

The City Record

Official Publication of the Council of the City of Cleveland



November the Sixth, Two Thousand and Thirteen

Frank G. Jackson
Mayor

Martin J. Sweeney
President of Council

Patricia J. Britt
City Clerk, Clerk of Council

Ward Name

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

The City Record is available online at
www.clevelandcitycouncil.org

Containing	PAGE
City Council	3
The Calendar	3
Board of Control	3
Civil Service	5
Board of Zoning Appeals	5
Board of Building Standards and Building Appeals	6
Public Notice	6
Public Hearings	6
City of Cleveland Bids	6
Adopted Resolutions and Ordinances	7
Committee Meetings	15
Index	15



DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

Ward	Name	Residence	
1	Terrell H. Pruitt	16920 Throckley Avenue	44128
2	Zachary Reed	3734 East 149th Street	44120
3	Joe Cimperman	P.O. Box 91688	44101
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Phyllis E. Cleveland	2369 East 36th Street	44105
6	Mamie J. Mitchell	12701 Shaker Boulevard, #712	44120
7	TJ Dow	7715 Decker Avenue	44103
8	Jeffrey D. Johnson	9024 Parkgate Avenue	44108
9	Kevin Conwell	10647 Ashbury Avenue	44106
10	Eugene R. Miller	13615 Kelso Avenue	44110
11	Michael D. Polensek	17855 Brian Avenue	44119
12	Anthony Brancatelli	6924 Ottawa Road	44105
13	Kevin J. Kelley	5904 Parkridge Avenue	44144
14	Brian J. Cummins	3104 Mapledale Avenue	44109
15	Matthew Zone	1228 West 69th Street	44102
16	Jay Westbrook	1278 West 103rd Street	44102
17	Dona Brady	1272 West Boulevard	44102
18	Martin J. Sweeney	3632 West 133rd Street	44111
19	Martin J. Keane	15907 Colletta Lane	44111

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

MAYOR – Frank G. Jackson

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

OFFICE OF CAPITAL PROJECTS – Jomarie Wasik, Director

DIVISIONS:

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

DEPT. OF LAW – Barbara A. Langhenry, Director, _____, 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;

Frank Badalamenti, 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
 Street Lighting Bureau – _____, Acting Chief
 Utilities Fiscal Control – Dennis Nichols, Commissioner
 Water – Alex Margevicius, Interim Commissioner
 Water Pollution Control – Rachid Zoghaib, Commissioner

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

DIVISIONS:

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

DEPT. OF PUBLIC WORKS – Michael Cox, Director

OFFICES:

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

DIVISIONS:

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

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

DIVISIONS:

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

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

DIVISIONS:

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

DEPT. OF COMMUNITY DEVELOPMENT – Daryl Rush, Director

DIVISIONS:

Administrative Services – Jesus Rodriguez, Commissioner
 Fair Housing and Consumer Affairs Office – 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, Council Member Eugene R. Miller, Jeff Marks, (Board Lawyer), Roosevelt E. Coats, Jenice Contreras, Kathryn Hall, Yasir Hamdallah, Evangeline Hardaway, John O. Horton, Annie Key, Stephanie Morrison-Hrbek, Roland Muhammad, Gia Hoa Ryan, Ted C. Wammes, Peter Whit.

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

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

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

BOARD OF BUILDING STANDARDS AND BUILDING APPEALS – Room 516, 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 Martin J. Sweeney.

BOARD OF SIDEWALK APPEALS – Capital Projects Director Jomarie Wasik, Law Director Barbara A. Langhenry; Council Member Eugene R. Miller.

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

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

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

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

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

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

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

CLEVELAND LANDMARKS COMMISSION – Room 519 – Jennifer Coleman, Chair; Laura M. Bala, Council Member Anthony Brancatelli, Robert N. Brown, Thomas Coffey, Allan Dreyer, William Mason, Giancarlo Calicchia, John Torres, Robert Vitkas, Robert Keiser, Secretary.

AUDIT COMMITTEE – Yvette M. Itu, Chairman; Debra Janik, Bracy Lewis, Diane Downing, Donna Sciarappa, Council President Martin J. Sweeney; 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 Charles J. Bauernschmidt – Courtroom 12A
 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 Joseph J. Zone – Courtroom 14D

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

The City Record

71 OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 100

WEDNESDAY, NOVEMBER 6, 2013

No. 5213

CITY COUNCIL

MONDAY NOVEMBER 4, 2013

The City Record
Published weekly by the City Clerk,
Clerk of Council under authority
of the Charter of the
City of Cleveland
The City Record is available
online at
www.clevelandcitycouncil.org
Address all communications to
PATRICIA J. BRITT
City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2010-2013

MONDAY — Alternating

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

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

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

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

MONDAY

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

TUESDAY

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

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

WEDNESDAY — Alternating

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

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

WEDNESDAY — Alternating

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

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

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

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

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

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

Sustainability Sub-Committee: Zone, Chair; Westbrook, Vice Chair; Cummins.

OFFICIAL PROCEEDINGS CITY COUNCIL

NO MEETING

THE CALENDAR

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

NONE

BOARD OF CONTROL

October 30, 2013

The Regular meeting of the Board of Control convened in the Mayor's office on Wednesday, October 30, 2013 at 10:42 a.m. with Director Langhenry presiding.

Present: Directors Langhenry, Dumas, Acting Director Shaw, Directors Smith, Cox, Butler, Acting Director Gehlmann, Directors Rush, Southerington, Nichols, Fumich and Rybka.

Absent: Mayor Jackson.
Others: Robert Vilkas, Acting Director, Mayor's Office of Capital Projects.

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

Tiffany White, Commissioner, Purchases & Supplies.

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

Resolution No. 627-13.

By Director Bender.

Whereas, under the authority of Ordinance No. 556-08, passed by the Cleveland City Council on June 9, 2008, and Board of Control Resolutions No. 675-12, adopted December 19, 2012, Resolution No. 41-13, adopted February 6, 2013, and Resolution No. 393-13, adopted July 17, 2013, the City through the Director of Public Utilities entered into Contract No. CT2004-PI2013*18 with Hooper Corporation for the public improvement of Lake Road 138/11.5kV Substation and Distribution Expansion - Phase 3 under which contract Cook Paving, among others, is an approved subcontractor to Hooper Corporation, for the Division of Cleveland Public Power, Department of Public Utilities; and

Whereas, Hooper Corp. has, by its August 27, 2013 transmittal, effectively requested the City's approval of certain subcontractors to subcontractor Cook Paving; now, therefore, Be it resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors to Cook Paving, a subcontractor of Hooper Corporation, in turn, the City's contractor under Contract No. CT2004-PI2013*18 for the above-mentioned Lake Road 138/11.5kV Substation and Distribution Expansion-Phase 3, is approved:

<u>Subcontractors</u>	<u>Work Percentage</u>
Rockport Ready Mix (CSB/FBE)	\$ 20,000.00 0.17%
RAR Contracting Co. (CSB/MBE)	\$200,000.00 1.67%
L.V. Surveying, Inc. (CSB/FBE)	\$ 20,000.00 0.17%
Lakewood Supply Co. (CSB)	\$ 7,000.00 0.06%
Aggregate Construction (CSB/FBE)	\$ 5,000.00 0.04%
Bruder Building Materials (CSB)	\$ 5,000.00 0.04%
Allied Corporation	\$ 5,000.00 0.04%

CED Leader Electric \$100,000.00
0.84%

East Jordan Iron Works \$ 17,000.00
0.14%

Lindsay Precast Inc. \$ 85,000.00
0.71%

Yeas: Directors Langhenry, Dumas, Acting Director Shaw, Directors Smith, Cox, Butler, Acting Director Gehlmann, Directors Rush, Southerington, Nichols, Fumich and Rybka.
Nays: None.
Absent: Mayor Jackson.

Resolution No. 628-13.

By Director Bender.
Be it resolved, by the Board of Control of the City of Cleveland that all bids received on August 2, 2013 for an estimated quantity of the purchase of mail extraction machines for the Division of Fiscal Control, Department of Public Utilities, under the authority of Section 181.101 of the Codified Ordinances of Cleveland Ohio, 1976, are rejected.
Yeas: Directors Langhenry, Dumas, Acting Director Shaw, Directors Smith, Cox, Butler, Acting Director Gehlmann, Directors Rush, Southerington, Nichols, Fumich and Rybka.
Nays: None.
Absent: Mayor Jackson.

Resolution No. 629-13.

By Director Bender.
Be it resolved by the Board of Control of the City of Cleveland that the bid of RJG Enterprises, Inc. dba Chemtron Corporation for an estimated quantity of the purchase of labor and materials for hazardous and non-hazardous waste disposal and recycling services, all items, for the various Divisions of the Department of Public Utilities, for a period of two years starting upon the later of the execution of a contract or the day following expiration of the currently effective contract for the goods or services, received on August 15, 2013 under the authority of Ordinance No. 495-13, passed May 6, 2013, which on the basis of the estimated quantity would amount to \$244,540.25 (2%, 10 Days) is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the goods and/or services, necessary for the specified items.

The requirement contract shall further provide that the Contractor shall furnish all the City's requirements for such goods and/or services, whether more or less than the estimated quantity, as may be ordered under delivery orders separately certified to the contract.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by RJG Enterprises, Inc. dba Chemtron Corporation for the above-mentioned service is approved:

<u>SUBCONTRACTOR</u>	<u>WORK PERCENTAGE</u>
Precision Analytical, Inc. (CSB)	\$23,658.02 9.674%

Jubilee Excavating (CSB) \$23,658.02
9.674%

Yeas: Directors Langhenry, Dumas, Acting Director Shaw, Directors Smith, Cox, Butler, Acting Director Gehlmann, Directors Rush, Southerington, Nichols, Fumich and Rybka.
Nays: None.
Absent: Mayor Jackson.

Resolution No. 630-13.

By Director Bender.
Be it resolved, by the Board of Control of the City of Cleveland that all bids received on August 15, 2013 for Detroit Avenue Sewer Project, for the Division of Water Pollution Control, Department of Public Utilities, under the authority of Ordinance No. 743-13, passed April 1, 2013, are rejected.
Yeas: Directors Langhenry, Dumas, Acting Director Shaw, Directors Smith, Cox, Butler, Acting Director Gehlmann, Directors Rush, Southerington, Nichols, Fumich and Rybka.
Nays: None.
Absent: Mayor Jackson.

Resolution No. 631-13.

By Director Smith.
Whereas, under the authority of Ordinance No. 499-10, as amended by Ordinance No. 1624-10 and Ordinance No. 1435-11, passed by the Council of the City of Cleveland on June 7, 2010, December 6, 2010 and October 31, 2011, respectively, and Board of Control Resolution No. 614-12, adopted November 21, 2012, the City through its Director of Port Control, entered into a contract with Science Applications International Corporation ("SAIC"), City Contract No. PS2013*022, to provide professional services necessary to comply with local, state and federal environmental requirements necessary to maintain operating status and to avoid penalties for non-compliance at Cleveland Hopkins International Airport, Burke Lakefront Airport and the Division of Harbors; and
Whereas, by its September 30, 2013 letter, SAIC notified the City that it has changed its name to Leidos, Inc.; now, therefore,
Be it resolved by the Board of Control of the City of Cleveland that this Board acknowledges SAIC's change of name from Science Applications International Corporation to Leidos, Inc., effective September 27, 2013, under City Contract No. PS2013*022 to provide professional services necessary to comply with local, state and federal environmental requirements necessary to maintain operating status and to avoid penalties for non-compliance at Cleveland Hopkins International Airport, Burke Lakefront Airport and the Division of Harbors.

