

# The City Record

Official Publication of the Council of the City of Cleveland



May the Thirtieth Two Thousand and Eighteen

**Frank G. Jackson**  
Mayor

**Kevin J. Kelley**  
President of Council

**Patricia J. Britt**  
City Clerk, Clerk of Council

**Ward Name**

- 1 Joseph T. Jones
- 2 Kevin L. Bishop
- 3 Kerry McCormack
- 4 Kenneth L. Johnson, Sr.
- 5 Phyllis E. Cleveland
- 6 Blaine A. Griffin
- 7 Basheer S. Jones
- 8 Michael D. Polensek
- 9 Kevin Conwell
- 10 Anthony T. Hairston
- 11 Dona Brady
- 12 Anthony Brancatelli
- 13 Kevin J. Kelley
- 14 Jasmin Santana
- 15 Matt Zone
- 16 Brian Kazy
- 17 Martin J. Keane

The City Record is available online at  
[www.clevelandcitycouncil.org](http://www.clevelandcitycouncil.org)

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# DIRECTORY OF CITY OFFICIALS

## CITY COUNCIL – LEGISLATIVE

President of Council – Kevin J. Kelley

Ward	Name	Residence	
1	Joseph T. Jones	4691 East 177th Street	44128
2	Kevin L. Bishop	11729 Miles Avenue, #5	44105
3	Kerry McCormack	1429 West 38th Street	44113
4	Kenneth L. Johnson, Sr.	2948 Hampton Road	44120
5	Phyllis E. Cleveland	2369 East 36th Street	44115
6	Blaine A. Griffin	1810 Larchmere Boulevard	44120
7	Basheer S. Jones	1383 East 94th Street	44106
8	Michael D. Polensek	17855 Brian Avenue	44119
9	Kevin Conwell	10647 Ashbury Avenue	44106
10	Anthony T. Hairston	423 Arbor Road	44108
11	Dona Brady	1272 West Boulevard	44102
12	Anthony Brancatelli	6924 Ottawa Road	44105
13	Kevin J. Kelley	5904 Parkridge Avenue	44144
14	Jasmin Santana	3535 Marvin Avenue	44109
15	Matt Zone	1228 West 69th Street	44102
16	Brian Kazy	4300 West 143rd Street	44135
17	Martin J. Keane	15907 Colletta Lane	44111

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

### MAYOR – Frank G. Jackson

Sharon Dumas, Interim 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  
 Monyka S. Price, Executive Assistant to the Mayor, Chief of Education  
 Matt Gray, Executive Assistant to the Mayor, Chief of Sustainability  
 Natoya J. Walker Minor, Executive Assistant to the Mayor, Chief of Public Affairs  
 Edward W. Rybka, Executive Assistant to the Mayor, Chief of Regional Development  
 Tracy Martin-Thompson, Executive Assistant to the Mayor, Chief of Prevention, Intervention and Opportunity for Youth and Young Adults

### OFFICE OF CAPITAL PROJECTS – Matthew L. Spronz, Director

#### DIVISIONS:

Architecture and Site Development – \_\_\_\_\_ Manager

Engineering and Construction – Richard J. Switalski, Manager

Real Estate – James DeRosa, Commissioner

### OFFICE OF EQUAL OPPORTUNITY – Melissa K. Burrows, Ph.D., Director

### OFFICE OF QUALITY CONTROL AND PERFORMANCE MANAGEMENT – Sabra T. Pierce-Scott, Director

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

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

Victor R. Perez, Chief Assistant Prosecutor, Room 106; Robin Wood, Law Librarian,

Room 100

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

Natasha Brandt, Manager, Internal Audit

#### DIVISIONS:

Accounts – Lonya Moss Walker, Commissioner, Room 19

Assessments and Licenses – Dedrick Stephens, Commissioner, Room 122

City Treasury – James Hartley, Treasurer, Room 115

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

Information Technology and Services – Kimberly Roy-Wilson,

Commissioner, 205 W. St. Clair Avenue

Purchases and Supplies – Tiffany White, Commissioner, Room 128

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

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

### DEPT. OF PUBLIC UTILITIES – Robert L. Davis, Director, 1201 Lakeside Avenue

#### DIVISIONS:

Cleveland Public Power – Ivan Henderson, Commissioner

Utilities Fiscal Control – Frank Badalamenti, Chief Financial Officer

Water – Alex Margevicius, Commissioner

Water Pollution Control – Rachid Zoghbaib, Commissioner

### DEPT. OF PORT CONTROL – Robert Kennedy, Director, Cleveland Hopkins International Airport, 5300 Riverside Drive

#### DIVISIONS:

Burke Lakefront Airport – Khalid Bahhur, Commissioner

Cleveland Hopkins International Airport – Fred Szabo, Commissioner

### DEPT. OF PUBLIC WORKS – Michael Cox, Director

#### OFFICES:

Administration – John Laird, Manager

Special Events and Marketing – Tangee Johnson, Manager

#### DIVISIONS:

Motor Vehicle Maintenance – Jeffrey Brown, Commissioner

Park Maintenance and Properties – Richard L. Silva, Commissioner

Parking Facilities – Kim Johnson, Interim Commissioner

Property Management – Tom Nagle, Commissioner

Recreation – Samuel Gissentaner, Interim Commissioner

Streets – Frank D. Williams, Interim Commissioner

Traffic Engineering – Robert Mavec, Commissioner

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

### DEPT. OF PUBLIC HEALTH – Merle Gordon, Director, 75 Erieview Plaza

#### DIVISIONS:

Air Quality – David Hearne, Interim Commissioner

Environment – Brian Kimball, Commissioner, 75 Erieview Plaza

Health – Persis Sosiak, Commissioner, 75 Erieview Plaza

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

#### DIVISIONS:

Animal Control Services – John Baird, Interim Chief Animal Control Officer, 2690 West 7th Street

Corrections – David Carroll, Interim Commissioner, Cleveland House of Corrections, 4041 Northfield Rd.

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

Fire – Angelo Calvillo, Chief, 1645 Superior Avenue

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

### DEPT. OF COMMUNITY DEVELOPMENT – Tania Menesse, Director

#### DIVISIONS:

Administrative Services – Joy Anderson, Commissioner

Fair Housing and Consumer Affairs Office – John Mahoney, Manager

Neighborhood Development – James Greene, Commissioner

Neighborhood Services – Louise V. Jackson, Commissioner

### DEPT. OF BUILDING AND HOUSING – Ayonna Blue Donald, Director, Room 500

#### DIVISIONS:

Code Enforcement – Thomas E. Vanover, Commissioner

Construction Permitting – Narid Hussain, Commissioner

### DEPT. OF HUMAN RESOURCES – Nycole West, Director, Room 121

### DEPT. OF ECONOMIC DEVELOPMENT – David Ebersole, Director, Room 210

### DEPT. OF AGING – Mary McNamara, Director, Room 122

### COMMUNITY RELATIONS BOARD – Room 11, Grady Stevenson, Director, Mayor Frank

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

Member Kevin L. Bishop, Roosevelt E. Coats, Jenice Contreras, Kathryn Hall, Yasir

Hamdallah, Evangeline Hardaway, John O. Horton, Gary Johnson, Sr., Daniel McNea,

Stephanie Morrison-Hrbek, Roland Muhammad, Gia Hoa Ryan, Council Member Jasmin

Santana, Peter Whitt.

### CIVIL SERVICE COMMISSION – Room 119, Rev. Gregory E. Jordan, President; Michael

Flickinger, Vice-President; Barry A. Withers, Interim Secretary; Members: Daniel J.

Brennan, India Pierce Lee.

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

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

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

Henry Bailey, Myrline Barnes, Kelley Britt, Tim Donovan, Elizabeth Kukla, Secretary.

### BOARD OF BUILDING STANDARDS AND BUILDING APPEALS – Room 516,

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

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

Sullivan.

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

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

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

Director Barbara A. Langhenry; Council Member Kenneth L. Johnson.

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

Public Utilities Director Robert L. Davis; Council President Kevin J. Kelley.

### CITY PLANNING COMMISSION – Room 501 – Freddy L. Collier, Jr., Director;

\_\_\_\_\_, Chair; David H. Bowen, Lillian Kuri, Gloria Jean Pinkney, Council

Member Kerry McCormack, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_.

### FAIR HOUSING BOARD – \_\_\_\_\_, Chair; Genesis O. Brown, Daniel Conway,

Robert L. Rander.

### HOUSING ADVISORY BOARD – Room 310 – Keith Brown, Terri Hamilton Brown, Vickie

Eaton-Johnson, Mike Foley, Eric Hodderson, Janet Lochr, Mark McDermott, Marcia Nolan,

David Perkowski, Joan Shaver Washington, Keith Sutton.

### CLEVELAND BOXING AND WRESTLING COMMISSION – Robert Jones, Chairman;

Clint Martin, Mark Rivera.

### MORAL CLAIMS COMMISSION – Law Director Barbara A. Langhenry; Chairman;

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

Kevin Kelley.

### CLEVELAND LANDMARKS COMMISSION – Room 519 – Julie Trott, Chair; Giancarlo

Calicchia, Vice Chair; Laura M. Bala, Freddy L. Collier, Jr., Allan Dreyer, Robert

Strickland, Donald Petit, Secretary, Council Member Basheer S. Jones, Matthew L.

Spronz; \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_.

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

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

Langhenry.

## CLEVELAND MUNICIPAL COURT

### JUSTICE CENTER – 1200 ONTARIO STREET

#### JUDGE COURTROOM ASSIGNMENTS

Judge	Courtroom
Presiding and Administrative Judge Michelle D. Earley	14-C
Judge Pinkey S. Carr	15-C
Judge Marilyn B. Cassidy	13-A
Judge Emanuella Groves	14-B
Judge Lauren C. Moore	15-A
Judge Michael L. Nelson, Sr.	12-A
Judge Ann Clare Oakar	14-A
Judge Ronald J.H. O’Leary (Housing Court Judge)	13-B
Judge Charles L. Patton, Jr.	13-D
Judge Suzan M. Sweeney	12-C
Judge Jazmin Torres-Lugo	13-C
Judge Shiela Turner McCall	12-B
Judge Joseph J. Zone	14-D

Earle B. Turner – Clerk of Courts, Russell R. Brown III – Court Administrator, Timothy

Lubbe – Housing Court Administrator, Robert J. Furda – Chief Bailiff; Dean Jenkins – Chief

Probation Officer, Gregory F. Clifford – Chief Magistrate.

# The City Record

71 OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 105

WEDNESDAY, MAY 30, 2018

No. 5451

## CITY COUNCIL

MONDAY, MAY 28, 2018

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

### PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2018-2021

#### MONDAY — Alternating

9:30 A.M. — **Health and Human Services Committee:** Griffin (CHAIR), McCormack (VICE-CHAIR), Conwell, B. Jones, Hairston, Santana, Zone.

9:30 A.M. — **Municipal Services and Properties Committee:** K. Johnson (CHAIR), Brady (VICE-CHAIR), Bishop, Brancatelli, Hairston, J. Jones, Kazy.

#### MONDAY

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

#### TUESDAY

9:30 A.M. — **Development, Planning and Sustainability Committee:** Brancatelli (CHAIR), Cleveland (VICE-CHAIR), Bishop, Hairston, B. Jones, Keane, McCormack.

#### TUESDAY — Alternating

1:30 P.M. — **Utilities Committee:** Keane (CHAIR), Kazy (VICE-CHAIR), Bishop, Hairston, McCormack, Polensek, Santana.

1:30 P.M. — **Workforce and Community Benefits Committee:** (CHAIR), Cleveland (VICE-CHAIR), Brady, Griffin, B. Jones, J. Jones, Kazy.

#### WEDNESDAY — Alternating

10:00 A.M. — **Safety Committee:** Zone (CHAIR), Polensek (VICE-CHAIR), Griffin, Kazy, B. Jones, J. Jones, Santana.

10:00 A.M. — **Transportation Committee:** Cleveland (CHAIR), Keane (VICE-CHAIR), Bishop, Conwell, Johnson, J. Jones, Santana.

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

**Mayor's Appointments Committee:** Kazy (CHAIR), Brady, Brancatelli, Cleveland, Kelley.

**Operations Committee:** McCormack (CHAIR), Griffin, Keane, Kelley, Zone.

**Rules Committee:** Kelley (CHAIR), Cleveland, Hairston, Keane, Polensek.

### OFFICIAL PROCEEDINGS CITY COUNCIL

NO MEETING

### THE CALENDAR

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

NONE

### BOARD OF CONTROL

May 23, 2018

The meeting of the Board of Control convened in the Mayor's office on Wednesday, May 23, 2018 at 10:35 a.m. with Director Langhenry presiding.

Present: Directors Langhenry, Dumas, Davis, Kennedy, Acting Directors Johnson, Hennessy, Directors Menesse, West, Ebersole, McNamara, and Donald.

Absent: Mayor Jackson and Director Gordon.

Others: Tiffany Johnson, Commissioner, Purchases & Supplies.

Melissa Burrows, Director, Office of Equal Opportunity.

#### Resolution No. 210-18.

By Director Dumas.

Resolved, by the Board of Control of the City of Cleveland that the bid of Terminix International Company LP, for an estimated quantity of exterminating and pest control services, all items, for the various divisions of City government, for a period of two years starting upon the later of the execution of a contract, or the day following the expiration of the currently effective contract for the goods and services, with an

option to renew for one additional year exercisable by the Director of Finance, received on May 10, 2018, under the authority of Section 181.101(a)5, of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$244,588.00, is affirmed and approved as the lowest and best bid, and the Director of Finance is requested to enter into a requirement contract for the labor and materials necessary for the specified items.

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

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Rockport Construction & Materials Inc. for the above mentioned service is approved:

Yeas: Directors Langhenry, Dumas, Davis, Kennedy, Acting Directors Johnson, Hennessy, Directors Menesse, West, Ebersole, McNamara, and Donald.

Nays: None.

Absent: Mayor Jackson and Director Gordon.

#### Resolution No. 211-18.

By Director Davis.

Whereas, under the authority of Ordinance No. 1080-99, passed by the Cleveland City Council on May 22, 2000, and Board of Control Resolution No. 808-00, adopted December 6, 2000, the City of Cleveland, through the Director of Public Utilities, entered into City Contract No. 57651 with Montgomery Watson Americas, Inc. to acquire implementation consultant services for the citywide Geographic Information System (GIS) program, for the various divisions of City government; and

Whereas, the citywide GIS runs on the Environmental Systems Research Institute, Inc. (ESRI) software platform, and support, maintenance, and licenses must be renewed annually for proper use and support of the citywide GIS software and applications; and

Whereas, division (b) of Section 181.102 of the Codified Ordinances of Cleveland, Ohio, 1976, ("C.O.") authorizes a director to acquire by contract or contracts with one or more software developers or vendors or one or more firms of software developers or vendors, upgrades, enhancements, necessary to implement or maintain the authorized software; and

Whereas, division (c) of Section 181.102 of the Codified Ordinances of Cleveland, Ohio, 1976, ("C.O.") authorizes a director to execute one or more license agreements for software needed to implement or maintain a previously acquired software system directly with software licensing firm; and

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

Whereas, under the authority of Section 181.102 C.O., the City intends to enter into an agreement with Environmental Systems Research Institute, Inc. (ESRI) to obtain the professional services necessary to continue support and maintenance for the citywide GIS software and applications, and upgrade to an enterprise license agreement, for a period of three years starting June 1, 2018; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that, under the authority of division (e) of Section 181.102 C.O., the compensation to be paid for license fees and for maintenance and support services to be performed under the contract with Environmental Systems Research Institute, Inc. (ESRI) for the three-year term starting June 1, 2018 shall not exceed \$1,380,000.00.

Yeas: Directors Langhenry, Dumas, Davis, Kennedy, Acting Directors Johnson, Hennessy, Directors Menesse, West, Ebersole, McNamara, and Donald.

Nays: None.  
Absent: Mayor Jackson and Director Gordon.

**Resolution No. 212-18.**

By Director Davis.

Be it resolved by the Board of Control of the City of Cleveland that the bid of W. A. Chester, LLC, for an estimated quantity of Pipe-Type Cable, Labor and Materials to Repair, Replace, and Maintain Existing Pipe-Type Cable, all items, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two years starting upon the later of execution of a contract or the day following expiration of the currently effective contract for the goods or services, with two one-year options to renew, received on March 21, 2018 under the authority of Ordinance No. 333-18, passed April 2, 2018, which on the basis of the estimated quantity would amount to \$2,041,688.80, is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the goods and/or services necessary for the specified items.

The requirement contract shall further provide that the Contractor will 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 subsequent delivery orders separately certified against the contract.

Be it further resolved that the employment of the following subcontractor by W. A. Chester, L.L.C. for the above-mentioned requirement contract is approved:

<u>SUBCONTRACTOR</u>	<u>DOLLAR AMOUNT</u>	<u>PERCENTAGE</u>
Cook Paving & Construction (CSB)	\$200,000.00	9.8%

Yeas: Directors Langhenry, Dumas, Davis, Kennedy, Acting Directors Johnson, Hennessy, Directors Menesse, West, Ebersole, McNamara, and Donald.

Nays: None.  
Absent: Mayor Jackson and Director Gordon.

**Resolution No. 213-18.**

By Director Spronz.

Be it resolved by the Board of Control of the City of Cleveland that the bids received on March 29, 2018 for the public improvement of Greenwood Park Pool House Renovation, for the Office of Capital Projects, pursuant to the authority of Ordinance No. 549-17, passed by the Council of the City of Cleveland on June 5, 2017, are rejected.

Yeas: Directors Langhenry, Dumas, Davis, Kennedy, Acting Directors Johnson, Hennessy, Directors Menesse, West, Ebersole, McNamara, and Donald.

Nays: None.  
Absent: Mayor Jackson and Director Gordon.

**Resolution No. 214-18.**

By Director Menesse.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 103-21-028 located at 2196 East 36th Street; and

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

Whereas, Sharon Y. Hunter has proposed to the City to purchase and develop the parcel for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 5 has either approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

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

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

Deed for and on behalf of the City of Cleveland, with Sharon Y. Hunter for the sale and development of Permanent Parcel No. 103-21-028 located at 2196 East 36th Street, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

Yeas: Directors Langhenry, Dumas, Davis, Kennedy, Acting Directors Johnson, Hennessy, Directors Menesse, West, Ebersole, McNamara, and Donald.

Nays: None.  
Absent: Mayor Jackson and Director Gordon.

JEFFREY B. MARKS,  
Secretary

**CIVIL SERVICE NOTICES**

**General Information**

Application blanks and information, regarding minimum entrance qualifications, scope of examination, and suggested reference materials may be obtained at the office of the Civil Service Commission, Room 119, City Hall, East 6th Street, and Lakeside Avenue.

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

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

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

ROBERT BENNETT,  
President

**SCHEDULE OF THE BOARD OF ZONING APPEALS**

**MONDAY, JUNE 11, 2018**

**9:30 A.M.**

**Calendar No. 18-115:** 1915 West 54th Street (Ward 15)

Elmhurst Homes, owner, proposes to erect a 2.5 story, 1,800 square feet single family house in a B1 Two-Family Residential District. The appellant appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:



1. Section 355.04 which states that the minimum lot area for a single family dwelling in a "B" area district is 4,800 square feet and the proposed lot area is approximately 3,680 square feet.

2. Section 357.09(b)(2)(B) which states that in a Two-Family District no interior side yard, and except as provided in subsection (b)(1) hereof, in any use district no interior side yard on a lot occupied by a dwelling house shall be less than five (5) feet in width for a corner lot, nor less than three (3) feet in width for an interior lot, nor shall the aggregate width of side yards on the same premises be less than ten (10) feet. However, the width of any such interior side yard shall in no case be less than one-fourth (1/4) the height of the main building on the premises. Building height is approximately 30' - 4" thus no interior side yard shall be less than 7' - 6" and a 6' - 4" side yard is proposed.

3. Section 357.09(b)(2)(A) which states that no building shall be erected less than ten feet from a main building on an adjoining lot. Distance to main building on adjoining lot is 6' - 0".

4. Section 357.13(b)(4) which states that open porches shall not project more than six (6) feet and shall not extend within ten (10) feet of the street line. Proposed porch is within 12 inches of the front yard property line.

5. Section 358.03(a) which states that no portion of a fence along and parallel to a driveway within 15 feet of its intersection with a public sidewalk or street shall exceed 2.5 feet in height, unless its 75% open.

6. Section 357.13(b)(4) which states that an open front porch shall not project more than 6' - 0"; proposed porch projects 7' - 5".

