

The City Record

Official Publication of the Council of the City of Cleveland



April the Fourteenth, Two Thousand and Ten

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

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

Ward	Name	Residence	
1	Terrell H. Pruitt	3877 East 189th Street	44122
2	Zachary Reed	3734 East 149th Street	44120
3	Joe Cimperman	P.O. Box 91688	44101
4	Kenneth L. Johnson	2948 Hampton Road	44120
5	Phyllis E. Cleveland	2369 East 36th Street	44105
6	Mamie J. Mitchell	12701 Shaker Boulevard, #712	44120
7	TJ Dow	7715 Decker Avenue	44103
8	Jeffrey D. Johnson	9024 Parkgate Avenue	44108
9	Kevin Conwell	10647 Ashbury Avenue	44106
10	Eugene R. Miller	13615 Kelso Avenue	44110
11	Michael D. Polensek	17855 Brian Avenue	44119
12	Anthony Brancatelli	6924 Ottawa Road	44105
13	Kevin J. Kelley	5904 Parkridge Avenue	44144
14	Brian J. Cummins	3104 Mapledale Avenue	44109
15	Matthew Zone	1228 West 69th Street	44102
16	Jay Westbrook	1278 West 103rd Street	44102
17	Dona Brady	1272 West Boulevard	44102
18	Martin J. Sweeney	3632 West 133rd Street	44111
19	Martin J. Keane	15907 Colletta Lane	44111

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

MAYOR – Frank G. Jackson

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

DEPT. OF LAW – Robert J. Triozzi, Director, Richard F. Horvath, Chief Corporate Counsel, Thomas J. Kaiser, Chief Trial Counsel, Barbara A. Langhenry, Chief Counsel, Rm. 106
_____, Law Librarian, Room 100

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

Frank Badalamenti, Manager, Internal Audit
DIVISIONS: Accounts – Richard W. Sensenbrenner, Commissioner, Room 19
Assessments and Licenses – Dedrick Stephens, Commissioner, Room 122
City Treasury – _____, Treasurer, Room 115
Financial Reporting and Control – James Gentile, Controller, Room 18
Information Technology and Services – Douglas Divish, Commissioner, 205 W. St. Clair Avenue
Purchases and Supplies – James E. Hardy, Commissioner, Room 128
Printing and Reproduction – Michael Hewitt, Commissioner, 1735 Lakeside Avenue
Taxation – Nassim Lynch, Tax Administrator, 205 W. St. Clair Avenue

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

DIVISIONS – 1201 Lakeside Avenue
Cleveland Public Power – Ivan Henderson, Commissioner
Street Lighting Bureau – _____, Acting Chief
Utilities Fiscal Control – Dennis Nichols, Commissioner
Water – John Christopher Nielson, Commissioner
Water Pollution Control – Ollie Shaw, Commissioner

DEPT. OF PORT CONTROL – Ricky D. Smith, Director

Cleveland Hopkins International Airport, 5300 Riverside Drive
Burke Lakefront Airport – Khalid Bahhur, Commissioner
Cleveland Hopkins International Airport – Fred Szabo, Commissioner

DEPT. OF PUBLIC SERVICE – Jomarie Wasik, Director, Room 113

DIVISIONS: Architecture – Kurt Wiebusch, Commissioner, Room 517
Engineering and Construction – _____, Commissioner, Room 518
Motor Vehicle Maintenance, Daniel A. Novak, Commissioner, Harvard Yards
Streets – Randell T. Scott, Commissioner, Room 25
Traffic Engineering – Robert Mavec, Commissioner, 4150 East 49th Street, Building #1
Waste Collection and Disposal – Ron Owens, Commissioner, 5600 Carnegie Avenue

DEPT. OF PUBLIC HEALTH – Matt Carroll, Director, Mural Building, 75 Erieview Plaza

DIVISIONS: Air Quality – Richard L. Nemeth, Commissioner
Environment – Willie Bess, Commissioner, Mural Building, 75 Erieview Plaza
Health – Karen K. Butler, Commissioner, Mural Building, 75 Erieview Plaza

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

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

DEPT. OF PARKS, RECREATION & PROPERTIES – Michael Cox, Director

Cleveland Convention Center, Clubroom A, 1220 East 6th Street
DIVISIONS: Convention Center & Stadium – James Glending, Commissioner
Public Auditorium, East 6th Street and Lakeside Avenue
Parking Facilities – Leigh Stevens, Commissioner
Public Auditorium, East 6th Street and Lakeside Avenue
Park Maintenance and Properties – Richard L. Silva, Commissioner
Public Auditorium – East 6th Street and Lakeside Avenue
Property Management – Tom Nagle, Commissioner, East 49th Street & Harvard
Recreation – Kim Johnson, Commissioner, Room 8
Research, Planning & Development – Mark Fallon, Commissioner, 1501 N. Marginal Road
Burke Lakefront Airport

DEPT. OF COMMUNITY DEVELOPMENT – Daryl Rush, Director, 3rd Floor, City Hall
DIVISIONS: Administrative Services – Terrence Ross, Commissioner
Neighborhood Services – Louise V. Jackson, Commissioner
Neighborhood Development – Joseph A. Sidoti, Commissioner

DEPT. OF BUILDING AND HOUSING – Edward W. Rybka, Director, Room 500
DIVISIONS: Code Enforcement – Tyrone L. Johnson, Commissioner
Construction Permitting – Timothy R. Wolosz, Commissioner

DEPT. OF PERSONNEL AND HUMAN RESOURCES – Nycole D. West, Interim Director, Room 121

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

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

DEPT. OF CONSUMER AFFAIRS – John D. Mahone, Interim Director

COMMUNITY RELATIONS BOARD – Room 11, Blaine Griffin, Director; Mayor Frank G. Jackson, Chairman Ex-Officio; Rev. Charles Lucas, Jr., Vice-Chairman; Councilman Kevin Conwell, Councilman Brian J. Cummins, Councilman Joe Santiago, Councilman Matthew Zone, City Council Representatives; Charles L. Patton, Jr., Paula Castleberry, Emmett Saunders, John Banno, Kathryn M. Hall, Evangeline Hardaway, Janet Jankura, Gia Hoa Ryan, Rev. Jesse Harris, Magda Gomez, Fred J. Livingstone, Margot James Copeland.

CIVIL SERVICE COMMISSION – Room 119, Reynaldo Galindo, President; Rev. Earl Preston, Vice President; Lucille Ambroz, Secretary; Members: Diane M. Downing, Michael L. Nelson.

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; John Myers, Ozell Dobbins, Joan Shaver Washington, Tim Donovan, _____, Secretary.

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

BOARD OF REVISION OF ASSESSMENTS – Law Director Robert J. Triozzi, President; Finance Director Sharon Dumas, Secretary; Council President Martin J. Sweeney.

BOARD OF SIDEWALK APPEALS – Service Director Jomarie Wasik, Law Director Robert J. Triozzi; Councilman _____.

BOARD OF REVIEW – (Municipal Income Tax) – Law Director Robert J. Triozzi; Utilities Director _____; 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 EMPLOYMENT WAGE BOARD – Room 210 – Gerald Meyer, Chair; Angela Caldwell, Vice Chair; Patrick Gallagher, Kathryn Jackson, Draydean McCaleb, Council Member _____, Ed Romero.

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 Robert J. Triozzi; Chairman: Finance Director Sharon Dumas; Council President Martin J. Sweeney; Councilman Kevin Kelley.

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

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

AUDIT COMMITTEE – Yvette M. Ittu, Chairman; Debra Janik, Bracy Lewis, Diane Downing, Donna Sciarappa, Council President Martin J. Sweeney; Law Director Robert J. Triozzi.

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

Judge	Courtroom
Presiding and Administrative Judge Ronald B. Adrine	15A
Judge Marilyn B. Cassidy	12B
Judge Emanuella Groves	13A
Judge Michelle D. Earley	12A
Judge Kathleen Ann Keough	14B
Judge Anita Laster Mays	14C
Judge Lauren C. Moore	14A
Judge Charles L. Patton, Jr.	13D
Judge Raymond L. Pianka (Housing Court Judge)	13B
Judge Michael John Ryan	12C
Judge Angela R. Stokes	15C
Judge Pauline H. Tarver	13C
Judge Joseph J. Zone	14D

Earle B. Turner – Clerk of Courts, Russell R. Brown III – Court Administrator, Paul J. Mizerak – Bailiff; Jerome M. Krakowski – Chief Probation Officer, Gregory F. Clifford – Chief Magistrate

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Vol. 97

WEDNESDAY, APRIL 14, 2010

No. 5027

CITY COUNCIL

MONDAY, APRIL 12, 2010

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, Reed.

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

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

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

MONDAY

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

TUESDAY

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

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

WEDNESDAY — Alternating

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

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

WEDNESDAY — Alternating

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

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

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

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

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio
Monday, April 12, 2010

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

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

Also present were Mayor Frank J. Jackson; Valarie J. McCall, Chief of Government Affairs; Chris Warren, Chief of Regional Development; Monyka S. Price, Chief of Education; Andrea V. Taylor, Press Secretary; Andrew Watterson, Chief of Sustainability; Natoya J. Walker Minor, Chief of Public Affairs; and Directors Triozzi, Withers, Wasik, Carroll, Rush, Rybka, Fumich, Griffin, Interim Directors Nycole D. West and John D. Mahone, and Acting Director Munday Workman.

Pursuant to Ordinance No. 2926-76 prayer was offered by Pastor Jose Marrero of Emmanuel Missionary Church of Christ, 3525 West 25th Street, located in Ward 14. Pledge of Allegiance.

MOTION

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

COMMUNICATIONS

File No. 470-10.

From Office of Equal Opportunity — Compliance Report Chapter 188, February 2010 Bi-Monthly Report. Received.

File No. 495-10.

From Department of Finance, Division of Treasury — Statement of Cash Management and Investment Policy. Received.

FROM DEPARTMENT OF LIQUOR CONTROL

File No. 471-10.

Re #6186947 — D1, D2, D3, D3, D3A, D6 Transfer of Ownership Application — Mosaica Grill, LLC, Suite 100 and Patio, 1382 West 9th Street, 1st Floor. (Ward 3). Received.

File No. 472-10.

Re #76772650010 — D5A, D6 Transfer of Ownership Application — Sage Restaurant Manger, LLC, d.b.a. Crowne Plaza Cleveland City Center, 777 St. Clair Avenue, NE. (Ward 3). Received.

File No. 473-10.

Re #8398803 — D5, D6 Transfer of Ownership Application — Spaci, Inc., d.b.a. West Sixth Market, 1st Floor and Patio, 1313 West 6th Street. (Ward 3). Received.

File No. 474-10.

Re #9892045 — D5A, D6 Transfer of Ownership Application — Zmin LLC, d.b.a. Set, 1st Floor, Basement, 1360 West 9th Street, Suite 100. (Ward 3). Received.

File No. 475-10.

Re #9115393 — D5A, D6 Transfer of Ownership Application — West 6th Street, LKLC, d.b.a. Liquid, 1st Floor and Mezzanine and Patio, 1212-16 West 6th Street. (Ward 3). Received.

File No. 476-10.

Re #6604830 — D1, D2, D3, D3A, D6 Transfer of Ownership Application — Quadaruppert, Inc., d.b.a. Menu 96, 127Larchmere Boulevard. (Ward 6). Received.

File No. 477-10.

Re #6098450 — C1 New Application — Monastery Greetings, Inc., Suite 115, 540 East 105th Street (Ward 8). Received.

File No. 478-10.

Re #2655482 — D5 Stock Transfer Application — Fat Boys, Inc., 768 East 200th Street, 1st Floor and Basement. (Ward 11). Received.

File No. 479-10.

Re #2772868 — C2, C2X Transfer of Ownership Application — Fleet Gas Mart, Inc., 7025 Fleet Avenue. (Ward 12). Received.

File No. 480-10.

Re #731530704282 — C2, C2X Transfer of Ownership Application — Revco Discount Drug Centers, Inc., d.b.a. CVS Pharmacy #4282, 3728 Pearl Road. (Ward 14). Received.

File No. 481-10.

Re #3174230 — D5J, D6 Transfer of Ownership Application — Gideon Total Management Services, LLC, d.b.a. Presidents Club, Concourse C, Gate 16 Upper Level, 5300 Riverside Drive. (Ward 18). Received.

File No. 482-10.

Re #0683891 — Liquor Agency Contract — Bhavna Inc., 15649 Puritas Avenue. (Ward 18). Received.

File No. 483-10.

Re #0683891 — C1, C2, D6 Stock Transfer Application — Bhavna Inc., 15649 Puritas Avenue. (Ward 18). Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 484-10—Lucian M. Dixon.
Res. No. 485-10—George Washington.

Res. No. 486-10—Wallace Edward Ford.

Res. No. 487-10 — Leota Corine Hardin.

Res. No. 488-10—John M. "Jack" Speidel.

Res. No. 489-10—Joe Mavec.

Res. No. 490-10—Arthur L. Rossi.

CONGRATULATION RESOLUTIONS

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

Res. No. 491-10—Adam J. Prokop.

Res. No. 492-10—Bruce Hedderson.

RECOGNITION RESOLUTION

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

Res. No. 493-10—Minority Health Month - 2010.

COMMEMORATION RESOLUTION

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

Res. No. 494-10—Vietnamese Community In Greater Cleveland (35th Anniversary of the Fall of Saigon).

FIRST READING EMERGENCY ORDINANCES REFERRED**Ord. No. 443-10.**

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

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts with Youth Opportunities Unlimited for the administration, implementation, and management of the 2010 Cleveland Youth Summer Employment Program.

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

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

Section 1. That the Director of Public Utilities is authorized to enter into one or more contracts with Youth Opportunities Unlimited for the administration, implementation, and management of the 2010 Cleveland Youth Summer Employment Program, which will include painting fire hydrants and other assignments. If arranged by the Director of Public Utilities through negotiations with suburban communities, then the youth opportunities may include activities in those communities.

Section 2. That the cost of the contract or contracts authorized shall not exceed \$482,774.99 and be paid from Fund Nos. 52 SF 001, 54 SF 001, and 58 SF 001, Request No. RQS 2002 RL 2010-37.

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

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

Ord. No. 444-10.

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

An emergency ordinance determining the method of making the public improvement of repairing or replacing transmission mains and appurtenances for a period up to five years; and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of repairing or replacing transmission mains and appurtenances for a period up to five years, for the Division of Water, Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement.

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

Section 3. That the Director of Public Utilities is authorized to

apply and pay for permits, licenses, or other authorizations required by any regulatory agency or public authority to permit performance of the work authorized by this ordinance.

Section 4. That the cost of the improvement and other expenditures authorized shall be paid from Fund Nos. 52 SF 001, 52 SF 235, and from the fund or funds which are credited the proceeds of the sale of future waterworks revenue bonds issued for this purpose. Request No. RQS 2002 RL 2010-9.

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

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

Ord. No. 445-10.

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

An emergency ordinance to amend Section 11 of Ordinance No. 1659-08, passed December 8, 2008, relating to the establishment of the Energy Efficiency and Conservation Program, to provide for additional funding sources for the program.

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

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

Section 1. That Section 11 of Ordinance No. 1659-08, passed December 8, 2008, is amended to read as follows:

Section 11. That the costs of the contract or contracts authorized by this ordinance shall be paid from the fund or funds to which are credited any grant proceeds or cash gifts accepted under this ordinance, **American Recovery and Reinvestment Act (ARRA) funds accepted under Ordinance No. 463-09, passed April 20, 2009, Fund No. 58 SF 001, and from any fund or funds deemed appropriate by the Director of Finance and are appropriated for this purpose.**

Section 2. That existing Section 11 of Ordinance No. 1659-08, passed December 8, 2008, is repealed.

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

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

Ord. No. 446-10.

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

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to perform services to collect, analyze, sample, recycle, and

dispose of spent aircraft deicing fluid, and to maintain and monitor valves and other appurtenances associated with regulatory compliance, for the various divisions of the Department of Port Control, for a period of two years, with two one-year options to renew, the first of which is exercisable through additional legislative authority; and to repeal Ordinance No. 762-09, passed August 5, 2009, relating to requirement contracts for these services.

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

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

Section 1. That the Director of Port Control is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to collect, analyze, sample, recycle, and dispose of spent aircraft deicing fluid, and to maintain and monitor valves and other appurtenances associated with regulatory compliance, for the various divisions of the Department of Port Control, for a period of two years, with two one-year options to renew, the first of which is exercisable through additional legislative authority.

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

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106, 60 SF 140, and 60 SF 141, Request No. RQS 3001 RL 2010-51.

Section 3. That Ordinance No. 762-09, passed August 5, 2009, is repealed.

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

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

Ord. No. 447-10.

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

An emergency ordinance authorizing the Director of Port Control to enter into one or more requirement contracts with Siemens Building Technologies, Inc. for labor and materials necessary to maintain, repair and expand the existing Building Automation System, for the

Division of Cleveland Hopkins International Airport, Department of Port Control, for a period not to exceed three years.

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

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

Section 1. That this Council has determined that the within services are non-competitive and cannot be secured from any source other than Siemens Building Technologies, Inc. Therefore, the Director of Port Control is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period not to exceed three years, of the necessary items of labor and materials necessary to maintain, repair, and expand the existing Building Automation System, which includes, but is not limited to interior and exterior lighting systems, HVAC, boilers, chillers, cooling towers, pumps, and air handlers, for the Division of Cleveland Hopkins International Airport, Department of Port Control.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RQN 3001 RL 2010-13)

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

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

Ord. No. 448-10.

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

An emergency ordinance determining the method of making the public improvement of constructing a runway stop bar and guard light combination; authorizing the Director of Port Control to enter into one or more public improvement contracts for the making of the improvement; authorizing the Director to employ one or more professional consultants to design the improvement; and to enter into various written standard purchase and requirement contracts needed in connection with the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing a runway stop bar and

guard light combination (the "Improvement"), for the Division of Cleveland Hopkins International Airport, Department of Port Control, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a unit price for the Improvement.

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

Section 3. That the Director of Port Control is authorized to apply and pay for permits, licenses, or other authorizations required by any regulatory agency or public authority to permit performance of the work authorized by this ordinance.

Section 4. That the Director of Port Control is authorized to make one or more written standard purchase contracts and written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, the period of requirements to be determined by the Director, for the necessary items of materials, equipment, supplies, and services necessary to construct the Improvement, including labor and materials if necessary, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Cleveland Hopkins International Airport, Department of Port Control. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines.

Section 5. That the costs of the requirement contract shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance.

Section 6. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Port Control may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 7. That the cost of the contracts and payments authorized shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 115, 60 SF 116, 60 SF 117, 60 SF 119, 60 SF 121, 60 SF 122, 60 SF 126, 60 SF 128, 60 SF 129, 60 SF 130, 60 SF 300, from the fund or funds to which are credited the ARRA funding accepted under Ordinance No. 463-09, passed April 20, 2009, passenger facility charges, the fund or funds to which are credited the proceeds of any airport revenue bonds, and from any federal, state, and local

grants issued for this purpose, Request No. RQS 3001 RL 2010-5.

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

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

Ord. No. 449-10.

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

An emergency ordinance authorizing the Directors of Parks, Recreation and Properties and Finance to enter into one or more contracts with the Cleveland Metropolitan School District to conduct recreational, cultural, and extracurricular programs for the benefit of school children during the 2009-10 school year.