Be it further resolved that the Director of Port Control is authorized to complete and execute all documents and do all acts necessary to effect the acknowledgement of such name change with respect to City Contract No. PS2013*022.
Yeas: Directors Langhenry, Dumas, Acting Director Shaw, Directors Smith, Cox, Butler, Acting Director Gehlmann, Directors Rush, Southerington, Nichols, Fumich and Rybka.
Nays: None.
Absent: Mayor Jackson.

Resolution No. 632-13.

By Director Wasik.
Whereas, under Ordinance No. 1111-13, passed September 30, 2013 by the Council of the City of Cleveland, the Commissioner of Purchases and Supplies is authorized, by and at the direction of the Board of Control, to sell City-owned property no longer needed for public use, more fully described in the ordinance and located near the southeast corner of Euclid Avenue and E. 116th Street, to The Cleveland Institute of Art, or its designee, for redevelopment, at a price not less than fair market value as determined by the Board of Control; now, therefore,
Be it resolved by the Board of Control of the City of Cleveland that the Commissioner of Purchases and Supplies is directed to sell City-owned property no longer needed for public use, more fully described in the ordinance, located near the southeast corner of Euclid Avenue and E. 116th Street, to The Cleveland Institute of Art, or its designee, for the consideration of \$3,960.00 which amount is determined to be not less than fair market value.
Be it further resolved that the Mayor and the Commissioner of Purchases and Supplies are requested to execute and deliver the official deed of the City of Cleveland conveying the property, which document shall contain such additional terms and conditions as the Director of Law shall deem necessary.
Yeas: Directors Langhenry, Dumas, Acting Director Shaw, Directors Smith, Cox, Butler, Acting Director Gehlmann, Directors Rush, Southerington, Nichols, Fumich and Rybka.
Nays: None.
Absent: Mayor Jackson.

Resolution No. 633-13.

By Director Flask.
Whereas, under Ordinance No. 1535-12, passed December 3, 2012 by the Council of the City of Cleveland, the Commissioner of Purchases and Supplies is authorized, by and at the direction of the Board of Control, to sell City-owned property no longer needed for public use, described in the ordinance and located mid-block at Fire Station No. 10, to Ronald McDonald House of Cleveland, Inc. for redevelopment, at a price not less than fair market value as determined by the Board of Control; now, therefore,
Be it resolved by the Board of Control of the City of Cleveland that the Commissioner of Purchases and Supplies is directed to sell City-owned property no longer needed for public use, described in the ordinance and known as a portion of PPN 119-10-018, to Ronald McDonald House of Cleveland, Inc., for the consideration of \$1.00 and the obligation of Ronald McDonald House of Cleveland, Inc. to reconstruct the access drive and to maintain and clear it in perpetuity at no cost to the City of Cleveland which consideration is determined to be not less than fair market value.
Be it further resolved that the Mayor and the Commissioner of Purchases and Supplies are requested to execute and deliver the official deed of the City of Cleveland conveying the property, which document shall contain such additional terms and conditions as the Director of Law shall deem necessary.

Resolution No. 633-13.

By Director Flask.
Whereas, under Ordinance No. 1535-12, passed December 3, 2012 by the Council of the City of Cleveland, the Commissioner of Purchases and Supplies is authorized, by and at the direction of the Board of Control, to sell City-owned property no longer needed for public use, described in the ordinance and located mid-block at Fire Station No. 10, to Ronald McDonald House of Cleveland, Inc. for redevelopment, at a price not less than fair market value as determined by the Board of Control; now, therefore,
Be it resolved by the Board of Control of the City of Cleveland that the Commissioner of Purchases and Supplies is directed to sell City-owned property no longer needed for public use, described in the ordinance and known as a portion of PPN 119-10-018, to Ronald McDonald House of Cleveland, Inc., for the consideration of \$1.00 and the obligation of Ronald McDonald House of Cleveland, Inc. to reconstruct the access drive and to maintain and clear it in perpetuity at no cost to the City of Cleveland which consideration is determined to be not less than fair market value.
Be it further resolved that the Mayor and the Commissioner of Purchases and Supplies are requested to execute and deliver the official deed of the City of Cleveland conveying the property, which document shall contain such additional terms and conditions as the Director of Law shall deem necessary.

Yeas: Directors Langhenry, Dumas, Acting Director Shaw, Directors Smith, Cox, Butler, Acting Director Gehlmann, Directors Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson.

Resolution No. 634-13.

By Directors Cox and Wasik.

Be it resolved by the Board of Control of the City of Cleveland, that all bids received on June 19, 2013 for Various City of Cleveland Interior Office Improvements for the Departments of Public Works and Capital Projects, pursuant to the authority of Ordinance No. 533-12, passed by the Council of the City of Cleveland on June 4, 2012 are rejected.

Yeas: Directors Langhenry, Dumas, Acting Director Shaw, Directors Smith, Cox, Butler, Acting Director Gehlmann, Directors Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson.

Resolution No. 634-13.

By Director Cox.

Whereas, Board of Control Resolution No. 602-13, adopted October 9, 2013, authorizing the Director of Public Works to enter into an amendment to the concession agreement with M.A.N. Golf, LLC for operation of the Highland Park Golf Course to eliminate the rental charge for use of the cemetery maintenance building cited "Resolution No. 357-12," adopted by the Board of Control on July 25, 2012, as authority for the agreement; and

Whereas, the concession agreement with M.A.N. Golf, LLC was authorized by Resolution No. 367-12, adopted July 25, 2012; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 602-13, adopted by this Board October 9, 2013, authorizing the Director of Public Works to enter into an amendment to the concession agreement with M.A.N. Golf, LLC for operation of the Highland Park Golf Course to eliminate the rental charge for use of the cemetery maintenance building is amended by substituting "Resolution No. 367-12" for "Resolution No. 357-12" where appearing in the resolution.

Be it further resolved that all other provisions of Resolution No. 602-13 not expressly amended above shall remain unchanged and in full force and effect.

Yeas: Directors Langhenry, Dumas, Acting Director Shaw, Directors Smith, Cox, Butler, Acting Director Gehlmann, Directors Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

Application blanks and information, regarding minimum entrance qualifications, scope of examination, and suggested reference materials

may be obtained at the office of the Civil Service Commission, Room 119, City Hall, East 6th Street, and Lakeside Avenue.

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

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

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

ROBERT BENNETT,
President

**SCHEDULE OF THE BOARD
OF ZONING APPEALS**

MONDAY, NOVEMBER 18, 2013

9:30 A.M.

Calendar No. 13-223: 9751 Chester Avenue (Ward 7)

City of Cleveland, owner, and The Finch Group, prospective purchaser, appeal to erect a six-story 207,770 square foot, mixed use building with retail and 177 dwelling units, proposed to be developed on a 162,317 square foot lot and 221 accessory parking spaces on property located in zoning for Multi-Family, General Retail and One-Family Districts; subject to the limitations under Section 337.02(8) the retail use is not permitted in One Family or Multi-Family zoning districts; and 21 parking spaces are proposed in the front yard setback where parking is not a permitted encroachment according to the provisions of Section 357.13(b); and pursuant to Section 349.04 parking is required at the rate of one space per dwelling unit, plus one space per 500 square feet of retail space, requiring a parking allocation formula showing compliance or a zoning variance for the parking deficiency; and contrary to Section 349.07, a gravel surface is proposed for approximately half of the proposed parking area where all vehicle maneuvering areas, drive-ways and parking lots must be paved, hard surfaced; and one bicycle parking space or stall must be provided for every 20 automobile parking spaces, up to a maximum of 24 bicycle parking spaces, in accordance with Section 349.15(c) in the Cleveland Codified Ordinances.

Calendar No. 13-232: 777 East 185th Street (Ward 11)

John Fuduric, owner, appeals to change use to a brewery for wholesale distribution and retail carry over sales of beer in a one-story building

located on a 59' x 88' parcel in a C1 Local Retail Business District; subject to the limitations in Section 343.11(b)(2)(N) the use for sales space of a wholesale, jobbing or distributing establishment is not permitted and first permitted in a General Retail Business District.

Calendar No. 13-239: 4305 John Avenue (Ward 3)

Michael Flickinger, owner, appeals to erect a 20' x 59' 4" two-story frame, single family residence with an attached garage on a parcel in a B1 Two-Family District; subject to Section 327.02(e) all encroachments and easements shall be approved by the Division of Engineering and Construction; proposing a minimum lot size of 2,696 square feet not 4,800 contrary to Section 355.04(b); with a front yard setback of 6 feet where 11 is required and a rear yard depth of 3 feet contrary to 20 feet and Sections 357.04(a) and 357.08; and proposing a distance of 3 feet where no building shall be less than 10 feet from a main building on an adjacent lot in a Residence District; and with a minimum interior side yard of 1.17 feet contrary to 5 feet, and a total width of 4.17 feet for side yards on the same premises as opposed to 10 feet, contrary to Sections 357.09(2)A and B in the Cleveland Codified Ordinances.

Calendar No. 13-240: 1881 West 44th Street (Ward 3)

Michael Flickinger, owner, appeals to erect a 20' x 59' 4" two-story frame, single family residence with an attached garage on a parcel in a B1 Two-Family District; subject to Section 327.02(e) all encroachments and easements shall be approved by the Division of Engineering and Construction; proposing a minimum lot size of 3,229 square feet not 4,800 contrary to Section 355.04(b); with a front yard setback of 2.94 feet where 17 is required and a rear yard depth of 3 feet contrary to 20 feet and Sections 357.04(a) and 357.08; and proposing a distance of 3 feet and zero feet where no building shall be less than 10 feet from a main building on an adjacent lot in a Residence District; and with a minimum interior side yard of zero feet contrary to 3 feet, and a total width of 3 feet for side yards on the same premises as opposed to 10 feet, contrary to Sections 357.09(2)A and B in the Cleveland Codified Ordinances.

Calendar No. 13-241: 1887 West 44th Street (Ward 3)

Debbie Kraus prospective purchaser of a City of Cleveland Land Bank parcel located in a B1 Two-Family District, appeals to erect a 20' x 59' 4" two-story frame, single family residence with an attached garage; subject to Section 327.02(e) all encroachments and easements shall be approved by the Division of Engineering and Construction; proposing a minimum lot size of 3,147 square feet not 4,800 contrary to Section 355.04(b); and contrary to Section 357.04(a) proposing a front yard setback of 8 feet where 17 is required and zero distance where no building shall be less than 10 feet from a main building on an adjacent lot in a Residence District; and with a minimum interior side yard of

zero feet contrary to 3 feet, and a total width of 3 feet for side yards on the same premises as opposed to 10 feet, contrary to Sections 357.09(2)A and B in the Cleveland Codified Ordinances.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, NOVEMBER 4, 2013

At the meeting of the Board of Zoning Appeals on Monday, November 4, 2013, the following appeals were scheduled for hearing before the Board.

The following appeals were **APPROVED:**

Calendar No. 13-224: 2376 Professor Avenue
Shury, LLC appealed to add new construction, three (3) dwelling units, with an existing retail store in a C1 General Retail Business District; with condition.