7. Section 341.02(b) which states that City Planning approval is required prior to the issuance of a building permit. (Filed May 16, 2018)

**Calendar No. 18-116:** 9100 St. Clair Avenue (Ward 9)

Beverly Galloway, owner, proposes to construct a new nightclub and restaurant building in a C2 Local Retail Business District and a Pedestrian Retail Overlay District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 343.01(b)(2)(F) which states that establishments for eating/drinking with entertainment are specifically excluded from Local Retail Business District; they are first permitted in General Retail Business District and even in that district must be 500 feet from Residential Districts, day care centers, and churches per Section 347.12(a)(1). The proposed use is adjoining a residential district and a day care center (The Center for Families and Children Wade Park Early Learning Center at 9111 Yale Avenue), and within 500 feet of Mt Pisagh Baptist Church at 8830 St. Clair Avenue, Church of Christ at the Boulevard at 8837 St. Clair Avenue, and Straight Way Community Church at 9215 St. Clair Avenue.

2. Section 357.01(b) which states that a front yard setback equal to

the average of the front setbacks of buildings within 100 feet or in this case, a 10 foot setback is required per Section 357.06(a).

3. Section 349.04(e) which states that the required parking space area for a nightclub use is three times the gross floor area or in this case 66,600 square feet and 193 parking spaces are provided.

4. Section 358.05(a)(2) which states that a fence in the actual front yard shall not exceed 4 feet in height and a 6 foot tall fence is proposed. (Filed May 16, 2018)

**Calendar No. 18-117:** 3962 Rocky River Drive (Ward 17)

Jeff and Elizabeth Molnar, owners, proposes to erect an 8 foot tall solid vinyl fence along the rear property line in a B1 Two Family Residential District. The owner appeals for relief from the strict application of Section 358.04(a) which states that in the actual rear yard a fence shall not exceed six feet in height and no fence shall be higher than its distance from a residence building on an adjoining lot. (Filed May 22, 2018)

**Calendar No. 18-118:** 5512 Memphis Avenue (Ward 13)

Joey 39 L.T.D, owner, proposes to change use to an open sales lot in a C1 Local Retail Business District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 347.11 which states the following:

(a) that an Open sales lot shall have a minimum lot width of sixty (60) feet.

(b) All open areas of permanent use open sales lots that are intended either for display or for use as vehicular area, shall be surfaced with asphalt, Portland cement, brick, paving block, or other dustless hard-surfaced, impervious all weather material approved by the Commissioner of Building and Housing, provided however, that surfacing shall not be required on any open sales lot located on a lot in a General Industry or Unrestricted Industry District which does not abut any lot located in Residence Districts.

(c) All permanent use open sales lots shall be graded for proper drainage. Storm water runoff shall be discharged into the City storm sewers or in another manner approved by the Director of Public Service. Water shall not be permitted to drain across public sidewalks or onto abutting lots.

(d) Permanent use open sales lots shall be screened as provided in Chapter 352.

2. Section 357.05(a) which states that a 5' side street setback is required and parking is within side street setback.

3. Section 349.07(c)(2) which states that the driveway shall be located not less than 15' from property line; driveway is within 15' from property line; driveway is within 15' of property line.

4. Section 349.07(c)(3) which states that the maximum width of driveway shall not be more than 30' and the proposed driveway is over 30' wide. (Filed May 22, 2018)

**Calendar No. 18-119:** 1957 Columbus Road (Ward 3)

Theresa and Robert Andrews, owners, propose to erect a 3 story 1,733 square foot single family house with an attached garage on a 4,565 square foot lot in a C1 Local Retail Business District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 355.04(a) which states that the minimum lot area for a single family dwelling in a "K" area district is 4,800 square feet and the proposed lot area is approximately 4,565 square feet.

2. Section 357.09(b)(2)(C) which states that in a Multi-Family District no interior side yard, shall be less than (8) feet in width for a corner lot, nor less than three (3) feet in width for an interior lot, nor shall the aggregate width of side yards on the same premises be less than ten (10) feet. However, the width of any such interior side yard shall in no case be less than one-fourth (1/4) the height of the main building on the premises. The proposed building mean height is approximately 28' - 8" thus no interior side yard shall be less than 7' - 2" and a 3' - 1" side yard is proposed.

3. Section 357.09(b)(2)(A) which states that no building shall be erected less than ten feet from a main building on an adjoining lot and the proposed distance to main building on adjoining lot is 5' - 6 1/2".

4. Section 341.02(b) which states that City Planning approval is required prior to the issuance of a building permit. (Filed May 22, 2018)

**POSTPONED FROM MAY 29, 2018**

**Calendar No. 18-109:** 1980 Columbus Road (Ward 3)

Kamis Properties, owner, proposes to build a single family residence in a C1 Semi-Industry District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 355.04 which states that the maximum gross floor area of a residence cannot exceed 1/2 the lot area, or in this case 1,095 square feet and the proposed gross floor area is 2,362 square feet. This section also states that the minimum required frontage is 40 feet and the proposed frontage is 35.47 feet. The minimum required lot area is 4,800 square feet and the proposed lot area is 2,190 square feet.

2. Section 357.08(b)(2) which states that the required rear yard is no less than 20 feet and the proposed rear yard is 16 feet.

3. Section 357.09(b)(2)(B) which states that the required width of the side yard shall be no less than 1/4 the height of the building; the building height is 43.5'; one quarter height is 11.33' and the proposed side yard widths are 4' and 3.5'. (Filed May 4, 2018 - No Testimony)

First postponement made at the request of the Development Corporation to allow for time for a community meeting.

**REPORT OF THE BOARD OF ZONING APPEALS**

**TUESDAY, MAY 29, 2018**

At the meeting of the Board of Zoning Appeals on Tuesday, May 29, 2018 the following appeals were scheduled for hearing before the Board.

The following appeals were **APPROVED:**

**Calendar No. 18-33:** 5805-5813 Hough Avenue

Sterling Pettway, owner, proposes to establish use as a fence contracting company with outdoor storage and to install an 8 foot tall chain link fence D2 Multi-Family Residential District.

**Calendar No. 18-78:** 4318 Bailey Avenue

Cleveland Bricks, owner, proposes to build a second story addition and attached garage in a B1 Two-Family Residential District.

**Calendar No. 18-105:** 10431 Clifton Boulevard aka 10429 Clifton Boulevard

Wilsher Management LLC., owner, and Brittany Nock, lessee, proposes to change use from beauty salon to yoga practice center and medical massage in an A1 One-Family Residential District.

**Calendar No. 18-106:** 14124 Berwyn Avenue

Tim Carter, owner, proposes to construct a new 10' x 21' front porch/deck in an A1 One-Family Residential District

**Calendar No. 18-108:** 2303 West 40th Street

Near West Development LLC., owner, proposes to erect a 1,687 square foot single family house with an attached garage on 2,108 square foot lot in a B1 Two-Family Residential District.

The following appeal was **WITHDRAWN:**

**Calendar No. 17-361:** Fulton Denison LLC  
5804 Denison Avenue.

**Calendar No. 18-104:** St. Ignatius High School  
3100 Chatham Avenue.

The following appeals were **DISMISSED:**

None.

The following cases were **POSTPONED:**

**Calendar No. 18-103:** E & J Investments  
2630 Payne Avenue. Postponed to June 18, 2018.

**Calendar No. 18-109:** Kamis Properties  
1980 Columbus Road. Postponed to June 11, 2018.

The following cases were heard by the Board of Zoning Appeals on

Monday, May 21, 2018 and the decisions were adopted and approved on Tuesday, May 29, 2018:

The following appeals were **APPROVED:**

**Calendar No. 18-94:** 1829 West 57th Street

The Cuyahoga County Land Bank, owner, and Civic Builders propose construct a new 2 story, 2,414 single family house with a detached garage on a 4,588 square foot lot in a B1 Two Family Residential District.

**Calendar No. 18-95:** 1833 West 57th Street

The Cuyahoga County Land Bank, owner, and Civic Builders propose construct a new 2 story, 2,414 single family house with a detached garage on a 4,200 square foot lot in a B1 Two Family Residential District.

**Calendar No. 18-97:** 1117 East 105th Street

Cory United Methodist Church, owner, proposes to install a telecommunications antenna and equipment on a parcel located in a C2 Local Retail Business District.

**Calendar No. 18-99:** 2125 Superior Avenue

2125 Superior Holding LLC., owner, proposes to construct a new 58 unit apartment building in a C3 and C4 Semi-Industry District.

**Calendar No. 18-100:** 6706 Detroit Avenue

Gordon Square Commercial, owner, proposes to expand use of Old City Libations in a C2 Local Retail Business District and a Pedestrian Retail Overlay (PRO).

**Calendar No. 18-101:** 1400 East 105th Street

The City of Cleveland, owner, and Circle North Development LLC., prospective purchaser, propose to erect a four story, mixed use, sub-market 63 unit apartment building with 16,692 square feet of retail on the first floor and a 49 space parking lot in a G2 Local Retail Business District.

Secretary

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

NO MEETING

**PUBLIC NOTICE**

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

Notice is hereby given, in accordance with Ohio Revised Code Section 121.22(F) and Cleveland Codified Ordinances Section 167.01(a), that the City Records Commission of the City of Cleveland will hold a public meeting on Tuesday, June 5, 2018, at 9:30 a.m., in the City's Law

Department located at Room 106 of Cleveland City Hall, 601 Lakeside Avenue, Cleveland, Ohio, for the purpose of reviewing proposed records retention schedules and any other business with respect to records retention and disposal requests and questions.

May 23, 2018 and May 30, 2018

**PUBLIC NOTICE**

**NOTICE OF VIOLATION**

To the owner(s) of outdoor payphones located within the City of Cleveland including, but not limited to:

Robert Kraus  
One Touch Payphones, Ltd  
3056 Woodland Road  
Akron, Ohio 44312

Mark Higgins  
E Z Net Communications  
153 Taylor James Blvd.  
Wadsworth, OH 44281

Ronald Jacobs  
Northeast Ohio Telephones, Inc.  
3393 Ormond Road  
Cleveland Hts., OH 44118

Howard Meister  
North Coast ATM, Inc.  
5161 Lansdowne Drive  
Solon, OH 44139

Lauren Shields  
Robert Shields Enterprises, Inc.  
16002 W. 130th Street  
Strongsville, OH 44136

Davel Communications, Inc.  
200 Public Square, Ste. #700  
Cleveland, OH 44114

James Rapaccioli  
Sterling Payphones, LLC  
200 Public Square, Ste. #700  
Cleveland, OH 44114

SBC Ameritech Corporation  
1020 Bolivar Road, Room 125  
Cleveland, OH 44114

SBC Ameritech/Global Network  
11804 Conrey Road, Room 200  
Cincinnati, OH 45249

Americall, Inc.  
3843 St. Clair Avenue  
Cleveland, OH 44115

Phonetel  
3843 St. Clair Avenue  
Cleveland, OH 44114

EIG Communication  
8649 Bradford Road  
Brecksville, OH 44140

Bay Telecom

Midwest Telecom

Buckeye Pay Phone Services

Coin Communication  
16781 Chagrin Blvd., Unit #198  
Shaker Heights, OH 44120

Dominion Enterprises  
23366 Commerce Park Road  
Unit #101B  
Beachwood, OH 44122

National Registered Agents, Inc.  
1300 E. 9th Street  
Cleveland, OH 44114

Kaz's Connections  
876 Marcie Drive  
Cleveland, OH 44109

Coin Phone Management  
290 N. Main Street  
Mansfield, OH 44902

Thomas Buehner  
Buehner/Shields  
6779 Engle Road, Ste. #1  
Middleburg Hts., OH 44130

Novotrade, LLC  
6985 Wilson Mills Road  
Mayfield Village, OH 44040

Peoples Telephone  
2300 N.W. 89th Place  
Miami, FL 33172

RK & B Manufacturing  
218 Ashland Avenue  
Elyria, OH 44035

Speak Easy Telecommunication  
7601 First Place Drive, Unit #7-A  
Oakwood Village, OH 44146

With outdoor payphones and/or remaining ancillary equipment or components located within the public right-of-way, including but not limited to the following locations/addresses:

- 1142 Addison Road
- 5251 Broadway Avenue
- 8745 Broadway Avenue
- 2402 Brookpark Road
- 11312 Buckeye Road
- 11419 Buckeye Road
- 2828 Carnegie Avenue
- 2747 Cedar Avenue
- 7109 Central Avenue
- 1603 Chester Avenue
- 3024 Clark Avenue
- 3036 Clark Avenue
- 3074 Clark Avenue
- 3107 Clark Avenue
- 3211 Clark Avenue
- 4100 Clark Avenue
- 4507 Clark Avenue
- 2394 Community College Ave
- 7704 Detroit Avenue
- 3121 E. 46th Street
- 3210 E. 49th Street
- 1919 E. 55th Street
- 2290 E. 55th Street
- 2575 E. 55th Street
- E. 70th Street & St. Clair Avenue
- 3887 E. 71st Street
- E. 79th Street & Carnegie Ave
- 2269 E. 83rd Street
- 901 E. 105th Street
- 990 E. 105th Street
- 1014 E. 105th Street
- 1284 E. 105th Street
- 1440 E. 105th Street
- 1552 E. 105th Street
- 3510 E. 116th Street
- 3790 E. 131st Street
- 3868 E. 131st Street
- 4007 E. 131st Street
- 4030 E. 131st Street
- 4209 E. 131st Street (#1)
- 4209 E. 131st Street (#2)
- E. 152nd Street & Ivanhoe Road
- 389 E. 156th Street
- 450 E. 185th Street
- 910 E. 185th Street
- 1019 E. 185th Street
- 582 Eddy Road
- 10020 Elwell Road
- 16404 Euclid Avenue
- 18119 Euclid Avenue
- 18121 Euclid Avenue

- 6502 Franklin Blvd.
- 4280 Fulton Road
- 12914 Griffing Avenue
- 7020 Harvard Avenue
- 7001 Hough Avenue
- 8915 Hough Avenue
- 9203 Kinsman Road
- 9313 Kinsman Road
- 10801 Kinsman Road
- 11207 Kinsman Road
- 11511 Kinsman Road
- 12502 Kinsman Road
- 12912 Kinsman Road
- 14301 Kinsman Road
- 14510 Kinsman Road
- 15310 Kinsman Road
- 15550 Lakeshore Blvd.
- 15900 Lakeshore Blvd.
- 3855 Lee Road
- 4006 Lee Road
- 4501 Lee Road
- 6502 Lorain Avenue
- 7105 Lorain Avenue
- 8416 Lorain Avenue
- 9802 Lorain Avenue
- 10322 Lorain Avenue
- 7602 Madison Avenue
- 3155 M.L.K. Jr. Drive
- 4053 Marvin Avenue
- 6222 Memphis Avenue
- 9305 Miles Avenue
- 11919 Miles Avenue
- 12301 Miles Avenue
- 13002 Miles Avenue
- 15501 Miles Avenue
- 16505 Miles Avenue
- 18501 Neff Road
- 1077 Parkwood Avenue
- Parkwood & Superior Avenues
- 4175 Pearl Road
- 5170 Pearl Road
- 3201 Prospect Avenue (#1)
- 3201 Prospect Avenue (#2)
- 1 Public Square
- 6017 Quincy Avenue
- 4075 Rocky River Drive
- 4483 Rocky River Drive
- 4694 Rocky River Drive
- 6930 St. Clair Avenue
- 7300 St. Clair Avenue
- 7914 St. Clair Avenue
- 10110 St. Clair Avenue
- 10430 St. Clair Avenue
- 10933 St. Clair Avenue
- 12107 St. Clair Avenue
- 12200 St. Clair Avenue
- 12725 St. Clair Avenue
- 14959 St. Clair Avenue
- 15208 St. Clair Avenue
- 3264 Scranton Road
- 6209 Storer Avenue
- 6105 Superior Avenue
- 7005 Superior Avenue
- 7608 Superior Avenue
- 12100 Superior Avenue
- 9203 Union Avenue
- 3074 W. 14th Street
- 3154 W. 14th Street
- 2886 W. 25th Street
- 3022 W. 25th Street
- 3024 W. 25th Street
- 3084 W. 25th Street
- 3203 W. 25th Street
- 3265 W. 25th Street
- 3762 W. 25th Street
- W. 25th Street & Barber Road
- W. 25th Street & Walton Avenue
- W. 41st Street & Clark Avenue
- 3238 W. 44th Street
- 3380 W. 44th Street
- 3381 W. 44th Street
- 1798 W. 65th Street
- W. 76th Street & Lake Avenue
- 3584 W. 105th Street
- 3585 W. 117th Street
- 7897 Wade Park Avenue
- 2654 Woodhill Avenue
- 14623 Woodworth Avenue

All outdoor payphones and/or remaining ancillary equipment or

components, including but not limited to pole stands, booth housing and wiring located within the City of Cleveland are in violation of Section 670B.02 of the Codified Ordinances of the City of Cleveland ("CO"). The owner(s) of such outdoor payphones are hereby ordered to bring such outdoor payphones into compliance within five (5) business days of this mailing of this notice pursuant to CO §670B.06(b). If the owner(s) fail to comply with CO Chapter 670B, the Commissioner of Assessments and Licenses may order the removal of such outdoor payphones at the owner(s)'s expense pursuant to CO §670B.06(c).

In accordance with CO §670B.06 (d), you have the right to appeal this notice. A written notice of appeal must be received for each outdoor payphone location within fourteen (14) days of the date of receipt of this notice by the Board of Zoning Appeals, 601 Lakeside Avenue, Room 516, Cleveland, Ohio, 44114. Each notice of appeal must be accompanied by a fifty dollar (\$50.00) fee. Fees can be paid by cash, check, certified check, money order or credit card. For all questions and concerns regarding the appeal process, please contact the Board of Zoning Appeals at (216) 664-2580.

Enforcement of this Ordinance may be taken without further communication from this office. Enforcement actions may include prosecution and/or removal of each outdoor payphone which is not in compliance with CO Chapter 670B and other sanctions as provided in the Ordinance.

For all questions and concerns regarding this notice including compliance requirements, please contact the Division of Assessments and Licenses at (216) 664-2260.

May 30, 2018 and June 6, 2018

**NOTICE OF PUBLIC HEARING**

**Notice of Public Hearing  
By the Council Committee  
On Development, Planning  
and Sustainability**

**Mercedes Cotner  
Committee Room 217  
City Hall, Cleveland, Ohio  
On Monday, June 4, 2018  
9:00 a.m.**

Notice is hereby given to all interested property owners that the Council Committee on Development, Planning and Sustainability will hold a public hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on Monday, June 4, 2018, at 9:00 a.m., to consider the following ordinances now pending in the Council:

**Ord. No. 628-18.  
By Council Member Griffin.**

An ordinance changing the Use, Area and Height of parcels of land between East 110th Street and East 115th Street north of Martin Luther King, Jr. Drive and south of Woodland Avenue for the Legacy Pointe at St. Luke's Hospital housing development as shown on the attached map (Map Change No. 2582).



**Ord. No. 630-18.**

By Council Member McCormack.  
An ordinance changing the Use, Area, and Height Districts of parcels of land on West 44th Street between Whitman Avenue and John Court and adding zero foot and eight foot mapped setbacks. (Map Change No. 2583)

Anthony Brancatelli, Chair  
Committee on Development,  
Planning and Sustainability

May 23, 2018 and May 30, 2018

**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."**

**FRIDAY, JUNE 15, 2018**

**File No. 61-18 — Labor and Materials to Repair Heating, Ventilation and Airport Air Conditioning, for the Department of Port Control, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.**

**THERE WILL BE A NON-MANDATORY PRE-BID MEETING, WEDNESDAY, JUNE 6, 2018 AT 10:00 A.M. CLEVELAND HOPKINS INTERNATIONAL AIRPORT, 5301 WEST HANGAR ROAD, CLEVELAND, OHIO 44135. NOTE: BID MUST BE DELIVERED AT THE OFFICE OF THE COM-**

**MISSIONER OF PURCHASES AND SUPPLIES, CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, ROOM 128, CLEVELAND, OHIO 44114 BEFORE 12 O'CLOCK NOON (EASTERN TIME).**

May 23, 2018 and May 30, 2018

**WEDNESDAY, JUNE 20, 2018**

**File No. 60-18 — Rental of Various Heavy Duty Equipment Groups D-F, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 415-17, passed by the Council of the City of Cleveland, May 8, 2017.**

**THERE WILL BE A NON-MANDATORY PRE-BID MEETING, THURSDAY, JUNE 7, 2018 AT 10:00 A.M. DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108, WP RED CONFERENCE.**

**NOTE: BID MUST BE DELIVERED AT THE OFFICE OF THE COMMISSIONER OF PURCHASES AND SUPPLIES, CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, ROOM 128, CLEVELAND, OHIO 44114 BEFORE 12 O'CLOCK NOON (EASTERN TIME).**

May 23, 2018 and May 30, 2018

**WEDNESDAY, JUNE 13, 2018**

**File No. 62-18 — Citywide Scrap Metal Sales 2018-2022, for various Divisions, Department of Finance, as authorized by Section 181.18 of the Codified Ordinances of Cleveland, Ohio, 1976.**

**THERE WILL BE A NON-MANDATORY PRE-BID MEETING, THURSDAY, JUNE 7, 2018 AT 2:00 P.M. CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114, ROOM 18.**

**NOTE: BID MUST BE DELIVERED AT THE OFFICE OF THE COMMISSIONER OF PURCHASES AND SUPPLIES, CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, ROOM 128, CLEVELAND, OHIO 44114 BEFORE 12 O'CLOCK NOON (EASTERN TIME).**

May 30, 2018 and June 6, 2018

**ADOPTED RESOLUTIONS AND ORDINANCES**

**Res. No. 330-18.  
By Council Members Cleveland, Johnson and Brancatelli (by departmental request).**

**An emergency resolution declaring the intent to vacate a portion of East 53rd Street.**

Whereas, this Council is satisfied that there is good cause to vacate a portion of East 53rd Street, as described; and

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

Be it resolved by the Council of the City of Cleveland

**Section 1.** That this Council declares its intent to vacate a portion of the following described real property:

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being all that portion of East 53rd Street (50.00 feet wide) extending from the south right of way of Woodland Avenue (99.00 feet wide) southerly to that portion of East 53rd Street vacated by the Council of the City of Cleveland in ordinance number 897-68 passed May 27, 1968.