Whereas, under Ordinance No. 1025-A-95, passed June 28, 1995, tax revenues from levying the parking facility tax and increases in the motor vehicle lessor tax and the admission tax can be used to fund recreational, cultural, and extracurricular programs within the Cleveland School system; and

Whereas, the Joint Board established by Ordinance No. 1025-A-95 has recommended that a portion of the tax proceeds be used to fund a number of recreational, cultural, and extracurricular programs for City school children during the 2009-10 school year, including dance, drama, instrumental, vocal, cheerleading, aquatic, sports, and academic enrichment programs; and

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

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

Section 1. That the Directors of Parks, Recreation and Properties and Finance are authorized to enter into one or more contracts with the Cleveland Metropolitan School District to conduct various recreational, cultural and extracurricular programs for the benefit of City school children during the 2009-10 school year, under the program description contained in File No. 449-10-A. The cost of the contract or contracts shall not exceed \$1,000,000 and shall be payable from the fund or funds to which are credited the proceeds of the taxes levied under Ordinance No. 1025-A-95, passed June 28, 1995, under terms and conditions as are acceptable to the Director of Law.

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

Referred to Directors of Parks, Recreation and Properties, Finance,

Law; Committees on Public Parks, Properties and Recreation, Finance.

Ord. No. 450-10.

By Council Member Dow.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on Whittier Avenue to Eleanor B. Rainey Memorial Institute, Inc.

Whereas, the City of Cleveland has elected to adopt and implement the procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed by the City of Cleveland through its Department of Community Development under the terms of Chapter 5722 of the Ohio Revised Code and Section 183.021 of Codified Ordinances of the City of Cleveland, 1976; 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 under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to Eleanor B. Rainey Memorial Institute, Inc.

Section 2. That the real property to be sold pursuant to this ordinance is more fully described as follows:

P. P. No. 104-18-070

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being Sublot No. 4, the Easterly 12 feet of Sublot No. 1 and the Easterly 12 feet of the Northerly 52.27 feet of Sublot No. 2 in the Sweesy et. al. Subdivision of part of Original One Hundred Acre Lot No. 340, as shown by the recorded plat in Volume 12 of Maps, Page 40 of Cuyahoga County Records, and together forming a parcel of land having a frontage of 50 feet on the Southerly side of Whittier Avenue, N.E., (formerly Sixth Avenue), and extending back of equal width 142.73 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

Also subject to all zoning ordinances, if any.

Section 3. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

Section 4. That the consideration for the subject parcel shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

Section 5. That the conveyance authorized hereby shall be made by

official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

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

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

Ord. No. 451-10.

By Council Member Brancatelli.

An emergency ordinance designating Immaculate Heart of Mary Church, School, Rectory, and Convent as a Cleveland Landmark.

Whereas, under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, the Cleveland Landmarks Commission (the "Commission"), has proposed to designate Immaculate Heart of Mary Church, School, Rectory, and Convent as a landmark; and

Whereas, a public hearing under division (b) (2) of Section 161.04 was held on January 14, 2010 to discuss the proposed designation of Immaculate Heart of Mary Church, School, Rectory, and Convent as a landmark; and

Whereas, the Commission has recommended designation of Immaculate Heart of Mary Church, School, Rectory, and Convent as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health, and safety in that the immediate protection of the historic landmark is necessary to safeguard the special historical, community, or aesthetic interest or value in the landmark; now, therefore

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

Section 1. That Immaculate Heart of Mary Church, School, Rectory, and Convent, whose street addresses in the City of Cleveland are 6700-6804 Lansing Avenue, S. E., and 6709-6805 Worley Avenue, S. E., Cuyahoga County Auditor's Permanent Parcel Number is 132-20-086, and is also known as the following described property:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and being part of Original Lot number 314 and bounded and described as follows: beginning on the Southerly line of Lansing Avenue, S.E., (80 feet wide) at its intersection with the Easterly line of the Isaac Reid Estate Subdivision as shown by the recorded plat in Volume 13 Page 50 of Cuyahoga County records; thence Easterly along the Southerly line of said Lansing

Avenue 360 feet to the Easterly line of Sublot number 25 in the Dunbar Ruggles Subdivision as shown by the recorded plat in Volume 30 Page 20 of Cuyahoga County map records; thence Southerly along the Easterly line of Sublot number 25 and Sublot number 26 of said Dunbar Ruggles Subdivision to the Northerly line of Worley Avenue, S. E., (50 feet wide); thence Westerly along the Northerly line of said Worley Avenue 360 feet to the Easterly line of the Isaac Reid Estate Subdivision as aforesaid; thence Northerly along the Easterly line of said Subdivision about 280 feet to the place of beginning,

Description approved by Greg Esber, Section Chief, Plats, Surveys and House Number Section, Division of Engineering & Construction, which in its entirety is a property having special character or special historical or aesthetic value as part of the development, heritage, or cultural characteristics of the City, State, or the United States, is designated a landmark under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

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

Referred to Directors of City Planning Commission, Finance, Law; Committees on City Planning, Finance.

Ord. No. 452-10.

By Council Member Brancatelli.

An emergency ordinance designating Sacred Heart of Jesus Church, School, and Rectory as a Cleveland Landmark.

Whereas, under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, the Cleveland Landmarks Commission (the "Commission"), has proposed to designate Sacred Heart of Jesus Church, School, and Rectory as a landmark; and

Whereas, a public hearing under division (b)(2) of Section 161.04 was held on January 14, 2010 to discuss the proposed designation of Sacred Heart of Jesus Church, School, and Rectory as a landmark; and

Whereas, the Commission has recommended designation of Sacred Heart of Jesus Church, School, and Rectory as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health, and safety in that the immediate protection of the historic landmark is necessary to safeguard the special historical, community, or aesthetic interest or value in the landmark; now, therefore

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

Section 1. That Sacred Heart of Jesus Church, School, and Rectory, whose street addresses in the City of Cleveland are 4310-4322 East 71st Street, 6916-7014 Krakow Avenue, S. E., and 7007-7029 Kazimier Avenue, S. E., Cuyahoga County Auditor's Permanent Parcel Number is 132-30-

035, and is also known as the following described property:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being all of Sublot numbers 82 and 83 in the Krakow Subdivision of part of Original Lot numbers 306 and 310 and being 245 feet front on the Westerly side of East 71st Street (60 feet wide), 315.83 feet on the Northerly line which is the Southerly line of Krakow Avenue, S. E. (40 feet wide), and 259.16 feet on the Southerly line which is the Northerly line of Kazimier Avenue, S. E. (40 feet wide), and being 251.42 feet on the rear line as shown by the recorded plat in Volume 14 Page 38 of Cuyahoga County map records,

Description approved by Greg Esber, Section Chief, Plats, Surveys and House Number Section, Division of Engineering & Construction, which in its entirety is a property having special character or special historical or aesthetic value as part of the development, heritage, or cultural characteristics of the City, State, or the United States, is designated a landmark under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

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

Referred to Directors of City Planning Commission, Finance, Law; Committees on City Planning, Finance.

Ord. No. 453-10.

By Council Member Brancatelli.

An emergency ordinance designating St. Lawrence Church, School, Rectory, and Accessory Buildings as a Cleveland Landmark.

Whereas, under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, the Cleveland Landmarks Commission (the "Commission"), has proposed to designate St. Lawrence Church, School, Rectory, and Accessory Buildings as a landmark; and

Whereas a public hearing under division (b)(2) of Section 161.04 was held on January 14, 2010 to discuss the proposed designation of St. Lawrence Church, School, Rectory, and Accessory Buildings as a landmark; and

Whereas, the Commission has recommended designation of St. Lawrence Church, School, Rectory, and Accessory Buildings as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health, and safety in that the immediate protection of the historic landmark is necessary to safeguard the special historical, community, or aesthetic interest or value in the landmark; now, therefore

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

Section 1. That St. Lawrence Church, School, Rectory, and Accessory Buildings, whose street addresses in the City of Cleveland are

3534-3546 East 81st Street and 3535-3551 East 80th Street, Cuyahoga County Auditor's Permanent Parcel Numbers are 133-06-058, 133-06-059, 133-06-068, and 133-06-069, and is also known as the following described property:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being all of Sublot numbers 7 through 12 both inclusive in the E. S. Gillette Allotment of part of Original Lot number 447 as shown by the recorded plat in Volume 9 Page 14 of Cuyahoga County map records and part of Sublot numbers 7, 8, and 9 and all of Sublot numbers 10 through 13 both inclusive in the Robert Paton Allotment of part of Original Lot number 447 as shown by the recorded plat in Volume 11 Page 49 of Cuyahoga County map records and bounded and described as follows: Beginning on the Westerly line of East 81st Street (45 feet wide) at its intersection with the Northerly line of Sublot number 7 in the aforesaid E. S. Gillette Allotment; thence Westerly along the Northerly line of said Sublot number 7 about 120 feet to the Easterly line of the aforesaid Robert Paton Allotment; thence Southerly along said Easterly line to a point, said point being distant Northerly 11 feet by rectangular measurement from the Southerly line of Sublot number 7 in the said Robert Paton Allotment; thence Westerly and parallel with the Southerly line of Sublot number 7 in said Robert Paton Allotment about 30 feet to a point; thence Southerly at right angles to the last described line to the Southeasterly corner of land conveyed to Barbara Was by deed dated 12-17-96 and recorded in Volume 96-12355 Page 58 of Cuyahoga County deed records; thence Westerly along the Southerly line of land conveyed to said Barbara Was about 94.53 feet to the Easterly line of East 80th Street (50 feet wide); thence Southerly along the Easterly line of said East 80th Street to its intersection with the Southerly line of Sublot number 13 in the Robert Paton Allotment as aforesaid; thence Easterly 126.86 feet to the Southeasterly corner of said Sublot number 13; thence Northerly along the Easterly lines of Sublot numbers 13 and 12 in said Robert Paton Allotment to the Southerly line of Sublot number 12 in the aforesaid E. S. Gillette Allotment; thence Easterly along the Southerly line of said Sublot number 12 about 120 feet to the Westerly line of East 81st Street as aforesaid; thence Northerly along the Westerly line of said East 81st Street to the place of beginning.

Description approved by Greg Esber, Section Chief, Plats, Surveys and House Number Section, Division of Engineering & Construction, which in its entirety is a property having special character or special historical or aesthetic value as part of the development, heritage, or cultural characteristics of the City, State, or the United States, is designated a landmark under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

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

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

Referred to Directors of City Planning Commission, Finance, Law; Committees on City Planning, Finance.

Ord. No. 454-10.

By Council Member Brancatelli.

An emergency ordinance designating St. Hyacinth Church, School (1907), School and Auditorium (1925), Rectory, Convent, and Boiler House as a Cleveland Landmark.

Whereas, under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, the Cleveland Landmarks Commission (the "Commission"), has proposed to designate St. Hyacinth Church, School (1907), School and Auditorium (1925), Rectory, Convent, and Boiler House as a landmark; and

Whereas, a public hearing under division (b)(2) of Section 161.04 was held on January 14, 2010 to discuss the proposed designation of St. Hyacinth Church, School (1907), School and Auditorium (1925), Rectory, Convent, and Boiler House as a landmark; and

Whereas, the Commission has recommended designation of St. Hyacinth Church, School (1907), School and Auditorium (1925), Rectory, Convent, and Boiler House as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health, and safety in that the immediate protection of the historic landmark is necessary to safeguard the special historical, community, or aesthetic interest or value in the landmark; now, therefore

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

Section 1. That St. Hyacinth Church, School (1907), School and Auditorium (1925), Rectory, Convent, and Boiler House, whose street addresses in the City of Cleveland are 6100-6208 Francis Avenue, S. E., and 2971 East 61st Street, Cuyahoga County Auditor's Permanent Parcel Numbers are 125-03-001 and 125-03-002, and is also known as the following described property:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and being Sublot numbers 1 through 9 both inclusive, 40 through 47 both inclusive, and the Northerly 25 feet of Sublot numbers 10 and 39 of the Horace Kelly Subdivision of part of Original Lot numbers 325, 326, and 329 as shown by the recorded plat in Volume 8, Page 11 of Cuyahoga County map records and all that part of East 62nd Street (20 feet wide) Vacated by the Council of the City of Cleveland by Ordinance number 79008 passed June 6, 1927.

Description approved by Greg Esber, Section Chief, Plats, Surveys and House Number Section, Division of Engineering & Construction, which in its entirety is a property having special character or special historical or aesthetic value as part of the development, heritage, or cultural characteristics of the City, State, or the United States, is designated a landmark under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

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

Referred to Directors of City Planning Commission, Finance, Law; Committees on City Planning, Finance.

Ord. No. 455-10.

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

An emergency ordinance authorizing the Director of Public Safety to enter into an agreement with the Village of Linndale, Ohio to provide emergency medical services within the Village of Linndale, for a period of one year, with automatic one-year term renewals unless cancelled by the Director of Public Safety or the Village of Linndale.

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

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

Section 1. That the Director of Public Safety is authorized to enter into an agreement with the Village of Linndale, Ohio to provide emergency medical services within the Village of Linndale, Ohio for an annual service coverage fee to be determined by the Board of Control and paid by the Village of Linndale in two yearly equal installment periods with a 3% increase to be applied to the total amount payable for each year following the initial year. This agreement shall be entered into as of January 1, 2011 and shall be for a term of one year, with automatic one-year term renewals unless cancelled by the Director of Public Safety or the Village of Linndale.

Section 2. That the agreement shall be authorized by the legislative body of the Village of Linndale.

Section 3. That the agreement shall be prepared by the Director of Law.

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

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

Ord. No. 456-10.

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

An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants, computer software developers, or vendors to acquire licenses or to develop an energy data management system, and other professional services necessary to implement the system, including project management, installing, designing, training, testing, maintenance, technical support, and other related issues; and authorizing the

purchase by one or more contracts of computer hardware, servers, and other materials, equipment, supplies, and services needed to implement the management system, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two years.

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

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

Section 1. That the Director of Public Utilities is authorized to employ by contract or contracts one or more consultants, computer software developers, or vendors or one or more firms of consultants, computer software developers, or vendors for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland to acquire one or more software licenses or to develop an energy data management system, and other professional services necessary to implement the system, including project management, installing, designing, training, testing, maintenance, technical support, and other related issues.

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

Section 2. That the Director of Public Utilities is authorized to enter into any third-party software license agreements necessary to effectuate the purposes of this ordinance.

Section 3. That the Director of Public Utilities is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the necessary items of computer hardware, equipment, supplies, and services not otherwise acquired under Section 1 of this ordinance, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Cleveland Public Power, Department of Public Utilities for a period of two years.

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

Section 5. That the cost of the contract or contracts authorized by this ordinance shall be paid from Fund No. 58 SF 001, from the fund or funds which are credited the grant proceeds received under Ordinance No. 463-09, passed April 20, 2009, and

any other funds deemed appropriate by the Director of Finance, and are appropriated for this purpose, Request No. RQS 2004 RL 2010-31.

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

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

Ord. No. 457-10.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the issuance and sale of Bonds in the maximum principal amount of \$11,400,000 for the purpose of providing funds to improve facilities for the discharge of governmental functions or for services otherwise benefiting public safety, health and welfare and authorizing related matters.

Whereas, this Council desires to issue bonds in an aggregate principal amount not to exceed Eleven Million Four Hundred Thousand Dollars (\$11,400,000) (the "Series 2010 Bonds") to finance the costs of certain permanent improvements described in Section 1; and

Whereas, the Series 2010 Bonds shall be payable from and secured by income tax revenues of the City remaining after deposits required under the General Bond Ordinance (as defined in Section 2) are made to the escrow agent for the City's general obligation bonds; and

Whereas, the American Recovery and Reinvestment Act of 2009 amended the Internal Revenue Code of 1986, as amended (the "Code"), to authorize new types of obligations that may be issued on or before January 1, 2011 by states and political subdivisions that may provide lower cost of financing for public improvements, including taxable governmental bonds referred to as "Build America Bonds" and meeting the requirements of Section 54AA of the Code ("BABs"), of which one type is subsidized through federal tax credits to investors in the bonds ("Tax Credit BABs") and the other type is subsidized by a refundable credit paid to the issuer of the bonds equal to 35% of the amount of interest paid on the bonds ("Direct Payment BABs"); and

Whereas, the Series 2010 Bonds may be issued in whole or in part as Tax Credit BABs or Direct Payment BABs or as obligations to which Section 103 of the Code applies, the interest on which is excluded from gross income for federal income tax purposes ("Tax-Exempt Bonds"); and

Whereas, the Director of Finance, as fiscal officer of this City, has certified to this Council that the estimated life or usefulness of the improvements to be financed with the proceeds of the Series 2010 Bonds is at least five (5) years, as evidenced by the certificate contained in File No. 457-10-A; and

Whereas, the authorization for issuance of the Series 2010 Bonds is necessary to provide funds to pay the costs of certain permanent

improvements described in Section 1 that are urgently needed for the benefit of the City, and as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health and safety, and for the usual daily operation of a municipal department; now, therefore,

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

Section 1. Purpose. It is deemed necessary to issue the Series 2010 Bonds in an aggregate principal amount not to exceed Eleven Million Four Hundred Thousand Dollars (\$11,400,000) for the purpose of providing funds to improve facilities for the discharge of governmental functions or for services otherwise benefiting the public safety, health and welfare, including constructing, reconstructing, rehabilitating, installing, renovating, enlarging and otherwise improving buildings, structures and other facilities in, of and for City Hall, police stations, fire stations, emergency medical centers, service stations, waste collection, transfer and disposal facilities, correctional facilities, health facilities, centers and other facilities, the provision of necessary fixtures, furnishings, equipment, information technology hardware and software, utilities, site improvements and appurtenances, and the acquisition of vehicles, and to pay any capitalized interest and all expenses incurred in connection with the issuance of the securities, including all financing costs within the meaning of Section 133.01(K) of the Revised Code and such other costs of the foregoing permanent improvements that may be financed with the proceeds of securities as permitted by Section 133.15(B) of the Ohio Revised Code and as otherwise permitted by law.

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

five series of Subordinate Lien Income Tax Bonds issued on May 1, 2008 (the "Series 2008 Bonds") and permits the issuance of additional bonds, subject to certain restrictions. The Series 2008 Bonds, the Series 2010 Bonds and any additional bonds issued under the Indenture are collectively referred to in this Ordinance as the "Bonds."

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

Section 4. Terms of the Series 2010 Bonds. The Series 2010 Bonds shall be issued in fully registered form. The Series 2010 Bonds may be issued in one or more series or sub-series. The Series 2010 Bonds initially shall be delivered only in book-entry form, shall be registered in the name of the Depository (as defined in the Indenture) or its nominee, as registered owner, and immobilized in the custody of the Depository, and shall not be transferable or exchangeable (except for transfer to another Depository or its nominee) without further action by the City pursuant to the provisions of the Indenture and the Second Supplement identified in Section 7. The Series 2010 Bonds shall be designated "Public Facilities Improvement Bonds, Series 2010" and may contain such further designation as provided in the Certificate of Award identified below. The Series 2010 Bonds shall be issued in one lot as fully registered Series 2010 Bonds in denominations of \$5,000 or any whole multiple thereof. The Series 2010 Bonds shall be numbered as determined by the Director of Finance. The Series 2010 Bonds shall be signed by the officials of the City and in the manner set forth in the Indenture.

