as to form by the Director of Law. The determination by the Director of Finance that the provisions of the Sixth Supplement are not substantially adverse to the City shall be conclusively evidenced by the Director's signing of the Sixth Supplement. As appropriate under the Charter, the Mayor, the Director of Finance, the Director of Law, the Clerk of Council and other appropriate officers of the City are, and each of them is, authorized to sign, acknowledge and deliver, in the name and on behalf of the City, such documents, certifications and instruments in addition to the Indenture and Sixth Supplement as may be necessary or appropriate to issue and sell the Series 2014B Bonds and to consummate the transactions authorized by this Ordinance.

Section 8. Bond Anticipation Notes. For the purpose of raising money in anticipation of the issuance of the Series 2014B Bonds for the purpose set forth in Section 1, notes of the City may be issued in an aggregate principal amount not to exceed \$14,500,000 (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"). The Notes, if sold as fixed rate obligations, shall bear interest at such rate, not exceeding 6.00% per year, and shall be payable on the date or dates, as shall be determined by the Director of Finance of the City in the Note Certificate of Award; shall be dated their date of issuance; shall mature on the date set forth in the Note Certificate of Award; shall be subject to redemption by the City at any time prior to maturity without penalty, unless the Director of Finance, based on the advice of a financial advisor, determines that it is in the best interest of the City in order to enhance the marketability of the Notes, that the Notes not be redeemable prior to maturity or that a premium be paid on their prior redemption; shall be designated "Public Facilities Improvement Bond Anticipation Notes" or as otherwise provided in the Note Certificate of Award; shall be issued in such numbers and denominations as may be requested by the Note Purchaser (hereinafter defined); and shall be issued in fully registered form (which may be in a book entry only system). The provisions of Sections 9.98 to 9.983 of the Revised Code shall apply to the Notes and pursuant to that authority and this Ordinance, the Director of

Finance may determine in the Certificate of Award, based on the written advice of a financial advisor, that the City's best interests will be served by causing all or a portion of the Notes to be obligations bearing interest at variable rates. If the Director of Finance so determines, then the Director of Finance shall specify in the Certificate of Award the method and procedure by which the variable rate of interest to be borne by the variable rate Notes shall be determined; provided that the variable rate Notes shall not bear interest at a rate in excess of 25.00% per year. The Director of Finance is authorized to enter into agreements in connection with the delivery of the variable rate Notes, and from time to time thereafter so long as the variable rate Notes are outstanding, with providers of Credit Support Instruments (as defined in Section 11) and others as may be determined by the Director of Finance, based on the written advice of a financial advisor, to be necessary or appropriate to provide for the method of determining the variable interest rates, permitting holders the right of tender, providing for liquidity or credit support for the payment of the variable rate Notes upon tender for purchase or redemption, and providing for the repayment by the City of any amounts drawn under the Credit Support Instrument. The Trustee shall be the authenticating agent, registrar, transfer agent and paying agent for the Notes. The Notes shall be signed by the officials of the City and in the manner set forth in the Indenture. The Notes shall first be offered for purchase to the Trustees of the Sinking Fund and, if not purchased by them, shall be offered to the Treasury Investment Account for purchase and, if not purchased for that Account, shall be sold at not less than par and accrued interest to one or more firms that have proposed to underwrite the Notes and have been selected by the Director of Finance based on an evaluation of the qualifications of those firms (the "Note Purchaser") in the principal amount set forth in a certificate of award to be executed by the Director of Finance (the "Note Certificate of Award"). The proceeds of such sale shall be paid into the proper fund or funds set forth in the Note Certificate of Award and used for the purpose for which the Notes are being issued under the provisions of this Ordinance.

Section 9. Official Statement; Continuing Disclosure. If, in the judgment of the Director of Finance, a disclosure document (each, an "Official Statement") is appropriate or necessary in connection with the sale of the Notes or the Series 2014B Bonds, the Director of Finance is authorized to prepare or cause to be prepared on behalf of the City an Official Statement with respect to the Notes or the Series 2014B Bonds, as the case may be, and any necessary supplements and to authorize the use and distribution of each Official Statement and any supplements. The Director of Finance is authorized to sign on behalf of the City and in her official capacity each Official Statement and any supplements approved by her. The Director of Finance is authorized to sign and deliver on behalf of the City and in her official capacity such certificates in connection with the accuracy of each Official Statement

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

For the benefit of the holders and beneficial owners from time to time of the Notes or the Series 2014B Bonds, the City agrees, in accordance with, and as the only obligated person with respect to the Notes and the Series 2014B 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 Series 2014B Bonds, as the case may be, in accordance with the SEC Rule. The performance of that agreement shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform it. The Director of Finance is further authorized to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices.