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

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

Adopted May 21, 2018.  
Effective May 23, 2018.

**Res. No. 627-18.  
By Council Members McCormack and Zone.**

**An emergency resolution supporting House Bill 160, the Ohio Fairness Act which prohibits discrimination based on sexual orientation or gender identity or expression.**

Whereas, although 84% of Ohioans believe it is illegal, firing someone because of their sexual orientation is actually legal in Ohio; and

Whereas, laws discriminating against the LGBT community can and do drive away tourism, business, and top talent needed to fill jobs; and

Whereas, North Carolina's anti-LGBT law cost it's economy \$100 million dollars due to the relocation of the 2017 All-Star Game from Charlotte to New Orleans; further, North Carolina lost more than 2000 new jobs due to canceled corporate investments; and

Whereas, businesses want to invest in states that foster diversity, inclusion and a robust workforce and therefore look to states with LGBT non-discrimination protections as a reason to invest; and

Whereas, there are 21 states where consumers and employees are protected from being denied jobs, housing and services based upon perceived sexual orientation or gender identity; and

Whereas, Ohio can avoid competitive risks and win investment, business, and talent by sending a clear and consistent signal that the LGBT community is fully welcome here; and

Whereas, House Bill 160, the Ohio Fairness Act, expands existing prohibitions against various unlawful discriminatory practices to apply to discriminatory practices based on sexual orientation or gender identity or expression; and

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



Be it resolved by the Council of the City of Cleveland

**Section 1.** That this Council hereby supports House Bill 160, the Ohio Fairness Act, which prohibits discrimination based on sexual orientation or gender identity or expression.

**Section 2.** That the Clerk of Council is directed to transmit copies of this resolution to all members of the Ohio legislature.

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

Adopted May 21, 2018.  
Effective May 23, 2018.

**Res. No. 759-18.**  
**By Council Member Santana.**  
**An emergency resolution objecting to a New C1 Liquor Permit at 3545 Ridge Road.**

Whereas, Council has been notified by the Division of Liquor Control of an application for a New C1 Liquor Permit at Dolgen Midwest, LLC, DBA Dollar General Store, #19257, 3545 Ridge Road, Cleveland, Ohio 44102, Permit Number 22348152760; and

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

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

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

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

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

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

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

Be it resolved by the Council of the City of Cleveland

**Section 1.** That Council does hereby record its objection to a New C1 Liquor Permit at Dolgen Midwest,

LLC, DBA Dollar General Store, #19257, 3545 Ridge Road, Cleveland, Ohio 44102, Permit Number 22348152760, and requests the Superintendent of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted May 21, 2018.  
Effective May 23, 2018.

**Ord. No. 206-18.**  
**By Council Members Griffin, Johnson and Brancatelli (by departmental request).**

**An emergency ordinance authorizing the Director of Capital Projects to issue a permit to Intesa Holdings, LLC to encroach into the public rights-of-way of Circle Drive and Mayfield Road by installing, using, and maintaining a monument sign, pull boxes and electrical duct banks for illumination of tree wells and trees.**

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

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

**Section 1.** That the Director of Capital Projects is authorized to issue a permit, revocable at the will of Council, to Intesa Holdings, LLC, 2191 Murray Hill Road, Cleveland, Ohio, 44106 ("Permittee"), to encroach into the public rights-of-way of Circle Drive and Mayfield Road by installing, using, and maintaining a monument sign, pull boxes and electrical duct banks for illumination of tree wells and trees at the following locations:

**Encroachment Permit Area 1**  
Situating in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Future Roadway Parcel B in Plat Lot Split & Consolidation of part of Original 100 Acre Lot No. 396 as shown by the recorded plat in Volume 386 of Maps, Page 00 of Cuyahoga County Records and bounded and described as follows:

Beginning at a point on the westerly line of Parcel B University Circle, Inc. PPN: 120-29-054 as recorded in Plat Vol. 385 Pg. 99, said point being South 42°46'06" West a distance of 69.43 feet from the northwesterly corner of said Parcel B University Circle, Inc.

Thence South 42°46'06" West a distance of 43.66 feet;

Thence along the arc of a curve deflecting to the left a length of

111.09 feet, a radius of 280.00 feet, a delta of 22°43'56", a chord direction of South 31°24'08" West with a chord length of 110.36 feet and a tangent of 56.29 feet;

Thence along the arc of a curve deflecting to the right a length of 54.73 feet, a radius of 315.50 feet, a delta of 09° 56' 20", a chord direction of North 22°01'15" East with a chord length of 54.66 feet and a tangent of 27.43 feet;

Thence North 00°38'18" East a distance of 17.20 feet;

Thence along the arc of a curve deflecting to the right a length of 73.67 feet, a radius of 323.50 feet, a delta of 13°02'52", a chord direction of North 36°14'39" East with a chord length of 73.51 feet and a tangent of 36.99 feet;

Thence North 42°46'06" East a distance of 14.96 feet;

Thence South 47°13'54" East a distance of 17.50 feet to the point of beginning.

**Encroachment Permit Area 2**  
Situating in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Future Roadway Parcel B in Plat Lot Split & Consolidation of part of Original 100 Acre Lot No. 396 as shown by the recorded plat in Volume 386 of Maps, Page 00 of Cuyahoga County Records also being part of The Mayfield Road Right of Way and bounded and described as follows:

Beginning at the southwesterly corner of Parcel B University Circle, Inc. PPN: 120-29-054 as recorded in Plat Vol. 385 Pg. 99 said corner being on said northerly right of way line of Mayfield Road R/W varies,

Thence North 88°52'09" East along the said right of way a distance of 315.33 feet;

Thence South 01°04'58" East along the said right of way a distance of 12.00 feet;

Thence North 88°52'09" East along the said right of way a distance of 29.18 feet;

Thence South 01°07'51" East a distance of 11.31 feet;

Thence South 88°54'06" West a distance of 27.73 feet;

Thence North 57°44'46" West a distance of 14.17 feet;

Thence South 88°52'09" West a distance of 242.27 feet;

Thence South 62°18'15" West a distance of 17.89 feet;

Thence South 88°52'09" West a distance of 28.69 feet;

Thence along the arc of a curve deflecting to the right a length of 39.03 feet, a radius of 24.50 feet, a delta of 91°16'52", a chord direction of North 45°29'25" West with a chord length of 35.03 feet and a tangent of 25.05 feet;

Thence North 00°09'01" East a distance of 33.04 feet;

Thence North 26°42'55" East a distance of 12.38 feet;

Thence South 01°07'51" East a distance of 45.53 feet to the point of beginning.

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

**Section 2.** That the Director of Law shall prepare the permit authorized by this ordinance and shall incorporate such additional provisions as the Director of Law determines necessary to protect and benefit the public interest. The permit

shall be issued only when, in the opinion of the Director of Law, the prospective Permittee has properly indemnified the City against any loss that may result from the encroachment(s) permitted.

**Section 3.** That Permittee may assign the permit only with the prior written consent of the Director of Capital Projects. That the encroaching structure(s) permitted by this ordinance shall conform to plans and specifications first approved by the Manager of the City's Division of Engineering and Construction. That Permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroachment(s).

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

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

Passed May 21, 2018.  
Effective May 23, 2018.

**Ord. No. 328-18.**  
**By Council Members Zone, Johnson and Brancatelli (by departmental request).**

**An emergency ordinance authorizing the Director of Capital Projects to issue a permit to Cleveland Metroparks to encroach into the public right-of-way of Whiskey Island Drive by installing, using and maintaining an asphalt all-purpose trail.**

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

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

**Section 1.** That the Director of Capital Projects is authorized to issue a permit, revocable at the will of Council, to Cleveland Metroparks, 1410 Fulton Parkway, Cleveland, OH 44144 ("Permittee"), to encroach into the public right-of-way of Whiskey Island Drive by installing, using and maintaining an asphalt all-purpose trail at the following location:

Whiskey Island Drive encroachment

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Brooklyn Township Lot No. 50, also being part of Whiskey Island Drive (25 feet wide), recorded in Plat Volume 240, Page 92, and further described as follows:

Beginning at a 5/8" iron pin found at the most northerly corner of said Whiskey Island Drive, also being the easterly corner of land described in deed to the Cleveland Regional Sewer District (now known as the Northeast Ohio Regional Sewer District, "NEORS"), recorded in Volume 13172, Page 483, also being the most westerly corner of Easement Parcel No. 4 described in deed to the

Board of Park Commissioners of the Cleveland Metropolitan Park District, recorded in AFN 201703200362;

1. Thence South 32° 29' 44" East, 25.03 feet along the northeasterly line of said Whiskey Island Drive and the southwesterly line of said Easement Parcel No. 4;

2. Thence southwesterly along the southeasterly line of said Whiskey Island Drive, 79.27 feet along the arc of a curve to the right, said arc having a radius of 5649.65 feet, central angle of 0° 48' 14", chord bearing South 55° 26' 24" West, 79.27 feet;

3. Thence North 34° 09' 29" West, 25.01 feet to the northwesterly line of said Whiskey Island Drive and the southeasterly line of said NEORS land;

4. Thence northeasterly along the northwesterly line of said Whiskey Island Drive and the southeasterly line of said NEORS land, 80.00 feet along the arc of a curve to the left, said arc having a radius of 5624.65 feet, central angle of 0° 48' 54", chord bearing North 55° 26' 04" East, 80.00 feet to the Point of Beginning and containing 1,992 square feet (0.0457 acres).

This description was prepared from record information and from a field survey completed in July 2014 by Jarrod R. Schnell, PS#8623, for Cleveland Metroparks.

The bearings are based on State Plane Coordinate Grid, Ohio North 1983 (2011), derived from OPS observations. References to recorded documents are those of the Cuyahoga County Recorder's Office.

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

**Section 2.** That the Director of Law shall prepare the permit authorized by this ordinance and shall incorporate such additional provisions as the Director of Law determines necessary to protect and benefit the public interest. The permit shall be issued only when, in the opinion of the Director of Law, the prospective Permittee has properly indemnified the City against any loss that may result from the encroachment(s) permitted.

**Section 3.** That Permittee may assign the permit only with the prior written consent of the Director of Capital Projects. That the encroaching structure(s) permitted by this ordinance shall conform to plans and specifications first approved by the Manager of the City's Division of Engineering and Construction. That Permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroachment(s).

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

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

Passed May 21, 2018.  
Effective May 23, 2018.

**Ord. No. 329-18.**  
**By Council Members McCormack, Johnson and Brancatelli (by departmental request).**

**An emergency ordinance authorizing the Director of Capital Projects to issue a permit to Cleveland Metroparks to encroach into the public rights-of-way of Detroit Avenue, Riverbed Street and Main Avenue by installing, using, and maintaining an asphalt all-purpose trail.**

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

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

**Section 1.** That the Director of Capital Projects is authorized to issue a permit, revocable at the will of Council, to Cleveland Metroparks, 1410 Fulton Parkway, Cleveland, OH 44144 ("Permittee"), to encroach into the public rights-of-way of Detroit Avenue, Riverbed Street and Main Avenue by installing, using, and maintaining an asphalt all-purpose trail at the following locations:

**Detroit Avenue & Riverbed Street encroachment 14,901 square feet**

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and known as being parts of Detroit Avenue (width varies) and Riverbed Street (60 feet wide):

Beginning at the intersection of the centerline of said Riverbed Street with the southwesterly prolongation of the southeasterly line of said Detroit Avenue;

Course 1:  
Thence S 13° 27' 04" W, 29.14 feet along the centerline of said Riverbed Street;

Course 2:  
Thence S 51° 53' 20" W, 63.37 feet to the southeasterly line of said Detroit Avenue;

Course 3:  
Thence S 34° 38' 45" W, 60.33 feet along the southeasterly line of said Detroit Avenue to a point of intersection with the southeasterly prolongation of proposed back of curb;

Course 4:  
Thence N 55° 26' 48" W, 18.27 feet along said southeasterly prolongation of proposed back of curb and along said proposed back of curb, to a point of curvature;

Course 5:  
Thence northwesterly along the arc of a curve deflecting to the right and along said proposed back of curb, 7.07 feet, said curve having a radius of 4.50 feet, a central angle of 90° 00' 00", and a chord bearing of N 10° 26' 48" W, 6.36 feet;

Course 6:  
Thence N 34° 33' 12" E, 368.99 feet along said proposed back of curb, to a point of curvature;

Course 7:  
Thence northeasterly along the arc of a curve deflecting to the left and along said proposed back of curb, 84.14 feet, said arc having a radius of 487.96 feet, a central angle of 9° 52' 45", and a chord bearing of N 29° 36' 50" E, 84.03 feet;

Course 8:

Thence N 24° 40' 27" E, 61.34 feet along said proposed back of curb;

Course 9 :

Thence S 65° 19' 33" E, 31.58 feet to a point of intersection with the northeasterly prolongation of the southeasterly line of said Detroit Avenue;

Course 10:

Thence S 30° 14' 11" W, 240.80 feet along the northeasterly prolongation of the southeasterly line of said Detroit Avenue and along the southeasterly line of said Detroit Avenue;

Course 11:

Thence S 34° 38' 46" W, 134.94 feet along the southeasterly line of said Detroit Avenue and along the southwesterly prolongation of the southeasterly line of said Detroit Avenue to the point of beginning and containing 14,901 square feet. This legal description was written from record information including Lot Spilt Plat's recorded in Volume 323, Page 65 and Volume 326, Page 5, Cuyahoga County Map Records, for Cleveland Metroparks by Gary J. Tata, P.S. #7723. Bearings are based on an assumed meridian and are used to describe angles only.

**Main Avenue encroachment  
20,185 square feet**

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and known as being part of Main Avenue (80 feet wide):

Beginning at the intersection of the southwesterly line of Center Street (66 feet wide) with the northwesterly line of said Main Avenue;

Course 1:

Thence S 71° 41' 35" E, 22.00 feet along the southeasterly prolongation of the southwesterly line of said Center Street to the back of curb;

Course 2:

Thence S 18° 22' 29" W, 910.02 feet along the back of curb;

Course 3:

Thence S 74° 10' 47" W, 26.60 feet to the intersection of the northeasterly line of West 25th Street (60 feet wide) with the northwesterly line of said Main Avenue;

Course 4:

Thence N 18° 22' 29" E, 924.95 feet along the northwesterly line of said Main Avenue to the point of beginning and containing 20,185 square feet. This legal description was written for Cleveland Metroparks by Gary J. Tata, P.S. #7723. Bearings are based on an assumed meridian and are used to describe angles only.

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

**Section 2.** That the Director of Law shall prepare the permit authorized by this ordinance and shall incorporate such additional provisions as the Director of Law determines necessary to protect and benefit the public interest. The permit shall be issued only when, in the opinion of the Director of Law, the prospective Permittee has properly

indemnified the City against any loss that may result from the encroachment(s) permitted.

**Section 3.** That Permittee may assign the permit only with the prior written consent of the Director of Capital Projects. That the encroaching structure(s) permitted by this ordinance shall conform to plans and specifications first approved by the Manager of the City's Division of Engineering and Construction. That Permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroachment(s).

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

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

Passed May 21, 2018.  
Effective May 23, 2018.

**Ord. No. 564-18.  
By Council Member Kelley (by departmental request).**

**An emergency ordinance authorizing the Director of Finance, on behalf of the Cleveland Municipal Court, to enter into one or more contracts with Oriana House for professional services necessary to provide appropriate placement for defendants to be assigned into supervised pretrial release without the sanction of incarceration and to provide related services, for the Cleveland Municipal Court, for a period up to one year, with a one-year option to renew, exercisable by the Director of Finance.**

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

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

**Section 1.** That the Director of Finance, on behalf of the Cleveland Municipal Court, is authorized to enter into one or more contracts with Oriana House for professional services necessary to provide appropriate placement for defendants to be assigned into supervised pretrial release without the sanction of incarceration and to provide related services, for the Cleveland Municipal Court, for a period up to one year, with a one-year option to renew, exercisable by the Director of Finance.

**Section 2.** The cost of the contract for the initial term shall not exceed \$250,276 and shall be paid from Fund No. 01-0115-6320, RQS 0115, RL 2018-36.

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

from and after the earliest period allowed by law.

Passed May 21, 2018.  
Effective May 23, 2018.

**Ord. No. 565-18.  
By Council Member Kelley (by departmental request).**

**An emergency ordinance authorizing the Director of Finance to enter into one or more contracts necessary to provide video surveillance throughout the City of Cleveland; including but not limited to, providing the equipment, professional services, installation, project management, support, maintenance and linking into the City's existing network and/or provide other related services for remote viewing and recording; and authorizing one or more requirement and/or standard contracts for materials, equipment, supplies and 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 Finance is authorized to enter into one or more professional services contracts necessary to provide video surveillance throughout the City of Cleveland, including but not limited to, project management, business analysis, software implementation and configuration, software licenses, end user and technical staff training and registration, relocation, system design, data conversion, installation, testing, technical administration, tuning, upgrades, technical support, network administration, programming, integration, data exchange, system migration, interfacing, repair, upgrades and enhancements, maintenance and linking into the City's existing network, and other related services including services necessary for remote viewing and recording.

**Section 2.** That the Director of Finance is authorized to enter into one or more professional services contracts to provide services necessary to install, update and improve the video surveillance network infrastructure, Wireless Point to Point Infrastructure, Fiber Optic Installation, Video Management System, Video Surveillance Cameras and related applications. This authorization includes purchase, lease, or license of: computer and network hardware, replacement parts with labor if necessary, software, software licenses, software upgrades, appurtenances, supplies, related furniture, building maintenance necessary for installation, and training materials, and insurance.

**Section 3.** The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Finance from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Finance 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, and approved and certified by the Director of Finance.



**Section 4.** That, unless obtained under a professional services contract authorized in this ordinance, the Director of Finance is authorized to make one or more written standard purchase and/or 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 purchase or lease of the following: related materials, equipment, supplies, and services, including but not limited to, hardware, software, upgrades, computer supplies, replacement parts, furniture, and insurance, necessary to implement this ordinance, to be purchased or procured by the Commissioner of Purchases and Supplies on a unit basis, for the Department of Finance.

**Section 5.** That under Section 108(b) of the Charter, the purchases or procurements authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Finance may sign all documents that are necessary to make the purchases or procurements, and may enter into one or more contracts with the vendors selected through that cooperative process.

**Section 6.** That the costs of the requirement contract or contracts shall be paid from the fund or fund to which are credited the proceeds of the sale of general obligation bonds authorized by Ordinance No. 508-18 if authorized by this Council and sold by the City and shall also be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase or procurements under the contract, each of which purchases or procurements shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance.

**Section 7.** That the Director of Finance is authorized to enter into third-party software license agreements necessary to effect the purposes of this ordinance.

**Section 8.** That the cost of the contract or contracts authorized shall be paid from the fund or fund to which are credited the proceeds of the sale of general obligation bonds authorized by Ordinance No. 508-18 if authorized by this Council and sold by the City, and other funds approved by the Director of Finance. (RQS 1511, RLA 2018-2)

**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.

Passed May 21, 2018.  
Effective May 23, 2018.