The Series 2010 Bonds shall be dated as of May 15, 2010, or such other date specified in the certificate of award providing for the final terms of the Series 2010 Bonds and the sale of the Series 2010 Bonds in accordance with this Ordinance (the "Certificate of Award"). The Series 2010 Bonds shall be issued in the principal amount specified in the Certificate of Award, which shall not exceed the amount stated in Section 1. The Series 2010 Bonds shall bear interest from their

date until the principal amount is paid at the rate or rates per year specified in the Certificate of Award, provided that the weighted average of such rates (taking into account the principal amount and maturity of each Bond to which a rate applies) shall not exceed six percent (6%) per year if issued as Tax-Exempt Bonds or eight percent (8%) per year if issued as BABs. Interest on the Series 2010 Bonds shall be payable semi-annually on April 1 and October 1, or such other dates specified in the Certificate of Award (the "Interest Payment Dates").

The Series 2010 Bonds shall mature in the years and principal amounts set forth in the Certificate of Award, provided that (i) each principal payment shall occur on an Interest Payment Date, and (ii) the final maturity date of the Series 2010 Bonds shall be no later than December 31, 2019. The Series 2010 Bonds stated to mature in any year may be issued as serial Series 2010 Bonds or as term Series 2010 Bonds payable prior to stated maturity pursuant to sinking fund redemption (the "Term Bonds"). The Director of Finance shall determine in the Certificate of Award whether any of the Series 2010 Bonds shall be issued as Term Bonds, any dates (the "Mandatory Redemption Dates") on which the principal amount of the Term Bonds shall be payable pursuant to mandatory sinking fund installments rather than at stated maturity and the amount of principal to be paid on each Mandatory Redemption Date (the "Mandatory Sinking Fund Redemption Requirements"). If any of the Series 2010 Bonds are issued as Term Series 2010 Bonds, the Term Bonds shall be redeemed pursuant to the Mandatory Sinking Fund Redemption Requirements at a redemption price of 100 percent of the principal amount redeemed, plus interest accrued to the redemption date, on the Mandatory Redemption Dates. The aggregate of the moneys to be deposited with the Trustee for payment of principal of and interest on any Term Bonds shall include amounts sufficient to redeem on the Mandatory Redemption Dates the principal amount of Term Bonds payable on those dates pursuant to the Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as provided in the Indenture and the Second Supplement).

The Series 2010 Bonds may be subject to redemption prior to maturity by and at the option of the City, in whole or in part on any date, in whole multiples of \$5,000, on the redemption dates and at the redemption prices specified in the Certificate of Award, plus, in each case, accrued interest to the redemption date. Based on the written advice of a financial advisor, the Director of Finance may determine in the Certificate of Award that it is in the best interests of the City (i) for some or all of the Series 2010 Bonds not to be callable prior to their stated maturity, and (ii) for a premium to be payable on the redemption of any Series 2010 Bonds calculated in a manner to make the bondholder whole for the loss of the investment or calculated as a percentage in excess of 100% of the principal amount redeemed.

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

If and to the extent provided in the Certificate of Award, the Series 2010 Bonds may be secured by a Debt Service Reserve Fund to be held by the Trustee under the Indenture. The principal amount of the Series 2010 Bonds may include provision for funding the Debt Service Reserve Fund from the proceeds of the Bonds, subject to compliance with applicable federal tax laws.

Section 5. Sale of Series 2010 Bonds. The Series 2010 Bonds shall first be offered for purchase to the Trustees of the Sinking Fund and, if not purchased by them, shall be offered to the Treasury Investment Account for purchase and, if not purchased for that Account, shall be sold to one or more firms that have proposed to underwrite the Series 2010 Bonds and have been selected by the Director of Finance based on an evaluation of the qualifications of those firms (collectively, the "Original Purchaser").

The Series 2010 Bonds shall be awarded to the Original Purchaser in the Certificate of Award which shall specify the final terms of the Series 2010 Bonds in accordance with law, the provisions of this Ordinance, the written advice of a financial advisor retained under authority of Section 12 and the Original Purchaser's offer to purchase the Series 2010 Bonds, including: the principal amount of the Series 2010 Bonds, the purchase price (which shall be not less than 97% of the principal amount plus accrued interest to their date of delivery), interest rate or rates, the amounts and years in which principal installments are payable (at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements), terms and conditions under which any Series 2010 Bonds may be redeemed prior to maturity at the option of the City, the Interest Payment Dates and the date of the Series 2010 Bonds (if different from those set forth in Section 3) and any other matters required in this Ordinance to be set forth in that Certificate. As appropriate under the Charter, the Mayor, Director of Finance, Director of Law, Clerk of Council and other appropriate officers of the City are, and each of them is, authorized to take such actions as are necessary, appropriate and in the best interest of the City to establish the terms and requirements for delivery of the Series 2010 Bonds and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, procedures, and conditions for the delivery of the Series 2010 Bonds to the Original Purchaser, to give all appropriate notices and certificates, to cause a true transcript of proceedings with reference to the issuance of the Series 2010 Bonds to be delivered to the Original Purchaser, to sign any transcript certificates, financial statements and

other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance and to take all steps necessary to effect the due execution, authentication and delivery of the Series 2010 Bonds. The Director of Finance is authorized to sign and deliver on behalf of the City a bond purchase agreement between the City and the Original Purchaser (the "Bond Purchase Agreement"), approved as to form and correctness by the Director of Law, setting forth the terms and conditions on which the City agrees to sell the Series 2010 Bonds and the Original Purchaser agrees to buy the Series 2010 Bonds on terms consistent with this Ordinance and the Indenture, that are not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement or amendments to the Bond Purchase Agreement by the Director of Finance. It is determined that the terms of the Series 2010 Bonds, as provided in this Ordinance and as may be provided in or pursuant to the Certificate of Award, the Indenture and the Second Supplement, are in the best interest of the City and in compliance with all legal requirements.

Section 6. Application of Proceeds. The proceeds from the sale of the Series 2010 Bonds shall be applied as follows:

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

(b) to the Trustee, for deposit in the Interest Payment Account in the Debt Service Fund, the amount, if any, received by the City upon delivery of the Series 2010 Bonds as accrued interest from their dated date to the date of their delivery to the Original Purchaser;

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

(d) to the Trustee for deposit in the Project Fund, the balance of the proceeds (including any original issue premium received from the sale of the Series 2010 Bonds).

Section 7. Supplemental Indenture. The Director of Finance is authorized to sign and deliver on behalf of the City a supplemental indenture (the "Second Supplement"), supplementing the Indenture to provide procedures for the authentication, registration and transfer of the Series 2010 Bonds, redemption of Series 2010 Bonds, payments under any Credit Support Instrument authorized by Section 11, application of the proceeds of the Series 2010 Bonds, defeasance of the Series 2010 Bonds, and other terms consistent with this Ordinance and the Certificate of Award and approved by the Director of Finance as not substantially adverse to the City. The Second Supplement shall be approved as to form and correctness by the Director of Law. The determination by the Director of Finance that the provisions of the Second Supplement are not substantially adverse to the

City shall be conclusively evidenced by the Director's signing of the Second Supplement. As appropriate under the Charter, the Mayor, the Director of Finance, the Director of Law, the Clerk of Council and other appropriate officers of the City are, and each of them is, authorized to sign, acknowledge and deliver, in the name and on behalf of the City, such documents, certifications and instruments in addition to the Indenture and Second Supplement as may be necessary or appropriate to issue and sell the Series 2010 Bonds and to consummate the transactions authorized by this Ordinance.

Section 8. Bond Anticipation Notes.

For the purpose of raising money in anticipation of the issuance of the Series 2010 Bonds for the purpose set forth in Section 1, notes of the City may be issued in an aggregate principal amount not to exceed Eleven Million Four Hundred Thousand Dollars (\$11,400,000) (the "Notes") upon the direction of the Director of Finance to be set forth in a certificate providing for the final terms of the Notes and the sale of the Notes and signed by the Director of Finance (the "Note Certificate of Award"). The Notes, if sold as fixed rate obligations, shall bear interest at such rate, not exceeding three percent (3%) per year, and shall be payable on the date or dates, as shall be determined by the Director of Finance of the City in the Note Certificate of Award; shall be dated their date of issuance; shall mature on the date set forth in the Note Certificate of Award; shall be subject to redemption by the City at any time prior to maturity without penalty, unless the Director of Finance, based on the advice of a financial advisor, determines that it is in the best interest of the City in order to enhance the marketability of the Notes, that the Notes not be redeemable prior to maturity or that a premium be paid on their prior redemption; shall be designated "Public Facilities Improvement Bond Anticipation Notes" or as otherwise provided in the Note Certificate of Award; shall be issued in such numbers and denominations as may be requested by the Note Purchaser (hereinafter defined); and shall be issued in fully registered form (which may be in a book entry only system). The provisions of Sections 9.98 to 9.983 of the Revised Code shall apply to the Notes and pursuant to that authority and this Ordinance, the Director of Finance may determine in the Certificate of Award, based on the written advice of a financial advisor, that the City's best interests will be served by causing all or a portion of the Notes to be obligations bearing interest at variable rates. If the Director of Finance so determines, then the Director of Finance shall specify in the Certificate of Award the method and procedure by which the variable rate of interest to be borne by the variable rate Notes shall be determined; provided that the variable rate Notes shall not bear interest at a rate in excess of twenty-five percent (25%) per year. The Director of Finance is authorized to enter into agreements in connection with the delivery of the variable rate Notes, and from time to time thereafter so long as the variable rate Notes are outstanding,

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

Section 9. Official Statement; Continuing Disclosure.

If, in the judgment of the Director of Finance, a disclosure document (each, an "Official Statement") is appropriate or necessary in connection with the sale of the Notes or the Series 2010 Bonds, the Director of Finance is authorized to prepare or cause to be prepared on behalf of the City an Official Statement with respect to the Notes or the Series 2010 Bonds, as the case may be, and any necessary supplements and to authorize the use and distribution of each Official Statement and any supplements. The Director of Finance is authorized to sign on behalf of the City and in her official capacity each Official Statement and any supplements approved by her. The Director of Finance is authorized to sign and deliver on behalf of the City and in her official capacity such certificates in connection with the accuracy of each Official Statement and any supplements as may, in her judgment, be necessary or appropriate. The Director of Finance is also authorized to determine and certify on behalf of the City that such disclosure document is "deemed final" by the City within the meaning of Securities and Exchange Commission Rule 15c2-12 the "SEC Rule." The Director of Finance is authorized to contract for services for the production and distribution of preliminary and final Official Statements, including by printed and electronic means.

For the benefit of the holders and beneficial owners from time to time of the Notes or the Series 2010 Bonds, the City agrees, in accordance with, and as the only oblig-

ated person with respect to the Notes and the Series 2010 Bonds under the SEC Rule, to provide or cause to be provided such financial information and operating data and notices, in such manner as may be required for purposes of the SEC Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Director of Finance is authorized and directed to prepare, or cause to be prepared, and to sign and deliver, in the name and on behalf of the City, a continuing disclosure agreement or certificate, which shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and beneficial owners of the Notes or the Series 2010 Bonds, as the case may be, in accordance with the SEC Rule. The performance of that agreement shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform it. The Director of Finance is further authorized to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices.

Section 10. Federal Tax Considerations.

(a) **Tax-Exempt Bonds.** The representations and covenants in this subsection (a) apply only to Series 2010 Bonds or Notes of a series issued and sold as Tax-Exempt Bonds.

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

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

(b) **BABs.** The representations and covenants in this subsection (b) apply only to Series 2010 Bonds or Notes of a series issued and sold as BABs.

The City covenants that it will use, and will restrict the use and investment of, the proceeds of such Series 2010 Bonds or Notes in such manner

and to such extent as may be necessary so that such Series 2010 Bonds or Notes will qualify as Tax Credit BABs or Direct Payment BABs Bonds, as applicable, under the applicable provisions of the Code.

The City further covenants that (i) it will take or cause to be taken such actions that may be required of it for the Bonds to qualify and remain qualified as Tax Credit BABs or Direct Payment BABs, as applicable, (ii) it will not take or authorize to be taken any actions that would adversely affect that tax status, and (iii) it, or persons acting for it, will, among other acts of compliance, (A) apply the proceeds of such Series 2010 Bonds or Notes to the governmental purpose of the borrowing, (B) restrict the yield on investment property, (C) make timely and adequate payments to the federal government, (D) maintain books and records and make calculations and reports and (E) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such tax status under the Code.

(c) **Further Actions.** The Director of Finance or any other officer of the City having responsibility for issuance of the Series 2010 Bonds and any Notes is hereby authorized (i) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Series 2010 Bonds and any Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, the election to issue all or any portion of the Series 2010 Bonds or any Notes as Tax Credit BABs or Direct Payment BABs, as applicable, and any of the elections provided for in Section 54AA or 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or tax status of the Series 2010 Bonds and any Notes or interest thereon or an entitlement to tax credits or direct cash payments relating thereto, or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing rebate amounts or payments or penalties or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, which action shall be in writing and signed by the officer, (ii) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the intended tax status of the Series 2010 Bonds and any Notes or the City's entitlement to receive one or more direct payments, and (iii) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Series 2010 Bonds and any Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Series 2010 Bonds and any Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and direct payments or tax credits relat-

ing to the Series 2010 Bonds and any Notes and the tax status of the Series 2010 Bonds and any Notes.

Section 11. Credit Facilities and Ratings. If the Director of Finance determines it to be in the best interests of the City, based on the written advice of a financial advisor, the Director of Finance may obtain an insurance policy, letter of credit, standby bond purchase agreement or other credit enhancement instrument as further security for the payment when due of the principal of and interest on all or any portion of the Series 2010 Bonds or any Notes (a "Credit Support Instrument"). The Director of Finance may request a rating on the Series 2010 Bonds or Notes from one or more nationally recognized rating organizations, and do any and all things and take any and all actions required to secure a Credit Support Instrument and/or a rating or ratings on the Series 2010 Bonds or Notes. The Director of Finance may enter into one or more agreements for Credit Support Instruments containing terms not materially inconsistent with this Ordinance or the Indenture. The expenditure of the amounts necessary to secure Credit Support Instruments or obtain those ratings is authorized and approved, and the Director of Finance is authorized to provide for the payment of any such amounts from the proceeds of the Series 2010 Bonds or Notes to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

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

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

Section 14. Findings and Recitals of Validity. It is hereby determined, represented and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Series 2010 Bonds and the Notes in order to make them legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of the Series 2010 Bonds or the Notes. It is further found and determined, and is represented and recited, that the provisions of

Sections 28, 29, 32, 33 (including the provisions of Section 33 with respect to readings on three separate days or dispensing with such readings by a two-thirds vote of all members of the Council), 36, 37, 48 and all other applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this Ordinance was passed in conformity therewith.

Section 15. Delivery to County Auditor. The Director of Finance is directed to forward a certified copy of this Ordinance and of the Certificate of Award for the Series 2010 Bonds and any Note Certificate of Award to the County Auditor of Cuyahoga County and to secure a receipt therefor.

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

Section 17. Legislative Intent. All terms, conditions, pledges, covenants or agreements on the part of the City provided for in this Ordinance are made by the voluntary act of the City under its lawful authority, including its authority under its Charter and Article XVIII of the Constitution of Ohio. Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance shall not apply to the Series 2010 Bonds or the Notes authorized herein.

Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding Series 2010 Bonds, notes, certificates of indebtedness, other obligations, trust indentures, trust agreements, or other agreements or contracts made or entered into by the City and for which consideration was duly received by the City prior to the passage of this Ordinance.

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

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

**Ord. No. 458-10.
By Council Member Sweeney (by
departmental request).**

An emergency ordinance authorizing the issuance and sale of bonds in the maximum principal amount of \$8,900,000 for the purpose of providing funds to improve municipal parks and recreation facilities and authorizing related matters.

Whereas, this Council desires to issue bonds in an aggregate principal amount not to exceed Eight Million Nine Hundred Thousand Dollars (\$8,900,000) (the "Series 2010 Bonds") to finance the costs of certain permanent improvements described in Section 1; and

Whereas, the Series 2010 Bonds shall be payable from and secured by income tax revenues of the City remaining after deposits required under the General Bond Ordinance (as defined in Section 2) are made to the escrow agent for the City's general obligation bonds; and

Whereas, the American Recovery and Reinvestment Act of 2009 amended the Internal Revenue Code of 1986, as amended (the "Code"), to authorize new types of obligations that may be issued on or before January 1, 2011 by states and political subdivisions that may provide lower cost of financing for public improvements, including taxable governmental bonds referred to as "Build America Bonds" and meeting the requirements of Section 54AA of the Code ("BABs"), of which one type is subsidized through federal tax credits to investors in the bonds ("Tax Credit BABs") and the other type is subsidized by a refundable credit paid to the issuer of the bonds equal to 35% of the amount of interest paid on the bonds ("Direct Payment BABs"); and

Whereas, the Series 2010 Bonds may be issued in whole or in part as Tax Credit BABs or Direct Payment BABs or as obligations to which Section 103 of the Code applies, the interest on which is excluded from gross income for federal income tax purposes ("Tax-Exempt Bonds"); and

Whereas, the Director of Finance, as fiscal officer of this City, has certified to this Council that the estimated life or usefulness of the improvements to be financed with the proceeds of the Series 2010 Bonds is at least five (5) years, as evidenced by the certificate contained in File No. 458-10-A; and

Whereas, the authorization for issuance of the Series 2010 Bonds is necessary to provide funds to pay the costs of certain permanent improvements described in Section 1 that are urgently needed for the benefit of the City, and as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health and safety, and for the usual daily operation of a municipal department; now, therefore,

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

Section 1. Purpose. It is deemed necessary to issue the Series 2010 Bonds in an aggregate principal amount not to exceed Eight Million Nine Hundred Thousand Dollars (\$8,900,000) for the purpose of providing funds to improve municipal parks and recreation facilities by constructing, reconstructing, rehabili-

tating, installing, renovating, enlarging and otherwise improving parks, multi-purpose community buildings, recreation centers and areas, pools, spray pads with interactive water toys, skating rinks, greenhouses, stages, bicycle paths, multi-purpose trails, playgrounds, play fields and courts, concourse areas, stands, tracks, fields, dog parks, public artwork, fountains, fitness stations and related buildings, structures, walkways, pavement and facilities, and providing necessary water systems, bio-filtration areas, drainage, lighting, signage, fixtures, furnishings, landscaping, equipment, safety modifications and site improvements, together with all necessary and incidental appurtenances and the acquisition of any required real estate and interests in real estate and the demolition of any existing buildings, structures, walkways and facilities, and to pay any capitalized interest and all expenses incurred in connection with the issuance of the securities, including all financing costs within the meaning of Section 133.01(K) of the Revised Code and such other costs of the foregoing permanent improvements that may be financed with the proceeds of securities as permitted by Section 133.15(B) of the Ohio Revised Code and as otherwise permitted by law.

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

Section 3. Pledge and Covenant to Maintain Income Tax. So long as Bonds are outstanding under the Indenture, the City pledges the

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

Section 4. Terms of the Series 2010 Bonds. The Series 2010 Bonds shall be issued in fully registered form. The Series 2010 Bonds may be issued in one or more series or sub-series. The Series 2010 Bonds initially shall be delivered only in book-entry form, shall be registered in the name of the Depository (as defined in the Indenture) or its nominee, as registered owner, and immobilized in the custody of the Depository, and shall not be transferable or exchangeable (except for transfer to another Depository or its nominee) without further action by the City pursuant to the provisions of the Indenture and the Second Supplement identified in Section 7. The Series 2010 Bonds shall be designated "Parks and Recreation Facilities Improvement Bonds, Series 2010" and may contain such further designation as provided in the Certificate of Award identified below. The Series 2010 Bonds shall be issued in one lot as fully registered Series 2010 Bonds in denominations of \$5,000 or any whole multiple thereof. The Series 2010 Bonds shall be numbered as determined by the Director of Finance. The Series 2010 Bonds shall be signed by the officials of the City and in the manner set forth in the Indenture.