Calendar No. 13-225: 17510 Lorain Avenue
West 176th Street, LLC appealed to change use from storage to retail stores in a C1 Shopping Center District.

Calendar No. 13-230: 15321 Lydian Avenue
Joseph Beach appealed to construct a wood frame one car garage in a B1 Two-Family District.

Calendar No. 13-231: 2257 West 7th Street
Scot Plowacki appealed to erect a one-story, frame detached garage with second floor storage in a B1 Two-Family District.

The following appeal was **WITHDRAWN:**

Calendar No. 13-126: 4858 Broadview Road
K&L Ltd. Limited Partnership, owner, and April Stewart, prospective tenant, appealed to establish use for piercing and tattooing in a C1 Local Retail Business District.

The following appeal was **DISMISSED:**

None.

The following appeal was **POSTPONED:**

None.

The following appeals were **POSTPONED:**

Calendar No. 13-228: 4571 Niessen Court postponed to December 30, 2013.

Calendar No. 13-229: 4575 Niessen Court postponed to December 30, 2013.

The following appeals heard by the Board on October 28, 2013 were adopted and approved on November 4, 2013.

The following appeals were **APPROVED:**

Calendar No. 13-221: 15800 Norway Avenue
Mark and Tracy Benton appealed to install 72 linear feet of wooden fence 8 feet high in the rear yard of a parcel in an A1 One-Family District.

Calendar No. 13-199: 1130 Ivanhoe Road
The 1130 Ivanhoe Road Group, LLC appealed to use property for storage, processing, including shredding, of construction/demolition debris, scrap and salvage material in a Semi-Industry District.

The following appeal was **DENIED:**

Calendar No. 13-226: International Union of Operating Engineers Local 18
The International Union of Operating Engineers Local 18 appealed from a decision of the City of Cleveland Planning Commission to deny a request for a demolition permit for its property at 3600 Euclid Avenue.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

NO MEETING

NOTICE OF PUBLIC HEARING

**Notice of Public Hearing
By the Council Committee
On City Planning**

**Mercedes Cotner
Committee Room 217
City Hall, Cleveland, Ohio
On Wednesday, November 20, 2013
1:00 p.m.**

Notice is hereby given to all interested property owners that the Council Committee on City Planning will hold a public hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on Wednesday, November 20, 2013, at 1:00 p.m., to consider the following ordinances now pending in the Council:

Ord. No. 1077-13.
By Council Member J. Johnson.
An emergency ordinance designating Bethany Baptist Church, formerly Zion Evangelical Church, as a Cleveland Landmark.

Ord. No. 1078-13.
By Council Member J. Johnson.
An emergency ordinance designating Central Christian Church, formerly known as Glenville Church of Christ Disciple, as a Cleveland Landmark.

Ord. No. 1079-13.
By Council Member J. Johnson.
An emergency ordinance designating the Otto Narveleit Building as a Cleveland Landmark.

Ord. No. 1214-13.
By Council Member J. Johnson.
An emergency ordinance designating the May Company Warehouse and Delivery Station (also known as the Buschman Corporation Building) as a Cleveland Landmark.

Ord. No. 1225-13.
By Council Member J. Johnson.
An emergency ordinance designating the Jacob Vidmar Building as a Cleveland Landmark.

Ord. No. 1226-13.
By Council Member J. Johnson.
An emergency ordinance designating the Vogt Building as a Cleveland Landmark.

Ord. No. 1332-13.
By Council Members Brady and Westbrook.
An ordinance establishing a Pedestrian Retail Overlay District on the north and south sides of Madison Avenue between Berea Road and W. 85th Street (Map Change No. 2446).

Ord. No. 1379-13.
By Council Member Dow.
An ordinance changing the Use and Area Districts of land located on the west side of E. 62nd Street south of Grdina Drive to Residence Industry and a 'B' Area District (Map Change No. 2456).

Ord. No. 1436-13.
By Council Member J. Johnson.
An ordinance changing the Use, Area and Height Districts of lands located on the southwest side of E. 41st Street north of Superior Avenue to Semi-Industry, a 'C' Area District, and a '3' Height District (Map Change No. 2460).

Ord. No. 1461-13.
By Council Member Dow.
An ordinance changing the Use, Area and Height Districts of land located on the north side of Chester Avenue between East 97th Street and East 101st Street to a Local Retail Business District, an 'F' Area District and a '3' Height District (Map Change No. 2465).

Phyllis E. Cleveland, Chair
Committee on City Planning

November 6, 2013 and November 13, 2013

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

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

Each bid must be made in accordance with the specifications and must be submitted on the blanks

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

WEDNESDAY, NOVEMBER 20, 2013

File No. 174-13 — Sewer Test Tee Inspection, Installation and Snaking, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Section 541.13 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A MANDATORY PRE-BID MEETING FRIDAY, NOVEMBER 8, 2013 AT 11:00 A.M. THE DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, RED ROOM, CLEVELAND, OHIO 44108.

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

October 30, 2013 and November 6, 2013

FRIDAY, NOVEMBER 22, 2013

File No. 173-13 — Pneumatic Tire Tow Motors and Related Equipment, for the Division of Motor Vehicle Maintenance, Department of Public Works, as authorized by Ordinance No. 943-11, passed by the Council of the City of Cleveland, July 20, 2011.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, NOVEMBER 7, 2013 AT 10:00 A.M. MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

October 30, 2013 and November 6, 2013

WEDNESDAY, NOVEMBER 27, 2013

File No. 175-13 — The Purchase of Two (2) New or Remanufactured Six (6) Cylinder Diesel Engines That are EPA Tier 3 Approved, to be Installed and to Replace Two (2) Caterpillar 3408B Engines Installed in Airport Snow Blowers Code Numbers 167H27 and 167H28, for the Division of Vehicle Maintenance, 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 WEDNESDAY, NOVEMBER 13, 2013 AT 10:00 A.M. THE CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135-3193.

October 30, 2013 and November 6, 2013

WEDNESDAY, DECEMBER 4, 2013

File No. 176-13 — Miscellaneous Sized Steel, for the Various Divisions of City Government, Department of Finance as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING FRIDAY, NOVEMBER 18, 2013 AT 1:30 P.M. THE CLEVELAND CITY HALL, DIVISION OF PURCHASES AND SUPPLIES, ROOM 128, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

November 6, 2013 and November 13, 2013

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 1462-13.

By Council Member Sweeney.

An emergency resolution withdrawing objection to a New C1 Liquor Permit at 4713 West 130th Street and repealing Resolution No. 1209-13, objecting to said permit.

Whereas, this Council objected to a New C1 Liquor Permit to 4713 West 130th Street by Resolution No. 1209-13 adopted by the Council on September 16, 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 a New C1 Liquor Permit to 4713 West 130th Street, Inc., 4713 West 130th Street, Cleveland, Ohio 44135, Permanent Number 2830532, be and the same is hereby withdrawn and Resolution No. 1209-13, 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.

Adopted October 28, 2013.
Effective October 29, 2013.

Res. No. 1475-13.

By Council Members Reed, Cummins, Conwell, J. Johnson and Mitchell.

An emergency resolution calling upon the CBS News organization, specifically the 60 Minutes television news magazine to hire African-Americans and Hispanics as contributing correspondents.

Whereas, Ed Bradley, a well-known and respected African-American journalist was a contributing correspondent for the CBS news magazine 60 Minutes for 25 years; and,

Whereas, at the time of Ed Bradley's death in 2006, he was 60 Minutes' only on-screen black correspondent; and

Whereas, it took 60 Minutes 3 years to find another African-American contributing correspondent, hiring Byron Pitts in 2009, the first African-American contributing correspondent at 60 Minutes since Bradley's death; and

Whereas, Byron Pitts left 60 Minutes for ABC news in March 2013, leaving the news magazine again with no African-American on-screen correspondent; and

Whereas, although there are Hispanic news correspondents, such as Soledad O'Brien and John Quinones, on news shows at other networks, no Hispanics are represented as contributing correspondents on 60 Minutes; and

Whereas, 60 Minutes, as the number 1 television news magazine in the country, should have contributing correspondents that are members of the leading minorities in this country; and

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

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

Section 1. That this Council hereby calls upon the CBS News organization, specifically the 60 Minutes television news magazine to hire African-Americans and Hispanics as contributing correspondents.

Section 2. That the Clerk of Council is hereby directed to transmit copies of this resolution to the executives and producers at CBS News and 60 Minutes, to NBC-LEO, HELO, the board of the National League of Cities, the chair of the Congressional Black Caucus Ohio Congresswoman Marcia Fudge, the Hispanic Roundtable, the Hispanic Alliance, and the Cleveland Spanish-American Committee.

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 October 28, 2013.

Effective October 30, 2013.

Res. No. 1476-13.

By Council Members Pruitt, Westbrook, Zone, Mitchell, Brancatelli, Polensek, Cleveland, Conwell, Keane, Cummins and J. Johnson.

An emergency resolution supporting the state of Ohio's Energy Efficiency Resource Standard and Renewable Portfolio Standard and opposing Substitute Senate Bill 58 and House Bill 302 which would gut those standards and the consumer-friendly benefits that save electricity costs and create jobs.

Whereas, Ohio's energy efficiency and renewable energy standards have been in place for over five years, since SB 221 was passed in April, 2008; and

Whereas, in 2012, Governor Kasich, with bi-partisan support from the Ohio legislature, reviewed these standards and passed SB 315, making the energy efficiency standards stronger by including technologies to help Ohio manufacturers; and

Whereas, to date, all four of Ohio's Investor Owned Utilities are exceeding the standards; and

Whereas, energy efficiency is one of the cleanest and cheapest ways to address our energy needs, and is still the lowest-cost electric system resource, even in a time of very low natural gas prices, and

Whereas, these energy efficiency standards have saved rate payers an average of 1.4 % or \$300 million dollars each year since their inception; continuing utility commitments to such standards will save \$5.6 billion in avoided energy expenditures; and

Whereas, requiring utilities to participate in energy efficiency programs has been shown to reduce Ohio's energy consumption, encourage the development of energy efficiency technologies within Ohio, reduce the cost of electricity and create local jobs, and

Whereas, energy efficiency investments pursuant to Ohio's Energy Efficiency Resource Standard are made only when the efficiency costs less than an equal amount of energy, and the costs consumers and businesses pay for these programs is typically far outweighed by the savings they provide, and

Whereas, investments in energy efficiency and renewable energy not only reduce overall expenditures on energy, but provide important environmental and health benefits to the community, including reductions in toxic air pollutants such as methane, nitrous oxide, nitrogen oxide, sulfur oxides, carbon monoxide, particulate matter, lead, and mercury, and

Whereas, more than 160 companies in Ohio provide jobs in the solar industry and 55 of these companies have manufacturing facilities in the state; further, Ohio ranks #4 in wind industry employment, largely due to our strong manufacturing base; and

Whereas, in July, 2013, the City provided 100% renewable electricity to 65,000 residents and small business customers through municipal

aggregation, and

Whereas, the Ohio legislature is currently attempting to halt the state's Energy Efficiency Resource Standard by passing Substitute SB 58 and HB 302; and

Whereas, Sub. SB 58 and HB 302 threaten to outsource Ohio jobs, increase the cost of electricity and give an unprecedented profit to electric utilities at the expense of Ohio's residents and businesses; and

Whereas, Sub. SB 58 and HB 302 will reverse the significant progress made since the 2008 adoption of Ohio's Energy Efficiency Resource Standard and Renewable Portfolio Standard; and

Whereas, this Council joins with Mayor Frank Jackson, the 1.5 million people represented by the AARP, the 600,000 members of the Ohio Manufacturer's Association, the American Lung Association, United Steel Workers, Sheet Metal Workers International, the Toledo Blade, the Akron Beacon Journal, and the Cleveland Plain Dealer, among others, who oppose the stripping of Ohio's energy efficiency standards; and

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

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

Section 1. That this Council supports the state of Ohio's Energy Efficiency Resource Standard and Renewable Portfolio Standard and opposes Substitute Senate Bill 58 and House Bill 302 which would gut those standards and the consumer-friendly benefits that save electricity costs and create jobs.