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**Ord. No. 567-18.**  
**By Council Members Griffin and Kelley (by departmental request).**  
**An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from**

**the Alcohol Drug Addiction and Mental Health Services Board of Cuyahoga County for the Mental Health and Substance Abuse Prevention Program.**

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

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

**Section 1.** That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$90,000, and any other funds that may become available during the grant term from the Alcohol Drug Addiction and Mental Health Services Board of Cuyahoga County to conduct the Mental Health and Substance Abuse Prevention Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the executive summary for the grant contained in the file described below.

**Section 2.** That the executive summary for the grant, File No. 567-18-A, made a part of this ordinance as if fully rewritten, including the obligation to devote program income from first and third party billings, is approved in all respects and shall not be changed without additional legislative authority.

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

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

**Section 5.** That the Director of Public Health is authorized to charge and accept fees from participants of this program, and to deposit those fees into a revolving fund which will be used to provide additional materials, equipment, supplies, and services under the program described in the file, and the funds are appropriated for that purpose.

**Section 6.** That the costs of the contract or contracts authorized by this ordinance shall be paid from the fund or funds to which are credited the grant proceeds and the fund or funds to which are credited the first and third party billings, or any fees accepted under this ordinance.

**Section 7.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed May 21, 2018.  
Effective May 23, 2018.

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**Ord. No. 570-18.**  
**By Council Members Keane and Kelley (by departmental request).**  
**An emergency ordinance determining the method of making the**

**public improvement of replacing streetlights with LED fixtures and other related services, including but not limited to, training and software if necessary; authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement; to enter into various written standard purchase and requirement contracts for the purchase of LED fixtures, adaptive control photocells, backhaul systems and software and other related materials, equipment, supplies, and services needed for the improvement; receiving credit for the scrap streetlights; and to enter into one or more contracts for professional services necessary for the removal of legacy lighting and for the installation of LED streetlights and adaptive control photocell units, and obtain aerial photos.**

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

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

**Section 1.** That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of replacing legacy lighting (streetlights) with LED fixtures and other related services, including but not limited to, training and software if necessary (the "Improvement"), for the Division of Cleveland Public Power, Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for 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 for 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 for 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 and operation of the Improvement authorized by this ordinance.

**Section 4.** That, unless provided by the public improvement contract authorized in Section 1 of this ordinance, the Director of Public Utilities 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/fixtures, equipment, supplies, training, and services including, without limitation, adaptive control photocells, associated backhaul systems and software necessary for the Improvement, and 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 Public Power, Department of Public Utilities. 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 Director of Public Utilities is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary for the removal of legacy lighting, such as HPS, metal halide and mercury units, for the installation of LED streetlights or fixtures and adaptive control photocell units; and to obtain aerial photos.

The selection of the consultants 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 6.** That the costs of the requirement contract or contracts shall be paid from the fund or fund to which are credited the proceeds of the sale of general obligation bonds authorized by Ordinance No. 508-18 if authorized by this Council and sold by the City and shall also be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance.

**Section 7.** 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 8.** That under Section 181.15 of the Codified Ordinances of Cleveland, Ohio, 1976, the contract or contracts may include a trade-in allowance for the scrap streetlights.

**Section 9.** That the cost of the contracts and other expenditures authorized shall be paid from paid from the fund or fund to which are credited the proceeds of the sale of general obligation bonds authorized by Ordinance No. 508-18 if authorized by this Council and sold by the City, and other funds approved by the Director of Finance.

**Section 10.** That this ordinance is declared to be an emergency measure and, provided it receives the

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

Passed May 21, 2018.  
Effective May 23, 2018.

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**Ord. No. 626-18.**  
**By Council Member Kazy.**  
**An emergency ordinance to designate Field #2 at Terminal Park as Taylor/Pifer Field.**

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 Field #2 at Terminal Park is hereby designated as Taylor/Pifer Field and that the Director of Public Works is authorized and directed to take the necessary action to affect said designation and to post the proper signs at the field.

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

Passed May 21, 2018.  
Effective May 23, 2018.

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**Ord. No. 658-18.**  
**By Council Members Brancatelli and Kelley (by departmental request).**

**An emergency ordinance to amend the title, and Sections 2 and 4 of Ordinance No. 565-17, passed June 5, 2017; and to supplement the ordinance by adding new Sections 2a, 2b and 2c relating to adding construction gap funding to encourage the construction and rehabilitation of single-family homes.**

Whereas, in compliance with Ohio law, the Housing Advisory Board of the City of Cleveland, received a description of the program over a period in excess of fifteen (15) days; 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 title and Sections 2 and 4 of Ordinance No. 565-17, passed June 5, 2017, are amended to read as follows:

An emergency ordinance authorizing the Director of Community Development to conduct a program to make loans or grants for down payment assistance, and appraisal gap funding, and construction gap funding needed for the sale following rehabilitation or new construction of single-family homes; and authorizing the director to enter into one or more contracts with

developers to implement the program; and authorizing the director to enter into one or more contracts with qualified organizations or entities to administer the programs.

**Section 2.** That the Director of Community Development is authorized to provide such loans or grants in an amount up to \$40,000 per buyer.

**Section 4.** That the cost of each loan or grant shall not exceed \$40,000, and that the cost of the contracts with the qualified organizations or entities shall be paid from Fund No. 01-8006-6926, Request No. RQS 8006, RL 2017-47.

**Section 2.** That the existing title, and Sections 2 and 4 of Ordinance No. 565-17, passed June 5, 2017, are repealed.

**Section 3.** That Ordinance No. 565-17, passed June 5, 2017, is supplemented by adding new Sections 2a, 2b, and 2c to read as follows:

**Section 2a.** That the Director of Community Development is authorized to conduct a program to make loans or grants to developers for construction gap funding needed for the sale following rehabilitation or new construction by a developer.

**Section 2b.** That the Director of Community Development is authorized to provide such loans or grant in an amount up to \$40,000 per developer.

**Section 2c.** That the Director of Community Development is authorized to enter into one or more contracts with qualified organizations or entities to administer the programs.

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

Passed May 21, 2018.  
Effective May 23, 2018.

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**Ord. No. 664-18.**  
**By Council Member Kelley (by departmental request).**

**An emergency ordinance authorizing the issuance and sale of water revenue obligations to refund outstanding water revenue obligations; authorizing agreements related to the obligations; and authorizing and approving related matters.**

Whereas, the City of Cleveland, Ohio, a municipal corporation and political subdivision of the State of Ohio, is authorized under Article XVIII of the Ohio Constitution and the Charter of the City, among other things: (a) to own and operate the public utility referred to as the Waterworks System; (b) to make, from time to time, improvements to the Waterworks System; and (c) to borrow money for the purpose of paying costs of those improvements and refunding outstanding obligations issued for that purpose; and

Whereas, pursuant to that authority the City has issued Bonds, from time to time, under the terms of the Amended and Restated Trust Indenture, effective as of October 5, 2001, as supplemented and amended from time to time, between the City and

U.S. Bank National Association, as trustee (the "Indenture"), and the Bonds are secured thereunder by a pledge of and lien on the Net Revenues of the Waterworks System and the Pledged Funds, each as defined in the Indenture; and

Whereas, this Council has determined to authorize the issuance from time to time by the City of Refunding Bonds under the Indenture for the purpose of refunding Outstanding Revenue Bonds, as defined and provided in this Ordinance, to obtain debt service savings, to stabilize interest rates or minimize risks of increased interest expense on Outstanding Revenue Bonds that bear interest at variable rates, or to eliminate or modify covenants that are unduly restrictive, or otherwise to obtain a more favorable debt service structure; and

Whereas, this Ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department and providing for the immediate preservation of public peace, property, health or safety, in that authorizing the issuance and sale of obligations to refund the Outstanding Bonds and authorizing related agreements is necessary to enable the City to respond to market conditions on a timely basis for the benefit of the Waterworks System; now, therefore, Be it ordained by the Council of the City of Cleveland:

#### **Section 1. Definitions.**

In addition to the words and terms defined in the Indenture, the following words and terms shall have the following meanings, unless the context or use clearly indicates another or different meaning or intent:

"Bonds" or "Water Revenue Bonds" means all Bonds or Subordinate Bonds issued and outstanding under the Indenture.

"Bond Purchase Agreement" means, as to each Series of Refunding Bonds, the purchase agreement between the City and the Original Purchasers authorized by Section 4 with respect to that Series.

"Certificate of Award" means, as to each Series of Refunding Bonds, the certificate determining the final terms of the Refunding Bonds of that Series, consistent with the requirements of this Ordinance, including, without limitation, Section 4.

"Continuing Disclosure Agreement" means, as to each Series of Refunding Bonds, any continuing disclosure agreement authorized by Section 14.

"Credit Support Instrument" means an insurance policy, surety, letter of credit, standby bond purchase agreement or other credit enhancement, support or liquidity facility used to enhance or provide for the security or liquidity of Refunding Bonds, or any Hedge Agreements.

"Escrow Agreement" means one or more agreements between the City and the Trustee, in its capacity as Escrow Agent, authorized by Section 7 or Section 17.

"Escrow Fund" means the fund, including the account or accounts therein, required to be maintained with the Trustee, in its capacity as Escrow Agent pursuant to an Escrow Agreement.

"Financial Advisor" means any financial advisory firm or firms

retained by the Director of Finance of the City, from time to time, pursuant to Section 18.

"Hedge Agreement" means any agreement defined as such in Section 11.

"Indenture" means, as applicable, (i) the Senior Indenture or (ii) the Subordinate Indenture.

"Original Indenture" means the Amended and Restated Trust Indenture, effective October 5, 2001, between the City and U.S. Bank National Association, as successor trustee, delivered under authority of Ordinance No. 2011-95 passed by the Council of the City on April 1, 1996 and with the consent of the owners of 66-2/3% of the applicable Outstanding Revenue Bonds under the Indenture of Mortgage dated as of November 1, 1977.

"Original Purchasers" means, with respect to each Series of Refunding Bonds, the financial institutions identified in the applicable Certificate of Award.

"Outstanding Revenue Bonds" means Water Revenue Bonds of the City issued and outstanding, from time to time, under the Indenture. On the date of introduction of this Ordinance the following Bonds are Outstanding: Series G (currently outstanding in the amount of \$35,550,000), Series T (currently outstanding in the amount of \$37,065,000), Series U (currently outstanding in the amount of \$54,935,000), Series V (currently outstanding in the amount of \$26,495,000), Series W (currently outstanding in the amount of \$1,380,000), Series X (currently outstanding in the amount of \$27,575,000), Series Y (currently outstanding in the amount of \$116,205,000), Series Z (currently outstanding in the amount of \$995,000), Series AA (currently outstanding in the amount of \$90,800,000), Series BB (currently outstanding in the amount of \$15,715,000), Series CC (currently outstanding in the amount of \$54,730,000), Second Lien Series A (currently outstanding in the amount of \$24,755,000) and Second Lien Series B (currently outstanding in the amount of \$42,495,000).

"Refunded Bonds" means, as to each Series of Refunding Bonds, the Outstanding Revenue Bonds designated in the Certificate of Award as the Water Revenue Bonds to be refunded with proceeds of that Series of Refunding Bonds.

"Refunding Bonds" means the obligations authorized by this Ordinance to be issued in one or more Series as additional Water Revenue Bonds under the Indenture for the purpose of refunding one or more Series of Outstanding Revenue Bonds, or designated maturities thereof, or one or more Series of Refunding Bonds.

"Senior Indenture" means the Original Indenture as previously supplemented and amended and as it may be further supplemented and amended by Supplemental Indentures consistently with the Original Indenture as previously amended and supplemented.

"Subordinate Indenture" means the Subordinate Bonds Trust Indenture, dated as of October 1, 2012, between the City and U.S. Bank National Association, as trustee, delivered under authority of Ordinance No.

919-12 passed by the Council of the City on August 8, 2012 as it may be supplemented and amended by Supplemental Indentures consistently with its terms.

"Supplemental Indenture" means, as to each Series of Refunding Bonds, the Supplemental Indenture or Supplemental Subordinate Indenture, as applicable, between the City and the Trustee securing that Series of Refunding Bonds as authorized under Section 7.

"Taxable Obligations" means any Refunding Bonds the interest on which is intended to be included in gross income for federal income tax purposes.

"Tax-Exempt Obligations" means any Refunding Bonds the interest on which is intended to be excluded from gross income for federal income tax purposes.

"Tender Offer" means an offer by the City to holders of Outstanding Revenue Bonds for the purchase of the Outstanding Bonds in lieu of redemption.

Any reference herein to a fund or funds or to any debt service reserve requirements created or established pursuant to the Senior Indenture shall include, as applicable, any counterpart fund, funds or debt service reserve requirements created or established pursuant to the Subordinate Indenture.

#### **Section 2. Authorization of the Refunding Bonds.**

This Council authorizes the City to issue the Refunding Bonds from time to time in one or more Series for the purpose of refunding one or more Series of Outstanding Revenue Bonds, or designated portions thereof, to obtain aggregate net present value debt service savings of at least three percent (3%), to eliminate or modify covenants that are unduly restrictive, or otherwise to obtain a more favorable debt service structure or more favorable terms under Credit Support Instruments. With respect to Outstanding Revenue Bonds that are short-term or variable-rate obligations, this Council authorizes the City to issue Refunding Bonds to refund such Outstanding Revenue Bonds, or designated portions thereof, on the further basis that the Director of Finance has determined, based on the written advice of a Financial Advisor, that such Outstanding Revenue Bonds are subjecting the City to undesirably high rates of interest or undesirable fluctuations in rates of interest or risks or expenses associated with Credit Support Instruments that can economically be avoided or mitigated through refunding. The principal amount of each Series of Refunding Bonds is to be the amount set forth in the Certificate of Award authorized in Section 4 and determined by the Director of Finance, based on the written advice of a Financial Advisor, to be necessary (i) to refund the Refunded Bonds to be refunded by that Series, (ii) to fund any deposit to the Debt Service Reserve Fund required under the Indenture or any special reserve fund for that Series separate from the Debt Service Reserve Fund, (iv) to pay costs of any Credit Support Instruments, (v) to pay any amounts owed under Hedge Agreements, and (vi) to pay costs of issuing the Refunding Bonds and refunding the Refunded

Bonds. The proceeds from the sale of each Series of Refunding Bonds shall be allocated, deposited and applied as provided in Section 5.

The Refunding Bonds may be issued in one or more separate Series, each bearing a distinctive designation, provided that the Refunding Bonds of each Series satisfy the requirements of this Ordinance. Separate Series of Refunding Bonds may be issued at the same or different times. The Refunding Bonds of each Series shall be designated as provided in the applicable Certificate of Award and shall include in the designation reference to the calendar year in which the applicable Series is issued. A separate Certificate of Award and a separate Supplemental Indenture shall be delivered for each Series.

**Section 3. Variable Rate Refunding Bonds.**

In the event that a Series of Refunding Bonds bear interest at variable interest rates, then the Director of Finance is authorized to determine the method and procedure by which the variable rate of interest to be borne by the Refunding Bonds of that Series shall be determined, whether by reference to a market index, by a remarketing agent or otherwise; provided that no variable rate Refunding Bonds may bear interest at a rate in excess of twenty-five percent (25%) per year (including any Refunding Bonds held by a provider of a Credit Support Instrument). The Director of Finance may determine that the terms of a variable rate Series of Refunding Bonds may or may not permit the holders to tender their variable rate Refunding Bonds for purchase by the City. The Director of Finance shall also designate in the Certificate of Award for those variable rate Refunding Bonds (and may designate others, from time to time, in substitution therefor) the tender agent or agents and the remarketing agent or agents, which designations shall be based on the determination of the Director of Finance, based on the written advice of a Financial Advisor, that the parties so designated possess the requisite resources and experience to provide the services required of them and that the terms on which the designated parties have agreed to provide such services are fair and commercially reasonable. The Director of Finance is authorized to enter into agreements in connection with the delivery of each Series of variable rate Refunding Bonds, and from time to time thereafter so long as the variable rate Refunding Bonds of that Series are outstanding, with providers of Credit Support Instruments, tender agents (which may be the Trustee), remarketing agents (which may be any of the Original Purchasers), purchasers of tendered Refunding Bonds, 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 (i) the method of determining the variable interest rates, (ii) the rights and procedures for tender, (iii) liquidity or credit support, (iv) repayment by the City of any amounts drawn under the Credit Support Instrument, (v) the direct purchase of tendered Refunding Bonds, and (vi) other arrange-

ments in the best interests of the City. The Director of Finance is further authorized to terminate any such agreements if the Director of Finance determines, based on the written advice of a Financial Advisor, that the City's best interests will be served by such termination. The Director of Finance is further authorized to enter into agreements, from time to time so long as the variable rate Refunding Bonds are outstanding, supplementing or amending the applicable Supplemental Indenture for a series of Refunding Bonds as provided in Section 9. The Director of Finance is authorized to pay any fees associated with agreements entered into or terminated pursuant to this Section from proceeds of Refunding Bonds, to the extent permitted by the Indenture, and from the Net Revenues of the Utility.

**Section 4. Award and Sale of Refunding Bonds.**

The Director of Finance shall sign and deliver a Certificate of Award for the Refunding Bonds. In the event the Refunding Bonds are issued in more than one series sold at different times, a separate Certificate of Award shall be signed and delivered for each separately delivered series. The sale of the Refunding Bonds shall be awarded to the Original Purchaser selected by the Director of Finance and identified in the Certificate of Award. In the case of Refunding Bonds to be underwritten in a public offering, the Director of Finance shall select the Original Purchaser based on her evaluation, in consultation with a Financial Advisor, of the qualifications and relevant experience of firms that have proposed to underwrite the Refunding Bonds. Alternatively, the Director of Finance may determine, in consultation with a Financial Advisor, that more advantageous terms for the Refunding Bonds may be obtained by the private placement of the Refunding Bonds with an investor or investors (including financial institutions) purchasing for their own account and not for resale, in which case the Director of Finance may designate such investor or investors as the Original Purchaser. In addition, each Certificate of Award shall determine the following, based on the written advice of a Financial Advisor, consistent with this Ordinance and the Indenture:

- (a) the aggregate principal amount of Refunding Bonds issued;
- (b) the purchase price to be paid to the City by the Original Purchasers, which amount shall be not less than: (i) 97% of the amount determined by adding to the aggregate principal amount of the Refunding Bonds any aggregate original issue premium and subtracting from the amount any aggregate original issue discount, plus (ii) any accrued interest on the Refunding Bonds from their date to the date of their delivery to the Original Purchasers;
- (c) whether any Refunding Bonds are to be subject to redemption prior to maturity, and, if so, the redemption date for those Refunding Bonds subject to prior redemption and the redemption price, which may be determined as a percentage of the principal amount redeemed or by a

formula intended to make the bondholder whole for the loss of the investment resulting from the early redemption or by other methodology;

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

(e) the interest rates to be borne by Refunding Bonds bearing interest at a fixed rate, the weighted average of which shall not exceed eight percent (8%) as to Refunding Bonds of any Series that are Tax-Exempt Obligations or ten percent (10%) as to Refunding Bonds of any Series that are Taxable Obligations, or the method by which the interest rate is to be determined for Refunding Bonds bearing interest at variable rates, consistent with Section 3;

(f) the particular Outstanding Revenue Bonds or portions thereof to be Refunded Bonds, and the date or dates on which the Refunded Bonds shall be called for redemption or otherwise retired;

(g) the title and Series designation for the Refunding Bonds;

(h) the amount, if any, and source of any money to be deposited in the Debt Service Reserve Fund in order to cause the balance therein to equal the Debt Service Reserve Requirement, if and to the extent required by the applicable Supplemental Indenture, and any determination as to whether there shall be a special reserve fund for the Refunding Bonds of any Series, separate from the Debt Service Reserve Fund, and any determination as to whether a Credit Support Instrument shall be provided in lieu of cash in the Debt Service Reserve Fund or such special reserve fund;

(i) the Paying Agent; and

(j) whether any Refunding Bonds are to be secured by or payable from any Credit Support Instruments.

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

The Director of Finance may enter into a Bond Purchase Agreement with the Original Purchasers of each Series of Refunding Bonds setting forth the conditions for delivery of the Refunding Bonds that are consistent with this Ordinance, the Certificate of Award, and the Indenture and that are determined by the Director of Finance, based on the written advice of a Financial Advisor, to be customary for water revenue bonds issued by governmental entities, including, without limitation, representations as to the accuracy and completeness of information contained in the Official Statement of the City described in Section 14.