Section 10. Federal Tax Considerations. The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Series 2014B Bonds and any Notes in such manner and to such extent as may be necessary so that (i) the Series 2014B Bonds and any Notes will not (A) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Internal Revenue Code of 1986, as amended (the "Code") or (B) be treated other than as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (ii) the interest on the Series 2014B Bonds and any Notes will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (i) it will take or cause to be taken such actions that may be required of it for the interest on the Series 2014B Bonds and any Notes to be and remain excluded from gross income for federal income tax purposes, (ii) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (iii) it, or persons acting for it, will, among other acts of compliance, (A) apply the proceeds of the Series 2014B Bonds and any Notes to the governmental purpose of the borrowing, (B) restrict the yield on investment property, (C) make timely and adequate payments to the federal

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

The Director of Finance or any other officer of the City having responsibility for issuance of the Series 2014B Bonds and any Notes is hereby authorized (i) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Series 2014B Bonds and any Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or tax status of the Series 2014B Bonds and any Notes or interest thereon, or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing rebate amounts or payments or penalties or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, which action shall be in writing and signed by the officer, (ii) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the intended tax status of the Series 2014B Bonds and any Notes and (iii) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Series 2014B Bonds and any Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Series 2014B Bonds and any Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on the Series 2014B Bonds and any Notes and the tax status of the Series 2014B Bonds and any Notes.

Section 11. Credit Facilities and Ratings. If the Director of Finance determines it to be in the best interests of the City, based on the written advice of a financial advisor, the Director of Finance may obtain an insurance policy, letter of credit, standby bond purchase agreement or other credit enhancement instrument as further security for the payment when due of the principal of and interest on all or any portion of the Series 2014B Bonds or any Notes (a "Credit Support Instrument"). The Director of Finance may request a rating on the Series 2014B Bonds or Notes from one or more nationally recognized rating organizations, and do any and all things and take any and all actions required to secure a Credit Support Instrument and/or a rating or ratings on the Series 2014B Bonds or Notes. The Director of Finance may enter into one or more agreements for Credit Support Instruments containing terms not materially inconsistent with this Ordinance or the Indenture. The expenditure of the amounts necessary to secure Credit Support

Instruments or obtain those ratings is authorized and approved, and the Director of Finance is authorized to provide for the payment of any such amounts from the proceeds of the Series 2014B Bonds or Notes to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

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

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

Section 14. Findings and Recitals of Validity. It is hereby determined, represented and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Series 2014B Bonds and the Notes in order to make them legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of the Series 2014B Bonds or the Notes. It is further found and determined, and is represented and recited, that the provisions of Sections 28, 29, 32, 33 (including the provisions of Section 33 with respect to readings on three separate days or dispensing with such readings by a two-thirds vote of all members of the Council), 36, 37, 48 and all other applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this Ordinance was passed in conformity therewith.

Section 15. Delivery to County Fiscal Officer. The Director of Finance is directed to forward a certified copy of this Ordinance and of the Certificate of Award for the Series 2014B Bonds and any Note Certificate of Award to the County Fiscal Officer of Cuyahoga County and to secure a receipt therefore.

Section 16. Severability. Each section and each part of each section of this Ordinance is declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is declared to be the controlling legislative intent that if any such section or part of a section or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or

parts of sections and the application of such provisions to any other person or circumstance, other than those as to which it is held invalid, shall not be affected thereby, and it is declared to be the legislative intent that the other provisions of this Ordinance would have been passed independently of such section, or parts of a section, so held to be invalid.

Section 17. Legislative Intent. All terms, conditions, pledges, covenants or agreements on the part of the City provided for in this Ordinance are made by the voluntary act of the City under its lawful authority, including its authority under its Charter and Article XVIII of the Constitution of Ohio. Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance shall not apply to the Series 2014B Bonds or the Notes authorized herein.

Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding Series 2014B Bonds, notes, certificates of indebtedness, other obligations, trust indentures, trust agreements, or other agreements or contracts made or entered into by the City and for which consideration was duly received by the City prior to the passage of this Ordinance.

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

Passed April 21, 2014.
Effective April 22, 2014.

Ord. No. 535-14.

By Council Member Keane.

An emergency ordinance consenting and approving the issuance of a permit for the Saint Joseph Academy Jaguar Jog, on May 26, 2014, sponsored by the 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 St. Joseph Academy Jaguar Jog, sponsored by the Hermes Sports & Events; start: Saint Joseph Academy; Rocky River north to Riverside Drive into City of Lakewood; Rocky River south to St. Joseph Academy—finish line, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined

by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed April 21, 2014.
Effective April 22, 2014.

COUNCIL COMMITTEE MEETINGS

**Monday, April 28, 2014
9:30 a.m.**

Municipal Services & Properties Committee: Present: K. Johnson, Chair; Sweeney, Vice Chair; Brancatelli, Cummins, Dow, J. Johnson, Reed.

2:30 p.m.

Finance Committee: Present: Kelley, Chair; Cleveland, Vice Chair; Brady, Brancatelli, Conwell, Keane, Mitchell, Pruitt, Zone.

**Tuesday, April 29, 2014
9:30 a.m.**

Development, Planning and Sustainability Committee: Present: Brancatelli, Chair; Cleveland, Vice Chair; Cimperman, Cummins, Dow, Pruitt, Zone.

1:30 p.m.

Utilities Committee: Present: Pruitt, Chair; Brady, Vice Chair; Brancatelli, Cummins, Keane, Mitchell, Polensek.

**Wednesday, April 30, 2014
10:00 a.m.**

Safety Committee: Present in Safety: Zone, Chair; Conwell, Vice Chair; Dow, Keane, Polensek. *Authorized Absence:* Cimperman, K. Johnson.

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O—Ordinance; R—Resolution; F—File
Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;
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