Section 2. That the Clerk is directed to send copies of this resolution to Governor John Kasich, Ohio Senate President Keith Faber, Ohio House Speaker Bill Batchelder, Senate Energy and Public Utilities Committee Chair Senator Bill Seitz, Ohio House Public Utilities Committee Chair Representative Peter Stautberg, all members of the Ohio House and Senate Public Utilities Committees; Executive Assistant for Energy, Environment and Agriculture, Craig Butler, and Director of Policy Wayne Struble.

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 October 28, 2013.

Effective October 30, 2013.

Ord. No. 1113-13.

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

An emergency ordinance authorizing the issuance and sale by the city of airport system revenue bonds in an aggregate principal amount not to exceed one hundred million dollars (\$100,000,000) to pay costs of improving the airport system; authorizing supplemental indentures and other agreements related to the bonds; and authorizing and approving related matters.

Whereas, under authority of the Constitution of the State of Ohio and the Charter of the City of Cleveland, Ohio (the "City"), this Council has by ordinance authorized the issuance of Revenue Bonds, from time to time, for the Airport System under the terms and security of the Amended and Restated Trust Indenture (Seventeenth Supplemental Trust Indenture), effective as of January 31, 2012 (the "Trust Indenture"), between the City and The Bank of New York Mellon Trust Company, N.A., as trustee (the "Trustee"); and

Whereas, this Council has determined to authorize the issuance by the City of Airport System Revenue Bonds ("Bonds") under the Trust Indenture for the purpose of improving the facilities of the Airport System; 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 Bonds is necessary to fund contracts for improvements to the Airport System needed for the provision of air services to the public; 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 Trust Indenture, the following words and terms shall have the following meanings, unless the context or use indicates a contrary meaning or intention.

"Bond Purchase Agreement" means, with respect to the Bonds, one or more Bond Purchase Agreements between the City and the Original Purchasers authorized in Section 5 of this Ordinance.

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

"Certificate of Award" means one or more certificates delivered by the Director of Finance pursuant to Section 5 of this Ordinance providing for the final terms of the Bonds of any series consistent with the requirements of the Trust Indenture and this Ordinance.

"Code" means the Internal Revenue Code of 1986, as amended, including, when appropriate, the statutory predecessor of the Code and all applicable Treasury regulations.

"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 Revenue Bonds or any Hedge Agreements.

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

"Direct Payment" means a credit allowed under the Code with respect to obligations that is payable to the City by the U.S. Treasury.

"Direct Payment Obligations" means obligations the interest on which is includible in gross income for federal income tax purposes and with respect to which the City shall have made an irrevocable election to receive a Direct Payment.

"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 Bonds or any Hedge Agreement.

"Hedge Agreement" has the meaning given in Section 3 of this Ordinance.

"Original Purchasers" means, with respect to each series of Bonds, the financial institutions identified in the Certificate of Award for that series.

"Outstanding Revenue Bonds" means Revenue Bonds issued and outstanding, from time to time, under the Trust Indenture, including without limitation any Revenue Bonds issued pursuant to this Ordinance. On the date of introduction of this Ordinance, the Outstanding Revenue Bonds (and the respective principal amounts then currently outstanding) consisted of the following series of Airport System Revenue Bonds: Series 2000C (\$149,000,000), Series 2006A (\$107,750,000), Series 2006B (\$5,965,000), Series 2007B (\$9,095,000), Series 2008D (\$5,975,000), Series 2009A (\$24,365,000), Series 2009B (\$10,240,000), Series 2009C (\$131,725,000), Series 2009D (\$38,875,000), Series 2011A (\$71,505,000), Series 2012A (\$235,150,000) and Series 2013A (\$58,000,000).

"Project" means improvements to the Airport System including: (i) the acquisition, construction, installation or equipping of public parking improvements at or related to Cleveland Hopkins International Airport, including the acquisition of any interests in real property necessary therefor, related design, planning, environmental studies, environmental remediation and regulatory compliance costs, site preparation, construction management services, and appurtenant improvements; and (ii) such additional or different improvements to the Airport System as the Director of Port Control deems necessary, provided that all conditions for the inclusion of the cost of any such improvements in the calculation of Landing Fees or Rentals under Section 8.07 of the Use Agreements shall have been met, and all requirements of the applicable Supplemental Indenture have been satisfied.

"Remarketing Agent" means a financial institution performing the duties of a remarketing agent under a Supplemental Indenture for variable rate Revenue Bonds.

"Revenue Bonds" means Outstanding Revenue Bonds and any Additional Revenue Bonds issued under the Trust Indenture, including the Bonds.

"Supplemental Indenture" means each Supplemental Trust Indenture delivered to supplement the Trust Indenture, to further provide for the terms and security of one or more series of Revenue Bonds or to amend the Trust Indenture.

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

"Tax-Exempt Bonds" means any Revenue Bonds the interest on which is excluded from gross income for federal income tax purposes.

Section 2. Authorization of the Bonds.

This Council authorizes the City to issue the Bonds in one or more series for the purpose of paying costs of the Project. The principal amount of each series of Bonds is to be the amount set forth in the Certificate of Award, subject to the limitations set forth in Section 5, and determined by the Director of Finance, based on the written advice of a Financial Advisor, to be the amount necessary, together with other funds available for the purpose (i) to pay costs of the Project, including funding interest on the Bonds for a temporary period, (ii) to fund any deposit to the Bond Service Reserve Fund required under the Trust Indenture or any special reserve fund for that series separate from the Bond Service Reserve Fund, (iii) to fund any deposit to the Renewal and Replacement Fund required under the Trust Indenture, (iv) to pay costs of any Credit Support Instruments, (v) to pay any amounts owed under Hedge Agreements, and (vi) to pay costs of issuing the Bonds. The proceeds from the sale of each series of Bonds shall be allocated, deposited and applied as provided in Section 6.

Separate series of Bonds may be issued at the same or different times. The Bonds of each series shall be designated as provided in the applicable Certificate of Award. A separate Certificate of Award and a separate Supplemental Indenture may be delivered for each series. The Bonds shall constitute Revenue Bonds for all purposes of the Trust Indenture.

This Council finds and determines that the issuance of the Bonds for the purpose provided in this Ordinance serves a proper, public, municipal purpose by providing, maintaining and improving air travel facilities serving the people of the City of Cleveland, thereby increasing and promoting commerce by providing necessary transportation for individuals and commercial enterprises purchasing and selling services and products in northeastern Ohio, and creating and preserving jobs and employment opportunities in the City and improving the economic welfare of the City.

Section 3. Authorization of Hedging Arrangements.

This Council finds that by engaging in interest rate hedging arrangements with respect to the Bonds the City may reduce its cost of borrowing by optimizing the relative amounts of fixed and variable rate obligations, or minimizing the risk of variations in its debt service costs, or obtaining savings by confirming rates of interest on the Bonds in advance of their issuance. To permit the City to have the flexibility to undertake interest rate swap, swaption, rate cap, rate collar and other hedging transactions from time to time, and to establish the procedures for approving those trans-

actions, 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 3 are supplemental to and not in derogation of any authority provided by any other ordinance of this Council concerning hedging arrangements.

Prior to entering into any Hedge Agreement with respect to the Bonds or any Credit Support Instrument with respect to such Hedge Agreement, the Director of Finance shall determine, based on the written advice of a Financial Advisor, that (a) the Hedge Agreement or Credit Support Instrument with respect to such Hedge Agreement is (i) justified by the corresponding benefit to the City, (ii) commercially reasonable based on then-current market conditions, and (iii) in the City's best interests, and (b) the City will receive fair value in return for entering into the Hedge Agreement, considering, among other things, the credit of the City's Airport System, the credit of the counterparty and the terms and conditions of the Hedge Agreement. To the extent that any amounts to be paid by the City in connection with any such Hedge Agreement or any Credit Support Instrument with respect to such Hedge Agreement are not paid from proceeds of the Bonds, those amounts shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106 and 60 SF 141 and/or passenger facility charges, as determined by the Director of Finance after consultation with the Director of Port Control.

The Director of Finance shall negotiate the terms of each Hedge Agreement. The Director of Finance shall determine the terms and conditions of the Hedge Agreement, including without limitation, the time or times and procedures for the exercise by the counterparty or the City, as the case may be, of any option under the Hedge Agreement, whether the obligations of the City under the Hedge Agreement shall be secured by a Credit Support Instrument, and the rates to be paid by the counterparty to the City or by the City to the counterparty under the Hedge Agreement in the event of the exercise of the option. The approval of each interest rate hedge transaction by the Director of Finance shall be conclusively evidenced by the signing and delivery of the applicable Hedge Agreement by the Director of Finance.

The Director of Finance is authorized to enter into an amendment, modification or novation of any Hedge Agreement or any Credit Support Instrument securing a Hedge Agreement or to terminate any Hedge Agreement, in whole or in part, if the Director of Finance determines, based on the written advice of a Financial Advisor, that (a) the amendment, modification, novation or termination is (i) justified by the corresponding benefit to the City, (ii) commercially reasonable based on then-current market conditions, and (iii) in the City's best interests, and (b) the City received fair value in return for entering into such amendment, modification, novation or termination, given the credit of the counterparty and the terms and conditions of the amendment, modification,

novation or termination. To the extent that any amounts to be paid by the City in connection with any such amendment, modification, novation or termination are not paid from proceeds of the Bonds, those amounts shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106 and 60 SF 141 and/or passenger facility charges, as determined by the Director of Finance after consultation with the Director of Port Control.

The City's obligations under any Hedge Agreement shall be payable from the Airport Revenues as defined in the Trust 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 Airport Revenues, to the extent permitted by the Trust 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.

In the event the Director of Finance determines, based on the written advice of a Financial Advisor, that it is necessary to supplement or amend the Trust Indenture or a Supplemental Indenture in connection with any Hedge Agreement or any amendment, modification, novation or termination of any Hedge Agreement, then, subject to the requirements of Article XIII of the Trust Indenture, the Mayor and the Director of Finance are authorized to sign and deliver a Supplemental Indenture or amendment of an existing Supplemental Indenture.

Section 4. Terms of Bonds.

The Bonds shall contain the terms provided in or determined pursuant to, the Trust Indenture, this Ordinance, the applicable Certificate of Award and the applicable Supplemental Indenture. Each series of Bonds may be secured by a separate Supplemental Indenture, or a single Supplemental Indenture may secure more than one series of Bonds.