**Section 5. Application of Proceeds of Refunding Bonds.**

The proceeds of the sale of each Series of Refunding Bonds shall be deposited as provided in the applicable Supplemental Indenture, including:



(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 to the credit of the Interest Account in the Debt Service Fund, the amount, if any, received by the City upon delivery of the Refunding Bonds as accrued interest on any Refunding Bonds from their dated date to the date of the delivery of and payment for those Refunding Bonds;

(c) to the Trustee, for deposit to the credit of the Debt Service Reserve Fund or any special reserve fund, any amount identified in the Certificate of Award as required to be deposited in the Debt Service Reserve Fund or such special reserve fund from the proceeds of the Refunding Bonds;

(d) to the Trustee, for payment to the holders of the Refunded Bonds or for deposit to the credit of any Escrow Fund established pursuant to any Escrow Agreement or to the Debt Service Fund, proceeds to be applied to refund the Refunded Bonds;

(e) to the counterparty under any Hedge Agreement, any payment determined by the Director of Finance to be paid from the proceeds of the Refunding Bonds, including any termination payment in the event that the Director of Finance determines it is in the best interests of the City to terminate a Hedge Agreement relating to Outstanding Revenue Bonds; and

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

Provision shall be made in the Supplemental Indentures for the application of any amounts held in the funds and accounts established under the Indenture and no longer required for the security of Outstanding Revenue Bonds as a result of the Refunded Bonds' no longer being Outstanding, or any amounts that otherwise are in excess of the required balances. Provisions may be made in the Supplemental Indentures for the creation of separate accounts within the funds established under the Indenture or Supplemental Indentures.

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

**Section 6. Terms and Provisions Applicable to the Refunding Bonds.**

(a) Form; Exchange and Transfer. All Refunding Bonds shall be issued in fully registered form and may be delivered in book entry form. If delivered in book-entry form, Refunding Bonds 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 Supplemental Indenture.

(b) Dates; Denominations. The Refunding Bonds of each Series

shall be dated as of the date or dates provided in the Certificate of Award and shall be issued in the denominations permitted in the applicable Supplemental Indenture.

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

(d) Maturities. The Refunding Bonds of each Series shall mature on the dates and in the respective principal amounts provided in the Certificate of Award, consistent with this Ordinance and the Indenture.

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

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

(g) Execution. The Refunding Bonds of each Series shall be signed by the persons and in the manner set forth in the Indenture.

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

**Section 7. Authorization of Supplemental Indentures; Escrow Agreement.**

In order to secure the payment of the principal of and any premium and interest on the Refunding Bonds, the Mayor, Director of Finance and Director of Public Utilities, or any two of them, are authorized to sign and deliver to the Trustee, in trust for the Original Purchasers and subsequent holders of each Series of the Refunding Bonds, a Supplemental Indenture, approved as to form by the Director of Law, not inconsistent with this Ordinance, the Certificate of Award and the Indenture and not substantially adverse to the City as may be approved by the officers signing the same on behalf of the City. The determination by those officers that a Supplemental Indenture is not substantially adverse to the City shall be conclusively evidenced by the signing and delivery of that Supplemental Indenture by those officers. Subject to the Original Indenture as theretofore amended, any Supplemental Indenture may contain amendments to the Original Indenture, as theretofore amended, or amend and restate the Original Indenture, to permit the City to obtain a Credit Support Instrument or to permit increased flexibility for the use of financial or credit structures and techniques determined by the Director of Finance, based on the written advice of a Financial Advisor, to be in the best interests of the City.

In order to cause the proceeds of each Series of Refunding Bonds and any funds of the City deposited in an Escrow Fund or in the Debt Service Fund to be invested as permitted under Section 9.02 of the Indenture so that the Refunded Bonds are deemed paid and discharged, and in order to cause the amount to be deposited to be dedicated and applied to the payment of the principal of and interest and any redemption premium on the Refunded Bonds as and when due, to and including the applicable redemption date, the Director of Finance is authorized to sign and deliver one or more Escrow Agreements between the City and the Trustee as Escrow Agent, approved as to form by the Director of Law, providing for the establishment of each Escrow Fund as a trust fund in the custody of the Trustee and for the investment, dedication and application of the moneys deposited in the accounts therein and further providing for the payment of the fees and expenses of the Trustee for the performance of its duties as Escrow Agent. Each Escrow Agreement shall provide for the redemption of the Refunded Bonds identified in the applicable Certificate of Award to be called for redemption prior to maturity and shall provide irrevocable instruction to the Trustee to effect such redemption in accordance with the Indenture. The Director of Finance is authorized to take such other actions as may be necessary or appropriate to accomplish the refunding of Refunded Bonds, including without limitation, the retention of an independent public accounting firm to verify that the securities to be in an Escrow Fund are of such maturities or redemption dates and interest payment dates, and bear such interest, as will be sufficient, together with any cash in an Escrow Fund, for the



payment of debt service on the Refunded Bond to which the Escrow Fund relates and to make any determinations required for the interest on the Refunding Bonds to be excluded from gross income for federal income tax purposes.

**Section 8. Rebate Fund.**

There is established and ordered to be maintained a separate account for each Series of Refunding Bonds that are Tax-Exempt Obligations within the Rebate Fund held in the custody of the Trustee under the Indenture. The Rebate Fund is not pledged to the payment of debt service and is free and clear of any pledge or lien given under the Indenture as security for the Refunding Bonds or the Outstanding Revenue Bonds. Calculations of excess earnings that may be due and payable to the federal government pursuant to the Code and deposits to those accounts of the Rebate Fund shall be made as provided in the applicable Supplemental Indenture.

**Section 9. Remarketing.**

In the event that the Director of Finance determines, based on the written advice of a Financial Advisor, that it is advantageous to the City to convert the interest on any short-term or variable rate Outstanding Revenue Bonds or Refunding Bonds to fixed interest rates for a period of time or to maturity, or to convert the interest on any short-term or variable rate Outstanding Revenue Bonds or Refunding Bonds to a different variable rate period or mode, or to terminate or take other actions with respect to any existing Credit Support Instrument that will require a tender and remarketing of any Outstanding Revenue Bonds or Refunding Bonds under the Indenture (any such conversion or other action or tender or remarketing being collectively referred to in this Section as "remarketing"), the City shall undertake the remarketing in accordance with the Indenture. In connection with any remarketing of Bonds, the Director of Finance is authorized to take such actions that she determines, based on the written advice of a Financial Advisor, will facilitate the remarketing of the Bonds or otherwise be in the best interests of the City, including without limitation, obtaining one or more Credit Support Instruments, terminating any Credit Support Instrument, and entering into agreements with one or more purchasers for their direct purchase of the remarketed Bonds in lieu of a public offering of the Bonds by a remarketing agent. In the event the Director of Finance determines, based on the written advice of a Financial Advisor, that it is necessary to supplement or amend the Supplemental Indenture applicable to a Series of Bonds to be remarketed in order to address current market conditions or to permit the use of or to terminate a Credit Support Instrument or otherwise obtain financing arrangements advantageous to the City, the Mayor, the Director of Finance and the Director of Public Utilities, or any two of them, are authorized to sign and deliver an amendment of that Supplemental Indenture, or an amended and restated Supplemental Indenture, approved as to form by the Director of Law, subject to the Original Indenture as theretofore amended.

The Director of Finance is further authorized to satisfy any Debt Service Reserve Requirement or any special reserve fund requirement for the Series of Bonds to be remarketed, by the deposit of a Credit Support Instrument in lieu of cash, as permitted and more specifically provided in the Indenture, and to apply cash released from the Debt Service Reserve Fund or such special reserve fund to the payment of costs of remarketing or other purposes permitted by applicable laws. To the extent the costs of remarketing are not paid from any cash released from the Debt Service Reserve Fund or such special reserve fund, those costs shall be paid from funds of the Water Division, which are appropriated for that purpose.

The Director of Finance and the Director of Public Utilities are authorized to prepare one or more disclosure documents in connection with any remarketing of Bonds under the same terms and conditions as set forth in Section 14 of this Ordinance with respect to the issuance of Refunding Bonds. The Director of Finance, the Director of Public Utilities or any other officer of the City, as appropriate under the Charter, is authorized to take such actions or cause to be taken such actions as are necessary to maintain the applicable tax status of such Bonds, and the covenants and authorizations in Section 12 of this Ordinance shall apply to such Bonds. The Mayor, the Director of Finance, the Director of Public Utilities and other City officials, as appropriate under the Charter, are authorized to sign and deliver such instruments, certificates and documents as are necessary or appropriate to consummate the transactions authorized by this Section. The Director of Finance, the Director of Public Utilities, the Director of Law and other City officials, as appropriate under the Charter, are authorized to make the necessary arrangements on behalf of the City to establish the date, location, procedure and conditions for the remarketing of any Bonds and to take all actions necessary to effect the remarketing of any Bonds under the terms of this Ordinance and the Indenture. The Clerk of Council or other appropriate official of the City shall furnish the Trustee a true transcript of proceedings certified by the Clerk or other official, of all proceedings had with reference to the remarketing of any Bonds along with such information for the records as is necessary to determine the validity of the remarketing.

**Section 10. Tender Offers.**

In connection with refinancing or restructuring any Outstanding Revenue Bonds, the Director of Finance is authorized to make a Tender Offer for all or any portion of those Outstanding Revenue Bonds or all or any portion of any one or more maturities of those Outstanding Revenue Bonds on such terms as the Director of Finance determines, in consultation with a Financial Advisor, will result in debt service savings to the City or the elimination or modification of covenants that are unduly restrictive or a more favorable debt service structure or more favorable terms under Credit Support Instruments or other advantages to the City. The purchase

price for the purchase of any Outstanding Revenue Bonds tendered for purchase in response to the Tender Offer shall be paid from proceeds of Refunding Bonds and any other funds of the City available for the purpose. The Director of Finance is authorized to retain the services of one or more firms to serve as dealer manager, depository and information agent in connection with any Tender Offer and to pay the fees and expenses of those firms from proceeds of Refunding Bonds or other funds of the City available for the purpose; provided the Director of Finance determines that the firms so retained possess the requisite resources and experience to provide the services required of them and that the terms on which the designated parties have agreed to provide such services are fair and commercially reasonable. The Director of Finance is authorized to prepare disclosure documents relating to the terms and conditions of the Tender Offer and containing information about the City and the Waterworks System and to authorize the use and distribution of those disclosure documents.

**Section 11. Authorization of Hedging Arrangements.**

This Council finds that by engaging in interest rate hedging arrangements with respect to Bonds the City may reduce its cost of borrowing by optimizing the relative amounts of its fixed and variable rate obligations or minimizing the risk of variations in its debt service costs or obtaining savings by confirming rates of interest on Bonds in advance of their issuance. To permit the City to have the flexibility to undertake with respect to Bonds interest rate swap, swaption, rate cap, rate collar and other hedging transactions, from time to time, and to establish the procedures for approving those transactions, this Council authorizes the signing and delivery of one or more agreements, including amendments or supplements to existing agreements (each, a "Hedge Agreement"), and any related agreements necessary for the consummation of the transactions contemplated by each Hedge Agreement. The authorizations in this Section are supplemental to and not in derogation of any authority provided by any other ordinance of this Council concerning hedging arrangements.

Upon the determination of the Director of Finance, based on the written advice of a Financial Advisor, that it is to the financial advantage of the City and in the City's best interests that a hedging arrangement be undertaken by the City with respect to any Bonds issued or to be issued under the Indenture, the Director of Finance may authorize one or more interest rate hedge transactions in accordance with the applicable Hedge Agreement; provided that (a) the counterparty shall be rated at the time of signing the Hedge Agreement not lower than "A" by at least one rating agency or its obligations under the Hedge Agreement shall be guaranteed or insured by an entity rated at the time of signing the Hedge Agreement not lower than "A" by at least one rating agency, with such rating in either case determined without regard to a gradation by numerical or plus or

minus or other modifier and (b) the term of each hedge transaction shall not exceed the final maturity of the Bonds to which the hedge relates.

The Director of Finance shall negotiate the terms of each Hedge Agreement with a counterparty satisfying the credit criteria in this Ordinance. The City shall receive a written opinion of a Financial Advisor that the payments to be made by the counterparty to the City, or by the City to the counterparty, shall be fair value for the Hedge Agreement, considering, among other things, the credit of the City and the counterparty and the terms and conditions of the Hedge Agreement. The Director of Finance shall determine the terms and conditions of the Hedge Agreement, including without limitation, the rates to be paid by the counterparty to the City and by the City to the counterparty under the Hedge Agreement, the time or times and procedures for the exercise by the counterparty or the City, as the case may be, of any option under the Hedge Agreement, and whether the obligations of the City under the Hedge Agreement shall be secured by a Credit Support Instrument. The approval of each interest rate hedge transaction by the Director of Finance shall be conclusively evidenced by the signing and delivery of the applicable Hedge Agreement by the Director of Finance.

The Director of Finance is authorized to terminate any Hedge Agreements in whole or in part or any Credit Support Instrument securing a Hedge Agreement if the Director of Finance determines, based on the written advice of a Financial Advisor, that the City's best interests will be served by such termination. The Director of Finance is further authorized to enter into amendments, novations, assignments or modifications of a Hedge Agreement or any Credit Support Instrument securing a Hedge Agreement determined by the Director of Finance, based on the written advice of a Financial Advisor, that the City's best interests will be served by such amendment or modification.

The City's obligations under any Hedge Agreement shall be payable from the Net Revenues of the Utility and may be payable also from other funds permitted by law to be used for the purpose, as identified by the Director of Finance in the Hedge Agreement. Those payments may be secured by a pledge of Net Revenues that may be subordinate to the pledge of Net Revenues for the Bonds, to the extent permitted by the Indenture, all as determined by the Director of Finance and set forth in the Hedge Agreement. The obligation of the City to make payments under any Hedge Agreement does not and shall not represent or constitute a general obligation, debt, bonded indebtedness or a pledge of the faith and credit of the City or the State of Ohio. Nothing gives any party to any Hedge Agreement the right to have excises, ad valorem or other taxes levied by the City or the State of Ohio for the payment of any amounts due under any Hedge Agreement.

**Section 12. Covenants of the City.**  
The City, by issuance of each Series of Refunding Bonds,

covenants and agrees with the Holders of that Series of Refunding Bonds, that:

(a) The City will use the proceeds of the Refunding Bonds for the purposes specified in Section 2.

(b) The Clerk, or other appropriate officer of the City, will furnish to the Original Purchasers and to the Trustee a true transcript of proceedings, certified by the Clerk or other officer, of all proceedings had with reference to the issuance of the Refunding Bonds, together with information from the City's records as is necessary to determine the regularity and validity of the issuance of the Refunding Bonds.

(c) The City will, at any and all times, cause to be done all such further acts and things and cause to be signed and delivered all further instruments as may be necessary to carry out the purpose of the Refunding Bonds and this Ordinance or as may be required by Article XVIII of the Constitution of Ohio or the Charter of the City or the Indenture or the applicable Supplemental Indenture and will comply with all requirements of law applicable to the Waterworks System and the operation thereof.

(d) The City will observe and perform all its agreements and obligations provided for in the Refunding Bonds, this Ordinance, the Indenture and each Supplemental Indenture. All of the obligations under this Ordinance and the Indenture and each Supplemental Indenture are hereby established as duties specifically enjoined by law and resulting from an office, trust or station upon the City within the meaning of Section 2731.01, Ohio Revised Code.

(e) The City will use, and will restrict the use and investment of, the proceeds of the Refunding Bonds that are issued as Tax-Exempt Obligations in such manner and to such extent as may be necessary so that (a) the Refunding Bonds will not (i) constitute private activity bonds, arbitrage bonds or hedge bonds under Sections 141, 148 or 149 of the Code or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest thereon will not be treated as an item of tax preference under Section 57 of the Code.

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

Each covenant made in this section with respect to the Refunding Bonds is also made with respect to all issues for which any portion of the debt service is paid from proceeds of the Refunding Bonds (and, if different, the original issue and any refunding issues in a Series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Refunding Bonds that are issued as Tax-Exempt Obligations from gross income for federal income tax purposes, and the Director of Finance, or any other officer having responsibility with respect to the Refunding Bonds, is authorized to take such actions with respect to those issues as they are authorized in this section to take with respect to the Refunding Bonds.

The Mayor, the Director of Finance or any other officer of the City, as appropriate under the Charter, is authorized (a) to make or effect any election, selection, designation, choice, consent, approval or waiver on behalf of the City with respect to the Refunding Bonds as the City is permitted or required to make or give under the federal income tax laws, including, without limitation, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting the favorable tax treatment or status of the Refunding Bonds that are issued as Tax-Exempt Obligations or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amount or payments, as determined by that officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Refunding Bonds that are issued as Tax-Exempt Obligations, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Refunding Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Refunding Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment or status of the Refunding Bonds and interest thereon.

If the Director of Finance determines, based on the written advice of a Financial Advisor, and so specifies in the Certificate of Award that the best interests of the City would be served by issuing a Series of Refunding Bonds as Taxable Obligations, then the tax-related covenants in this Section shall not apply to or be required to be made with respect to the Refunding Bonds of that Series.

**Section 13. Ratings; Credit Enhancement.**

If, in the judgment of the Director of Finance, based on the written advice of a Financial Advisor, the

filing of an application for a rating on one or more Series of Outstanding Revenue Bonds or Refunding Bonds by one or more nationally recognized rating agencies is in the best interests of the City, the Director of Finance is authorized to prepare and submit those applications and to provide to each such agency such information as may be required for the purpose. The Director of Finance is authorized to contract for one or more Credit Support Instruments for any Series of Outstanding Revenue Bonds or Refunding Bonds or designated portions thereof if the Director determines, based on the written advice of a Financial Advisor, that the Credit Support Instruments will result in debt service savings to the City, or will stabilize interest rates on those Bonds or will minimize the risk of increased interest expense on those Bonds. The Director of Finance is further authorized to terminate any such contract if the Director of Finance determines, based on the written advice of a Financial Advisor, that the City's best interests will be served by such termination. The cost of obtaining each rating and the cost of obtaining or terminating each Credit Support Instrument, except to the extent paid by the Original Purchasers in accordance with the Bond Purchase Agreement, shall be paid from the proceeds of Refunding Bonds or funds of the Water Division, which are appropriated for that purpose.

**Section 14. Official Statements; Continuing Disclosure.**

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

Those officers and each of them are also authorized, on behalf of the City and in their official capacities, as appropriate under the Charter, to complete each preliminary official statement with such modifications, changes and supplements as those officers shall approve or authorize for the purpose of preparing and determining, and to certify or otherwise represent, that the official statement as so revised is a final official statement for purposes of SEC Rule 15c2-12(b) (3) and (4). Those officers each are further authorized to use and distribute, or authorize the use and distribution of, one or more final official statements and supplements thereto in connection with the original issuance of each Series of Refunding Bonds as may, in their judgment, be necessary or appropriate.

Those officers each are further authorized to sign and deliver, on behalf of the City and in their official capacities, each final official statement and such certificates regarding the accuracy of each preliminary official statement and each final official statement and any amendments thereto as may, in their judgment, also be necessary or appropriate. The Director of Finance is authorized to contract for services for the production and distribution of preliminary and final official statements, including by printed and electronic means.

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

**Section 15. Authorization of Other Documents.**

Each of the Mayor, the Director of Finance, the Director of Public Utilities and other City officials, as appropriate under the Charter, is authorized to sign and deliver such instruments, certificates and documents as are necessary or appropriate to consummate the transactions authorized by this Ordinance, the Bond Purchase Agreements, the Supplemental Indentures, the Indenture, any Escrow Agreements and any Hedge Agreements.

Each of the Mayor, the Director of Finance, the Director of Public Utilities, the Director of Law and other City officials, as appropriate under the Charter, is authorized to make the necessary arrangements on behalf of the City to establish the date, location, procedure and conditions for the delivery of each Series of Refunding Bonds to the Original Purchasers and to take all actions necessary to effect due signing, authentication and delivery of each Series of Refunding Bonds under the terms of this Ordinance, the Supplemental Indentures, the Bond Purchase Agreements and the Indenture. The Clerk of Council or other appropriate official of the City shall furnish the Original Purchasers a true transcript of proceedings certified by the Clerk or other official, of all proceedings had with reference to the issuance of each Series

of Refunding Bonds along with such information for the records as is necessary to determine the regularity and validity of the issuance of those Refunding Bonds.

The Director of Finance is also authorized, notwithstanding any other previously imposed limitations on redemption provisions for such Outstanding Revenue Bonds, to enter into agreements with any holder of any Outstanding Revenue Bonds to extend, in consideration of payment, the earliest optional redemption date of those Bonds, provided that the Director of Finance receives written advice of a Financial Advisor that the consideration being received by the City fairly compensates the City for such extension of the redemption date. Any amounts received with respect to such extensions shall be deposited in the Additions and Improvements Fund.