The Series 2010 Bonds shall be dated as of May 15, 2010, or such other date specified in the certificate of award providing for the final terms of the Series 2010 Bonds and the sale of the Series 2010 Bonds in accordance with this Ordinance (the "Certificate of Award"). The Series 2010 Bonds shall be issued in the principal amount specified in the Certificate of Award, which shall not exceed the amount stated in Section 1. The Series 2010 Bonds shall bear interest from their date until the principal amount is paid at the rate or rates per year specified in the Certificate of Award, provided that the weighted average of such rates (taking into account the principal amount and maturity of each Bond to which a rate applies) shall not exceed six percent (6%) per year if issued as Tax-Exempt Bonds or eight percent (8%) per year if issued as BABs. Interest on the Series 2010 Bonds shall be payable semi-annually on

April 1 and October 1, or such other dates specified in the Certificate of Award (the "Interest Payment Dates").

The Series 2010 Bonds shall mature in the years and principal amounts set forth in the Certificate of Award, provided that (i) each principal payment shall occur on an Interest Payment Date, and (ii) the final maturity date of the Series 2010 Bonds shall be no later than December 31, 2031. The Series 2010 Bonds stated to mature in any year may be issued as serial Series 2010 Bonds or as term Series 2010 Bonds payable prior to stated maturity pursuant to sinking fund redemption (the "Term Bonds"). The Director of Finance shall determine in the Certificate of Award whether any of the Series 2010 Bonds shall be issued as Term Bonds, any dates (the "Mandatory Redemption Dates") on which the principal amount of the Term Bonds shall be payable pursuant to mandatory sinking fund installments rather than at stated maturity and the amount of principal to be paid on each Mandatory Redemption Date (the "Mandatory Sinking Fund Redemption Requirements"). If any of the Series 2010 Bonds are issued as Term Series 2010 Bonds, the Term Bonds shall be redeemed pursuant to the Mandatory Sinking Fund Redemption Requirements at a redemption price of 100 percent of the principal amount redeemed, plus interest accrued to the redemption date, on the Mandatory Redemption Dates. The aggregate of the moneys to be deposited with the Trustee for payment of principal of and interest on any Term Bonds shall include amounts sufficient to redeem on the Mandatory Redemption Dates the principal amount of Term Bonds payable on those dates pursuant to the Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as provided in the Indenture and the Second Supplement).

The Series 2010 Bonds may be subject to redemption prior to maturity by and at the option of the City, in whole or in part on any date, in whole multiples of \$5,000, on the redemption dates and at the redemption prices specified in the Certificate of Award, plus, in each case, accrued interest to the redemption date. Based on the written advice of a financial advisor, the Director of Finance may determine in the Certificate of Award that it is in the best interests of the City (i) for some or all of the Series 2010 Bonds not to be callable prior to their stated maturity, and (ii) for a premium to be payable on the redemption of any Series 2010 Bonds calculated in a manner to make the bondholder whole for the loss of the investment or calculated as a percentage in excess of 100% of the principal amount redeemed.

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

If and to the extent provided in the Certificate of Award, the Series

2010 Bonds may be secured by a Debt Service Reserve Fund to be held by the Trustee under the Indenture. The principal amount of the Series 2010 Bonds may include provision for funding the Debt Service Reserve Fund from the proceeds of the Bonds, subject to compliance with applicable federal tax laws.

Section 5. Sale of Series 2010 Bonds. The Series 2010 Bonds shall first be offered for purchase to the Trustees of the Sinking Fund and, if not purchased by them, shall be offered to the Treasury Investment Account for purchase and, if not purchased for that Account, shall be sold to one or more firms that have proposed to underwrite the Series 2010 Bonds and have been selected by the Director of Finance based on an evaluation of the qualifications of those firms (collectively, the "Original Purchaser").

The Series 2010 Bonds shall be awarded to the Original Purchaser in the Certificate of Award which shall specify the final terms of the Series 2010 Bonds in accordance with law, the provisions of this Ordinance, the written advice of a financial advisor retained under authority of Section 12 and the Original Purchaser's offer to purchase the Series 2010 Bonds, including: the principal amount of the Series 2010 Bonds, the purchase price (which shall be not less than 97% of the principal amount plus accrued interest to their date of delivery), interest rate or rates, the amounts and years in which principal installments are payable (at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements), terms and conditions under which any Series 2010 Bonds may be redeemed prior to maturity at the option of the City, the Interest Payment Dates and the date of the Series 2010 Bonds (if different from those set forth in Section 3) and any other matters required in this Ordinance to be set forth in that Certificate. As appropriate under the Charter, the Mayor, Director of Finance, Director of Law, Clerk of Council and other appropriate officers of the City are, and each of them is, authorized to take such actions as are necessary, appropriate and in the best interest of the City to establish the terms and requirements for delivery of the Series 2010 Bonds and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, procedures, and conditions for the delivery of the Series 2010 Bonds to the Original Purchaser, to give all appropriate notices and certificates, to cause a true transcript of proceedings with reference to the issuance of the Series 2010 Bonds to be delivered to the Original Purchaser, to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance and to take all steps necessary to effect the due execution, authentication and delivery of the Series 2010 Bonds. The Director of Finance is authorized to sign and deliver on behalf of the City a bond purchase agreement between the City and the Original Purchaser (the "Bond Purchase

Agreement"), approved as to form and correctness by the Director of Law, setting forth the terms and conditions on which the City agrees to sell the Series 2010 Bonds and the Original Purchaser agrees to buy the Series 2010 Bonds on terms consistent with this Ordinance and the Indenture, that are not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement or amendments to the Bond Purchase Agreement by the Director of Finance. It is determined that the terms of the Series 2010 Bonds, as provided in this Ordinance and as may be provided in or pursuant to the Certificate of Award, the Indenture and the Second Supplement, are in the best interest of the City and in compliance with all legal requirements.

Section 6. Application of Proceeds. The proceeds from the sale of the Series 2010 Bonds shall be applied as follows:

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

(b) to the Trustee, for deposit in the Interest Payment Account in the Debt Service Fund, the amount, if any, received by the City upon delivery of the Series 2010 Bonds as accrued interest from their dated date to the date of their delivery to the Original Purchaser;

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

(d) to the Trustee for deposit in the Project Fund, the balance of the proceeds (including any original issue premium received from the sale of the Series 2010 Bonds).

Section 7. Supplemental Indenture. The Director of Finance is authorized to sign and deliver on behalf of the City a supplemental indenture (the "Second Supplement"), supplementing the Indenture to provide procedures for the authentication, registration and transfer of the Series 2010 Bonds, redemption of Series 2010 Bonds, payments under any Credit Support Instrument authorized by Section 11, application of the proceeds of the Series 2010 Bonds, defeasance of the Series 2010 Bonds, and other terms consistent with this Ordinance and the Certificate of Award and approved by the Director of Finance as not substantially adverse to the City. The Second Supplement shall be approved as to form and correctness by the Director of Law. The determination by the Director of Finance that the provisions of the Second Supplement are not substantially adverse to the City shall be conclusively evidenced by the Director's signing of the Second Supplement. As appropriate under the Charter, the Mayor, the Director of Finance, the Director of Law, the Clerk of Council and other appropriate officers of the City are, and each of them is, authorized to sign, acknowledge and deliver, in the name and on behalf of the City, such documents, certifications and instruments in addition to the Inden-

ture and Second Supplement as may be necessary or appropriate to issue and sell the Series 2010 Bonds and to consummate the transactions authorized by this Ordinance.

Section 8. Bond Anticipation Notes. For the purpose of raising money in anticipation of the issuance of the Series 2010 Bonds for the purpose set forth in Section 1, notes of the City may be issued in an aggregate principal amount not to exceed Eight Million Nine Hundred Thousand Dollars (\$8,900,000) (the "Notes") upon the direction of the Director of Finance to be set forth in a certificate providing for the final terms of the Notes and the sale of the Notes and signed by the Director of Finance (the "Note Certificate of Award"). The Notes, if sold as fixed rate obligations, shall bear interest at such rate, not exceeding three percent (3%) per year, and shall be payable on the date or dates, as shall be determined by the Director of Finance of the City in the Note Certificate of Award; shall be dated their date of issuance; shall mature on the date set forth in the Note Certificate of Award; shall be subject to redemption by the City at any time prior to maturity without penalty, unless the Director of Finance, based on the advice of a financial advisor, determines that it is in the best interest of the City in order to enhance the marketability of the Notes, that the Notes not be redeemable prior to maturity or that a premium be paid on their prior redemption; shall be designated "Parks and Recreation Facilities Improvement Bond Anticipation Notes" or as otherwise provided in the Note Certificate of Award; shall be issued in such numbers and denominations as may be requested by the Note Purchaser (hereinafter defined); and shall be issued in fully registered form (which may be in a book entry only system). The provisions of Sections 9.98 to 9.983 of the Revised Code shall apply to the Notes and pursuant to that authority and this Ordinance, the Director of Finance may determine in the Certificate of Award, based on the written advice of a financial advisor, that the City's best interests will be served by causing all or a portion of the Notes to be obligations bearing interest at variable rates. If the Director of Finance so determines, then the Director of Finance shall specify in the Certificate of Award the method and procedure by which the variable rate of interest to be borne by the variable rate Notes shall be determined; provided that the variable rate Notes shall not bear interest at a rate in excess of twenty-five percent (25%) per year. The Director of Finance is authorized to enter into agreements in connection with the delivery of the variable rate Notes, and from time to time thereafter so long as the variable rate Notes are outstanding, with providers of Credit Support Instruments (as defined in Section 11) and others as may be determined by the Director of Finance, based on the written advice of a financial advisor, to be necessary or appropriate to provide for the method of determining the variable interest rates, permitting holders the right of tender, providing for liquidity or credit support

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

Section 9. Official Statement; Continuing Disclosure. If, in the judgment of the Director of Finance, a disclosure document (each, an "Official Statement") is appropriate or necessary in connection with the sale of the Notes or the Series 2010 Bonds, the Director of Finance is authorized to prepare or cause to be prepared on behalf of the City an Official Statement with respect to the Notes or the Series 2010 Bonds, as the case may be, and any necessary supplements and to authorize the use and distribution of each Official Statement and any supplements. The Director of Finance is authorized to sign on behalf of the City and in her official capacity each Official Statement and any supplements approved by her. The Director of Finance is authorized to sign and deliver on behalf of the City and in her official capacity such certificates in connection with the accuracy of each Official Statement and any supplements as may, in her judgment, be necessary or appropriate. The Director of Finance is also authorized to determine and certify on behalf of the City that such disclosure document is "deemed final" by the City within the meaning of Securities and Exchange Commission Rule 15c2-12 the "SEC Rule." The Director of Finance is authorized to contract for services for the production and distribution of preliminary and final Official Statements, including by printed and electronic means.

For the benefit of the holders and beneficial owners from time to time of the Notes or the Series 2010 Bonds, the City agrees, in accordance with, and as the only obligated person with respect to the Notes and the Series 2010 Bonds under the SEC Rule, to provide or cause to be provided such financial information and operating data and notices, in such manner as may be required for purposes of the SEC Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for

that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Director of Finance is authorized and directed to prepare, or cause to be prepared, and to sign and deliver, in the name and on behalf of the City, a continuing disclosure agreement or certificate, which shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and beneficial owners of the Notes or the Series 2010 Bonds, as the case may be, in accordance with the SEC Rule. The performance of that agreement shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform it. The Director of Finance is further authorized to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices.

Section 10. Federal Tax Considerations. (a) **Tax-Exempt Bonds.** The representations and covenants in this subsection (a) apply only to Series 2010 Bonds or Notes of a series issued and sold as Tax-Exempt Bonds.

The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Tax-Exempt Bonds in such manner and to such extent as may be necessary so that (i) the Tax-Exempt Bonds will not (A) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Code or (B) be treated other than as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (ii) the interest on the Tax-Exempt Bonds will not be an item of tax preference under Section 57 of the Code. The City further covenants that (1) 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 remain excluded from gross income for federal income tax purposes, (ii) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (iii) it, or persons acting for it, will, among other acts of compliance, (A) apply the proceeds of the Tax-Exempt Bonds to the governmental purpose of the borrowing, (B) restrict the yield on investment property, (C) make timely and adequate payments to the federal government, (D) maintain books and records and make calculations and reports and (E) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

(b) **BABs.** The representations and covenants in this subsection (b) apply only to Series 2010 Bonds or Notes of a series issued and sold as BABs.

The City covenants that it will use, and will restrict the use and investment of, the proceeds of such Series 2010 Bonds or Notes in such manner and to such extent as may be necessary so that such Series 2010 Bonds or Notes will qualify as Tax Credit BABs or Direct Payment BABs, as applicable, under

the applicable provisions of the Code.

The City further covenants that (i) it will take or cause to be taken such actions that may be required of it for the Bonds to qualify and remain qualified as Tax Credit BABs or Direct Payment BABs, as applicable, (ii) it will not take or authorize to be taken any actions that would adversely affect that tax status, and (iii) it, or persons acting for it, will, among other acts of compliance, (A) apply the proceeds of such Series 2010 Bonds or Notes to the governmental purpose of the borrowing, (B) restrict the yield on investment property, (C) make timely and adequate payments to the federal government, (D) maintain books and records and make calculations and reports and (E) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such tax status under the Code.

(c) **Further Actions.** The Director of Finance or any other officer of the City having responsibility for issuance of the Series 2010 Bonds and any Notes is hereby authorized (i) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Series 2010 Bonds and any Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, the election to issue all or any portion of the Series 2010 Bonds or any Notes as Tax Credit BABs or Direct Payment BABs as applicable, and any of the elections provided for in Section 54AA and 148(f)(4)(C), of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or tax status of the Series 2010 Bonds and any Notes or interest thereon or an entitlement to tax credits or direct cash payments relating thereto, or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing rebate amounts or payments or penalties or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, which action shall be in writing and signed by the officer, (ii) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the intended tax status of the Series 2010 Bonds and any Notes or the City's entitlement to receive one or more direct payments, and (iii) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Series 2010 Bonds and any Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Series 2010 Bonds and any Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and direct payments or tax credits relating to the Series 2010 Bonds and any

Notes and the tax status of the Series 2010 Bonds and any Notes.

Section 11. Credit Facilities and Ratings. If the Director of Finance determines it to be in the best interests of the City, based on the written advice of a financial advisor, the Director of Finance may obtain an insurance policy, letter of credit, standby bond purchase agreement or other credit enhancement instrument as further security for the payment when due of the principal of and interest on all or any portion of the Series 2010 Bonds or Notes (a "Credit Support Instrument"). The Director of Finance may request a rating on the Series 2010 Bonds or Notes from one or more nationally recognized rating organizations, and do any and all things and take any and all actions required to secure a Credit Support Instrument and/or a rating or ratings on the Series 2010 Bonds or Notes. The Director of Finance may enter into one or more agreements for Credit Support Instruments containing terms not materially inconsistent with this Ordinance or the Indenture. The expenditure of the amounts necessary to secure Credit Support Instruments or obtain those ratings is authorized and approved, and the Director of Finance is authorized to provide for the payment of any such amounts from the proceeds of the Series 2010 Bonds or Notes to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

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

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

Section 14. Findings and Recitals of Validity. It is hereby determined, represented and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Series 2010 Bonds and the Notes in order to make them legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of the Series 2010 Bonds or the Notes. It is further found and determined, and is represented and recited, that the provi-

sions of Sections 28, 29, 32, 33 (including the provisions of Section 33 with respect to readings on three separate days or dispensing with such readings by a two-thirds vote of all members of the Council), 36, 37, 48 and all other applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this Ordinance was passed in conformity therewith.

Section 15. Delivery to County Auditor. The Director of Finance is directed to forward a certified copy of this Ordinance and of the Certificate of Award for the Series 2010 Bonds and any Note Certificate of Award to the County Auditor of Cuyahoga County and to secure a receipt therefore.

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

Section 17. Legislative Intent. All terms, conditions, pledges, covenants or agreements on the part of the City provided for in this Ordinance are made by the voluntary act of the City under its lawful authority, including its authority under its Charter and Article XVIII of the Constitution of Ohio. Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance shall not apply to the Series 2010 Bonds or the Notes authorized herein.

Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding Series 2010 Bonds, notes, certificates of indebtedness, other obligations, trust indentures, trust agreements, or other agreements or contracts made or entered into by the City and for which consideration was duly received by the City prior to the passage of this Ordinance.

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

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

Ord. No. 459-10.
By Council Member Sweeney (by
departmental request).

An emergency ordinance authorizing the issuance and sale of Bonds in the maximum principal amount of \$8,700,000 for the purpose of providing funds for bridges and roadway improvements and authorizing related matters.

Whereas, this Council desires to issue bonds in an aggregate principal amount not to exceed Eight Million Seven Hundred Thousand Dollars (\$8,700,000) (the "Series 2010 Bonds") to finance the costs of certain permanent improvements described in Section 1; and

Whereas, the Series 2010 Bonds shall be payable from and secured by income tax revenues of the City remaining after deposits required under the General Bond Ordinance (as defined in Section 2) are made to the escrow agent for the City's general obligation bonds; and

Whereas, the American Recovery and Reinvestment Act of 2009 amended the Internal Revenue Code of 1986, as amended (the "Code"), to authorize new types of obligations that may be issued on or before January 1, 2011 by states and political subdivisions that may provide lower cost of financing for public improvements, including taxable governmental bonds referred to as "Build America Bonds" and meeting the requirements of Section 54AA of the Code ("BABs"), of which one type is subsidized through federal tax credits to investors in the bonds ("Tax Credit BABs") and the other type is subsidized by a refundable credit paid to the issuer of the bonds equal to 35% of the amount of interest paid on the bonds ("Direct Payment BABs") and taxable governmental bonds referred to as Recovery Zone Economic Development Bonds and meeting the requirements of Section 1400U-2 of the Code subsidized by a refundable credit paid to the issuer of the bonds equal to 45% of the amount of the interest paid on the bonds ("RZED Bonds"); and

Whereas, the United States Department of the Treasury made an allocation to the City in the amount of \$16,590,000 for RZED Bonds, and this Council by Ordinance No. 1384-09 passed October 5, 2009 designated the entire geographical territory of the City as a Recovery Zone under Section 1400U-1 of the Code and authorized the use of a portion of the RZED Bonds allocation for the Flats East Bank project, leaving \$5,590,000 of the City's RZED Bonds allocation available for other projects, including the improvements described in Section 1; and

Whereas, the Series 2010 Bonds not issued as RZED Bonds may be issued in whole or in part as Tax Credit BABs or Direct Payment BABs or as obligations to which Section 103 of the Code applies, the interest on which is excluded from gross income for federal income tax purposes ("Tax-Exempt Bonds"); and

Whereas, the Director of Finance, as fiscal officer of this City, has certified to this Council that the estimated life or usefulness of the improvements to be financed with the proceeds of the Series 2010 Bonds is at least five (5) years, as evidenced by the certificate contained in File No. 459-10-A; and

Whereas, the authorization for issuance of the Series 2010 Bonds is

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

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

Section 1. Purpose. It is deemed necessary to issue the Series 2010 Bonds in an aggregate principal amount not to exceed Eight Million Seven Hundred Thousand Dollars (\$8,700,000) for the purpose of providing funds to improve the municipal street system and related facilities, including streets, expressways, roadways, driveways, retaining walls, underground vaults, sidewalks and pedestrian walkways, by acquiring, constructing, reconstructing, opening, extending, widening, grading, draining, paving, resurfacing, lighting and curbing, removing or reconstructing underground vaults to preserve the public right of way; installing gutters, sidewalks and related pedestrian improvements; constructing and improving culverts; constructing sanitary sewers and water lines; resetting and constructing catch basins and other storm drainage facilities; constructing, reconstructing, replacing, renovating and rehabilitating bridges; acquiring any real estate and interests in real estate, including easements, necessary for such purpose; and installing signs, signals, markings and other devices for traffic control purposes, together with all necessary and incidental appurtenances, and to pay any capitalized interest and all expenses incurred in connection with the issuance of the securities, including all financing costs within the meaning of Section 133.01(K) of the Revised Code and such other costs of the foregoing permanent improvements that may be financed with the proceeds of securities as permitted by Section 133.15(B) of the Ohio Revised Code and as otherwise permitted by law.