(a) **General.** The Bonds may be issued as obligations bearing interest at fixed or variable rates. The Bonds may also be issued as obligations under Federal or State programs that provide for interest payment subsidies or other financial or credit support. 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 a series of Bonds bearing interest at variable interest rates, then provision shall be made in the Supplemental Indenture applicable to that series for the method and procedure by which the variable rate of interest to be borne by the Bonds of that series shall be determined (whether by reference to a market index, by a remarketing agent or otherwise); provided that no series of variable rate Bonds shall bear interest at a rate in excess of twenty-five percent (25%) per year (including any 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 Bonds may or may not permit the holders to tender their variable rate Bonds for purchase by the City. If the Director of Finance designates any series of Bonds as variable rate Bonds, and if the Holders of that series of Bonds are to be entitled to tender those Bonds for purchase, then the Director of Finance may also designate for those variable rate Bonds (and may designate others, from time to time, in substitution therefor), the tender agent or agents (which may be the Trustee), the remarketing agent or agents (which may be any of the Original Purchasers) and the calculation agent or agents (which may be any of the Original Purchasers or the Trustee), 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 with others in connection with the delivery of the Bonds, and from time to time thereafter so long as the Bonds are outstanding, as may be determined by the Director of Finance to be necessary or appropriate to provide for (i) the method of determining the variable interest rates, (ii) the rights and procedures for tender, (iii) liquidity or credit support, (iv) repayment by the City of any amounts drawn under the Credit Support Instrument, (v) the direct purchase of tendered Bonds, and (vi) other arrangements in the best interests of the City. The Director of Finance is further authorized to terminate any such agreements if the Director of Finance determines, based on the written advice of a Financial Advisor, that the City's best interests will be served by such termination. The Director of Finance is further authorized to enter into agreements, from time to time so long as the variable rate Bonds are outstanding, supplementing or amending the applicable Supplemental Indenture for a series of Bonds as provided in Section 7. To the extent that any fees and expenses associated with agreements entered into or terminated pursuant to this Section are not paid from proceeds of the Bonds, those fees and expenses shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106 and 60 SF 141 and/or passenger facility charges, as determined by the Director of Finance after consultation with the Director of Port Control.

(b) **Form; Exchange and Transfer.** All Bonds shall be issued in fully registered form. The Bonds initially may be delivered in book-entry only form, registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository, and not transferable or exchangeable (except for transfer to another Depository or its nominee) without further action by the City pursuant to the provisions of the Trust Indenture.

If any Depository determines not to continue to act as a Depository for the Bonds of any series held 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 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 Bonds, after determining that those agreements will not endanger the funds or securities of the City under the Trust Indenture (as evidenced by the Director's signing of those agreements).

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

(d) **Interest and Place of Payment.** The Bonds of each series shall bear interest at their respective interest rates specified in the Certificate of Award (or, in the case of variable rate Bonds, determined pursuant to the Supplemental Indenture) for that series. Bonds of the same series and same maturity may bear interest at different interest rates. The 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 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 Bonds of each series shall mature on the dates and in the respective principal amounts provided in the Certificate of Award, consistent with this Ordinance and the Trust Indenture.

(f) **Prior Redemption.** The 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 Certificate of Award for that series. Any 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 the dates and at the redemption prices provided in the Certificate of Award and in accordance with the applicable Supplemental Indenture and the Trust Indenture. The Bonds may be subject to mandatory redemption prior to maturity on the dates, or upon the occurrence of events, and at the redemption prices as determined and provided in

the Certificate of Award and applicable Supplemental Indenture, including without limitation, mandatory sinking fund redemption of term bonds on each mandatory redemption date in the aggregate amount of the sinking fund installment to be paid on such mandatory redemption date.

(g) Purchase in Lieu of Redemption. The Bonds of each series may be subject to purchase by the City in lieu of optional redemption if and to the extent provided in the Certificate of Award and the applicable Supplemental Indenture.

(h) Signing. The 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 Bonds shall bear the corporate seal of the City or a facsimile thereof.

(i) Numbering. The Bonds shall be numbered as determined by the Director of Finance.

Section 5. Award and Sale of Bonds.

The Director of Finance shall sign and deliver a Certificate of Award for the Bonds. In the event the Bonds are issued in more than one series sold at different times, a separate Certificate of Award shall be signed and delivered for each separately delivered series. The sale of the Bonds shall be awarded to the Original Purchasers selected by the Director of Finance, based on an evaluation of the qualifications of firms that have proposed to underwrite the Bonds, and shall be identified in the Certificate of Award. The Bonds may be sold by direct placement to one or more institutions purchasing Bonds for their own account and not for resale or may be sold to financial institutions underwriting the Bonds for sale to the public. Each Certificate of Award shall determine the following, based on the written advice of a Financial Advisor, consistent with this Ordinance and the Trust Indenture:

(a) the principal amount of Bonds issued; provided that the aggregate principal amount of Bonds issued in one or more series under this Ordinance shall not exceed One Hundred Million Dollars (\$100,000,000);

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

(c) whether the Bonds are to be Tax-Exempt Bonds or Taxable Bonds and, if the Bonds are Taxable Bonds, whether or not they are Direct Payment Obligations or subject to another Federal or State program providing financial or credit support;

(d) whether any Bonds are to be subject to redemption prior to maturity, and, if so, the redemption date or dates or the event causing those Bonds to be subject to prior redemption, and the redemption price, which may be determined as a percentage of the principal amount redeemed or by a formula intended to make the bondholder whole for the loss of the investment resulting from the early redemption or by other methodology;

(e) the dates on which principal of

the Bonds is to be paid, which shall be not later than thirty (30) years from their respective dates of issuance, with an identification of whether the payment is due by stated maturity or by mandatory sinking fund redemption of Bonds of a particular maturity;

(f) the interest rates to be borne by Bonds bearing interest at a fixed rate, the weighted average of which shall not exceed seven percent (7%) as to Bonds of any series that are Tax-Exempt Bonds or nine percent (9%) as to Bonds of any series that are Taxable Bonds, or the method by which the interest rate is to be determined for Bonds bearing interest at variable rates, consistent with Section 4;

(g) the amount, if any, and source of any money to be deposited in the Renewal and Replacement Fund in order to cause the balance therein to equal the Renewal and Replacement Fund Requirement;

(h) the title and series designation for the Bonds;

(i) the amount, if any, and source of any money to be deposited in the Bond Service Reserve Fund in order to cause the balance therein to equal the Required Bond Service Reserve, if and to the extent required by the applicable Supplemental Indenture, and any determination as to whether there shall be a special reserve fund for the Bonds of any series, separate from the common Bond Service Reserve Fund, or a surety or insurance policy, bank letter or line of credit, or other form of credit or Credit Support Instrument enhancing the security for Bonds of that series in lieu of a funded reserve fund;

(j) the Paying Agent; and

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

It is determined that the terms of the Bonds as so determined within the limitations set forth in this Ordinance and as so specified and set forth in the Certificate of Award will be in the best interests of the City and consistent with all legal requirements.

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

Section 6. Application of Proceeds of Bonds.

The proceeds from the sale of the Bonds shall be applied as provided in the applicable Supplemental Indenture, including:

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

(ii) to the Bond Service Fund, that portion, if any, of the proceeds constituting accrued interest;

(iii) to the Bond Service Reserve Fund, any proceeds to be deposited in that Fund in order to cause the bal-

ance therein to equal the Required Bond Service Reserve, subject to the provisions set forth in Section 5 (i) of this Ordinance for a lesser or special deposit;

(iv) to the Renewal and Replacement Fund, any proceeds to be deposited in that Fund to cause the balance therein to equal the Renewal and Replacement Fund Requirement;

(v) to the counterparty under any Hedge Agreement, any payment determined by the Director of Finance to be paid from the proceeds of the Bonds;

(vi) to the Costs of Issuance Fund, to be created under the applicable Supplemental Indenture, such amounts as are needed to pay costs of issuing the Bonds; and

(vii) to the Construction Fund, the balance of such proceeds.

The proceeds from the sale of the Bonds are appropriated and shall be used for the purpose for which those Bonds are issued as provided in this Ordinance.

Section 7. Authorization of Supplemental Indentures and Amendments of Indenture.

In order to secure the payment of the principal of and any premium and interest on the Bonds, the Mayor, the Director of Finance and the Director of Port Control, or any two of them, are authorized, in the name and on behalf of the City, to sign and deliver to the Trustee, in trust for the Original Purchasers and subsequent holders of the Bonds, one or more Supplemental Indentures, approved as to form and correctness by the Director of Law, not inconsistent with this Ordinance, the Certificate of Award and the Trust Indenture and not substantially adverse to the City as may be approved by the officers signing the same on behalf of the City. The determination by those officers that a Supplemental Indenture is not substantially adverse to the City shall be conclusively evidenced by the signing and delivery of that Supplemental Indenture by those officers. Subject to the requirements of Article XIII of the Trust Indenture, any Supplemental Indenture may contain amendments to the Trust Indenture to permit the City increased flexibility for the use of financial or credit structures and techniques determined by the Director of Finance, based on the written advice of a Financial Advisor, to be in the best interests of the City.

Section 8. Credit Support Instruments. The Director of Finance is authorized to contract from time to time for one or more Credit Support Instruments for any series of the Bonds or any Hedge Agreement if the Director determines, based on the written advice of a Financial Advisor, that the Credit Support Instruments will result in savings to the City, will stabilize interest rates or minimize the risk of increased interest expense or increased risks, burdens, or other costs associated with hedging arrangements or relating to the Bonds or reserve requirements. The Director of Finance is further authorized to agree to the amendment, replacement, assignment or termination of any Credit Support Instrument if the Director of Finance determines, based on the written advice of a Financial Advisor, that the City's best interests will be served by such amendment, replacement, assignment or termination. In the event the Director of Finance determines, based on

the written advice of a Financial Advisor, that it is necessary to supplement or amend the Trust Indenture or a Supplemental Indenture in order to permit the use of, or to amend, replace, assign or terminate, a Credit Support Instrument, the Mayor and the Director of Finance are authorized to sign and deliver a Supplemental Indenture amending the Trust Indenture or an amendment of a Supplemental Indenture, approved as to form and correctness by the Director of Law. The cost of obtaining, amending, replacing, assigning or terminating each Credit Support Instrument, except to the extent paid from proceeds of the Bonds or otherwise, shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106 and 60 SF 141 and/or passenger facility charges, as determined by the Director of Finance after consultation with the Director of Port Control.

Section 9. Tax Covenants.

(a) **Tax-Exempt Bonds.** With respect to any series of Bonds that are to be issued and sold as Tax-Exempt Bonds, the City covenants that:

(i) 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.

(ii) (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, (1) apply the proceeds of the Tax-Exempt Bonds to the governmental purposes of the borrowing, (2) restrict the yield on investment property, (3) make timely and adequate payments to the federal government, (4) maintain books and records and make calculations and reports, and (5) 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.

(b) **Direct Payment Obligations.** With respect to any series of Bonds that is to be issued and sold as Direct Payment Obligations, the City covenants that:

(i) it will use, and will restrict the use and investment of, the proceeds of the Bonds in such manner and to such extent as may be necessary so that the Bonds will qualify as Direct Payment Obligations under the applicable provisions of the Code.