**Section 16. Lien of Pledge.**

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

**Section 17. Other Provisions for Payment of Outstanding Revenue Bonds.**

The City may, from time to time, deposit legally available funds, other than the proceeds of Bonds issued for that purpose, in trust with the Trustee under the Indenture or an Escrow Agreement for the payment of debt service requirements on any Outstanding Revenue Bonds if, in the judgment of the Director of Finance and the Director of Public Utilities, based on the written advice of a Financial Advisor, doing so will improve the debt service coverage ratio of the Waterworks System (being the ratio of Net Revenues to Annual Debt Service Requirements, as defined in the Indenture). The Director of Finance is authorized to make such deposits, from time to time, from moneys in the Additions and Improvements Fund under the Indenture (Fund No. 52-300 of the Water Division), with the actual amount of any deposit to be determined by the Director of Finance in consultation with the Director of Public Utilities. In order to cause any amounts so deposited to be dedicated and applied solely to the payment of the principal of and interest and any redemption premium on the designated Outstanding Revenue Bonds, as and when due at maturity or upon prior redemption,



the Mayor, the Director of Finance and the Director of Public Utilities, or any two of them, are authorized, in the name and on behalf of the City, to sign and deliver one or more Escrow Agreements approved as to form and correctness by the Director of Law, providing for the establishment of an Escrow Fund as a trust fund in the custody of the Trustee and the investment, dedication and application of the moneys deposited therein and further providing for the payment to the Trustee of fees and expenses for its performance of its duties under the Escrow Agreement. The officers signing the Escrow Agreement on behalf of the City shall determine that the agreement satisfies the requirements of this Section, and that determination shall be conclusively evidenced by the signing of the Escrow Agreement by those officers. The Mayor, the Director of Finance and the Director of Public Utilities, or any two of them, are authorized, in the name and on behalf of the City, to sign and deliver agreements, approved as to form and correctness by the Director of Law, with one or more institutions, including agreements which will enable the City to more efficiently structure any escrow funds established pursuant to this Section, and thereby maximize debt service savings and minimize negative arbitrage. The Director of Finance is authorized to take such other actions as may be necessary or appropriate to accomplish any defeasance of the designated Outstanding Revenue Bonds to be paid from any escrow fund, including without limitation, the retention of a firm of independent certified public accountants to verify that the securities to be deposited in escrow are of such maturities or redemption dates, and interest payment dates, and bear such interest, as will be sufficient, together with any available moneys, for the payment of debt service on the designated Outstanding Revenue Bonds.

**Section 18. Financial Advisors and Consultants.**

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

**Section 19. Appointment of Successor Trustee.**

The Director of Finance is authorized to appoint a successor Trustee

in the event that the current Trustee, U.S. Bank National Association, shall resign or be removed, or be dissolved or otherwise become incapable of acting as Trustee under the Indenture, or in case it shall be taken under the control of any public officer or officers or of a receiver appointed by a court, in accordance with the provisions of Section 6.05 of the Original Indenture.

**Section 20. Captions, Headings, and Section References.**

The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit, or describe the scope or intent of any Sections, subsections, paragraphs, subparagraphs, or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

**Section 21. Severability.**

Each section of this Ordinance and each subdivision or paragraph of any section is hereby declared to be independent and the finding or holding of any section or any subdivision or paragraph of any section to be invalid or void shall not be deemed or held to affect the validity of any other section, subdivision or paragraph of this Ordinance.

**Section 22. Interpretation.**

Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance shall not apply to the Refunding Bonds or matters 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 bonds, certificates of indebtedness, other obligations, indentures or other agreements or contracts made or entered into by the City.

**Section 23. Validity.**

This Council finds and determines that this Ordinance was passed in compliance with all applicable provisions of the City's Charter and the rules of this Council. This Council further finds and determines that all acts and conditions necessary to be done or performed by the City or to have been met precedent to and in the issuing of the Refunding Bonds in order to make them legal, valid, and binding special obligations of the City have been performed and have been met, or will at the time of delivery of the Refunding Bonds have been performed and have been met, in regular and due form as required by law, and that no limitation of indebtedness or taxation, either statutory or constitutional, is applicable to the issuance of the Refunding Bonds.

**Section 24. Compliance with Open Meeting Requirements.**

This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

**Section 25. Sunset of Authorization.**

The authority granted by Section 2 of this Ordinance to issue Refunding Bonds shall expire three years

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

**Section 26. Emergency.**

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

Passed May 21, 2018.

Effective May 23, 2018.

**Ord. No. 665-18.**

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

**An emergency ordinance authorizing the issuance and sale of one or more series of subordinate lien income tax refunding bonds to refund currently outstanding general obligation and subordinate lien income tax bonds of the city to obtain debt service savings or restructure the city's outstanding debt and authorizing and approving related matters.**

Whereas, the City has from time to time issued general obligation bonds in various series that are currently outstanding in the aggregate principal amount of \$211,400,000 and issued subordinate lien income tax bonds in various series and sub-series that are currently outstanding in the aggregate principal amount of \$296,285,000; and

Whereas, this Council has determined to authorize the City to issue from time to time one or more series of Refunding Bonds (as defined in Section 1) for the purpose of obtaining debt service savings or restructuring the City's outstanding debt with respect to any currently outstanding general obligation and subordinate lien income tax bonds of the City; and

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

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



each Project's estimated life or usefulness; and

Whereas, the authorization for issuance of Refunding Bonds is necessary to enable the City to take advantage of favorable market conditions on a timely basis to obtain debt service savings or to restructure its outstanding debt service obligations and thereby to protect and preserve the credit of the City, and as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health and safety, and for the usual daily operation of a municipal department; now, therefore,

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

**Section 1. Purpose.** One or more series of subordinate lien income tax bonds of the City ("Refunding Bonds") are authorized to be issued from time to time for the purpose of refunding one or more series of the City's outstanding general obligation bonds and subordinate lien income tax bonds, or designated maturities thereof, issued to provide funds to pay costs of various projects of the City (the "Projects") and identified in the Certificate of Award authorized in Section 4 ("Refunded Bonds"), including the payment of any expenses relating to the refunding of the Refunded Bonds and the issuance of the Refunding Bonds, including any financing costs within the meaning of Revised Code Section 133.01(K), provided that either the aggregate net present value debt service savings resulting from the refunding of the Refunded Bonds is not less than 3% or the Refunding Bonds are issued to restructure outstanding debt of the City, as determined by the Director of Finance and specified in the Certificate of Award, based on the written advice of a Financial Advisor to be in the best interest of the City.

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

the applicable Certificate of Award. A separate Certificate of Award may be delivered for each series.

**Section 2. Authority, Security and Source of Payment.** The Refunding Bonds shall be issued pursuant to the Ohio Constitution, Chapter 133 of the Ohio Revised Code, the Charter of the City, and this Ordinance for the purpose stated in Section 1. The Refunding Bonds shall be payable from and secured by the income tax revenues of the City on a basis subordinate to the security given to the General Obligation Bonds of the City ("General Obligation Bonds") under Ordinance No. 1749-80 passed by the Council on October 8, 1980, as amended by Ordinance No. 1112-83 passed by the Council on May 6, 1983, and Ordinance No. 944-96, passed by the Council on June 10, 1996 (Ordinance No. 1749-80, as so amended and as the same may further be amended from time to time in accordance with its provisions, is referred to as the "General Bond Ordinance"). The debt service on the Refunding Bonds shall be payable from income tax collections remaining after depositing with the escrow agent under the General Bond Ordinance the amount required for the payment of debt service on the City's General Obligation Bonds issued and outstanding, from time to time, under the General Bond Ordinance. The Refunding Bonds shall be issued and secured under the terms of the Trust Indenture, dated as of April 1, 2008, between the City and U.S. Bank National Association, as trustee (the "Trustee"), as amended by Section 6.1 of the Second Supplemental Trust Indenture, dated as of June 1, 2010, between the City and the Trustee (together, the "Indenture"). The Indenture currently secures three series of Subordinate Lien Income Tax Bonds issued on June 23, 2010 (collectively, the "Series 2010 Bonds"), one series of Subordinate Lien Income Tax Bonds issued on November 29, 2012 (the "Series 2012 Bonds"), three series of Subordinate Lien Income Tax Bonds issued on May 30, 2013 (collectively, the "Series 2013 Bonds"), three series of Subordinate Lien Income Tax Bonds issued on February 11, 2014 (collectively, the "Series 2014A Bonds"), three series of Subordinate Lien Income Tax Bonds issued on June 11, 2014 (collectively, the "Series 2014B Bonds"), four series of Subordinate Lien Income Tax Bonds issued on April 9, 2015 (collectively, the "Series 2015A Bonds"), five series of Subordinate Lien Income Tax Refunding Bonds issued on September 16, 2015 (collectively, the "Series 2015B Bonds"), five series of Subordinate Lien Income Tax Bonds issued on June 13, 2017 (collectively, the "Series 2017A Bonds") and two series of Subordinate Lien Income Tax Refunding Bonds issued on December 28, 2017 (collectively, the "Series 2017B Bonds"), and permits the issuance of additional bonds, from time to time, subject to certain restrictions. The Series 2008 Bonds, the Series 2010 Bonds, the Series 2012 Bonds, the Series 2013 Bonds, the Series 2014A Bonds, the Series 2014B Bonds, the Series 2015A Bonds, the Series 2015B Bonds, the Series 2017A Bonds, the Series 2017B Bonds, the Series 2018 Bonds and any additional bonds issued under the Indenture are collectively

referred to in this Ordinance as the "Bonds."

**Section 3. Terms.** The Refunding Bonds may be issued in one or more series or subseries. The Refunding Bonds of each series shall be issued in one lot as fully registered bonds in denominations of \$5,000 or any integral multiple thereof. The Refunding Bonds may be delivered only in book-entry form, and if so delivered, shall be registered in the name of the Depository (as defined in the Indenture) or its nominee, as registered owner, and immobilized in the custody of the Depository, and shall not be transferable or exchangeable (except for transfer to another Depository or its nominee) without further action by the City pursuant to the provisions of the Indenture and the Supplemental Indenture (as identified in Section 8). The Refunding Bonds shall bear the designation and be numbered as determined by the Director of Finance and specified in the Certificate of Award. The Refunding Bonds shall be issuable as either bonds the interest on which is (i) excluded from gross income for federal income tax purposes (the "Tax-Exempt Refunding Bonds"), or (ii) included as gross income for federal income tax purposes (the "Taxable Refunding Bonds"). The Director of Finance shall determine the status of any series of Refunding Bonds as Tax-Exempt Refunding Bonds or as Taxable Refunding Bonds (the "Tax Status"), and shall designate the applicable series of Refunding Bonds as such in the Certificate of Award. The Refunding Bonds shall be signed by the officials of the City and in the manner set forth in the Indenture.

The Refunding Bonds shall be dated the date and shall bear interest at the rate or rates per year specified in the Certificate of Award, provided the weighted average of such rates per series of Refunding Bonds (taking into account the principal amount and maturity of each Refunding Bond to which a rate applies) shall not exceed 8% per year as to Refunding Bonds of any series that are Tax-Exempt Refunding Bonds or 10% per year as to Refunding Bonds of any series that are Taxable Refunding Bonds. Interest on the Refunding Bonds shall be payable when due, or until the principal amount is paid, semiannually as specified in the Certificate of Award as the dates on which interest on the Refunding Bonds shall be payable (the "Interest Payment Dates"), beginning on the date specified in the Certificate of Award as the first Interest Payment Date.

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

The Director of Finance also shall determine and certify, on or prior to

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

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

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

**(a) Mandatory Sinking Fund Redemption.** If any of the Refunding Bonds are issued as Term Refunding Bonds, the Term Refunding Bonds shall be subject to mandatory sinking fund redemption and be redeemed pursuant to Mandatory Sinking Fund Redemption Requirements, at a redemption price of 100% of the principal amount redeemed, plus interest accrued to the redemption date, on the Mandatory Redemption Dates.

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

**(b) Optional Redemption.** The Refunding Bonds may be subject to redemption prior to maturity by and at the option of the City, in whole or in part on any date, in whole multiples of \$5,000, on the optional redemption dates and at the redemption prices specified in the Certificate of Award, plus, in each case,

accrued interest to the redemption date. Based on the written advice of a financial advisor, the Director of Finance may determine in the Certificate of Award that it is in the best interests of the City (i) for some or all of the Refunding Bonds not to be callable prior to their stated maturity, and (ii) for a premium to be payable on the redemption of any Refunding Bonds calculated in a manner to make the bondholder whole for the loss of the investment or calculated as a percentage in excess of 100% of the principal amount redeemed.

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

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

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

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

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

**Section 5. Escrow Agreement.** The Director of Finance is authorized to sign and deliver, in the name and on behalf of the Issuer, an agreement (the "Escrow Agreement") between the City and the Escrow Agent, providing for the investment and holding in escrow of the proceeds of the Refunding Bonds to be applied to the refunding of the Refunded Bonds and for the application of the moneys derived from such investments, in accordance with the General Bond Ordinance and this Ordinance and as otherwise directed by law. Notice of the advance refunding of any of the Refunded Bonds and any direction for the redemption of Refunded Bonds prior to stated maturity shall be given in accordance with the terms of the Refunded Bonds and as further provided in the Escrow Agreement. The Refunded Bonds shall be retired at stated maturity or redeemed prior to maturity as provided in the Certificate of Award and in accordance with the ordinance authorizing the respective Refunded Bonds and the Escrow Agreement. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Escrow Agreement

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

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

**Section 6. Pledge and Covenant to Maintain Income Tax.** So long as Bonds are outstanding under the Indenture, the City pledges the municipal income taxes of the City and grants a lien thereon, subordinate to the lien granted in the General Bond Ordinance as security for the General Obligation Bonds of the City issued and outstanding under the General Bond Ordinance, to the full extent required to meet debt charges payable on the Bonds issued and outstanding, from time to time, under the Indenture. The City covenants to appropriate annually sufficient amounts from the income taxes to pay all debt charges on the General Obligation Bonds, the Bonds outstanding under the Indenture, any Parity Obligations and the Unrestricted Income Tax Obligations (each as defined in the Indenture). The City further covenants that so long as any Bonds are outstanding under the Indenture, the City shall not repeal or amend, or suffer the repeal of, any ordinance for the levy or collection of its income taxes in any manner or to such extent that the City would not be able to meet its obligations to the holders of the Bonds.

**Section 7. Defeasance.**

**(a) Release of Ordinance.** If the City shall pay or cause to be paid and discharged all the outstanding

Refunding Bonds, or there shall otherwise be paid to the holders of the outstanding Refunding Bonds all debt charges due or to become due thereon, and provision shall also be made for paying all other sums payable hereunder, then and in that event this Ordinance (except for Section 7(b) hereof) shall cease to be of further effect, and the covenants, agreements and other obligations of the City under this Ordinance shall be discharged and satisfied, and thereupon the Trustee shall at the request of the City execute and deliver to the City such instruments in writing as shall discharge the lien hereof and enter on the record such discharge of the lien and such other instruments as may be reasonably required by the City.

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

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

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

this Section shall be held and paid as provided in said Section 17(a) for unclaimed funds held by a Paying Agent.

**Section 8. Supplemental Indenture.**

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

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

For the benefit of the holders and beneficial owners from time to time of the Refunding Bonds, the City agrees, in accordance with, and as



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

**Section 10. Federal Tax Considerations.** The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Tax-Exempt Refunding Bonds in such manner and to such extent as may be necessary so that (a) the Tax-Exempt Refunding Bonds will not (i) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Internal Revenue Code of 1986, as amended (the Code) or (ii) be treated other than as bonds to which Section 103(a) of the Code applies, and (b) the interest thereon will not be an item of tax preference under Section 57 of the Code.

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

Each covenant made in this section with respect to the Tax-Exempt Refunding Bonds is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Tax-Exempt Refunding Bonds (and, if different,

the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Tax-Exempt Refunding Bonds from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are authorized in this section to take with respect to the Tax-Exempt Refunding Bonds.

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Refunding Bonds is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Tax-Exempt Refunding Bonds as the City is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections provided for in Section 148(f)(4)(C) of the Code or available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Tax-Exempt Refunding Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing rebate amounts or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Tax-Exempt Refunding Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Refunding Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Refunding Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Tax-Exempt Refunding Bonds.

**Section 11. Credit Facilities and Ratings.** If, in the judgment of the Director of Finance, based on the written advice of a Financial Advisor, the filing of an application for a rating on one or more Series of Refunding Bonds by one or more nationally recognized rating agencies is in the best interests of the City, the Director of Finance is authorized to prepare and submit those applications and to provide to each such agency such information as may be required for the purpose. The Director of Finance is authorized to contract for one or more Credit Support Instruments for any Series of Refunding Bonds or designated portions thereof if the Director determines, based on the written advice of a Financial Advisor, that the Credit Support Instruments will result in debt service savings to the City. As used in this section, "Credit Support Instrument" means an

insurance policy, surety, letter of credit, or other instrument used to enhance or provide for the security of Refunding Bonds. The cost of obtaining each rating and the cost of obtaining each Credit Support Instrument, except to the extent paid by the Original Purchasers in accordance with the Bond Purchase Agreement, shall be paid from the proceeds of Refunding Bonds or funds appropriated for that purpose.

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

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

**Section 14. Findings and Recitals of Validity.** It is hereby determined, represented and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Refunding Bonds in order to make them legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of the Refunding Bonds. It is further found and determined, and is represented and recited, that the provisions of Sections 28, 29, 32, 33 (including the provisions of Section 33 with respect to readings on three separate days or dispensing with such readings by a two-thirds vote of all members of the Council), 36, 37, 48 and all other applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this Ordinance was passed in conformity therewith.

**Section 15. Delivery to County Fiscal Officer.** The Director of Finance is directed to forward a certified copy of this Ordinance and of the Certificate of Award for the Refunding Bonds to the County Fiscal Officer of Cuyahoga County and to secure a receipt therefor.

**Section 16. Severability.** Each section and each part of each section of this Ordinance is declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is declared to be the controlling legislative intent that if any such section or part of a section or any provision thereof, or the application

thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstance, other than those as to which it is held invalid, shall not be affected thereby, and it is declared to be the legislative intent that the other provisions of this Ordinance would have been passed independently of such section, or parts of a section, so held to be invalid.

**Section 17. Captions.** The captions or headings in this Ordinance are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Ordinance.

**Section 18. Legislative Intent.** All terms, conditions, pledges, covenants or agreements on the part of the City provided for in this Ordinance are made by the voluntary act of the City under its lawful authority, including its authority under its Charter and Article XVIII of the Constitution of Ohio.

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

**Section 19. Miscellaneous.**

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

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

**Section 20. Sunset of Authorization.** The authority granted by this Ordinance for the issuance and sale of Refunding Bonds shall expire three years from the effective date of this Ordinance. If a preliminary official statement with respect to the issuance of a series of Refunding Bonds is distributed under the authority of this Ordinance at any time within the three-year period following its effective date, then the authority granted by this Ordinance shall not expire as to that series of Refunding Bonds. The Director of Finance shall notify the Chairman of the Finance Committee and the Clerk of this Council of the initiation of the issuance of any Refunding Bonds under the authority of this Ordinance.

**Section 21. Emergency Measure.** This ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect

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

Passed May 21, 2018.  
Effective May 23, 2018.

**Ord. No. 666-18.  
By Council Member Kelley (by departmental request).**

**An emergency ordinance authorizing the issuance and sale by the city of airport system revenue bonds in an aggregate principal amount not to exceed forty-seven million five hundred thousand dollars (\$47,500,000) to pay costs of improving the airport system; authorizing supplemental indentures and other agreements related to the bonds; and authorizing and approving related matters.**

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

Whereas, this Council has determined to authorize the issuance by the City of Airport System Revenue Bonds ("Bonds") under the Trust Indenture, as supplemented and amended, for the purpose of improving the facilities of the Airport System; and

Whereas, this Ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department and providing for the immediate preservation of the public peace, property, health or safety in that authorizing the Bonds is necessary to fund contracts for improvements to the Airport System needed for the provision of air services to the public; now, therefore,

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

**Section 1. Definitions.**

In addition to the words and terms defined in the Trust Indenture, as amended and supplemented, and as to be further amended and supplemented as provided in this Ordinance, the following words and terms shall have the following meanings, unless the context or use indicates a contrary meaning or intention.

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

"Book-entry form" or "book-entry system" means a form or system, as applicable, under which (a) the ownership of beneficial interests in Revenue Bonds and Bond service charges may be transferred only through a book-entry, and (b) physical Revenue Bond certificates in fully registered form are registered only in the name of a Depository or its nominee as registered owner,

with the physical Bond certificates "immobilized" in the custody of the Depository. The book-entry system is maintained by and is the responsibility of the Depository and not the City or the Trustee. The book-entry is the record that identifies, and records the transfer of the interest of, the owners of beneficial (book-entry) interests in the Revenue Bonds.