Section 2. Authority, Security and Source of Payment. The Series 2010 Bonds shall be issued pursuant to the Ohio Constitution, Chapter 133 of the Ohio Revised Code, the Charter of the City, and this Ordinance for the purpose stated in Section 1. The Series 2010 Bonds shall be payable from and secured by the income tax revenues of the City on a basis subordinate to the security given to the General Obligation Bonds of the City ("General Obligation Bonds") under Ordinance No. 1749-80 passed by the Council on October 8, 1980, as amended by Ordinance No. 1112-83 passed by the Council on May 6, 1983, and Ordinance No. 944-96, passed by the Council on June 10, 1996 (Ordinance No. 1749-80, as so amended and as the same may further be amended from time to time in accordance with its provisions, is referred to as the "General Bond Ordinance"). The debt service on the Series 2010 Bonds shall be payable from income tax collections remaining after depositing with the escrow agent under the General Bond Ordinance the amount required for the payment of debt service on the City's General Obligation Bonds

issued and outstanding, from time to time, under the General Bond Ordinance. The Series 2010 Bonds shall be issued and secured under the terms of the Trust Indenture dated as of April 1, 2008 (the "Indenture") between the City and U.S. Bank National Association, as trustee (the "Trustee"). The Indenture secures five series of Subordinate Lien Income Tax Bonds issued on May 1, 2008 (the "Series 2008 Bonds") and permits the issuance of additional bonds, subject to certain restrictions. The Series 2008 Bonds, the Series 2010 Bonds and any additional bonds issued under the Indenture are collectively referred to in this Ordinance as the "Bonds."

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

Section 4. Terms of the Series 2010 Bonds. The Series 2010 Bonds shall be issued in fully registered form. The Series 2010 Bonds may be issued in one or more series or subseries. The Series 2010 Bonds initially shall be delivered only in book-entry form, shall be registered in the name of the Depository (as defined in the Indenture) or its nominee, as registered owner, and immobilized in the custody of the Depository, and shall not be transferable or exchangeable (except for transfer to another Depository or its nominee) without further action by the City pursuant to the provisions of the Indenture and the Second Supplement identified in Section 7. The Series 2010 Bonds shall be designated "Bridges and Roadways Improvement Bonds, Series 2010" and may contain such further designation as provided in the Certificate of Award identified below. The Series 2010 Bonds shall be issued in one lot as fully registered Series 2010 Bonds in denominations of \$5,000 or any whole multiple thereof. The Series 2010 Bonds shall be numbered as determined by the Director of Finance. The Series 2010 Bonds shall be signed by the officials of the City and in the manner set forth in the Indenture.

The Series 2010 Bonds shall be dated as of May 15, 2010, or such other date specified in the certificate of award providing for the final terms of the Series 2010 Bonds and the sale of the Series 2010 Bonds in accordance with this Ordinance.

nance (the "Certificate of Award"). The Series 2010 Bonds shall be issued in the principal amount specified in the Certificate of Award, which shall not exceed the amount stated in Section 1. The Series 2010 Bonds shall bear interest from their date until the principal amount is paid at the rate or rates per year specified in the Certificate of Award, provided that the weighted average of such rates (taking into account the principal amount and maturity of each Bond to which a rate applies) shall not exceed six percent (6%) per year if issued as Tax-Exempt Bonds or eight percent (8%) per year if issued as BABs or RZED Bonds. Interest on the Series 2010 Bonds shall be payable semi-annually on April 1 and October 1, or such other dates specified in the Certificate of Award (the "Interest Payment Dates").

The Series 2010 Bonds shall mature in the years and principal amounts set forth in the Certificate of Award, provided that (i) each principal payment shall occur on an Interest Payment Date, and (ii) the final maturity date of the Series 2010 Bonds shall be no later than December 31, 2027. The Series 2010 Bonds stated to mature in any year may be issued as serial Series 2010 Bonds or as term Series 2010 Bonds payable prior to stated maturity pursuant to sinking fund redemption (the "Term Bonds"). The Director of Finance shall determine in the Certificate of Award whether any of the Series 2010 Bonds shall be issued as Term Bonds, any dates (the "Mandatory Redemption Dates") on which the principal amount of the Term Bonds shall be payable pursuant to mandatory sinking fund installments rather than at stated maturity and the amount of principal to be paid on each Mandatory Redemption Date (the "Mandatory Sinking Fund Redemption Requirements"). If any of the Series 2010 Bonds are issued as Term Series 2010 Bonds, the Term Bonds shall be redeemed pursuant to the Mandatory Sinking Fund Redemption Requirements at a redemption price of 100 percent of the principal amount redeemed, plus interest accrued to the redemption date, on the Mandatory Redemption Dates. The aggregate of the moneys to be deposited with the Trustee for payment of principal of and interest on any Term Bonds shall include amounts sufficient to redeem on the Mandatory Redemption Dates the principal amount of Term Bonds payable on those dates pursuant to the Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as provided in the Indenture and the Second Supplement).

The Series 2010 Bonds may be subject to redemption prior to maturity by and at the option of the City, in whole or in part on any date, in whole multiples of \$5,000, on the redemption dates and at the redemption prices specified in the Certificate of Award, plus, in each case, accrued interest to the redemption date. Based on the written advice of a financial advisor, the Director of Finance may determine in the Certificate of Award that it is in the best interests of the City (i) for some or all of the Series 2010 Bonds not to be callable prior to their stated maturity, and (ii) for a premium to be payable on the redemption of

any Series 2010 Bonds calculated in a manner to make the bondholder whole for the loss of the investment or calculated as a percentage in excess of 100% of the principal amount redeemed.

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

If and to the extent provided in the Certificate of Award, the Series 2010 Bonds may be secured by a Debt Service Reserve Fund to be held by the Trustee under the Indenture. The principal amount of the Series 2010 Bonds may include provision for funding the Debt Service Reserve Fund from the proceeds of the Bonds, subject to compliance with applicable federal tax laws.

Section 5. Sale of Series 2010 Bonds. The Series 2010 Bonds shall first be offered for purchase to the Trustees of the Sinking Fund and, if not purchased by them, shall be offered to the Treasury Investment Account for purchase and, if not purchased for that Account, shall be sold to one or more firms that have proposed to underwrite the Series 2010 Bonds and have been selected by the Director of Finance based on an evaluation of the qualifications of those firms (collectively, the "Original Purchaser").

The Series 2010 Bonds shall be awarded to the Original Purchaser in the Certificate of Award which shall specify the final terms of the Series 2010 Bonds in accordance with law, the provisions of this Ordinance, the written advice of a financial advisor retained under authority of Section 12 and the Original Purchaser's offer to purchase the Series 2010 Bonds, including: the principal amount of the Series 2010 Bonds, the purchase price (which shall be not less than 97% of the principal amount plus accrued interest to their date of delivery), interest rate or rates, the amounts and years in which principal installments are payable (at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements), terms and conditions under which any Series 2010 Bonds may be redeemed prior to maturity at the option of the City, the Interest Payment Dates and the date of the Series 2010 Bonds (if different from those set forth in Section 3) and any other matters required in this Ordinance to be set forth in that Certificate. As appropriate under the Charter, the Mayor, Director of Finance, Director of Law, Clerk of Council and other appropriate officers of the City are, and each of them is, authorized to take such actions as are necessary, appropriate and in the best interest of the City to establish the terms and requirements for delivery of the Series 2010 Bonds and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, procedures, and conditions for the delivery of the Series 2010 Bonds to the Original Purchaser, to give all appropriate notices and certificates,

to cause a true transcript of proceedings with reference to the issuance of the Series 2010 Bonds to be delivered to the Original Purchaser, to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance and to take all steps necessary to effect the due execution, authentication and delivery of the Series 2010 Bonds. The Director of Finance is authorized to sign and deliver on behalf of the City a bond purchase agreement between the City and the Original Purchaser (the "Bond Purchase Agreement"), approved as to form and correctness by the Director of Law, setting forth the terms and conditions on which the City agrees to sell the Series 2010 Bonds and the Original Purchaser agrees to buy the Series 2010 Bonds on terms consistent with this Ordinance and the Indenture, that are not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement or amendments to the Bond Purchase Agreement by the Director of Finance. It is determined that the terms of the Series 2010 Bonds, as provided in this Ordinance and as may be provided in or pursuant to the Certificate of Award, the Indenture and the Second Supplement, are in the best interest of the City and in compliance with all legal requirements.

Section 6. Application of Proceeds. The proceeds from the sale of the Series 2010 Bonds shall be applied as follows:

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

(b) to the Trustee, for deposit in the Interest Payment Account in the Debt Service Fund, the amount, if any, received by the City upon delivery of the Series 2010 Bonds as accrued interest from their dated date to the date of their delivery to the Original Purchaser;

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

(d) to the Trustee for deposit in the Project Fund, the balance of the proceeds (including any original issue premium received from the sale of the Series 2010 Bonds).

Section 7. Supplemental Indenture. The Director of Finance is authorized to sign and deliver on behalf of the City a supplemental indenture (the "Second Supplement"), supplementing the Indenture to provide procedures for the authentication, registration and transfer of the Series 2010 Bonds, redemption of Series 2010 Bonds, payments under any Credit Support Instrument authorized by Section 11, application of the proceeds of the Series 2010 Bonds, defeasance of the Series 2010 Bonds, and other terms consistent with this Ordinance and the Certificate of Award and approved by the Director of Finance as not substantially adverse to the City. The Second Supplement shall be approved

as to form and correctness by the Director of Law. The determination by the Director of Finance that the provisions of the Second Supplement are not substantially adverse to the City shall be conclusively evidenced by the Director's signing of the Second Supplement. As appropriate under the Charter, the Mayor, the Director of Finance, the Director of Law, the Clerk of Council and other appropriate officers of the City are, and each of them is, authorized to sign, acknowledge and deliver, in the name and on behalf of the City, such documents, certifications and instruments in addition to the Indenture and Second Supplement as may be necessary or appropriate to issue and sell the Series 2010 Bonds and to consummate the transactions authorized by this Ordinance.

Section 8. Bond Anticipation Notes. For the purpose of raising money in anticipation of the issuance of the Series 2010 Bonds for the purpose set forth in Section 1, notes of the City may be issued in an aggregate principal amount not to exceed Eight Million Seven Hundred Thousand Dollars (\$8,700,000) (the "Notes") upon the direction of the Director of Finance to be set forth in a certificate providing for the final terms of the Notes and the sale of the Notes and signed by the Director of Finance (the "Note Certificate of Award"). The Notes, if sold as fixed rate obligations, shall bear interest at such rate, not exceeding three percent (3%) per year, and shall be payable on the date or dates, as shall be determined by the Director of Finance of the City in the Note Certificate of Award; shall be dated their date of issuance; shall mature on the date set forth in the Note Certificate of Award; shall be subject to redemption by the City at any time prior to maturity without penalty, unless the Director of Finance, based on the advice of a financial advisor, determines that it is in the best interest of the City in order to enhance the marketability of the Notes, that the Notes not be redeemable prior to maturity or that a premium be paid on their prior redemption; shall be designated "Bridges and Roadways Improvement Bond Anticipation Notes" or as otherwise provided in the Note Certificate of Award; shall be issued in such numbers and denominations as may be requested by the Note Purchaser (hereinafter defined); and shall be issued in fully registered form (which may be in a book entry only system). The provisions of Sections 9.98 to 9.983 of the Revised Code shall apply to the Notes and pursuant to that authority and this Ordinance, the Director of Finance may determine in the Certificate of Award, based on the written advice of a financial advisor, that the City's best interests will be served by causing all or a portion of the Notes to be obligations bearing interest at variable rates. If the Director of Finance so determines, then the Director of Finance shall specify in the Certificate of Award the method and procedure by which the variable rate of interest to be borne by the variable rate Notes shall be determined; provided that the variable rate Notes shall not bear interest at a rate in excess of twenty-five percent (25%) per year. The Director of Finance is authorized to enter into agreements in connection with the delivery of the variable rate Notes,

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

Section 9. Official Statement; Continuing Disclosure. If, in the judgment of the Director of Finance, a disclosure document (each, an "Official Statement") is appropriate or necessary in connection with the sale of the Notes or the Series 2010 Bonds, the Director of Finance is authorized to prepare or cause to be prepared on behalf of the City an Official Statement with respect to the Notes or the Series 2010 Bonds, as the case may be, and any necessary supplements and to authorize the use and distribution of each Official Statement and any supplements. The Director of Finance is authorized to sign on behalf of the City and in her official capacity each Official Statement and any supplements approved by her. The Director of Finance is authorized to sign and deliver on behalf of the City and in her official capacity such certificates in connection with the accuracy of each Official Statement and any supplements as may, in her judgment, be necessary or appropriate. The Director of Finance is also authorized to determine and certify on behalf of the City that such disclosure document is "deemed final" by the City within the meaning of Securities and Exchange Commission Rule 15c2-12 the "SEC Rule.") The Director of Finance is authorized to contract for services for the production and distribution of preliminary and final Official Statements, including by printed and electronic means.

For the benefit of the holders and beneficial owners from time to time of the Notes or the Series 2010 Bonds, the City agrees, in accor-

dance with, and as the only obligated person with respect to the Notes and the Series 2010 Bonds under the SEC Rule, to provide or cause to be provided such financial information and operating data and notices, in such manner as may be required for purposes of the SEC Rule. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Director of Finance is authorized and directed to prepare, or cause to be prepared, and to sign and deliver, in the name and on behalf of the City, a continuing disclosure agreement or certificate, which shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and beneficial owners of the Notes or the Series 2010 Bonds, as the case may be, in accordance with the SEC Rule. The performance of that agreement shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform it. The Director of Finance is further authorized to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices.

Section 10. Federal Tax Considerations. (a) **Tax-Exempt Bonds.** The representations and covenants in this subsection (a) apply only to Series 2010 Bonds or Notes of a series issued and sold as Tax-Exempt Bonds.

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

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

(b) **BABs and RZED Bonds.** The representations and covenants in this subsection (b) apply only to Series 2010 Bonds or Notes of a series issued and sold as BABs or RZED Bonds.

The City covenants that it will use, and will restrict the use and investment of, the proceeds of such Series 2010 Bonds or Notes in such manner and to such extent as may be necessary so that such Series 2010 Bonds or Notes will qualify as Tax Credit BABs, Direct Payment BABs or RZED Bonds, as applicable, under the applicable provisions of the Code.

The City further covenants that (i) it will take or cause to be taken such actions that may be required of it for the Bonds to qualify and remain qualified as Tax Credit BABs or Direct Payment BABs or RZED Bonds, as applicable, (ii) it will not take or authorize to be taken any actions that would adversely affect that tax status, and (iii) it, or persons acting for it, will, among other acts of compliance, (A) apply the proceeds of such Series 2010 Bonds or Notes to the governmental purpose of the borrowing, (B) restrict the yield on investment property, (C) make timely and adequate payments to the federal government, (D) maintain books and records and make calculations and reports and (E) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such tax status under the Code.

(c) **Further Actions.** The Director of Finance or any other officer of the City having responsibility for issuance of the Series 2010 Bonds and any Notes is hereby authorized (i) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Series 2010 Bonds and any Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, the election to issue all or any portion of the Series 2010 Bonds or any Notes as Tax Credit BABs or Direct Payment BABs or to issue a portion of the Series 2010 Bonds as RZED Bonds, as applicable, and any of the elections provided for in Section 54AA, 148(f)(4)(C), 14000-1 or 14000-2 of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or tax status of the Series 2010 Bonds and any Notes or interest thereon or an entitlement to tax credits or direct cash payments relating thereto, or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing rebate amounts or payments or penalties or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, which action shall be in writing and signed by the officer, (ii) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the intended tax status of the Series 2010 Bonds and any Notes or the City's entitlement to receive one or more direct payments, and (iii) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Series 2010 Bonds and any Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Series 2010 Bonds and any Notes, the facts,

circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and direct payments or tax credits relating to the Series 2010 Bonds and any Notes and the tax status of the Series 2010 Bonds and any Notes.

Section 11. Credit Facilities and Ratings. If the Director of Finance determines it to be in the best interests of the City, based on the written advice of a financial advisor, the Director of Finance may obtain an insurance policy, letter of credit, standby bond purchase agreement or other credit enhancement instrument as further security for the payment when due of the principal of and interest on all or any portion of the Series 2010 Bonds or any Notes (a "Credit Support Instrument"). The Director of Finance may request a rating on the Series 2010 Bonds or Notes from one or more nationally recognized rating organizations, and do any and all things and take any and all actions required to secure a Credit Support Instrument and/or a rating or ratings on the Series 2010 Bonds or Notes. The Director of Finance may enter into one or more agreements for Credit Support Instruments containing terms not materially inconsistent with this Ordinance or the Indenture. The expenditure of the amounts necessary to secure Credit Support Instruments or obtain those ratings is authorized and approved, and the Director of Finance is authorized to provide for the payment of any such amounts from the proceeds of the Series 2010 Bonds or Notes to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

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

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

Section 14. Findings and Recitals of Validity. It is hereby determined, represented and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Series 2010 Bonds and the Notes in order to make them legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of the Series 2010

Bonds or the Notes. It is further found and determined, and is represented and recited, that the provisions of Sections 28, 29, 32, 33 (including the provisions of Section 33 with respect to readings on three separate days or dispensing with such readings by a two-thirds vote of all members of the Council), 36, 37, 48 and all other applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this Ordinance was passed in conformity therewith.

Section 15. Delivery to County Auditor. The Director of Finance is directed to forward a certified copy of this Ordinance and of the Certificate of Award for the Series 2010 Bonds and any Note Certificate of Award to the County Auditor of Cuyahoga County and to secure a receipt therefor.

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

Section 17. Legislative Intent. All terms, conditions, pledges, covenants or agreements on the part of the City provided for in this Ordinance are made by the voluntary act of the City under its lawful authority, including its authority under its Charter and Article XVIII of the Constitution of Ohio. Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance shall not apply to the Series 2010 Bonds or the Notes authorized herein.

Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding Series 2010 Bonds, notes, certificates of indebtedness, other obligations, trust indentures, trust agreements, or other agreements or contracts made or entered into by the City and for which consideration was duly received by the City prior to the passage of this Ordinance.

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

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

Ord. No. 466-10.
By Council Members Brancatelli, Cleveland and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into grant agreements with The Ohio State University and Parkworks, Inc. to provide financial assistance for the purchase of materials and supplies and installation of various improvements to City-owned eligible properties under the vacant property alternative use pilot program, including fences, sheds, trees, shrubs, and other vegetation, and for all other purposes necessary to implement the vacant property alternative use pilot program; and authorizing the Director of Community Development to lease the improved land bank lots to various entities, agencies, and individuals for a period up to five years.