(ii) it further covenants that (A) it will take or cause to be taken such actions that may be required of it for the Bonds to be and remain Direct Payment Obligations, (B) it will not take or authorize to be taken any actions that would adversely affect that status, and (C) it, or persons acting for it, will, among other acts of compliance, (1) apply or cause the

application of the proceeds of the Bonds to the governmental purpose of the borrowing, (2) restrict yield on investment property, (3) make timely and adequate payments to the federal government, (4) maintain books and records and make calculations and reports and (5) 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 tax status.

(c) **Further Actions.** The Director of Finance, or any other officer of the City having responsibility for issuance of the Bonds, is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Bonds as the City is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, the election to issue a series of Bonds as Direct Payment Obligations, any of the elections provided for in or available under the Code for the purpose of assuring, enhancing or protecting the favorable tax treatment or status of the Bonds or interest thereon or entitlement to Direct Payments relating thereto, 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 Bonds and the City's entitlement to receive Direct Payments, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Bonds.

Section 10. Additional Documents.

The Mayor, the Director of Finance, the Director of Port Control and other City officials as appropriate under the Charter are authorized to sign and deliver such instruments, certificates and documents as are necessary or appropriate to consummate the transactions authorized by this Ordinance, the Bond Purchase Agreements, the Supplemental Indentures, the Trust Indenture and the Hedge Agreements.

The Director of Finance, the Director of Port Control, the Director of Law and other City officials, as appropriate under the Charter, 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 Bonds to the Original Purchasers and to take all actions necessary to effect due signing, authentic-

tion and delivery of each series of Bonds under the terms of this Ordinance, the Supplemental Indentures, the Bond Purchase Agreements and the Trust Indenture. The Clerk of Council or other officials of the City as appropriate under the Charter shall furnish the Original Purchasers a true transcript of proceedings certified by the Clerk or other official, of all proceedings had with reference to the issuance of the Bonds along with such information for the records as is necessary to determine the regularity and validity of the issuance of the Bonds.

Section 11. Official Statements; Continuing Disclosure.

The Mayor, the Director of Finance, the Director of Port Control and other City officials as appropriate under the Charter, are and each is authorized on behalf of the City 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 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 is hereby authorized and approved.

Each of those officers is 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). Each of those officers is 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 Bonds as may, in their judgment, be necessary or appropriate. Each of those officers is 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 Bonds, the City agrees, in accordance with, and as an obligated person with respect to the 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 and the Director of Port Control are 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 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. Conversion and Remarketing or Refunding of Variable Rate Bonds.

In the event that any series of Bonds are issued as variable rate obligations and the Director of Finance determines that it is advantageous to the City to convert the interest on such series of Bonds from variable rates to fixed interest rates for a period of time or to maturity, or to convert the interest on any series of Bonds bearing interest at a variable rate to a different variable rate period or mode, or to terminate or take other actions with respect to any existing Credit Support Instrument that will require a tender and remarketing of any series of Bonds (such conversion or other actions and the tender and remarketing being collectively referred to in this Section as "remarketing"), the City shall undertake the remarketing in accordance with the applicable Supplemental Indenture. The City may enter into an agreement with one or more purchasers for their direct purchase of a series of Bonds in lieu of a public remarketing of those Bonds by a remarketing agent. In the event that the interest rate on all of the Bonds of a series is to be converted from variable rates to fixed rates of interest to the final maturity of that series of Bonds, the remarketing may be undertaken as a refunding transaction with the refunding Bonds having the terms provided in this Ordinance for the series of Bonds.

In connection with any remarketing of a series of Bonds, the Director of Finance is authorized to obtain one or more Credit Support Instruments if the Director of Finance determines that the Credit Support Instrument will facilitate the remarketing of that series of Bonds, and to enter into agreements with tender agents, administrative agents, remarketing agents, dealers and others, and to terminate such agreements, under the same terms and conditions set forth in Section 4. In the event the Director of Finance determines that it is necessary to supplement or amend the Trust Indenture or the Supplemental Indenture in order to address current market conditions or to permit the use of a Credit Support Instrument or to otherwise obtain financing arrangements advantageous to the City, the Director of Finance is authorized to sign and deliver an amendment of the Trust Indenture or Supplemental Indenture, or an amended and restated Trust Indenture or Supplemental Indenture. The costs of any remarketing of the series of Bonds may be paid, as determined by the Director of Finance, from remarketing proceeds, or from other money lawfully available for that purpose. The Director of Finance is authorized to prepare or

authorize to be prepared one or more disclosure documents in connection with any remarketing under the same terms and conditions as set forth in Section 11 of this Ordinance with respect to the Bonds. The Mayor, Director of Finance, Director of Port Control and other City officials, as appropriate under the Charter, are authorized to sign and deliver such instruments, certificates and documents as are necessary or appropriate to consummate the transactions authorized by this Section. The Mayor, Director of Finance, Director of Port Control and other City officials, as appropriate under the Charter, are each authorized to make the necessary arrangements on behalf of the City to establish the date, location, procedure and conditions for the remarketing of any series of Bonds and to take all actions necessary to effect the remarketing of any series of Bonds under the terms of this Ordinance and the Supplemental Indenture. The Clerk of Council or other appropriate official of the City shall furnish the Original Purchaser a true transcript of proceedings certified by such officers of the City as may be appropriate of all proceedings had with reference to the conversion and remarketing of any series of Bonds.

Section 13. Lien of Pledge.

The Airport Revenues are subject to the lien of the pledge under the Trust Indenture without any physical delivery of the Airport 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 Airport Revenues or for the filing or recording of the Trust 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 Airport Revenues under the Trust 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 14. 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 Ordinance 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 Port Control 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 Bonds or the delivery of any Hedge Agreements concerning the utilization and operation of the Airport System, debt service coverage, rates and charges or other matters. Any Financial Advisor or consultant employed under the authority of this Ordinance shall be disinterested in the transaction and be independent of the underwriters or counterparties and any other party interested in the transaction.

Section 15. Appointment of Successor Trustee.

The Director of Finance is hereby authorized to appoint a successor Trustee in the event that the current Trustee, The Bank of New York Mellon Trust Company, N.A., shall resign or be removed, or be dissolved or otherwise become incapable of acting as Trustee under the Trust 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 12.08 of the Trust Indenture.

Section 16. Authorization and Requirement of Declarations of Official Intent.

The Director of Finance, in consultation with the Director of Port Control, is authorized to prepare and sign declarations of official intent in the form required by United States Treasury Regulations §1.150-2 (the "Reimbursement Regulations") with respect to original expenditures to which the Reimbursement Regulations apply, to be made from money temporarily advanced for improvements to the Airport System and that is reasonably expected to be reimbursed from the proceeds of Tax-Exempt Bonds or other obligations; to make appropriate reimbursement and timely allocations from the proceeds of the Tax-Exempt Bonds or other obligations to reimburse such original expenditures; and to take any other actions as may be appropriate, all at the times and in the manner required under the Reimbursement Regulations in order for the reimbursement to be treated as an expenditure of such proceeds for purposes of Sections 103 and 141 to 150 of the Code. No advance from any fund or account or order for payment may be made for original expenditures (other than expenditures excepted from such requirement under the Reimbursement Regulations) that are to be reimbursed subsequently from proceeds of Tax-Exempt Bonds or other obligations, unless a declaration of official intent with respect thereto is made within the time required by the Reimbursement Regulations.

Section 17. Open Meeting Determination.

It is found and determined that all formal actions of the Council concerning and relating to the adoption of this Ordinance 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 18. Separability.

Each section of this Ordinance 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 Ordinance.

Section 19. Recitals.

It is determined and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Bonds in order to make them 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 Bonds.

Section 20. Sunset of Authorization.

The authority granted by Section 2 of this Ordinance to issue Bonds shall expire three years from the effective date of this Ordinance. If a preliminary official statement is distributed or a commitment for a direct placement is signed with respect to the issuance of a series of Bonds under the authority of this Ordinance at any time within the three-year period following its effective date, then the authority granted by this Ordinance shall not expire as to that series of Bonds. The Director of Finance shall notify the Chairman of the Finance Committee and the Clerk of this Council of the initiation of the issuance of any Bonds under the authority of this Ordinance.

Section 21. 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 adoption and approval by the Mayor; otherwise, it shall take effect and be in force from and after the earliest period allowed by law.

Passed October 28, 2013.
Effective October 30, 2013.

Ord. No. 1234-13.

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

An emergency ordinance to amend Section 225.08 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2393-02, passed February 3, 2003, relating to body piercing and tattooing establishments and fees; and to rename Chapter 225 to "Barber Shops, Body Piercing, and Tattooing Establishments."

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

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

Section 1. That Section 225.08 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2393-02, passed February 3, 2003, is amended to read as follows:

Section 225.08 Body Piercing and Tattooing Establishments; Fee

(a) The Department of Public Health is authorized to assess the following license fees, for licenses issued under RC Chapter 3730:

Body Piercing Establishment only	\$250.00
Tattooing Establishment only	\$250.00
Body Piercing and Tattooing Establishment	\$325.00
Temporary Body Piercing Establishment Only	\$50.00, per day
Temporary Tattooing Establishment Only	\$50.00, per day
Temporary Body Piercing and Tattooing Establishment	\$75.00, per day

All licenses issued for body piercing and/or tattooing establishments

shall expire on December 31st of the year in which the license is issued except those licenses issued to temporary body piercing and/or tattooing establishments which shall expire on the fifth day following issuance.

(b) RC Chapter 3730 is incorporated by reference, as it now exists and as it may be amended in the future, and any violation of those state statutes or of rules promulgated under those statutes shall also be violations of these Codified Ordinances, and may be prosecuted by the Director of Law. The penalty for such violations shall be as established in RC 3730.99.

Section 2. That existing Section 225.08 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2393-02, passed February 3, 2003, is repealed.

Section 3. That Chapter 225 of the Codified Ordinances of Cleveland, Ohio, 1976, is renamed to "Barber Shops, Body Piercing, and Tattooing Establishments."

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

Passed October 28, 2013.
Effective October 30, 2013.

Ord. No. 1297-13.

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

An emergency ordinance to vacate a portion of Grand Avenue, S.E.

Whereas, under Resolution No. 840-13, adopted August 14, 2013, this Council declared its intention to vacate a portion of Grand Avenue, S.E.; and

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

Whereas, on September 10, 2013, the Board of Revision of Assessments approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

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

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

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

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

Being all that portion of Grand Avenue S.E. (50.00 feet wide) extending from the east right of way of East 75th Street (60.00 feet wide) to the west right of way of East 79th Street (60.00 feet wide).

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

Section 2. That there is reserved to the City of Cleveland an easement of full width as described above for AT&T, City of Cleveland Division of Fire, Dominion East Ohio Gas Company, the Illuminating Company (CEI), Northeast Ohio Regional Sewer District (NEORS), the Division of Water, and Water Pollution Control (WPC).

That no structures shall be erected on the premises described in this easement except those constructed under the approval of, and in compliance with, plans approved by AT&T, City of Cleveland Division of Fire, Dominion East Ohio Gas Company, the Illuminating Company (CEI), Northeast Ohio Regional Sewer District (NEORS), Division of Water, Water Pollution Control (WPC), and the City of Cleveland.

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

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

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

Passed October 28, 2013.
Effective October 30, 2013.

Ord. No. 1341-13.