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

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

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

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

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

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

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

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

"Indenture" means the Trust Indenture as amended and supplemented by the Eighteenth Supplemental Trust Indenture dated as of February 1, 2012, the Nineteenth Supplemental Trust Indenture dated as of April 1, 2013, the Twentieth Supplemental Trust Indenture dated as of February 1, 2014, the Twenty-First Supplemental Trust Indenture dated as of February 23, 2016, and the Twenty-Second Supplemental Trust Indenture dated as of October 4, 2016, as the same may be further amended, supplemented or restated from time to time.

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

"Outstanding Revenue Bonds" as used in this Ordinance, means Revenue Bonds issued and outstanding,

from time to time, under the Indenture, including without limitation any Revenue Bonds issued pursuant to this Ordinance. On the date of introduction of this Ordinance, the Outstanding Revenue Bonds (and the respective principal amounts then currently outstanding) consisted of the following series of Airport System Revenue Bonds: Series 2006A (\$32,195,000), Series 2007B (\$5,935,000), Series 2008D (\$5,975,000), Series 2009C (\$89,735,000), Series 2009D (\$23,550,000), Series 2011A (\$34,360,000), Series 2012A (\$235,150,000), Series 2013A (\$54,120,000), Series 2014A (\$20,175,000), Series 2014B (\$3,460,000), Series 2016A (\$105,185,000) and Series 2016B (\$36,235,000).

"Project" means improvements to the Airport System including some or all of the following: (i) the acquisition, construction, installation and/or equipping of terminal, airfield, parking, roadway, cargo and other improvements at or related to Cleveland Hopkins International Airport, including runway improvements, taxiway rehabilitation, replacement of main terminal boilers, replacement of central cooling plant equipment, rehabilitation and replacement of Primary Road and associated underground utilities, relocation of the airfield sanitary sewer line, replacement of storm sewer pumps under terminal service roadways, public parking improvements, security system replacement and upgrade, expansion of the baggage system, electrical system replacements and upgrades, and improvements to and expansion of the information technology system and the fire alarm and smoke detection systems; (ii) improvements to the ground transportation center; (iii) development of a new master plan; and (iv) in each case as to each improvement, the acquisition of any interests in real property necessary therefor, related design, planning, environmental studies, environmental remediation and regulatory compliance costs, site preparation, construction management services, and appurtenant improvements; and (v) such additional or different improvements to the Airport System as the Director of Port Control deems necessary, provided that (A) all conditions for the inclusion of the cost of any such improvements in the calculation of Landing Fees or Rentals under Section 8.07 of the Use Agreements shall have been met, and (B) in the event that proceeds of a series of Tax-Exempt Bonds are to be used to pay costs of such improvements, the City shall have obtained the opinion of nationally recognized bond counsel that the expenditure of proceeds of such Bonds to pay costs of such improvements will not adversely affect the exclusion from gross income for federal income tax purposes of the interest on such Bonds, or (C) in the event that the proceeds of a series of Direct Payment Obligations are to be used to pay costs of such improvements, the City shall have obtained the opinion of nationally recognized bond counsel that the expenditure of proceeds of such Bonds to pay costs of such improvements will not adversely affect the tax status of such Bonds as Direct Payment Obligations.

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

"Revenue Bonds" means Outstanding Revenue Bonds and any Additional Revenue Bonds issued under the Indenture, including the Bonds authorized by this Ordinance.

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

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

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

### Section 2. Authorization of the Bonds.

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

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

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

### Section 3. Authorization of Hedging Arrangements.

This Council finds that by engaging in interest rate hedging arrangements with respect to Revenue Bonds the City may reduce its cost of borrowing by optimizing the relative amounts of fixed and variable rate obligations, or minimizing the risk of variations in its debt service costs, or obtaining savings by confirming rates of interest on the Revenue Bonds in advance of their issuance. To permit the City to have the flexibility to undertake interest rate swap, swaption, rate cap, rate collar and other hedging transactions, from time to time, with respect to Revenue Bonds and to establish the procedures for approving those transactions, this Council authorizes the signing and delivery of one or more agreements (each, a "Hedge Agreement") and any related agreements necessary for the consummation of the transactions contemplated by each Hedge Agreement. The authorizations in this Section 3 are supplemental to and not in derogation of any authority provided by any other ordinance of this Council concerning hedging arrangements.

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

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



The Director of Finance is authorized to enter into an amendment, modification or novation of any Hedge Agreement or any Credit Support Instrument securing a Hedge Agreement or to terminate any Hedge Agreement, in whole or in part, if the Director of Finance determines, based on the written advice of a Financial Advisor, that (a) the amendment, modification, novation or termination is (i) justified by the corresponding benefit to the City, (ii) commercially reasonable based on then-current market conditions, and (iii) in the City's best interests, and (b) the City received fair value in return for entering into such amendment, modification, novation or termination, given the credit of the counterparty and the terms and conditions of the amendment, modification, novation or termination. To the extent that any amounts to be paid by the City in connection with any such amendment, modification, novation or termination are not paid from proceeds of the Bonds, those amounts shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 106 and 60 SF 141 and/or passenger facility charges, as determined by the Director of Finance after consultation with the Director of Port Control.

The City's obligations under any Hedge Agreement shall be payable from the Airport Revenues as defined in the Trust Indenture and may be payable also from other funds permitted by law to be used for the purpose, as identified by the Director of Finance in the Hedge Agreement. Those payments may be secured by a pledge of Airport Revenues, to the extent permitted by the Trust Indenture, all as determined by the Director of Finance and set forth in the Hedge Agreement. The obligation of the City to make payments under any Hedge Agreement does not and shall not represent or constitute a general obligation, debt, bonded indebtedness or a pledge of the faith and credit of the City or the State of Ohio. Nothing gives any party to any Hedge Agreement the right to have excises, ad valorem or other taxes levied by the City or the State of Ohio for the payment of any amounts due under any Hedge Agreement.

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

#### **Section 4. Terms of Bonds.**

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

(a) General. The Bonds may be issued as obligations bearing interest at fixed or variable rates. The Bonds may also be issued as obligations under Federal or State programs that provide for interest payment subsidies or other financial or credit support. In the event that the Director of Finance, based on the written advice of a Financial Advisor, determines that the City's best interests will be served by a series of Bonds bearing interest at variable interest rates, then provision shall be made in the Supplemental Indenture applicable to that series for the method and procedure by which the variable rate of interest to be borne by the Bonds of that series shall be determined (whether by reference to a market index, by a remarketing agent or otherwise); provided that no series of variable rate Bonds shall bear interest at a rate in excess of twenty-five percent (25%) per year (including any Bonds held by a provider of a Credit Support Instrument). The Director of Finance may determine that the terms of a variable rate series of Bonds may or may not permit the holders to tender their variable rate Bonds for purchase by the City. If the Director of Finance designates any series of Bonds as variable rate Bonds, and if the Holders of that series of Bonds are to be entitled to tender those Bonds for purchase, then the Director of Finance may also designate for those variable rate Bonds (and may designate others, from time to time, in substitution therefor), the tender agent or agents (which may be the Trustee), the remarketing agent or agents (which may be any of the Original Purchasers) and the calculation agent or agents (which may be any of the Original Purchasers or the Trustee), which designations shall be based on the determination of the Director of Finance, based on the written advice of a Financial Advisor, that the parties so designated possess the requisite resources and experience to provide the services required of them and that the terms on which the designated parties have agreed to provide such services are fair and commercially reasonable.

The Director of Finance is authorized to enter into agreements with others in connection with the delivery of the Bonds, and from time to time thereafter so long as the Bonds are outstanding, as may be determined by the Director of Finance to be necessary or appropriate to provide for (i) the method of determining the variable interest rates, (ii) the rights and procedures for tender, (iii) liquidity or credit support, (iv) repayment by the City of any amounts drawn under the Credit Support Instrument, (v) the direct purchase of tendered Bonds, and (vi) other arrangements in the best interests of the City. The Director of Finance is further authorized to terminate any such agreements if the Director of Finance determines, based on the written advice of a Financial Advisor, that the City's best interests will be served by such termination. The Director of Finance is further authorized to enter into agreements, from time to time so long as the variable rate Bonds are outstanding, supplementing or amending the applicable Supplemental Indenture for a series of

Bonds as provided in Section 7. To the extent that any fees and expenses associated with agreements entered into or terminated pursuant to this Section are not paid from proceeds of the Bonds, those fees and expenses shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 106 and 60 SF 141 and/or passenger facility charges, as determined by the Director of Finance after consultation with the Director of Port Control.

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

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

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

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

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

(d) Interest and Place of Payment. The Bonds of each series shall bear interest at their respective interest rates specified in the Certificate of Award (or, in the case of

variable rate Bonds, determined pursuant to the Supplemental Indenture) for that series. Bonds of the same series and same maturity may bear interest at different interest rates. The Bonds of each series shall bear interest from the most recent date to which interest has been paid or duly provided for or, if no interest has been paid or duly provided for, from their date. The principal and any redemption premium and the interest payable on each series of Bonds shall be payable at the times, to the persons and in the manner set forth in, or referenced by, the Supplemental Indenture, including, without limitation, provisions thereof permitting special arrangements for payments to the Depository.

(e) Maturities. The Bonds of each series shall mature on the dates and in the respective principal amounts provided in the Certificate of Award, consistent with this Ordinance and the Indenture.

(f) Prior Redemption. The Bonds of each series may be subject to redemption prior to maturity at the option of the City, if and to the extent so provided in the Certificate of Award for that series. Any Bonds so determined to be subject to optional redemption and maturing by their stated terms after the earliest optional redemption date shall be subject to redemption at the option of the City on or after the earliest optional redemption date in whole or in part on the dates and at the redemption prices provided in the Certificate of Award and in accordance with the applicable Supplemental Indenture and the Indenture. The Bonds may be subject to mandatory redemption prior to maturity on the dates, or upon the occurrence of events, and at the redemption prices as determined and provided in the Certificate of Award and applicable Supplemental Indenture, including without limitation, mandatory sinking fund redemption of term bonds on each mandatory redemption date in the aggregate amount of the sinking fund installment to be paid on such mandatory redemption date.

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

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

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

**Section 5. Award and Sale of Bonds.**

The Director of Finance shall sign and deliver a Certificate of Award for the Bonds. In the event the Bonds are issued in more than one series sold at different times, a separate Certificate of Award shall be signed and delivered for each separately delivered series. The sale of the Bonds shall be awarded to one or more Original Purchasers selected by the Director of Finance, and shall be identified in the Certificate

of Award. The Bonds may be sold by direct placement to one or more institutions purchasing Bonds for their own account and not for resale or may be sold to financial institutions underwriting the Bonds for sale to the public. Each Certificate of Award shall determine the following, based on the written advice of a Financial Advisor, consistent with this Ordinance and the Indenture:

(a) the principal amount of Bonds issued; provided that the aggregate principal amount of Bonds issued in one or more series under this Ordinance shall not exceed Forty-Seven Million Five Hundred Thousand Dollars (\$47,500,000);

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

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

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

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

(f) the interest rates to be borne by Bonds bearing interest at a fixed rate, the weighted average of which shall not exceed eight percent (8%) as to Bonds of any series that are Tax-Exempt Bonds or ten percent (10%) as to Bonds of any series that are Taxable Bonds, or the method by which the interest rate is to be determined for Bonds bearing interest at variable rates, consistent with Section 4;

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

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

(i) the amount, if any, and source of any money to be deposited in the Bond Service Reserve Fund in order to cause the balance therein to equal the Required Bond Service Reserve, if and to the extent

required by the applicable Supplemental Indenture, and any determination as to whether there shall be a special reserve fund for the Bonds of any series, separate from the common Bond Service Reserve Fund, or a surety or insurance policy, bank letter or line of credit, or other form of credit or Credit Support Instrument enhancing the security for Bonds of that series in lieu of a funded reserve fund;

(j) the Paying Agent; and

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

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

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

**Section 6. Application of Proceeds of Bonds.**

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

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

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

(iii) to the Bond Service Reserve Fund, that portion, if any, of the proceeds required to be deposited in the Bond Service Reserve Fund in order to cause the balance therein to equal the Required Bond Service Reserve, subject to the provisions set forth in Section 5 (i) of this Ordinance for a lesser or special deposit;

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

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

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

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

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

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

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

**Section 8. Credit Support Instruments.**

The Director of Finance is authorized to contract from time to time for one or more Credit Support Instruments for any series of the Bonds or any Hedge Agreement if the Director determines, based on the written advice of a Financial Advisor, that the Credit Support Instruments will result in savings to the City, will stabilize interest rates or minimize the risk of increased interest expense or increased risks, burdens, or other costs associated with hedging arrangements or relating to the Bonds or reserve requirements. The Director of Finance is further authorized to agree to the amendment, replacement, assignment or termination of any Credit Support Instrument if the Director of Finance determines, based on the written advice of a Financial Advisor, that the City's best interests will be served by such amendment, replacement, assignment or termination. In the event the Director of Finance determines, based on the written advice of a Financial Advisor, that it is necessary to supplement or amend the Trust Indenture or a Supplemental Indenture in order to permit the use of, or to amend, replace, assign or terminate, a Credit Support Instrument, the Director of Finance and the Director of Port Control are authorized to sign and deliver a Supplemental Indenture amending the Trust Indenture or an amendment of a Supplemental Indenture, approved as to form and correctness by the Director of Law. The cost of obtaining, amending, replacing, assigning or terminating each Credit Support Instrument, except to the extent paid from proceeds of the Bonds or otherwise, shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 106 and 60 SF 141 and/or passenger facility charges, as determined by

the Director of Finance after consultation with the Director of Port Control.

**Section 9. Tax Covenants.**

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

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

(ii) (A) it will take or cause to be taken such actions that may be required of it for the interest on the Tax-Exempt Bonds to be and to remain excluded from gross income for federal income tax purposes, (B) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (C) it, or persons acting for it, will, among other acts of compliance, (1) apply the proceeds of the Tax-Exempt Bonds to the governmental purposes of the borrowing, (2) restrict the yield on investment property, (3) make timely and adequate payments to the federal government, (4) maintain books and records and make calculations and reports, and (5) refrain from certain uses of those proceeds and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

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

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

(ii) It further covenants that (A) it will take or cause to be taken such actions that may be required of it for the Bonds to be and remain Direct Payment Obligations, (B) it will not take or authorize to be taken any actions that would adversely affect that status, and (C) it, or persons acting for it, will, among other acts of compliance, (1) apply or cause the application of the proceeds of the Bonds to the governmental purpose of the borrowing, (2) restrict yield on investment property, (3) make timely and adequate payments to the federal government, (4) maintain books and records and make calculations and reports and (5) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such tax status.

(c) Further Actions. The Director of Finance, or any other officer of the City having responsibility for issuance of the Bonds, is hereby

authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Bonds as the City is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, the election to issue a series of Bonds as Direct Payment Obligations any of the elections provided for in or available under the Code for the purpose of assuring, enhancing or protecting the favorable tax treatment or status of the Bonds or interest thereon or entitlement to Direct Payments relating thereto, or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments of penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Bonds and the City's entitlement to receive Direct Payments, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Bonds.

**Section 10. Additional Documents.**

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

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



**Section 11. Official Statements; Continuing Disclosure.**

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

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

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

the Bonds in accordance with SEC Rule 15c2-12. The performance of that agreement shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform it.

**Section 12. Conversion and Remarketing or Refunding of Variable Rate Bonds.**

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

In connection with any remarketing of a series of Bonds, the Director of Finance is authorized to obtain one or more Credit Support Instruments if the Director of Finance determines that the Credit Support Instrument will facilitate the remarketing of that series of Bonds, and to enter into agreements with tender agents, administrative agents, remarketing agents, dealers and others, and to terminate such agreements, under the same terms and conditions set forth in Section 4. In the event the Director of Finance determines that it is necessary to supplement or amend the Indenture or the Supplemental Indenture in order to address current market conditions or to permit the use of a Credit Support Instrument or to otherwise obtain financing arrangements advantageous to the City, the Director of Finance is authorized to sign and deliver an amendment of the Indenture or Supplemental Indenture, or an amended and restated Indenture or Supplemental Indenture. The costs of any remarketing of the series of Bonds may be paid, as determined by the Director of Finance, from remarketing proceeds, or from other money lawfully available for that purpose. The Director of Finance is authorized to prepare or authorize to be prepared one or more disclosure documents in connection with any remarketing under the same terms and conditions as set forth in Section 10 of this Ordinance with respect to the Bonds. The Mayor,

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

**Section 13. Lien of Pledge.**

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

**Section 14. Financial Advisors and Consultants.**

The Director of Finance may obtain the services of one or more Financial Advisors, from time to time, to assist the Director of Finance in making any of the determinations required by this Ordinance to be determined by the Director of Finance with respect to the Bonds, any Hedge Agreements and any Credit Support Instruments. The Director of Finance may rely on the written advice of any Financial Advisor so retained. The Director of Finance may obtain the services of one or more feasibility consultants, from time to time, to provide reports in connection with the issuance and sale of any Bonds concerning the utilization and operation of the Airport System, debt service coverage, rates and charges or other matters. Any Financial Advisor or consultant employed under the authority of this Ordinance shall be disinterested in the transaction and be independent of the underwriters or counterparties and any other party interested in the transaction.

**Section 15. Appointment of Successor Trustee.**

The Director of Finance is hereby authorized to appoint a successor

Trustee in the event that the current Trustee, The Bank of New York Mellon Trust Company, N.A., shall resign or be removed, or be dissolved or otherwise become incapable of acting as Trustee under the Indenture, or in case it shall be taken under the control of any public officer or officers or of a receiver appointed by a court, in accordance with the provisions of Section 12.08 of the Trust Indenture.

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

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

**Section 17. Open Meeting Determination.**

It is found and determined that all formal actions of the Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of the Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all applicable legal requirements.

**Section 18. Separability.**

Each section of this Ordinance and each subdivision of any section is declared to be independent, and the finding or holding of any section or subdivision of any section to be invalid or void shall not be deemed or held to affect the validity of any other section or subdivision of this Ordinance.

**Section 19. Recitals.**

It is determined and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Bonds in order to make them legal, valid and binding special obligations of the City will have happened, been done and performed or will happen, be done and performed in regular and due form as required by law; and that

no limitation of indebtedness or taxation, either statutory or constitutional, is applicable to the issuance of the Bonds.

**Section 20. Sunset of Authorization.**

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

**Section 21. Emergency.**

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

Passed May 21, 2018.

Effective May 23, 2018.

**Ord. No. 667-18.  
By Council Member Kelley (by departmental request).**

**An emergency ordinance to amend Section 181.102 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 856-08, passed June 9, 2008, relating to the authorization to acquire software licenses, updates, upgrades, enhancements, training, technical support, maintenance, and repairs.**

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 181.102 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 856-08, passed June 9, 2008, is amended to read as follows:

**Section 181.102 Authorization to Purchase Software Licenses, Updates, Upgrades, Enhancements, Training, Technical Support, Maintenance, and Repairs**

(a) When a director has been authorized by ordinance to acquire software, the director of the department for which the software was acquired or the Director of Finance is authorized to enter into one (1) or more standard purchase or requirement contracts duly let to the lowest and best bidder as provided in Section 181.10, for software licenses, updates, upgrades, enhancements, training, technical support, maintenance, and repair necessary to implement or maintain the authorized software, and for additional licenses for use of, or additional copies of, the originally authorized software and licenses for use of, or copies of, software associated with

and having the same function, purpose and performance capabilities as the originally acquired software and within the express authority and purpose of the ordinance authorizing the initial acquisition.

(b) When a director has been authorized by ordinance to acquire software, the director of the department for which the software was acquired or the Director of Finance is authorized to acquire by contract or contracts with one (1) or more software developers or vendors or one (1) or more firms of software developers or vendors, software licenses, updates, upgrades, enhancements, training, technical support, maintenance, and repair necessary to implement or maintain the authorized software, and for additional licenses for use of, or additional copies of, the originally authorized software, and licenses for use of, or copies of, software associated with and having the same function, purpose and performance capabilities as the originally acquired software and within the express authority and purpose of the ordinance authorizing the initial acquisition. The selection of the software developers or vendors shall be made by the Board of Control on the nomination of the director of the department for which the software was acquired or the Director of Finance from lists of qualified software developers or vendors available for employment as may be determined after a full and complete canvass by the director of the department for which the software was acquired or the Director of Finance for the purpose of compiling the lists.

(c) When a director has been authorized by ordinance to acquire a software system, the director of the department for which the system was acquired or the Director of Finance is authorized to execute one (1) or more license agreements directly with the firm or firms licensing the software for software needed to implement or maintain the system, and for additional licenses for use of, or additional copies of, the originally authorized software system, and licenses for use of, or copies of, software associated with and having the same function, purpose and performance capabilities as the originally acquired software system and within the express authority and purpose of the ordinance authorizing the initial acquisition.