Whereas, in 2009, the City had a direct allocation of Neighborhood Stabilization Program ("NSP") funds from HUD in the amount of \$16,143,120 and an additional allocation of NSP funds from the State of Ohio in the amount of \$9,424,679; and

Whereas, the City through the Department of Community Development was authorized to accept the total of \$25,567,799 of NSP funding; and

Whereas, Ordinance No. 55-09, passed February 2, 2009, as amended by Ordinance No. 1253-09, passed September 21, 2009, authorized among other things, for the Director of Community Development to use NSP funding to enter into or amend contracts for a vacant property alternative use pilot program with activities that include development of pocket parks, gardens, urban planning, alternate energy or sustainability resources, and other eligible uses; and

Whereas, the Director of Community Development desires to grant City NSP funding to The Ohio State University ("OSU") and Parkworks, Inc. ("Parkworks") to carry out agriculture and park developments as part of the vacant property alternative use pilot program and that both entities are bound by the federal procurement guidelines while carrying out those activities; and

Whereas, based on their unique qualifications, OSU and Parkworks will each be working with separate entities and individuals by providing oversight, technical assistance, and procurement services and that their involvement in the NSP program will result in City community and market gardens, City park-like green space, and improvement and maintenance to approximately 109 City landbank properties; and

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

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

Section 1. That the Director of Community Development is authorized to enter into grant agreements with The Ohio State University and Parkworks, Inc. to provide financial assistance to OSU and Parkworks to purchase materials and supplies and install various improvements to City-owned eligible properties under the vacant property alternative use pilot program, including fences, sheds, trees, shrubs, and other vegetation, and for all other purposes necessary to carry out the pilot program.

Section 2. That the grant agreements and other appropriate documents needed to complete the transaction authorized by this legislation

shall be prepared by the Director of Law.

Section 3. That the grant agreements shall be paid from the fund or funds to which are credited the grant proceeds received under Ordinance No. 55-09, passed February 2, 2009, as amended by Ordinance No. 1253-09, passed September 21, 2009 and are appropriated for this purpose.

Section 4. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Community Development is authorized to lease the improved land bank lots to various entities, agencies, and individuals ("Lessees") for a period up to five years, which are suitable for lease for a public use.

Section 5. That the properties authorized by this ordinance shall be leased at fair market value as determined by the Board of Control, exclusive of utilities.

Section 6. That the leases may authorize the Lessee to make improvements to the leased premises subject to the approval of appropriate City agencies and officials.

Section 7. That the Director of Community Development, the Director of Law, and other appropriate City officials are authorized to execute any other documents and certificates, and take any other actions which may be necessary or appropriate to complete the transactions authorized by this ordinance.

Section 8. That the grant agreements, contracts, leases, and other appropriate documents needed to complete the transactions authorized by this ordinance shall be prepared by the Director of Law.

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

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

Ord. No. 467-10.
By Council Members Brancatelli, Cleveland and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into contracts and expend funds on various programs approved under the Neighborhood Stabilization II Program; authorizing one or more grant agreements with various entities, agencies, and individuals to provide financial assistance to perform various improvements to City-owned eligible properties under the pilot land improvement program; and authorizing the lease of the improved land bank lots to various entities, agencies, and individuals for a period up to five years.

Whereas, the City has a direct allocation of Neighborhood Stabilization II Program funds from Cuyahoga County Land Reutilization Corporation in an amount of \$21,053,162; and

Whereas, the City through the Department of Community Development has been authorized to accept the Neighborhood Stabilization II Program funding; and

Whereas, the Department of Community Development seeks to expend the Neighborhood Stabilization II Program funds as set forth below; and

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

Section 1. That the Neighborhood Stabilization II Program shall be administered in accordance with the Executive Summary, placed in File No. 467-10-A, which file shall also contain a description of the Neighborhood Stabilization II Program.

Section 2. That Neighborhood Stabilization II Program funds in the approximate amount of \$4,760,000, be expended for costs of the Department of Building and Housing associated with conducting the demolition and deconstruction programs supported by appropriate staffing and technical assistance, in furtherance of nuisance abatement objectives, all in accordance with the appropriate regulations in conjunction with the Neighborhood Stabilization II Program.

Section 3. That the Director of Community Development is authorized to enter into or amend one or more contracts for the purpose of implementing the Neighborhood Stabilization II Program.

Section 4. That eligible activities under the Neighborhood Stabilization II Program include site acquisition, site preparation and predevelopment, rehabilitation, new construction, and financial assistance to developers and home buyers.

Section 5. That the City is authorized to accept promissory notes, naming the City of Cleveland as payee, and mortgages, naming the City of Cleveland as mortgagee, and/or any other security instrument(s) executed to evidence and secure repayment of loans made under this program.

Section 6. That the Director of Community Development is authorized to enter into or amend contracts for a pilot land improvement program. The activities will include development of pocket parks, gardens, urban planning, alternate energy or sustainability resources, and other eligible uses.

Section 7. That Neighborhood Stabilization Program administrative funds in the amount of \$1,600,000, are appropriated for administrative expenses.

Section 8. That the Director of Community Development is authorized to enter into one or more grant agreements with various entities, agencies, and individuals to provide financial assistance to perform various improvements to City-owned eligible properties under the pilot land improvement program, including but not limited to, fences, sheds, trees, shrubs, and other vegetation, and for all other purposes necessary to carry out the pilot program.

Section 9. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Community Development is authorized to lease the improved land bank lots to various entities, agencies, and individuals ("Lessees") for a period up to five years, which are suitable for lease for a public use.

Section 10. That the properties authorized by this ordinance shall be leased at fair market value as determined by the Board of Control, exclusive of utilities.

Section 11. That the leases may authorize the Lessee to make improvements to the leased premises

es subject to the approval of appropriate City agencies and officials.

Section 12. That the Director of Community Development, the Director of Law, and other appropriate City officials are authorized to execute any other documents and certificates, and take any other actions which may be necessary or appropriate to complete the transactions authorized by this ordinance.

Section 13. That the grant agreements, contracts, leases, and other appropriate documents needed to

complete the transactions authorized by this ordinance shall be prepared by the Director of Law.

Section 14. That the cost of the contracts authorized in this ordinance shall not exceed \$21,053,162, and shall be paid from the fund or funds to which are credited the grant proceeds accepted under Ordinance No. 463-09, passed April 20, 2009.

Section 15. That this ordinance is declared to be an emergency measure and, provided it receives the

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

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

FIRST READING ORDINANCES REFERRED

Ord. No. 460-10.

By Council Member Cummins.

An ordinance to change the Use District of land on the northeast corner of Seymour Avenue and W. 30th Street from Two Family Residential to Residence-Industry (Map Change No. 2300; Sheet No. 1).

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

Section 1. That the Use District of lands bounded and described as follows:

Beginning in the centerline of Seymour Avenue at its intersection with the centerline of West 30th Street;

Thence northerly along said centerline of West 30th Street to its intersection with the westerly prolongation of the southerly line of Sublot Number 87 in the Hiram Stone Subdivision shown on the Recorded Plat in Volume 1, Page 41 of Cuyahoga County Map Records;

Thence easterly along said westerly prolongation of said southerly line and continuing along its easterly prolongation to its intersection with the westerly line of Sublot No. 91 in the aforementioned Hiram Stone Subdivision;

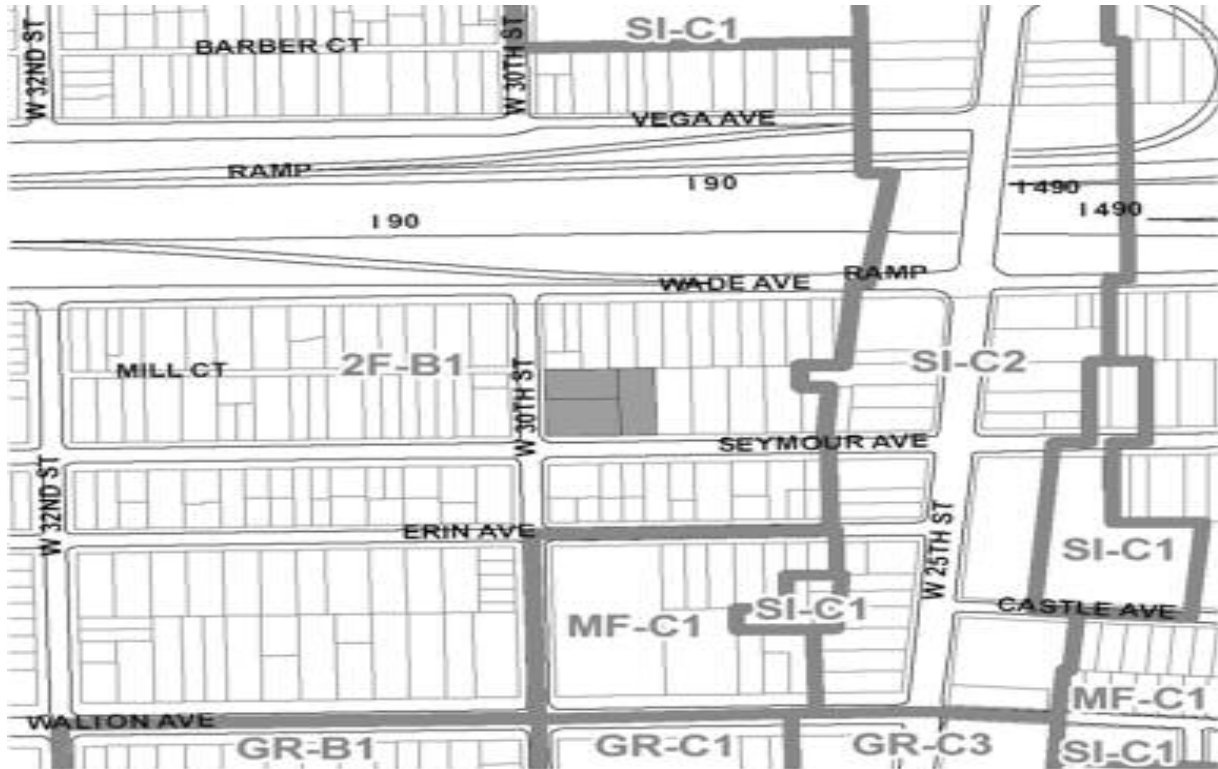
Thence southerly along said westerly line and along its southerly prolongation to its intersection with the centerline of Seymour Avenue;

Thence westerly along said centerline of Seymour Avenue to its intersection with the centerline of West 30th Street and the principal place of beginning,

and as shaded on the attached map is changed to a Residence-Industry District.

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2300, Sheet No. 1 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

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



AREA TO BE REZONED RESIDENCE-INDUSTRY

Referred to Directors of City Planning Commission, Law; Committee on City Planning.

Ord. No. 461-10.

By Council Member Kelley.

An ordinance expanding the Old Brooklyn Design Review District to include lands south of Henritze Avenue along Pearl Road and State Road north of Leopold Avenue (Map Change No. 2301, Sheet Number 2).

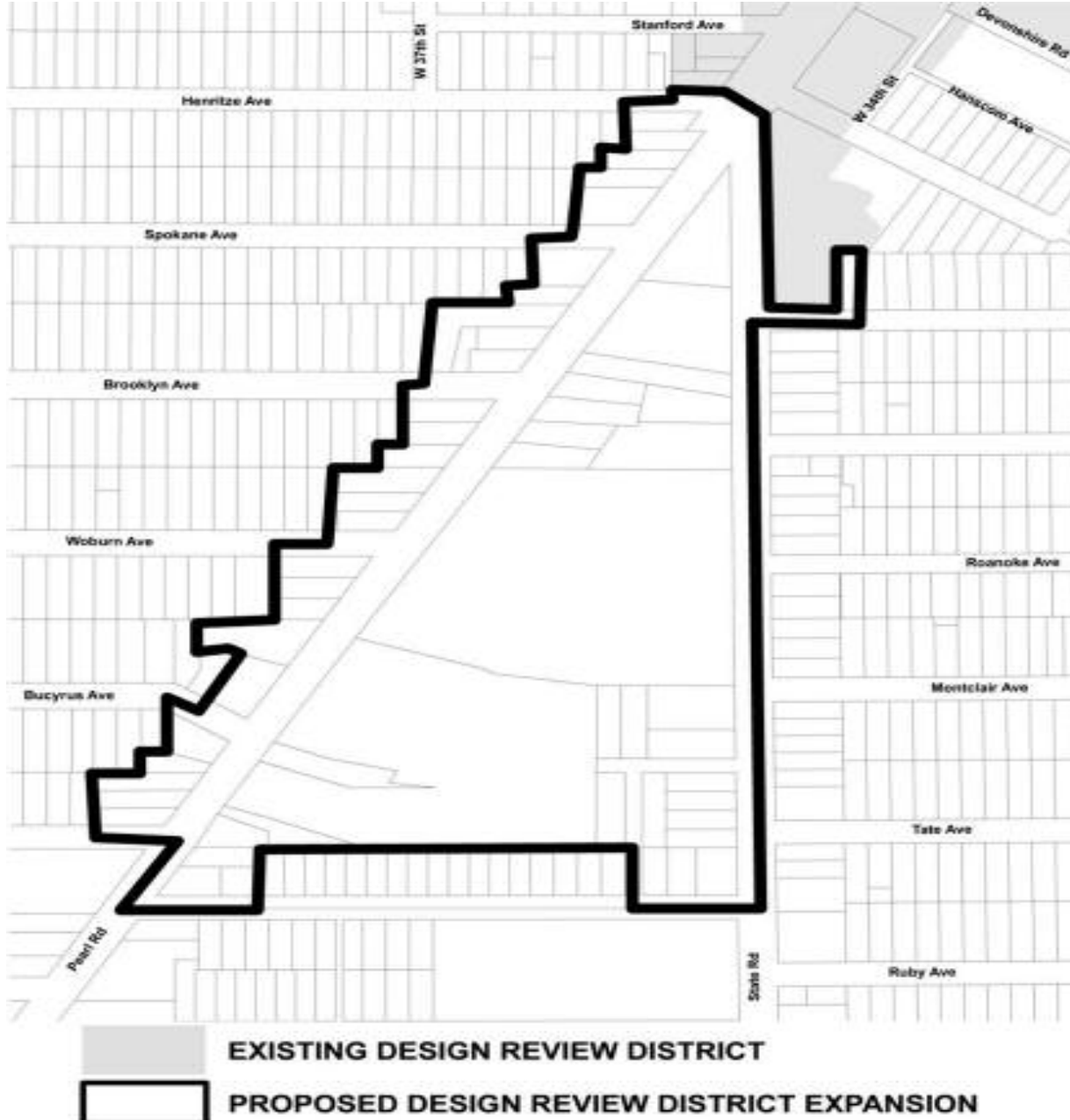
Whereas, the City Planning Commission has determined that proposed expansion area of the Old Brooklyn Design Review District established, by Ordinance Number 139-2000, meets the criteria for designation contained in Section 341.04 of Chapter 341 of the Codified Ordinances of the City of Cleveland, Ohio, now, therefore

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

Section 1. That the Old Brooklyn Design Review District is hereby expanded and includes lands located on the east and west sides of Pearl Road and on the west side of State Road south of Henritze Avenue and north of Leopold Avenue, and one parcel on the north side of Colburn as shown outlined on the attached map.

Section 2. That the designation of the area described in Section 1 hereof as the Old Brooklyn Design Review District shall be identified as Map Change Number 2301, Sheet Number 2, noted on the Building Zone Maps of the City of Cleveland, on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

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



Referred to Directors of City Planning Commission, Law; Committee on City Planning.

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

Ord. No. 468-10.

By Council Member Brancatelli.

An emergency ordinance consenting and approving the issuance of a permit for the Morgana Run, on June 6, 2010, sponsored by Hermes Sports & Events, Inc.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Morgana Run, sponsored by Hermes Sports & Events, Inc. on June 6, 2010, with the Run beginning at Old TOPS Parking Lot on Morgan Run Trail to East 75th; East 75th to Fleet; Fleet to East 49th; East 49th to Morgan Run Trail to finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

Ord. No. 469-10.

By Council Members Westbrook and Zonc.

An emergency ordinance consenting and approving the issuance of a permit for the Hermes Cleveland 10 Miler, on April 24, 2010, sponsored by Hermes Sports & Events Inc.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Hermes Cleveland 10 Miler, sponsored by Hermes Sports & Events, Inc. on April 24, 2010, Start: Edgewater Park, exit park west up bike path to West Blvd., south on West Blvd. to Lake,

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

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

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

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

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 462-10.

By Council Member Cleveland.

An emergency resolution withdrawing objection to the renewal of a D1, D2, D3 and D3A Liquor Permit at 5351-53 Dolloff Avenue, and repealing Resolution No. 1131-09, objecting to said renewal.

Whereas, this Council objected to a D1, D2, D3 and D3A Liquor Permit to 5351-53 Dolloff Avenue by Resolution No. 1131-09 adopted by the Council on August 5, 2009; and

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

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

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

Section 1. That objection to a D1, D2, D3 and D3A Liquor Permit to Your Place & Mine, LLC, DBA Your Place & Mine, 5351-53 Dolloff Avenue, Cleveland, Ohio 44127, Permanent Number 9862110 be and the same is hereby withdrawn and Resolution No. 1131-09, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

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

Res. No. 463-10.

By Council Member J. Johnson.

An emergency resolution withdrawing objection to a New C1 Liquor Permit at 1900 Euclid Avenue and repealing Resolution No. 218-10, objecting to said permit.

Whereas, this Council objected to a New C1 Liquor Permit to 1900 Euclid Avenue by Resolution No. 218-10 adopted by the Council on February 22, 2010; 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 Shiva Shakti, LLC, DBA K & Y Convenient, 1900 Euclid Avenue, Cleveland, Ohio 44115, Permanent Number 8093985, be and the same is hereby withdrawn and Resolution No. 218-10, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

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

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

Res. No. 464-10.

By Council Member Polensek.

An emergency resolution withdrawing objection to a New C1 Liquor Permit at 15222 Waterloo Road and repealing Resolution No. 108-10, objecting to said permit.

Whereas, this Council objected to a New C1 Liquor Permit to 15222 Waterloo Road by Resolution No. 108-10 adopted by the Council on January 25, 2010; 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 Waterloo Gas & Go, Inc., 15222 Waterloo Road, Cleveland, Ohio 44110, Permanent Number 9427085, be and the same is hereby withdrawn and Resolution No. 108-10, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

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

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

Res. No. 465-10.

By Council Member Reed.

An emergency resolution objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 3744 East 144th Street, 1st floor only.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C2 and C2X Liquor Permit from Nader Assad, DBA One Stop Market, 3744 East 144th Street, 1st floor only, Cleveland, Ohio 44120, Permanent Number 0300177 to Lilly Aziza, Inc., DBA One Stop Market, 3744 East 144th Street, 1st floor only, Cleveland, Ohio 44120, Permanent Number 5202187; and

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

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

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

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

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

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

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation of the public peace, prosperity, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code.