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

An emergency ordinance authorizing the Director of Finance, on behalf of the Administrator of the Cleveland Municipal Court, to apply for and accept a grant from Cuyahoga County for the Veterans Treatment Docket - Operations 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 Finance, on behalf of the Administrator of the Cleveland Municipal Court, is authorized to apply for and accept a grant in the approximate amount of \$104,146.00, and any other funds that may become available during the grant term from Cuyahoga County to conduct the Veterans Treatment Docket - Operations Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the proposal for the grant contained in the file described below.

Section 2. That the proposal for the grant, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in File No. 1341-13-A, is made a part of this ordinance as if fully rewritten, is approved in all respects, and shall not be changed without additional legislative authority.

Section 3. That, unless expressly prohibited by the grant agreement, under Section 108(B) of the Charter, purchases made under the grant agreement may be made through cooperative arrangements with other governmental agencies. The Director of Finance, on behalf of the Administrator of the Cleveland Municipal Court, may sign all documents and do all things that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process. The contracts will be paid from the fund or funds to which are credited any grant funds accepted under this ordinance.

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

Passed October 28, 2013.
Effective October 30, 2013.

Ord. No. 1342-13.
By Council Members Mitchell and Kelley (by departmental request).
An emergency ordinance authorizing the Director of Finance, on behalf of the Administrator of the Cleveland Municipal Court, to apply for and accept a grant from Cuyahoga County for the Veterans Treatment Docket - Residential Program; and authorizing the Director to

enter into one or more contracts with Y-Haven and Case Western Reserve University to implement the grant.

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

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

Section 1. That the Director of Finance, on behalf of the Administrator of the Cleveland Municipal Court, is authorized to apply for and accept a grant in the approximate amount of \$200,000, and any other funds that may become available during the grant term from Cuyahoga County to conduct the Veterans Treatment Docket - Residential Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the proposal for the grant contained in the file described below.

Section 2. That the proposal for the grant, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in File No. 1342-13-A, including the obligation of the City of Cleveland to provide cash matching funds in the amount of \$3,844, from Fund No. 10 SF 085, 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. (RQS 0115, RL 2013-146)

Section 3. That, unless expressly prohibited by the grant agreement, under Section 108(B) of the Charter,

purchases made under the grant agreement may be made through cooperative arrangements with other governmental agencies. The Director of Finance, on behalf of the Administrator of the Cleveland Municipal Court, may sign all documents and do all things that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 4. That the Director of Public Health is authorized to enter into one or more contracts with Y-Haven and Case Western Reserve University to implement the grant as described in the file.

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

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

Passed October 28, 2013.
Effective October 30, 2013.

COUNCIL COMMITTEE MEETINGS

NO MEETINGS

Index

O—Ordinance; R—Resolution; F—File
Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;
Bold type in sections indicates amendments

Board of Control — Burke Lakefront Airport Division

Environmental compliance consultants — approve name change to Leidos, Inc. —
Contract #PS2013*022 per BOC Res. 614-12 — Dept. of Port Control (BOC Res. 631-13)..... 1764

Board of Control — Capital Projects Office

Interior office improvements — per Ord. 533-12 — all bids rejected — Dept. of Public Works (BOC Res. 634-13) 1765

Board of Control — Cleveland Hopkins International Airport Division

Environmental compliance consultants — approve name change to Leidos, Inc. —
Contract #PS2013*022 per BOC Res. 614-12 — Dept. of Port Control (BOC Res. 631-13)..... 1764

Board of Control — Cleveland Public Power Division

Lake Road 138/11.5kV Substation and Distribution Expansion, Phase III — approve subcontractors — Contract #PI2013*018 per BOC Res. 675-12, 41-13, 393-13 — Dept. of Public Utilities (BOC Res. 627-13) 1763

Board of Control — Concession Agreement

Highland Park Golf Course operation — amend BOC Res. 602-13 — Dept. of Public Works (BOC Res. 635-13) 1765

Board of Control — Finance Department

East 105th Street, 1942 — PPN 119-10-018 (portion of) — to Ronald McDonald House of Cleveland, Inc. per Ord. 1535-12 (BOC Res. 633-13)	1764
Euclid Avenue and East 116th Street (southeast corner) — sell to Cleveland Institute of Art per Ord. 1111-13 (BOC Res. 632-13)	1764

Board of Control — Harbors Division

Environmental compliance consultants — approve name change to Leidos, Inc. — Contract #PS2013*022 per BOC Res. 614-12 — Dept. of Port Control (BOC Res. 631-13).....	1764
--	------

Board of Control — Highland Golf Course

Operation — amend BOC Res. 602-13 — Dept. of Public Works (BOC Res. 635-13)	1765
---	------

Board of Control — Land Sales

East 105th Street, 1942 — PPN 119-10-018 (portion of) — to Ronald McDonald House of Cleveland, Inc. per Ord. 1535-12 (BOC Res. 633-13)	1764
Euclid Avenue and East 116th Street (southeast corner) — sell to Cleveland Institute of Art per Ord. 1111-13 (BOC Res. 632-13)	1764

Board of Control — Port Control Department

Environmental compliance consultants — approve name change to Leidos, Inc. — Contract #PS2013*022 per BOC Res. 614-12 — Divisions of Burke Lakefront Airport, Cleveland Hopkins International Airport and Harbors (BOC Res. 631-13)	1764
---	------

Board of Control — Professional Service Contracts

Environmental compliance consultants — approve name change to Leidos, Inc. — Contract #PS2013*022 per BOC Res. 614-12 — Divisions of Burke Lakefront Airport, Cleveland Hopkins International Airport and Harbors, Dept. of Port Control (BOC Res. 631-13)	1764
--	------

Board of Control — Public Improvement Contracts

Lake Road 138/11.5kV Substation and Distribution Expansion, Phase III — approve subcontractors — Contract #PI2013*018 per BOC Res. 675-12, 41-13, 393-13 — Division of Cleveland Public Power, Dept. of Public Utilities (BOC Res. 627-13).....	1763
---	------

Board of Control — Public Utilities Department

Detroit Avenue sewer project — per Ord. 743-13 — all bids rejected — Division of Water Pollution Control (BOC Res. 630-13)	1764
Lake Road 138/11.5kV Substation and Distribution Expansion, Phase III — approve subcontractors — Contract #PI2013*018 per BOC Res. 675-12, 41-13, 393-13 — Division of Cleveland Public Power (BOC Res. 627-13)	1763
Mail extraction machines — per C.O. Sec. 181.101 — all bids rejected — Division of Fiscal Control (BOC Res. 628-13)	1764
Waste disposal and recycling services; hazardous, non-hazardous — per Ord. 495-13 to RJG Enterprises, inc., d.b.a. Chemtron Corporation (BOC Res. 629-13)	1764

Board of Control — Public Works Department

Highland Park Golf Course operation — amend BOC Res. 602-13 (BOC Res. 635-13).....	1765
Interior office improvements — per Ord. 533-12 — all bids rejected — Office of Capital Projects (BOC Res. 634-13)	1765

Board of Control — Purchases and Supplies Division

East 105th Street, 1942 — PPN 119-10-018 (portion of) — to Ronald McDonald House of Cleveland, Inc. per Ord. 1535-12 (BOC Res. 633-13)	1764
Euclid Avenue and East 116th Street (southeast corner) — sell to Cleveland Institute of Art per Ord. 1111-13 (BOC Res. 632-13)	1764

Board of Control — Requirement Contracts

Waste disposal and recycling services; hazardous, non-hazardous — per Ord. 495-13 to RJG Enterprises, inc., d.b.a. Chemtron Corporation — Dept. of Public Utilities (BOC Res. 629-13)	1764
---	------

Board of Control — Water Pollution Control Division

Detroit Avenue sewer project — per Ord. 743-13 — all bids rejected — Dept. of Public Utilities (BOC Res. 630-13)	1764
--	------

Board of Zoning Appeals — Report

Broadview Road, 4858, (Ward 13) – K&L Ltd. Limited Partnership, owner, and April Stewart, prospective tenant — appeal withdrawn on 11/4/13 (Cal. 13-126).....	1766
Euclid Avenue, 3600, (Ward 8) – The International Union of Operating Engineers Local 18, owner — appeal denied and adopted on 11/4/13 (Cal. 13-226)	1766
Ivanhoe Road, 1130, (Ward 10) – The 1130 Ivanhoe Road Group, LLC, owner — appeal granted and adopted on 11/4/13 (Cal. 13-199).....	1766
Lorain Avenue, 17510, (Ward 19) – West 176 Street, LLC, owner — appeal heard on 11/4/13 (Cal. 13-225).....	1766
Lydian Avenue, 15321, (Ward 19) – Joseph Beach, owner — appeal heard on 11/4/13 (Cal. 13-230).....	1766
Niessen Court, 4571, (Ward 14) – Wilfredo Serrano, owner — appeal postponed to 12/30/13 on 11/4/13 (Cal. 13-228)	1766
Niessen Court, 4575, (Ward 14) – Wilfredo Serrano, owner — appeal postponed to 12/30/13 on 11/4/13 (Cal. 13-229)	1766
Norway Avenue, 15800, (Ward 19) – Mark and Tracy Benton, owners — appeal granted and adopted on 11/4/13 (Cal. 13-221)	1766
Professor Avenue, 2376, (Ward 3) – Shury, LLC, owner — appeal heard on 11/4/13 (Cal. 13-224).....	1766
West 7th Street, 2257, (Ward 3) – Scot Plewacki, owner — appeal heard on 11/4/13 (Cal. 13-231).....	1766

Board of Zoning Appeals — Schedule

Chester Avenue, 9751, (Ward 7) – City of Cleveland, owner, and The Finch Group, prospective purchaser — appeal to be heard on 11/18/13 (Cal. 13-223)	1765
East 185th Street, 777, (Ward 11) – John Fuduric, owner — appeal to be heard on 11/18/13 (Cal. 13-232).....	1765
John Avenue, 4305, (Ward 3) – Michael Flickinger, owner — appeal to be heard on 11/18/13 (Cal. 13-239).....	1765
West 44th Street, 1881, (Ward 3) – Michael Flickinger, owner — appeal to be heard on 11/18/13 (Cal. 13-240)	1765
West 44th Street, 1887, (Ward 3) – Debbie Kraus, prospective purchaser — appeal to be heard on 11/18/13 (Cal. 13-241).....	1765

Bonds

Airport System Revenue Bonds — \$100,000,000 One Hundred Million — Finance Department — Port Control Department (O 1113-13)	1768
---	------

Capital Projects

Grand Ave., S.E. — vacate a portion — City Planning Commission (Ward 05) (O 1297-13)	1774
--	------

Case Western Reserve University (CWRU)

Veterans Treatment Docket — Residential Program — Grant — Cuy. Co. Common Pleas Court — Finance Department — Y-Haven (O 1342-13)	1775
--	------

City of Cleveland Bids

Diesel engines, 6-cylinder and engines for snow blowers — Department of Port Control — per C.O. Sec. 181.101 — bid due November 27, 2013 (advertised 10/30/2013 and 11/6/2013).....	1767
Pneumatic tire tow motors — Department of Public Works — Division of Motor Vehicle Maintenance — per Ord. 943-11 — bid due November 22, 2013 (advertised 10/30/2013 and 11/6/2013).....	1767
Sewer test tee inspection, installation and snaking — Department of Public Utilities — Division of Water Pollution Control — per C.O. Sec. 541.13 — bid due November 20, 2013 (advertised 10/30/2013 and 11/6/2013)	1767
Steel, miscellaneous sized — Department of Finance — per C.O. Sec. 181.101 — bid due December 4, 2013 (advertised 11/6/2013 and 11/13/2013)	1767