(d) When a director has been authorized to contract with a software developer or vendor, whether specified in an authorizing ordinance or by Board of Control resolution, to acquire software, the director of the department for which the software is acquired or the Director of Finance is authorized to enter into one (1) or more contracts with the software developer or vendor for professional services necessary to perform as-needed services to implement or maintain the software, and to acquire additional licenses for use of, or additional copies of, the originally authorized software and licenses for use of, or copies of, software associated with and having the same function, purpose and performance capabilities as the originally acquired software and within the express authority

and purpose of the ordinance authorizing the initial acquisition, including but not limited to, integration, implementation, migration, installation, design, interfacing, maintenance, repair, upgrades, enhancements, training, training registration, testing, and technical support.

(e) The Board of Control shall fix the compensation to be paid for the software, software systems and services authorized under this ordinance which shall be paid from the annual appropriation made for such purpose. The contract or contracts shall be prepared by the Director of Law, approved by the director of the department for which the purchase is made or the Director of Finance, and certified by the Director of Finance.

(f) Nothing in this section shall be construed to authorize the acquisition of new software or any professional services that, in the judgment of the Director of Finance, would significantly expand or modify the performance characteristics of the originally authorized software beyond the function or purpose capabilities identified in the ordinance authorizing the initial acquisition.

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

**Section 2.** That existing Section 181.102 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 856-08, passed June 9, 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.

Passed May 21, 2018.

Effective May 23, 2018.

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**Ord. No. 668-18.**  
**By Council Member Kelley (by departmental request).**  
**An emergency ordinance authorizing the Director of Finance to employ one or more consultants, computer software developers, or vendors or one or more firms of consultants, computer software developers, or vendors necessary to implement various technology projects and upgrades to existing systems under the 2018 ITS Capital Project Plan and the 2018 IT Courts Project Plan, and other related professional services to implement the Plans; and to enter into various contracts to implement this ordinance.**

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

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

**Section 1.** That, provided this Council passes Ordinance No. 507-18 and the City sells the bonds authorized by that ordinance, the Director of Finance 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 implement various Technology projects and upgrades to existing systems under the 2018 ITS Capital Project Plan and the 2018 IT Courts Project Plan (the "Plans") including, but not limited to, Public Safety Systems and Security, and City-wide applications, fiber optic installation, replacement of obsolete desktop personal computers, Data Center Network and Server Upgrades and enhancements, migrating physical servers to power-efficient sustainable blade chassis and virtual servers, upgrades to SharePoint, CRM, Camera System, Voice over Internet Protocol (VoIP) telephone system, WIFI installation in City-owned and City-leased facilities, and installation of Pen-based devices, Business Intelligence System, all the foregoing including all associated hardware and appurtenances.

**Section 2.** That, provided this Council passes Ordinance No. 507-18 and the City sells the bonds authorized by that ordinance, the Director of Finance 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 and city-wide applications necessary to effectuate the purposes of this ordinance which are not obtained under a professional services contract authorized in this ordinance.

**Section 3.** The selection of the consultants, computer software developers, or vendors for the services described in Sections 1 and 2, shall be made by the Board of Control on the nomination of the Director of Finance from a list of qualified consultants, computer software developers, or vendors available for employment as may be determined after a full and complete canvass by the Director of Finance 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, and approved and certified by the Director of Finance.

**Section 4.** That, provided this Council passes Ordinance No. 507-18 and the City sells the bonds authorized by that ordinance, the Director of Finance is authorized to make one or more written standard purchase or lease 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 implement the Plans, which are not obtained under a professional services contract authorized in this ordinance,

including labor and materials, furniture, Building Maintenance, to be purchased or procured by the Commissioner of Purchases and Supplies on a unit basis for the Division of Information Technology and Services, Department of Finance. 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 or contracts shall be paid from Fund Nos. 20 SF 566, 20 SF 573, 20 SF 578, from the fund or funds which are credited the proceeds of the sale of bonds authorized by Ordinance No. 507-18 if the Council passes that ordinance and the City sells the bonds authorized by that ordinance and from future bonds if issued for this purpose, and shall also be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance.

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

**Section 7.** That the total cost of the contracts and other expenditures authorized in this ordinance shall be paid from Fund Nos. 11 SF 006, 52 SF 001, 54 SF 001, 58 SF 001, 60 SF 661, 80 SF 001, 20 SF 566, 20 SF 573, 20 SF 578, from the fund or funds which are credited the proceeds of the sale of bonds authorized by Ordinance No. 507-18 if the Council passes that ordinance and the City sells the bonds authorized by that ordinance, and any other funds as approved by the Director of Finance. (RQS 1511, RLA 2018-11)

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

Passed May 21, 2018.

Effective May 23, 2018.

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**Ord. No. 669-18.**  
**By Council Member Kelley (by departmental request).**  
**An emergency ordinance authorizing the Director of Finance to employ one or more professional consultants to develop or acquire a web-based electronic payment processing software solution and related professional services, for a period of two years with two one-year options to renew, exercisable by the Director of Finance.**



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

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

**Section 1.** That the Director of Finance is authorized to 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 develop or acquire a web-based electronic payment processing software solution and related professional services, for a period of two years with two one-year options to renew, exercisable by the Director of Finance.

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

**Section 2.** That the cost of the contract or contracts authorized shall be paid from funds approved by the Director of Finance.

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

Passed May 21, 2018.  
Effective May 23, 2018.

**Ord. No. 676-18.**  
**By Council Members Griffin and Kelley (by departmental request).**

**An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the United States Department of Homeland Security for 2018-19 Biowatch Program.**

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

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

**Section 1.** That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$395,972 and any other funds that become available during the grant term, from the United States Department of Homeland Security to conduct the 2018-19 Biowatch Program in accordance with the purposes set forth in the objective and budget; that the Director of Public Health is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the

funds are appropriated for the purposes in the summary for the grant.

**Section 2.** That the objective and budget for the grant, File No. 676-18-A, made a part of this ordinance as if fully rewritten, is approved in all respects and shall not be changed without additional legislative authority.

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

**Section 4.** That the Director of Public Health shall have the authority to extend the term of the grant during the grant term.

**Section 5.** That the Director of Public Health shall deposit the grant accepted under this ordinance into a fund or funds designated by the Director of Finance to implement the program as described in the file and appropriated for that purpose.

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

Passed May 21, 2018.  
Effective May 23, 2018.

**Ord. No. 677-18.**  
**By Council Members Griffin and Kelley (by departmental request).**

**An emergency ordinance authorizing the Director of Public Health to enter into one or more contracts with managed care organizations for the City to receive payments from Medicare, Medicaid, and Medicaid HMO for treatment services under the Mental Health and Substance Abuse Treatment Program, for a period up to five 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 Health is authorized to enter into one or more contracts with managed care organizations for the City to receive payments from Medicare, Medicaid, and Medicaid HMO for treatment services under the Mental Health and Substance Abuse Treatment Program (the "Program"), for a period up to five years.

**Section 2.** That the Director of Public Health is authorized to charge and accept fees from participants of this Program, including first and third party billings, and to

deposit those fees into a fund to be determined by the Director of Finance. The funds will be used to provide additional services under the Program and are appropriated for that purpose.

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

Passed May 21, 2018.  
Effective May 23, 2018.

**Ord. No. 719-18.**  
**By Council Member McCormack.**  
**An emergency ordinance authorizing the Director of the Department of Public Works to enter into an agreement with LAND Studio Inc., for the Arts Recreational Park Programming Series through the use of Ward 3 Casino Revenue Funds.**

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

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

**Section 1.** That the Director of the Department of Public Works is hereby authorized to enter into agreement effective May 1, 2017 with LAND Studio Inc., for the Arts Recreational Park Programming Series for the public purpose of providing educational arts programming to residents residing in the city of Cleveland through the use of Ward 3 Casino Revenue Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$10,000 and shall be paid from Fund No. 10 SF 188.

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

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

Passed May 21, 2018.  
Effective May 23, 2018.

**Ord. No. 720-18.**  
**By Council Member Kelley.**  
**An emergency ordinance authorizing the Director of the Department of Community Development to enter into agreement with College Now Greater Cleveland for College Now Advising Services through the use of Ward 13 Casino Revenue Funds.**

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

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

**Section 1.** That the Director of the Department of Public Works is hereby authorized to enter into agreement effective November 1, 2017 with College Now Greater Cleveland for College Now Advising Services for the public purpose of providing college access advising to Cleveland Metropolitan School District students residing in the city of Cleveland through the use of Ward 13 Casino Revenue Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$20,250 and shall be paid from Fund No. 10 SF 188.

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

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

Passed May 21, 2018.  
Effective May 23, 2018.

**Ord. No. 721-18.**

**By Council Member Griffin.**

**An emergency ordinance authorizing the Director of the Department of Public Works to enter into agreement with Fairfax Renaissance Development Corporation for the Neighborhood Technology Center Program through the use of Ward 6 Casino Revenue Funds.**

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

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

**Section 1.** That the Director of the Department of Public Works is authorized to enter into an agreement with Fairfax Renaissance Development Corporation effective May 1, 2018 for the Neighborhood Technology Center Program for the public purpose of providing computer training to the residents of Cleveland through the use of Ward 6 Casino Revenue Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$18,000 and shall be paid from Fund No. 10 SF 188.

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

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

Passed May 21, 2018.  
Effective May 23, 2018.

**Ord. No. 722-18.**

**By Council Member J. Jones.**

**An emergency ordinance authorizing the Director of the Department of Aging to enter into an agreement with Mt. Pleasant NOW Development Corporation for the Senior Lawn Care Program through the use of Ward 1 Casino Revenue Funds.**

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

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

**Section 1.** That the Director of the Department of Aging be authorized to enter into an agreement effective May 1, 2018 with Mt Pleasant NOW Development Corporation for the Senior Lawn Care Program for the public purpose of assisting senior citizens residing in the city of Cleveland with grass cutting and lawn maintenance care through the use of Ward 1 Casino Revenue Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$30,000 and shall be paid from Fund No. 10 SF 188.

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

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

Passed May 21, 2018.  
Effective May 23, 2018.

**Ord. No. 723-18.**

**By Council Member Santana.**

**An emergency ordinance authorizing the Director of the Department of Public Safety to enter into an agreement with Metro West Development Corporation for the Summer Safety Education Film Series through the use of Ward 14 Casino Revenue Funds.**

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

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

**Section 1.** That the Director of the Department of Public Safety into agreement effective June 15, 2018 with Metro West Development Corporation for the Summer Safety Education Film Series for the public purpose of providing safety education programming on drug use, violence and crime prevention to city of Cleveland residents through the use of Ward 14 Casino Revenue Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$7,500 and shall be paid from Fund No. 10 SF 188.

**Section 3.** That the Director of Law shall prepare and approve said contract and that the contract shall

contain such terms and provisions as he deems necessary to protect the City's interest.

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

Passed May 21, 2018.  
Effective May 23, 2018.

**Ord. No. 735-18.**

**By Council Members McCormack and Santana.**

**An emergency ordinance amending Section 1 of Ordinance No. 457-17 passed April 24, 2017 as amended by 963-17 passed August 16, 2017 and as amended by Ordinance No. 86-18 as it pertains to authorizing the Director of the Department of Community Development to enter into agreement with Cleveland Public Theatre for the Station Hope Storytelling Project through the use of Wards 3 and 14 Casino Revenue Funds.**

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

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

**Section 1.** That Section 1 Ordinance No. 457-17 passed April 24, 2017 as amended by Ordinance No. 963-17 passed August 16, 2017, and as amended by Ordinance No. 86-18 are hereby amended to read as follows:

**Section 1.** That the Director of the Department of Community Development is hereby authorized to enter into agreement effective May 1, 2017 with Cleveland Public Theatre for the Station Hope Storytelling Project for the public purpose of promoting arts education and the history of the underground railroad to youth residing in the city of Cleveland through the use of Wards 3 and 14 Casino Revenue Funds.

**Section 2.** That Section 1 Ordinance No. 457-17 passed April 24, 2017 as amended by Ordinance No. 963-17 passed August 16, 2017 and as amended by Ordinance No. 86-18 is hereby repealed.

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

Passed May 21, 2018.  
Effective May 23, 2018.

**Ord. No. 736-18.**

**By Council Member B. Jones.**

**An emergency ordinance authorizing the Director of the Department of Public Works to enter into agreement with Famicos Foundation for the Hough Community Expo through the use of Ward 7 Casino Revenue Funds.**

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

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

Section 1. That the Director of the Department of Public Works enter into agreement effective June 1, 2018 with Famicos Foundation for the Hough Community Expo for the public purpose of providing educational programming and social support service information to City of Cleveland residents through the use of Ward 7 Casino Revenue Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$20,000 and shall be paid from Fund No. 10 SF 188.

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

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

Passed May 21, 2018. Effective May 23, 2018.

Ord. No. 737-18. By Council Member B. Jones. An emergency ordinance authorizing the Director of the Department of Public Safety to enter into agreement with Famicos Foundation for the Hough Summer Safety Film Series Program through the use of Ward 7 Casino Revenue Funds.

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

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

Section 1. That the Director of the Department of Public Safety is hereby authorized to enter into agreement effective June 1, 2018 with Famicos Foundation for the Hough Summer Safety Film Series Program for the public purpose of promoting neighborhood safety, crime prevention and community policing programming to residents residing in the City of Cleveland through the use of Ward 7 Casino Revenue Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$15,000 and shall be paid from Fund No. 10 SF 188.

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

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

Passed May 21, 2018. Effective May 23, 2018.

Ord. No. 738-18. By Council Member Kelley. An emergency ordinance authorizing the Director of the Department of Public Health to enter into an agreement with Case Western Reserve University for the Data Days Cleveland Expo through the use of Ward 13 Casino Revenue Funds.

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

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

Section 1. That the Director of the Department of Public Health is hereby authorized to enter into agreement effective March 14, 2018 with Case Western Reserve University for the Data Days Cleveland Expo for the public purpose of educating and assisting Cleveland residents on understanding the use of health related data and information technology through the use of Ward 13 Casino Revenue Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$5,000 and shall be paid from Fund No. 10 SF 188.

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

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

Passed May 21, 2018. Effective May 23, 2018.

Ord. No. 752-18. By Council Member B. Jones. An emergency ordinance authorizing the Director of Public Works to accept a gift from the Cleveland Cavaliers, under the NBA Cares Finals Legacy Project, of improvements to the computer lab and activity room at Thurgood Marshall Recreation Center and to accept the gift of apparel, technology components, merchandise, décor, and other furniture and appurtenances necessary to implement the improvements.

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

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

Section 1. That the Director of Public Works is authorized to accept a gift from the Cleveland Cavaliers, under the NBA Cares Finals Legacy Project, of improvements to the computer lab and activity room at Thurgood Marshall Recreation Center, which include labor and materials to replace the flooring and for painting, and to accept the gift of apparel, technology components including warranties, merchandise, décor, and other furniture and appurtenances necessary to implement the improvements, valued at approximately \$40,000 to \$45,000.

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

Passed May 21, 2018. Effective May 23, 2018.

COUNCIL COMMITTEE MEETINGS

Tuesday, May 29, 2018 9:30 a.m.

Development, Planning and Sustainability Committee: Present: Brancatelli, Chair; Cleveland, Vice Chair; Bishop, Hairston, B. Jones, Keane, McCormack.

Wednesday, May 30, 2018 9:30 a.m.

Transportation Committee: Present: Cleveland, Chair; Keane, Vice Chair; Bishop, Johnson, Santana, J. Jones. Authorized Absence: Conwell.

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O—Ordinance; R—Resolution; F—File
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Authorizing the Director of the Department of Aging to enter into an agreement with Mt. Pleasant NOW Development Corporation for the Senior Lawn Care Program through the use of Ward 1 Casino Revenue Funds. (O 722-18) .....**.958**

**Ward 03**

Amending Section 1 of Ordinance No. 457-17 passed April 24, 2017 as amended by 963-17 passed August 16, 2017 and as amended by Ordinance No. 86-18 as it pertains to authorizing the Director of the Department of Community Development to enter into agreement with Cleveland Public Theatre for the Station Hope Storytelling Project through the use of Wards 3 and 14 Casino Revenue Funds. (O 735-18) .....**.958**

Authorizing the Director of Capital Projects to issue a permit to Cleveland Metroparks to encroach into the public rights of way of Detroit Avenue, Riverbed Street and Main Avenue by installing, using, and maintaining an asphalt all-purpose trail. (O 329-18) .....**.934**

Authorizing the Director of the Department of Public Works to enter into an agreement with LAND Studio Inc., for the Arts Recreational Park Programming Series through the use of Ward 3 Casino Revenue Funds. (O 719-18) .....**.957**

Changing the Use, Area, and Height Districts of parcels of land on West 44th Street between Whitman Avenue and John Court and adding zero foot and eight foot mapped setbacks (Map Change No. 2583). (O 630-18) .....**.932**

Supporting House Bill 160, the Ohio Fairness Act which prohibits discrimination based on sexual orientation or gender identity or expression. (R 627-18) .....**.932**

**Ward 05**

Declaring the intent to vacate a portion of East 53rd Street. (R 330-18) .....**.932**

**Ward 06**

Authorizing the Director of Capital Projects to issue a permit to Intesa Holdings, LLC to encroach into the public rights of way of Circle Drive and Mayfield Road by installing, using, and maintaining a monument sign, pull boxes and electrical duct banks for illumination of tree wells and trees. (O 206-18) .....**.933**

Authorizing the Director of the Department of Public Works to enter into agreement with Fairfax Renaissance Development Corporation for the Neighborhood Technology Center Program through the use of Ward 6 Casino Revenue Funds. (O 721-18) .....**.958**

Changing the Use, Area and Height of parcels of land between East 110th Street and East 115th Street north of Martin Luther King, Jr. Drive and south of Woodland Avenue for the Legacy Pointe at St. Luke's Hospital housing development as shown on the attached map (Map Change No. 2582). (O 628-18) .....**.931**

**Ward 07**

Authorizing the Director of Public Works to accept a gift from the Cleveland Cavaliers, under the NBA Cares Finals Legacy Project, of improvements to the computer lab and activity room at Thurgood Marshall Recreation Center and to accept the gift of apparel, technology components, merchandise, décor, and other furniture and appurtenances necessary to implement the improvements. (O 752-18) .....**.959**

Authorizing the Director of the Department of Public Safety to enter into agreement with Famicos Foundation for the Hough Summer Safety Film Series Program through the use of Ward 7 Casino Revenue Funds. (O 737-18) .....**.959**

Authorizing the Director of the Department of Public Works to enter into agreement with Famicos Foundation for the Hough Community Expo through the use of Ward 7 Casino Revenue Funds. (O 736-18) .....**.958**

**Ward 13**

Authorizing the Director of the Department of Community Development to enter into agreement with College Now Greater Cleveland for College Now Advising Services through the use of Ward 13 Casino Revenue Funds. (O 720-18) .....**.957**

Authorizing the Director of the Department of Public Health to enter into an agreement with Case Western Reserve University for the Data Days Cleveland Expo through the use of Ward 13 Casino Revenue Funds. (O 738-18) .....**.959**

**Ward 14**

Amending Section 1 of Ordinance No. 457-17 passed April 24, 2017 as amended by 963-17 passed August 16, 2017 and as amended by Ordinance No. 86-18 as it pertains to authorizing the Director of the Department of Community Development to enter into agreement with Cleveland Public Theatre for the Station Hope Storytelling Project through the use of Wards 3 and 14 Casino Revenue Funds. (O 735-18) .....**.958**

Authorizing the Director of the Department of Public Safety to enter into an agreement with Metro West Development Corporation for the Summer Safety Education Film Series through the use of Ward 14 Casino Revenue Funds. (O 723-18) .....**.958**

Objecting to a New C1 Liquor Permit at 3545 Ridge Road. (R 759-18) .....**.933**

**Ward 15**

Authorizing the Director of Capital Projects to issue a permit to Cleveland Metroparks to encroach into the public right-of-way of Whiskey Island Drive by installing, using and maintaining an asphalt all-purpose trail. (O 328-18) .....**.934**

Supporting House Bill 160, the Ohio Fairness Act which prohibits discrimination based on sexual orientation or gender identity or expression. (R 627-18) .....**.932**

**Ward 16**

To designate Field #2 at Terminal Park as Taylor/Pifer Field. (O 626-18) .....**.937**

**Zoning**

Changing the Use, Area and Height of parcels of land between East 110th Street and East 115th Street north of Martin Luther King, Jr. Drive and south of Woodland Avenue for the Legacy Pointe at St. Luke's Hospital housing development as shown on the attached map (Map Change No. 2582). (O 628-18) .....**.931**

Changing the Use, Area, and Height Districts of parcels of land on West 44th Street between Whitman Avenue and John Court and adding zero foot and eight foot mapped setbacks (Map Change No. 2583). (O 630-18) .....**.932**