Council's objection to said permit must be received by the Director of Liquor Control within 30 days of notification; now, therefore,

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C2 and C2X Liquor Permit from Nader Assad, DBA One Stop Market, 3744 East 144th Street, 1st floor only, Cleveland, Ohio 44120, Permanent Number 0300177 to Lilly Aziza, Inc., DBA One Stop Market, 3744 East 144th Street, 1st floor only, Cleveland, Ohio 44120, Permanent Number 5202187; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

SECOND READING EMERGENCY ORDINANCES PASSED

Ord. No. 1666-09.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to purchase property for future redevelopment at 1350 East 105th Street, for the Department of Community Development; and authorizing the Commissioner of Purchases and Supplies to convey the property to Famicos Foundation, or its designee, which is not needed for public use; and authorizing the Director of Community Development to enter into a development agreement with Famicos Foundation, or its designee.

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

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

Ord. No. 8-10.

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

An emergency ordinance authorizing the Director of Public Utilities

to apply for and accept a grant from the Ohio Environmental Protection Agency to implement storm water Best Management Practices at the Kirby Water Pollution Control Facility to allow storm water to divert away from the combined sewers; determining the method of making the public improvement of constructing the improvement; authorizing the Director to enter into one or more public improvement contracts to construct the improvement; and authorizing the director to employ one or more professional consultants necessary to design the improvement.

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

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

Ord. No. 13-10.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into a property adoption agreement with the Detroit Shoreway Community Development Organization to maintain the Gordon Square parking lots known as Kennedy Lot and CPT Lot.

Approved by Directors of Parks, Recreation and Properties, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Parks, Property and Recreation, City Planning, Finance.

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

Ord. No. 14-10.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to execute a deed of easement granting to AT&T certain easement rights in property located near the northeast corner of East 136th Street and Harvard Avenue and declaring the easements rights no longer needed for public use.

Approved by Directors of Parks Recreation and Properties, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Parks, Property and Recreation, City Planning, Finance.

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

Ord. No. 163-10.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into a non-disturbance and estoppel agreement with the Cleveland Museum of Natural History and the Ohio Cultural Facilities Commission relating to a grant for the improvement of the Museum's planetarium.

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

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

Ord. No. 199-10.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Office of Criminal Justice Services for the 2009 State Byrne Memorial Justice Assistance Grant.

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

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

Ord. No. 201-10.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Office of Criminal Justice Services for the 2009 Ohio Drug Law Enforcement Fund Grant.

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

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

Ord. No. 206-10.

By Council Member Reed.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 96th Street to Chriss Cranston.

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

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

Ord. No. 207-10.

By Council Member Reed.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 4117 East 113th Street to Anand Sahye.

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

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

Ord. No. 208-10.

By Council Member J. Johnson.

An emergency ordinance designating Fenway Hall as a Cleveland

Landmark.

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

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

Ord. No. 325-10.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the procurement by one or more requirement contracts of Group I, II and III copiers and services for the various divisions of City government, for a period of four years, with one option to renew for one additional year, exercisable by the Director of Finance.

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

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

Ord. No. 326-10.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts with FirstEnergy Solutions Corp. for aggregation services and power supply for residential and small commercial customers for a period of 36 months and the City's governmental accounts for a period of 38 months.

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

1. In Section 1, at the end, after the period insert "**The executive summary describing this program is placed in File No. 326-10-A.**"

2. In Section 2, at the end, strike the period and insert "**The executive summary describing this program is placed in the above-described file.**"

Amendments agreed to.

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

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

Ord. No. 360-10.

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

An emergency ordinance to amend Sections 2 and 3 of Ordinance No. 507-09, passed April 20, 2009, relating to authorizing the Director of Economic Development to enter into contract with Alcoa to provide economic development assistance to partially finance the refurbishment of equipment located at their facility located at 1609 Harvard Avenue, and authorizing a development agreement with the Village of Cuyahoga Heights and the City of Independence.

Approved by Directors of Economic Development, Finance, Law;

Passage recommended by Committees on Community and Economic Development, Finance.

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

**SECOND READING
ORDINANCES PASSED**

Ord. No. 167-10.

By Council Member Miller.

An ordinance establishing the Euclid-Green Design Review District (Map Change No. 2296, Sheet No. 7).

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

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

Ord. No. 168-10.

By Council Member Miller.

An ordinance establishing the East 140th Lake Shore Design Review District (Map Change No. 2293, Sheet No. 7).

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

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

Ord. No. 169-10.

By Council Member Miller.

An ordinance establishing the Three Points Design Review District (Map Change No. 2294, Sheet No. 7 and 8).

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

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

Ord. No. 170-10.

By Council Member Miller.

An ordinance establishing the Five Points Design Review District (Map Change No. 2295, Sheet No. 7).

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

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

**SECOND READING EMERGENCY
RESOLUTION ADOPTED**

Res. No. 369-10.

By Council Member Cimperman.

An emergency resolution relating to the Downtown Cleveland Improvement District as a special improvement district within the city; declaring it necessary to provide for additional security for the Downtown Cleveland Improvement District, cleaning and maintenance of the public rights-of-way within the Downtown Cleveland Improvement District, and collective economic development and marketing of the

Downtown Cleveland Improvement District; and providing for the assessment of the cost and expense of such work upon benefited property in the Downtown Cleveland Improvement District and declaring an emergency.

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

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

MOTION

By Council Member Miller, seconded by Council Member Cimperman, and unanimously carried, that the absence of Council Member TJ Dow be and is hereby authorized.

MOTION

The Council Meeting adjourned at 8:05 p.m. to meet on Monday, April 19, 2010 at 7:00 p.m. in the Council Chambers.



Patricia J. Britt
City Clerk, Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

April 7, 2010

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, April 7, 2010, at 10:30 a.m. with Director Triozzi presiding.

Present: Directors Triozzi, Dumas, Withers, R. Smith, Acting Director Scott, Director Carroll, Acting Directors H. Smith, Thompson, Directors Rush, Nichols, Fumich and Rybka.

Absent: Mayor Jackson, Acting Director West and Interim Director Mahoney.

Others: James Hardy, Commissioner, Purchases and Supplies.

Natoya Walker, Acting Director, Office of Equal Opportunity.

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

Resolution No. 135-10.

By Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the bid of D. B. Johnsen Company for an estimated quantity of labor and materials needed to repair low pressure steam boiler systems and

appurtenances, Option 2, all items, for the Division of Water, Department of Public Utilities, for a period of two years starting upon the later of execution of the contract or the day following expiration of the currently effective contract, received on January 22, 2010, under the authority of Ordinance No. 900-09, passed August 5, 2009, which on the basis of the estimated quantity would amount to \$64,116.00 (1%, 30 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, which contract shall provide for an initial order, the cost of which shall be certified to the contract in the sum of \$5,000.00.

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

Yeas: Directors Triozzi, Dumas, Withers, R. Smith, Acting Director Scott, Director Carroll, Acting Directors H. Smith, Thompson, Directors Rush, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Acting Director West and Interim Director Mahoney.

Resolution No. 136-10.

By Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Gardiner Service Company dba Gardiner Trane for an estimated quantity of labor and materials to provide maintenance, repair, enhance and/or replacement of heating, ventilation and air conditioning systems, Option 2, all items, for the various divisions of the Department of Public Utilities, for a period of two years starting upon the later of execution of the contract or the day following expiration of the currently effective contract, received on February 4, 2010, under the authority of Ordinance No. 900-09, passed August 5, 2009, which on the basis of the estimated quantity would amount to \$614,068.00 (2% 10, Net 30 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, which shall provide for an initial order, the cost of which shall be certified to the contract in the sum of \$40,000.00.

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

Yeas: Directors Triozzi, Dumas, Withers, R. Smith, Acting Director Scott, Director Carroll, Acting Directors H. Smith, Thompson, Directors Rush, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Acting Director West and Interim Director Mahoney.

Resolution No. 137-10.

By Director Cox.

Whereas, the Cleveland Municipal School District is holding an event at the Collinwood Athletic Complex on April 10, 2010; and

Whereas, the City of Cleveland is in the process of obtaining the necessary approvals to enter into a long term agreement with Innovative Foods, Inc. to operate the concession stand selling food and beverages to the public at the Collinwood Athletic Complex; and

Whereas, to ensure the concession stand is open during the Cleveland Municipal School District event, the City of Cleveland is willing to grant Innovative Foods, Inc. the privilege, permit and license to operate the concession stand selling food and beverages to the public on April 10, 2010; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.04 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Parks, Recreation and Properties is authorized to enter into an agreement ("Agreement") granting Innovative Foods, Inc. the privilege, permit and license to utilize the concession stand at the Collinwood Athletic Complex on April 10, 2010 to sell food and beverages to the public.

Yeas: Directors Triozzi, Dumas, Withers, R. Smith, Acting Director Scott, Director Carroll, Acting Directors H. Smith, Thompson, Directors Rush, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Acting Director West and Interim Director Mahoney.

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.

REYNALDO GALINDO,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, APRIL 26, 2010

9:30 A.M.

Calendar No. 10-39: 8214 Cedar Avenue (Ward 6)

Delmar Yarbrough, owner, appeals to build an enclosed patio to an existing tavern located on a 58' x 244' lot in a Local Retail Business District, and the expansion of an existing nonconforming use as a night club/dance hall within a Local Retail Business District requires the Board of Zoning Appeals approval in accordance with the provisions in Section 359.01(a), that state no expansion, substitution nor other change of an existing nonconforming use shall be permitted except as a variance under the terms of Chapter 329, except by special permit from the Board of Zoning Appeals. Such special permit may be issued only if the Board finds after public hearing that such change is no more harmful or objectionable than the previous nonconforming use in floor or other space occupied, in volume of trade or production, in kind of goods sold or produced, in daily hours or other period of use, in the type or number of persons to occupy or be attracted to the premises or in any other characteristic of the new use as compared with the previous use, according to Cleveland Codified Ordinances.

Calendar No. 10-40: 2901-09 Detroit Avenue (Ward 3)

Richard Husarick, owner, dba A Man's World, appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from a recommendation of the Cleveland Fire Prevention Bureau to withhold a Coin-Operated Pool or Billiard Room License from being issued for the premises located at 2901-09 Detroit Avenue, as stated in the notice dated March 12, 2010 from the City of Cleveland Division of Assessments and Licenses.

Calendar No. 10-42: 1668 East 40th Street (Ward 8)

Cash Mischka, owner, appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from a Notice of Violation issued by the Department of Building and Housing on February 25, 2010 for failure to comply with the provisions of the City of Cleveland Zoning Code, as stated in Section 327.02(c) and Section 346.04 of the Cleveland Codified Ordinances.

Calendar No. 10-45: 11633 Clifton Boulevard (Ward 16)

Lee Solding Company, owner, appeals to expand an existing nonconforming bar/nightclub located in proximity to the southwest corner of Clifton Boulevard and West 117th Street, and the expansion of a non-

conforming use within a Local Retail Business District nor within 500 feet of a residential district requires 2,225 square feet of parking area, in addition to exceptions from required accessory off-street parking previously granted, and subject to approval by the Board of Zoning Appeals in accordance with the provisions in Section 359.01(a), that state no expansion, substitution nor other change of an existing nonconforming use shall be permitted except as a variance under the terms of Chapter 329, except by special permit from the Board of Zoning Appeals. Such special permit may be issued only if the Board finds after public hearing that such change is no more harmful or objectionable than the previous nonconforming use in floor or other space occupied, in volume of trade or production, in kind of goods sold or produced, in daily hours or other period of use, in the type or number of persons to occupy or be attracted to the premises or in any other characteristic of the new use as compared with the previous use, according to Cleveland Codified Ordinances.

Calendar No. 10-47: 10427 Clifton Boulevard (Ward 16)

Ronald Marthaller, owner, appeals to establish use as a restaurant/bar with a front outdoor patio that measures 900 square feet for 60 seats, located in the middle easterly area of a three-story nonconforming stores and suites building on a 106' x 125' irregular shaped corner lot in a One-Family District; contrary to the residence limitations of Section 337.02 and the required, additional accessory off-street parking (20 for indoor space and 15 for the patio use) determined according to Section 349.04(f); and an outdoor patio for the restaurant/bar use is not a permitted front yard encroachment in the provisions of Section 357.13(b) and subject to the limitations of Section 359.02(a), a nonconforming use of building or premises which has been discontinued shall not thereafter be returned to such nonconforming use and as stated in Section 359.02(b) a nonconforming use is considered discontinued (1) when the intent of the owner to discontinue is express; or (2) use is voluntarily discontinued for six months or more, implied either from acts or the failure to act including but not limited to removal of and failure to replace characteristic equipment and furnishings; or (3) cessation of business operations for two years or more unless the cessation was caused by factors out of the control of the business such as disability or illness of the proprietor or a governmental action unrelated to the behavior of the business. If the business operations have ceased for more than two years, presence of characteristic equipment and furnishings is not relevant. Or, (4) when the use has been replaced by a conforming use or (5) when the use has been changed to another use under permit from the Board of Zoning Appeals.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, APRIL 12, 2010

At the meeting of the Board of Zoning Appeals on Monday, April 12, 2010, the following appeals were heard by the Board.

The following appeals were **Approved:**

Calendar No. 10-21: 2491 West 8th Street

West 11th Street Properties LLC appealed to erect a single family dwelling in a Two-Family District; subject to condition.

Calendar No. 10-22: 2495 West 8th Street

West 11th Street Properties LLC appealed to erect a single family dwelling in a Two-Family District; subject to condition.

Calendar No. 10-23: 2501 West 8th Street

West 11th Street Properties LLC appealed to erect a single family dwelling in a Two-Family District; subject to condition.

Calendar No. 10-36: 12502 Larchmere Boulevard

12502 Larchmere Ltd appealed to convert a utility building to a bar and to add a covered patio to a bar/restaurant in a Local Retail Business District; subject to condition.

The following appeal was **Withdrawn:**

None.

The following appeal was **Postponed:**

Calendar No. 10-32: 1945 East 97th Street postponed to May 17, 2010.

The following appeal was **Dismissed:**

None.

The following appeals heard by the Board on April 6, 2010 were adopted and approved on April 12, 2010.

The following appeals were **Approved:**

Calendar No. 10-35: 5702 Franklin Boulevard

Lynnhaven Development Group LLC appealed to erect a one-story frame, attached garage to a one family dwelling in a Two-Family District.

Calendar No. 10-6: 8702 Superior Avenue

Faez Muntaser appealed to construct a retail building on a parcel in split zoning for Local Retail Business and Two-Family District.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

NO MEETING

PUBLIC NOTICE

DEPARTMENT OF FINANCE DIVISION OF TREASURY

STATEMENT OF CASH MANAGEMENT AND INVESTMENT POLICY

Effective April 9, 2009

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Purpose

The purpose of this document is to identify the policy that will govern the investment activities of the Treasurer's Office of the City of Cleveland. This policy has been adopted by, and, if necessary, will be revised on an annual basis by, the Director of Finance.

This policy is designed to ensure prudent management of public funds, conformance to Chapter 178 of the Codified Ordinances of the City of Cleveland, availability of operating and capital funds when needed, and an investment return competitive with comparable funds and financial market indices.

All participants in the investment process shall act responsibly as custodians of the public trust. Investment officials shall recognize that the investment portfolio is subject to public review and evaluation. The overall program shall be designed and managed with a degree of professionalism that is worthy of the public trust.

Scope of the Investment Policy

This policy applies to the investment of all moneys of the City of Cleveland under the custody and control of the Division of Treasury.

Any practice not clearly authorized under this policy is prohibited. The guidance set forth herein is to be strictly followed by all those responsible for any aspect of the management or administration of these funds.

The City's investments shall be segregated into distinct portfolios, including portfolios for the General Fund, and the Divisions of Water, Airport, Utilities, Cemeteries, Safety, and Railroads. Total Average Portfolio, as defined in this policy, shall mean the average of the month-end market values for the prior twelve (12) month period of an individual portfolio.

Investment Objectives

All Portfolios shall be managed to accomplish the following hierarchy of objectives:

1. **Preservation of Principal** - The single most important objective of the City of Cleveland investment program is the preservation of principal of those funds within the Portfolio.
2. **Maintenance of Liquidity** - The Portfolio shall be managed in such a manner that assures that funds are available as needed to meet those immediate and/or future operating requirements of the City of Cleveland.
3. **Maximize Return** - The Portfolio shall be managed in such a fashion as to attain a market-average rate of return throughout budgetary and economic cycles, within the context and parameters set forth by objectives 1 and 2 above.

Delegation of Authority

The Treasurer is responsible for the prudent investment of the City of Cleveland Treasury and shall oversee the establishment of investment procedures consistent with this policy. Such procedures shall include explicit delegation of authority to persons responsible for investment transactions. No person may engage in an investment transaction except as provided under the terms of this policy and the procedures established by the Treasurer. The Treasurer shall be responsible for all trades undertaken, and shall establish a system of controls to regulate the activities of subordinate officials and shall exercise control over that staff. Investment staff shall be bonded in amounts appropriate to levels of responsibility and portfolio characteristics.

The City's Internal Auditor will review the investment program to ensure compliance with this policy.

Standard of Prudence

The standard of prudence to be applied to the investment of the City of Cleveland shall be the industry standard "Prudent Investor Rule", which states:

"Investments shall be made with judgment and care, under circumstances then prevailing which persons of prudence, discretion and intelligence exercise in the management of their own affairs, not for speculation, but for investment, considering the probable safety of their capital as well as the probable income to be derived."

Treasury staff acting in accordance with this policy or any other written procedures pertaining to the administration and management of the City of Cleveland and who exercise the proper due diligence shall be relieved of personal responsibility for an individual security's credit risk or market price changes, provided that these deviations are reported immediately to the Treasurer and that appropriate action is taken to control and prevent any further adverse developments.

Ethics and Conflict of Interest

Employees involved in the investment process shall refrain from personal business activity that could conflict with the proper execution and management of the investment program, or that could impair their ability to make impartial decisions. Further, no employee involved in the investment process shall use the authority to influence of office or employment to secure anything of value or the promise or offer of anything of value that would create an improper influence upon the public official or employee with respect to that person's duties.

Employees and investment officials shall comply fully with the reporting and disclosure requirements of Chapter 102 of the Ohio Revised Code.

Authorized Instruments

The Treasurer is authorized to invest the City of Cleveland in instruments as described in section 178.12 of the Codified Ordinances as summarized and restricted below:

A. U.S. Treasury Obligations. United States Treasury bills, notes, or any other obligation or security issued by the United States Treasury or any other obligation guaranteed as to principal and interest by the United States.

B. Federal Agency Obligations. Bonds, notes, debentures, or other obligations or securities issued by any federal government agency or instrumentality.

C. State and Municipal Bonds and Notes. Bonds and notes of the State of Ohio, and any municipal corporation, village, county, township, or other political subdivision of Ohio for which the full faith and credit of the subdivision is pledged, so long as such subdivision has not defaulted in the payment of principal or interest on its bonds or notes within the last ten (10) years.

D. State Pool. State of Ohio Local Agency Investment Pool (STAR Ohio) authorized under section 135.45 of the Ohio Revised Code.

E. Bank Deposits. Time certificates of deposit (not to exceed one [1] year) or savings or deposit accounts in an eligible institution as defined in Chapter 178 of the Codified Ordinances of the City of Cleveland. Collateralization is required on all deposits of City funds as stated in Chapter 178 of the Codified Ordinances of the City of Cleveland.

F. U.S. Government money market mutual funds. Issued by open ended investment companies registered with the SEC, with an average maturity of one hundred twenty (120) days or less, which have the objective of maintaining a constant net asset value per share, and which invest exclusively in U.S. Treasury Obligations, Federal Agency Obligations, and repurchase agreements secured by such obligations.