City Planning Commission

Bethany Baptist Church (Aka Zion Evangelical Church) — PPN 109-18-001/ 002/ 003/ 004/ 005 — designate as landmark — City Planning Commission (Ward 08) (O 1077-13)	1766
Central Christian Church (Aka Glenville Church Of Christ) — East 105th St., 697; Helena Ave., 10501-15 — PPN 108-25-058 — designate as landmark — City Planning Commission (Ward 08) (O 1078-13)	1766
Chester Ave. (between East 97th St. and East 101st St.) — change Use, Area and Height Districts — City Planning Commission (Ward 07) (O 1461-13)	1766
E. 41 St. (southwest side) — change Use, Area and Height Districts — City Planning Commission (Ward 08) (O 1436-13).....	1766
E. 62nd St. south of Grdina Dr. — change Use and Area Districts — City Planning Commission (Ward 07) (O 1379-13)	1766
Grand Ave., S.E. — vacate a portion — Capital Projects Office (Ward 05) (O 1297-13).....	1774

Jacob Vidmar Bldg. — St. Clair Ave., 3830 — PPN 102-20-006 — designate as landmark — City Planning Commission (Ward 08) (O 1225-13)	1766
Madison Ave. (between Berea Rd. and W. 85th St.) — establish Pedestrian Retail Overlay (PRO) District — City Planning Commission (Ward(s) 17, 16) (O 1332-13)	1766
May Company Warehouse — Payne Ave., 4100-40 — PPN 104-32-015 — designate as landmark — City Planning Commission (Ward 08) (O 1214-13)	1766
Otto Narveleit Building — PPN 108-09-036 — designate as landmark — City Planning Commission (Ward 08) (O 1079-13)	1766
Vogt Bldg. — Superior Ave., 3303-07 — PPN 102-19-053 — designate as landmark — City Planning Commission (Ward 08) (O 1226-13)	1766
Codified Ordinances	
Barber Shops, Body Piercing, And Tattooing Establishments; Fee — amend Section 225.08 (O 1234-13)	1774
Common Pleas Court	
Veterans Treatment Docket — Operations Program — Grant — Finance Department (O 1341-13)	1774
Veterans Treatment Docket — Residential Program — Grant — Finance Department — Y-Haven — CWRU (O 1342-13)	1775
Contracts	
Veterans Treatment Docket — Residential Program — Grant — Cuy. Co. Common Pleas Court — Finance Department — Y-Haven — CWRU (O 1342-13)	1775
Fees	
Barber Shops, Body Piercing, And Tattooing Establishments; Fee — amend Section 225.08 (O 1234-13)	1774
Finance Department	
Airport System Revenue Bonds — \$100,000,000 One Hundred Million — Port Control Department (O 1113-13)	1768
Veterans Treatment Docket — Operations Program — Grant — Cuy. Co. Common Pleas Court (O 1341-13)	1774
Veterans Treatment Docket — Residential Program — Grant — Cuy. Co. Common Pleas Court — Y-Haven — CWRU (O 1342-13)	1775
Grants	
Veterans Treatment Docket — Operations Program -Cuy. Co. Common Pleas Court — Finance Department (O 1341-13)	1774
Veterans Treatment Docket — Residential Program — Cuy. Co. Common Pleas Court — Finance Department — Y-Haven — CWRU (O 1342-13)	1775
Health Department	
Barber Shops, Body Piercing, And Tattooing Establishments; Fee — amend Section 225.08 (O 1234-13)	1774
House Bill	
Ohio's Energy Efficiency Resource Standard and Renewable Portfolio Standard and opposing Substitute SB. 58 and HB. 302 (R 1476-13)	1768
Landmark Commission	
Bethany Baptist Church (Aka Zion Evangelical Church) — PPN 109-18-001/ 002/ 003/ 004/ 005 — Designate as Landmark — City Planning Commission (Ward 08) (O 1077-13)	1766
Central Christian Church (Aka Glenville Church Of Christ) — East 105th St., 697; Helena Ave., 10501-15 — PPN 108-25-058 — designate as landmark — City Planning Commission (Ward 08) (O 1078-13)	1766
Jacob Vidmar Bldg. — St. Clair Ave., 3830 — PPN 102-20-006 — designate as landmark — City Planning Commission (Ward 08) (O 1225-13)	1766
May Company Warehouse — Payne Ave., 4100-40 — PPN 104-32-015 — designate as landmark — City Planning Commission (Ward 08) (O 1214-13)	1766
Otto Narveleit Building — PPN 108-09-036 — designate as landmark — City Planning Commission (Ward 08) (O 1079-13)	1766
Vogt Bldg. — Superior Ave., 3303-07 — PPN 102-19-053 — designate as landmark — City Planning Commission (Ward 08) (O 1226-13)	1766

Liquor Permits

West 130th St., 4713 — withdraw objection to issuance — repeal Res. 1209-13 (Ward 18) (R 1462-13)..... **1767**

Port Control Department

Airport System Revenue Bonds — \$100,000,000 One Hundred Million — Finance Department (O 1113-13)..... **1768**

Public Hearing (Notices)

Bethany Baptist Church (Aka Zion Evangelical Church) — PPN 109-18-001/ 002/ 003/ 004/ 005 — Designate as Landmark — City Planning Commission (Ward 08) (O 1077-13) 1766
 Central Christian Church (Aka Glenville Church Of Christ) — East 105th St., 697; Helena Ave., 10501-15 — PPN 108-25-058 — designate as landmark — City Planning Commission (Ward 08) (O 1078-13) 1766
 Chester Ave. (between East 97th St. and East 101st St.) — change Use, Area and Height Districts — City Planning Commission (Ward 07) (O 1461-13) 1766
 E. 41 St. (southwest side) — change Use, Area and Height Districts — City Planning Commission (Ward 08) (O 1436-13) 1766
 E. 62nd St. south of Grdina Dr. — change Use and Area Districts — City Planning Commission (Ward 07) (O 1379-13) 1766
 Jacob Vidmar Bldg. — St. Clair Ave., 3830 — PPN 102-20-006 — designate as landmark — City Planning Commission (Ward 08) (O 1225-13) 1766
 Madison Ave. (between Berea Rd. and W. 85th St.) — establish Pedestrian Retail Overlay (PRO) District — City Planning Commission (Ward(s) 17, 16) (O 1332-13)..... 1766
 May Company Warehouse — Payne Ave., 4100-40 — PPN 104-32-015 — designate as landmark — City Planning Commission (Ward 08) (O 1214-13)..... 1766
 Otto Narveleit Building — PPN 108-09-036 — designate as landmark — City Planning Commission (Ward 08) (O 1079-13) 1766
 Vogt Bldg. — Superior Ave., 3303-07 — PPN 102-19-053 — designate as landmark — City Planning Commission (Ward 08) (O 1226-13) 1766

Resolution of Support

Ohio's Energy Efficiency Resource Standard and Renewable Portfolio Standard and opposing Substitute SB.58 and HB. 302 (R 1476-13)..... **1768**

Resolutions — Miscellaneous

CBS News organization and 60 Minutes television news magazine to hire African-Americans and Hispanics as contributing correspondents (R 1475-13) **1767**
 Ohio's Energy Efficiency Resource Standard and Renewable Portfolio Standard and opposing Substitute SB.58 and HB. 302 (R 1476-13) **1768**

Senate Bills

Ohio's Energy Efficiency Resource Standard and Renewable Portfolio Standard and opposing Substitute SB. 58 and HB. 302 (R 1476-13) **1768**

Street Vacation

Grand Ave., S.E. — vacate a portion — Capital Projects Office — City Planning Commission (Ward 05) (O 1297-13) **1774**

Ward 02

CBS News organization and 60 Minutes television news magazine to hire African-Americans and Hispanics as contributing correspondents (R 1475-13) **1767**

Ward 05

Grand Ave., S.E. — vacate a portion — Capital Projects Office — City Planning Commission (O 1297-13) **1774**

Ward 07

E. 62nd St. south of Grdina Dr. — change Use and Area Districts — City Planning Commission (Ward 07) (O 1379-13) 1766
 Chester Ave. (between East 97th St. and East 101st St.) — change Use, Area and Height Districts — City Planning Commission (Ward 07) (O 1461-13) 1766

Ward 08

Bethany Baptist Church (Aka Zion Evangelical Church) — PPN 109-18-001/ 002/ 003/ 004/ 005 —
 Designate as Landmark — City Planning Commission (Ward 08) (O 1077-13) 1766

Central Christian Church (Aka Glenville Church Of Christ) — East 105th St., 697; Helena
 Ave., 10501-15 — PPN 108-25-058 — designate as landmark — City Planning Commission
 (Ward 08) (O 1078-13) 1766

E. 41 St. (southwest side) — change Use, Area and Height Districts — City Planning
 Commission (Ward 08) (O 1436-13) 1766

Jacob Vidmar Bldg. — St. Clair Ave., 3830 — PPN 102-20-006 — designate as landmark — City
 Planning Commission (Ward 08) (O 1225-13) 1766

May Company Warehouse — Payne Ave., 4100-40 — PPN 104-32-015 — designate as landmark —
 City Planning Commission (Ward 08) (O 1214-13)..... 1766

Otto Narveleit Building — PPN 108-09-036 — designate as landmark — City Planning
 Commission (Ward 08) (O 1079-13) 1766

Vogt Bldg. — Superior Ave., 3303-07 — PPN 102-19-053 — designate as landmark — City
 Planning Commission (Ward 08) (O 1226-13) 1766

Ward 09

CBS News organization and 60 Minutes television news magazine to hire African-Americans
 and Hispanics as contributing correspondents (R 1475-13) **1767**

Ward 14

CBS News organization and 60 Minutes television news magazine to hire African-Americans
 and Hispanics as contributing correspondents (R 1475-13) **1767**

Ward 16

Madison Ave. (between Berea Rd. and W. 85th St.) — establish Pedestrian Retail Overlay
 (PRO) District — City Planning Commission (Ward(s) 17, 16) (O 1332-13)..... 1766

Ward 17

Madison Ave. (between Berea Rd. and W. 85th St.) — establish Pedestrian Retail Overlay
 (PRO) District — City Planning Commission (Ward(s) 17, 16) (O 1332-13)..... 1766

Ward 18

West 130th St., 4713 — withdraw objection to issuance — repeal Res. 1209-13 — liquor permit
 (R 1462-13) **1767**

Zoning

Chester Ave. (between East 97th St. and East 101st St.) — change Use, Area and
 Height Districts — City Planning Commission (Ward 07) (O 1461-13) 1766

E. 41 St. (southwest side) — change Use, Area and Height Districts — City Planning
 Commission (Ward 08) (O 1436-13) 1766

E. 62nd St. south of Grdina Dr. — change Use and Area Districts — City Planning Commission
 (Ward 07) (O 1379-13) 1766

Madison Ave. (between Berea Rd. and W. 85th St.) — establish Pedestrian Retail Overlay
 (PRO) District — City Planning Commission (Ward(s) 17, 16) (O 1332-13)..... 1766