G. Repurchase Agreements. Specific agreements shall not exceed a term of one (1) year with any eligible depository or designated securities broker/dealer which has entered into a master repurchase agreement pursuant to Codified Ordinance Section 178.12, division (c), under the terms of which agreement the City Treasurer purchases for the City, and such eligible depository or securities broker/dealer agrees to unconditionally repurchase, any of the securities listed in Section 178.12, divisions (b)(1), (b)(2), or (b)(3), of the Codified Ordinances of the City of Cleveland.

Diversification

Each Portfolio shall be structured to diversify investments to reduce the risk of loss resulting from over-concentration of assets in a specific maturity, a specific issuer or a specific type of security. The maximum percentage of the Total Average Portfolio permitted in each security is as follows:

A. U.S. Treasury	100% maximum
B. Federal Agency (Fixed Rate)	100% maximum
C. Federal Agency (Callable)	55% maximum
D. Certificates of Deposit	25% maximum
E. Repurchase Agreements	25% maximum
F. State Bonds and Notes	10% maximum
G. Municipal Bonds and Notes	10% maximum
H. STAR Ohio	75% maximum
I. Money Market Mutual Funds	75% maximum

Each Portfolio will be further diversified to limit the exposure to any one issuer. No more than 2% of the Total Average Portfolio will be invested in the securities of any single issuer with the following exceptions:

U.S. Government Obligations	100% maximum
Money Market Mutual Funds	10% maximum
Repurchase Agreements Counterparties	5% maximum

Maximum Maturity

Maintenance of adequate liquidity to meet the cash flow needs of the City is essential. Accordingly, each Portfolio will be structured in a manner that ensures sufficient cash is available to meet anticipated liquidity needs. Selection of investment maturities must be consistent with the cash requirements in order to avoid the forced sale of securities prior to maturity.

Assets will be invested in permitted investments with a stated maturity of no more than five (5) years from the date of purchase unless the security is matched to a specific obligation or debt of the City. To control the volatility of the assets, the Treasurer of the City will determine a duration target, not to exceed three (3) years.

Notwithstanding these limitations, in no case will the assets in any Portfolio be invested in securities with a term to maturity that exceeds the expected disbursement date of those funds.

Prohibited Investments and Investment Practices

The Treasurer is expressly prohibited from the following investments and investment practices. This is not an exclusive list.

1. Short sales (selling a specific security before it has been legally purchased);
2. Investment in complex derivatives such as range notes, dual index notes, inverse floating rate notes and leveraged notes, or notes linked to lagging indices or to long-term indices;
3. Collateralized mortgage obligations (CMOs) and real estate mortgage investment conduits (REMICs);
4. Investing in any security not specifically permitted by this Policy.

Monitoring and Adjusting the Portfolio

Those responsible for the day-to-day management of the Portfolios will routinely monitor the contents of each Portfolio, the available markets and the relative values of competing instruments, and will adjust each Portfolio as necessary to meet the investment objectives listed above. It is recognized and understood that this non-speculative active management of Portfolio holdings may cause a loss on the sale of an owned investment. It is the policy of the City of Cleveland to charge any such loss against the interest income account during the month in which the loss was realized.

The City of Cleveland Office of Budget and Management, on a quarterly basis, allocates the net income/losses earned on investments of the General Revenue Account to various funds based on each fund's cash balance in proportion to the City of Cleveland as a whole.

Internal Controls

The City Treasurer is responsible for monitoring a system of internal controls governing the administration and management of the Portfolio which include a review of all investment activity, trade reconciliation, and targeting cash balances. Such controls are designed to prevent and control losses of the City funds arising from fraud, employee error, misrepresentation by third parties, unanticipated changes in financial markets, or imprudent actions by any personnel. The internal controls address: control of collusion, separation of duties, separating transaction authority from accounting and record keeping, custodial safekeeping, clear delegation of authority, written confirmation of telephone transactions, minimizing the number of authorized investments officials and documentation of investment transactions.

Eligible Banks and Broker/Dealers

The Director of Finance will establish and the Treasurer will maintain a list of eligible brokers, dealers, and banks with which investment transactions can be made, as described in Section 178.11 of the Codified Ordinances of the City of Cleveland. Qualified firms will be limited to "primary" dealers and other dealers that qualify under Securities and Exchange Commission Rule 15C3-1 (uniform net capital rule) that are registered with the Ohio Department of Commerce to do business in the State of Ohio. All financial institutions and broker dealers must provide the following information, on an annual basis:

1. Sworn statement pledging to adhere to "Capital Adequacy Standards"
2. Annual financial statements for the most recent year showing the amount of liquid capital
3. A written statement from a certified public accountant certifying no weakness in the internal systems of controls of the dealer or broker were found
4. A completed "Broker/Dealer Request for Information" and all documentation required by Section 178.12 of the Codified Ordinances of the City of Cleveland.

Preference will be given to banks and broker/dealers who are headquartered or maintain a presence in the City of Cleveland.

Financial institutions and broker/dealers will be required to comply with this policy and to pledge to offer for sale only appropriate securities.

Competitive Selection of Investment Instruments

It will be the policy of the Treasurer to transact all security purchases/sales only with approved financial institutions through a competitive process. The City shall accept the offer which (a) has the highest rate of return within the maturity required; and (b) optimizes the investment objective of the overall portfolio. When selling a security, the Treasurer will select the bid that generates the highest sale price.

Primary fixed price Federal Agency offerings may be purchased from the list of qualified broker/dealers without competitive solicitation.

In making investment decisions, all other things being equal and subject to compliance with any applicable Internal Revenue Code requirements for bond proceeds, investment in corporations and financial institutions doing business in the City of Cleveland will be given preference over other investment options.

Safekeeping and Custody

All investment securities purchased by the Treasurer or held as collateral on deposits or investments shall be held in third-party safekeeping at the Federal Reserve Bank of Cleveland or at a secured and insured depository as required by Chapter 178 of the City of Cleveland Codified Ordinance and Section 113.05 of the Ohio Revised Code.

All securities in the Portfolio shall be held in the name of the Treasurer of the City of Cleveland and will be free and clear of any lien. Further, all investment transactions will be conducted on a delivery-vs.-payment basis. The depository shall issue a safekeeping receipt to the Treasurer listing the specific instrument, rate, maturity and other pertinent information.

Appropriate Treasury officials and representatives of the depository responsible for, or in any manner involved with, the safekeeping and custody process of the City of Cleveland shall be bonded in such a fashion as to protect the City from losses from malfeasance and misfeasance.

Performance Standards

The investment portfolios shall be designed and managed with the objective of obtaining a market rate of return throughout budgetary and economic cycles, commensurate with the investment risk constraints and cash flows needs of the City.

Reporting

The City Treasury shall maintain accurate, complete, and timely records of all investment activities. Each business day, the Treasurer shall provide the Commissioner of Accounts and the City Controller a sworn statement (Daily Treasurer's Report) showing the total amount deposited in and withdrawn from

each depository from the preceding business day. Within fifteen (15) business days of the end of the month, the City Treasurer shall submit an investment report to the Director of Finance. This report shall include: (i.) a listing of the existing portfolios in terms of investment securities, book value, maturity date, return, market value, and other features deemed relevant, (ii.) a listing of all transactions executed during the month. The City Treasurer will also prepare annual reports in sufficient detail to provide full disclosure of all investment activities to the Director of Finance.

Conflict of Law

In the event that any portion of this policy is in conflict with any City, State, or Federal law, that law will prevail.

Investment Policy Effective Date

This policy is adopted this 9th day of April 2009 and shall remain in effect until rescinded or amended by the Director of Finance.

Sharon Dumas
Director of Finance

April 14, 2010

PUBLIC NOTICE

PUBLIC NOTICE

THE FOLLOWING ISSUES WILL BE ON THE BALLOT IN THE CITY OF CLEVELAND FOR THE MAY 4, 2010 PRIMARY ELECTION.

For more information, see www.clevelandcitycouncil.org.

ISSUE 18

PROPOSED CHARTER AMENDMENT CITY OF CLEVELAND

Placed on the ballot by Ordinance No. 174-10, passed by Cleveland City Council on February 8, 2010. A majority affirmative vote by electors in the City of Cleveland at the Primary Election of May 4, 2010 is necessary for passage.

Shall Section 25-1 of the Charter of the City of Cleveland be amended to read as follows:

§ 25-1 Reapportionment of Wards

Commencing with the Federal census decennially taken in the closest proximity to January 1, 2010, and following each subsequent Federal decennial census, the Council no later than April 1 prior to the next regular municipal election shall reapportion the wards of the City, provided however that if the proclamation by the Secretary of State stating the population of cities in Ohio as determined by any such Federal census occurs in any year when the City conducts a regular Municipal election and the

proclamation of the Secretary of State occurs less than 120 days before the date for filing nominating petitions for the election under Charter Section 8, the reapportionment of wards under this section shall be effective by no later than April 1 prior to the next regular Municipal election four years thereafter and for all subsequent elections for City offices until the next decennial Federal census. The number of wards shall be an odd number between a maximum of 25 wards and a minimum of 11 wards using the following table that reflects a ratio of one ward for every 25,000 people based on the estimated population figure contained in the proclamation of the Secretary of State:

If the City's population is:

The City shall be divided into the following number of wards:

More than 575,000	25
575,000 or less but more than 525,000	23
525,000 or less but more than 475,000	21
475,000 or less but more than 425,000	19
425,000 or less but more than 375,000	17
375,000 or less but more than 325,000	15
325,000 or less but more than 275,000	13
275,000 or less	11

The wards so formed shall be as nearly equal in population as may be, composed of contiguous and compact territory, and bound by natural boundaries and street lines.

If the Council fails to reapportion the wards by the dates herein provided, the Mayor shall within fifteen business days thereafter submit to Council a plan for the reapportionment of the wards. The Council shall within ten business days after receiving the Mayor's plan, reapportion the wards as herein provided. If the Council does not reapportion the wards within this latter ten business day period, the reapportionment plan of the Mayor shall become effective until the next decennial Federal census when the wards shall be reapportioned as herein provided.

ISSUE 19

PROPOSED CHARTER AMENDMENT CITY OF CLEVELAND

Placed on the ballot by Ordinance No. 175-10, passed by Cleveland City Council on February 8, 2010. A majority affirmative vote by electors in the City of Cleveland at the Primary Election of May 4, 2010 is necessary for passage.

Shall Section 200-1 of the Charter of the City of Cleveland be amended to read as follows:

§ 200-1 Charter Review Commission

Not later than the first day of February in the year 2018 and of each succeeding tenth year thereafter, the Council shall provide for the selection of a Charter Review Commission and shall appropriate adequate funds for a comprehensive review of the existing Charter provisions.

The Charter Review Commission shall consist of fifteen electors of the City of Cleveland appointed or elected in the manner prescribed by ordinance.

Within thirty days after selection the members shall meet, choose a Chairman and Secretary, and adopt rules to govern the procedure of the Commission. The Commission may employ necessary assistants and professional services as it deems necessary, within the funds appropriated for this purpose.

Not later than one year after its organization the Charter Review Commission shall report to the Council proposed amendments to the Charter as the Commission determines to be necessary or desirable and a statement of the reasons for submitting the proposed amendments to the electors; or that no changes in the Charter are required or desired.

Upon receipt of the report of the Charter Review Commission setting forth any proposed amendment or amendments to the Charter, the Council shall determine by ordinance whether the proposed amendment or amendments shall be submitted to the electors of the City of Cleveland in the manner provided and governed by the provisions of Section 200 and in conformity with Section 9 of Article XVIII, of the Ohio Constitution.

April 14, 2010, April 21, 2010 and April 28, 2010

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

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

Each bid must be made in accordance with the specifications and must be submitted on the blanks supplied for the purpose, all of which may be obtained at the office of the said Commissioner of Purchases and Supplies, but no bid will

be considered unless delivered to the office of the said commissioner previous to 12:00 noon (Eastern Standard Time) on the date specified in the schedule.

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

THURSDAY, APRIL 29, 2010

File No. 65-2010 — Summer Food Program (Breakfasts and Lunches), for the Division of Recreation, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1593-09, passed by the Council of the City of Cleveland, November 30, 2009.

THERE WILL BE A MANDATORY PRE-BID MEETING THURSDAY, APRIL 22, 2010 AT 10:00 A.M. THE CITY OF CLEVELAND, ROOM 8, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114. THE CITY OF CLEVELAND WILL NOT CONSIDER THE BID OF ANYONE WHO DOES NOT ATTEND A MANDATORY PRE-BID CONFERENCE.

File No. 66-2010 — Food, Food Products, Beverages, Condiments and Paper Products at Camp Forbes, for the Division of Recreation, Department of Parks, Recreation and Properties, as authorized by Ordinance No. 1593-09, passed by the Council of the City of Cleveland, November 30, 2009.

THERE WILL BE A MANDATORY PRE-BID MEETING THURSDAY, APRIL 22, 2010 AT 10:30 A.M. THE CITY OF CLEVELAND, ROOM 8, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114. THE CITY OF CLEVELAND WILL NOT CONSIDER THE BID OF ANYONE WHO DOES NOT ATTEND A MANDATORY PRE-BID CONFERENCE.

April 14, 2010 and April 21, 2010

FRIDAY, APRIL 30, 2010

File No. 67-2010 — Purchase Golf Course Food and Paper Products, for the Division of Recreation, Department of Parks, Recreation and Properties, as authorized by

Section 181.101, of the Codified Ordinances of Cleveland, Ohio 1976.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, APRIL 22, 2010 AT 10:30 A.M. THE CITY OF CLEVELAND, ROOM 8, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

File No. 68-2010 — Purchase Golf Course Beverages, for the Division of Recreation, Department of Parks, Recreation and Properties, as authorized by Section 181.101, of the Codified Ordinances of Cleveland, Ohio 1976.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, APRIL 22, 2010 AT 10:00 A.M. THE CITY OF CLEVELAND, ROOM 8, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

April 14, 2010 and April 21, 2010

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File No. 58-2010 — Safe Routes to Schools Project — Louisa May Alcott School, Willow School and Stockyard Community School, for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance No. 1589-08, passed by the Council of the City of Cleveland, December 15, 2008.

THERE WILL BE A NON-REFUNDABLE FEE FOR PLANS/SPECIFICATIONS IN THE AMOUNT OF SEVENTY-FIVE DOLLARS (\$75.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED). THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, APRIL 22, 2010 AT 9:00 A.M., THE CLEVELAND CITY HALL, ROOM 518, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

April 14, 2010 and April 21, 2010

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File No. 59-2010 — Central Avenue Rehabilitation (East 55th Street to East 79th Street), for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance No. 673-09, passed by the Council of the City of Cleveland, June 8, 2009.

THERE WILL BE A NON-REFUNDABLE FEE FOR PLANS/SPECIFICATIONS IN THE AMOUNT OF SEVENTY-FIVE DOLLARS (\$75.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER ONLY (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED). THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, APRIL 22, 2010 AT 10:00 A.M., THE CLEVELAND CITY HALL, ROOM 518, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

April 14, 2010 and April 21, 2010

FRIDAY, MAY 7, 2010

File No. 60-2010 — Fence Installation, Maintenance and/or Repair (Re-Bid), for the Divisions of Water Pollution Control, Water and Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 395-05, passed by the Council of the City of Cleveland, April 20, 2009. THERE WILL BE A NON-MANDATORY PRE-BID MEETING FRIDAY, APRIL 23, 2010 AT 11:00 A.M. THE DIVISION OF WATER POLLUTION CONTROL, RED CONFERENCE ROOM, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44135.

File No. 61-2010 — Labor and Materials Necessary to Maintain and Replace Interior Plants, for the Various Divisions of Port Control, Department of Port Control, as authorized by Section 181.101, of the Codified Ordinances of Cleveland, Ohio 1976. THERE WILL BE A NON-MANDATORY PRE-BID MEETING FRIDAY, APRIL 23, 2010 AT 10:00 A.M., THE DEPARTMENT OF PORT CONTROL, CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S CENTRAL RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135-3193.

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THURSDAY, MAY 13, 2010

File No. 62-2010 — Labor and Materials Necessary to Clean the West Side Market (Re-Bid), for the Division of Convention Center and Stadium, Department of Parks, Recreation and Properties, as authorized by Section 181.101, of the Codified Ordinances of Cleveland, Ohio 1976. THERE WILL BE A MANDATORY PRE-BID MEETING TUESDAY, APRIL 27, 2010 AT 10:00 A.M. THE WEST SIDE MARKET, LOADING DOCK, 1979 WEST 25TH STREET, CLEVELAND, OHIO 44113 (REAR LOADING DOCK).

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

File No. 63-2010 — Suburban Water Main Improvements, City of Euclid, Ohio, East 252nd Street from Treadwell Avenue to Babbitt Road and East 276th Street from

Mills Avenue to Euclid Avenue, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1928-07, passed by the Council of the City of Cleveland, December 10, 2007. THERE WILL BE A NON-REFUNDABLE FEE FOR PLANS/SPECIFICATIONS IN THE AMOUNT OF ONE HUNDRED DOLLARS (\$100.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER ONLY (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED).

THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, APRIL 22, 2010 AT 2:00 P.M. THE CARL B. STOKES PUBLIC UTILITIES BUILDING, AUDITORIUM — 1ST FLOOR, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

April 14, 2010 and April 21, 2010

FRIDAY, MAY 14, 2010

File No. 64-2010 — Cleveland Water Main Replacement East 22nd Street, East 113th Street and Everett Court Phase 2, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1541-09, passed by the Council of the City of Cleveland, December 7, 2009.

THERE WILL BE A NON-REFUNDABLE FEE FOR PLANS/SPECIFICATIONS IN THE AMOUNT OF ONE HUNDRED DOLLARS (\$100.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER ONLY (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED).

THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, APRIL 22, 2010 AT 3:00 P.M. THE CARL B. STOKES PUBLIC UTILITIES BUILDING, AUDITORIUM — 1ST FLOOR, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

April 14, 2010 and April 21, 2010

THURSDAY, MAY 27, 2010

File No. 57-2010 — 2nd Floor Mechanical and Electrical Rehabilitation WBS No. A381-3, for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance No. 359-05, passed by the Council of the City of Cleveland, May 2, 2005.

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

THERE WILL BE A MANDATORY PRE-BID MEETING WEDNESDAY, APRIL 28, 2010 AT 10:00 A.M., THE CLEVELAND HOPKINS INTERNATIONAL AIRPORT, ENGINEERING BUILDING, 19501 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.

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

April 14, 2010 and April 21, 2010

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NONE

COUNCIL COMMITTEE MEETINGS

Monday, April 12, 2010 9:30 a.m.

Health and Human Services Committee: Present: Cimperman, Chair; Keane, Kelley, Zone. Authorized Absence: J. Johnson, Chair; Conwell, Reed.

2:00 p.m.

Finance Committee: Present: Sweeney, Chair; Kelley, Vice Chair; Brady, Brancatelli, Cleveland, Keane, Miller, Mitchell, Polensek, Pruitt, Westbrook.

Tuesday, April 13, 2010 9:30 a.m.

Community and Economic Development Committee: Present: Brancatelli, Chair; Dow, Vice Chair; Cimperman, Cummins, J. Johnson, Miller, Pruitt, Westbrook, Zone.

Wednesday, April 14, 2010 10:00 a.m.

Aviation and Transportation Committee: Present: Keane, Chair; Pruitt, Vice Chair; J. Johnson, K. Johnson, Kelley. Authorized Absence: Cummins, Mitchell.

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O—Ordinance; R—Resolution; F—File
Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;
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