

# The City Record

Official Publication of the Council of the City of Cleveland



May the Ninth 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  
 Duane Deskins, 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 Zoghail, 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, Interim 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, Interim Director, Room 210

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

### COMMUNITY RELATIONS BOARD – Room 11, Grady Stevenson, Interim 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 9, 2018

No. 5448

## CITY COUNCIL

MONDAY, MAY 7, 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:** Conwell (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 2, 2018

The meeting of the Board of Control convened in the Mayor's office on Wednesday, May 2, 2018 at 10:36 a.m. with Director Langhenry presiding.

Present: Director Langhenry, Acting Director Wood, Directors Cox, Gordon, McGrath, Menesse, West, Interim Director Ebersole, Director McNamara, and Interim Director Donald.

Absent: Mayor Jackson, Directors Dumas, and Kennedy.

Others: Tiffany White Johnson, Commissioner Purchases & Supplies, Matthew Spronz, Director Mayor's Office of Capital Projects.

Melissa Burrows, Director Office of Equal Opportunity.

#### Resolution No. 171-18.

By Director Davis.

Be it resolved by the Board of Control of the City of Cleveland that Board of Control Resolution No. 106-18, adopted March 21, 2018, pursuant to the authority of Section 129.25 of the Codified Ordinances of Cleveland Ohio, 1976, approving the bid of Simplified Alternatives, Inc. as lowest and best bid for an estimated quantity of ductile iron pipe and fittings, items 2, 4, and 6, for the Division of Water,

Department of Public Utilities, is hereby amended by inserting "2-4" for "2, 4".

Be it further resolved that all other provisions of said Resolution No. 106-18 not expressly amended hereby shall remain unchanged and in full force and effect.

Yeas: Director Langhenry, Acting Director Wood, Directors Cox, Gordon, McGrath, Menesse, West, Interim Director Ebersole, Director McNamara, and Interim Director Donald.

Nays: None.

Absent: Mayor Jackson, Directors Dumas, and Kennedy.

#### Resolution No. 172-18.

By Director Davis.

Be it resolved by the Board of Control of the City of Cleveland that the employment of the following subconsultants by GPD Group, Inc. under Contract No. PS2016-280 to provide professional program management services to assist WPC in implementing a Capital Improvement Program for a period of five years, for the Division of Water Pollution Control, Department of Public Utilities, is approved:

SUBCONSULTANTS	WORK PERCENTAGE
AAA Flexible Pipe Cleaning dba Advanced Plumbing and Drain (CSB/FBE)	TBD 0.00%
GPD Geotechnical Services, Inc. (Non-Certified)	TBD 0.00%
AECOM (Non-Certified)	TBD 0.00%

Yeas: Director Langhenry, Acting Director Wood, Directors Cox, Gordon, McGrath, Menesse, West, Interim Director Ebersole, Director McNamara, and Interim Director Donald.

Nays: None.

Absent: Mayor Jackson, Directors Dumas, and Kennedy.

#### Resolution No. 173-18.

By Director Davis.

Be it resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by SONA Construction, LLC under Contract No. PI2018-016 for the public improvement of Nottingham Water Works Locker Room Renovations, for the Division of Water, Department of Public Utilities, is approved:

Subcontractors	Work Percentage
Epic Steel (CSB)	\$17,800.00 3.80%

TAT Construction, Inc. (non-certified)	\$ 7,600.00 0.00%
Integrity Environmental Dev. (non-certified)	\$14,000.00 0.00%
Rayhaven Group (non-certified)	\$ 6,000.00 0.00%
Centaur Contracting, LLC (non-certified)	\$ 8,500.00 0.00%

Yeas: Director Langhenry, Acting Director Wood, Directors Cox, Gordon, McGrath, Menesse, West, Interim Director Ebersole, Director McNamara, and Interim Director Donald.  
Nays: None.

Absent: Mayor Jackson, Directors Dumas, and Kennedy.

**Resolution No. 174-18.**

By Director Davis.

Be it resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Perk Company, Inc. under Contract No. PI2018-004 for the public improvement of Home Court Water Main Renewal, for the Division of Water, Department of Public Utilities, is approved:

Subcontractor	Work Percentage
LaVan Underground, Inc. (CSB)	\$114,624.00 48.25%

Yeas: Director Langhenry, Acting Director Wood, Directors Cox, Gordon, McGrath, Menesse, West, Interim Director Ebersole, Director McNamara, and Interim Director Donald.  
Nays: None.

Absent: Mayor Jackson, Directors Dumas, and Kennedy.

**Resolution No. 175-18.**

By Director Davis.

Be it resolved by the Board of Control of the City of Cleveland that the bid of American Wire Group, Inc. for an estimated quantity of Wire, Cable and Accessories, Groups D (1-4), Group I(1), and Group N (Metal Price Adjustment) for the Division of Cleveland Public Power, Department of Public Utilities, for a period of one year 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 one one-year option to renew, received on November 17, 2017 under the authority of Section 129.26 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$147,855.00, 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 required goods and/or services necessary for the specified items.

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

Yeas: Director Langhenry, Acting Director Wood, Directors Cox, Gordon, McGrath, Menesse, West, Interim Director Ebersole, Director McNamara, and Interim Director Donald.  
Nays: None.

Absent: Mayor Jackson, Directors Dumas, and Kennedy.

**Resolution No. 176-18.**

By Director Davis.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Professional Electric Products Company dba PEPSCO for an estimated quantity of Wire, Cable and Accessories, Groups A (1-10), Group B (1-2), Group C (1-10), Group G (1-21), Group J (1-6), Group K (1-6), Group L (1-3) and Group N (Metal Price Adjustment) for the Division of Cleveland Public Power, Department of Public Utilities, for a period of one year 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 one one-year option to renew, received on November 17, 2017 under the authority of Section 129.26 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$1,898,935.00, 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 required goods and/or services necessary for the specified items.

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

Yeas: Director Langhenry, Acting Director Wood, Directors Cox, Gordon, McGrath, Menesse, West, Interim Director Ebersole, Director McNamara, and Interim Director Donald.  
Nays: None.

Absent: Mayor Jackson, Directors Dumas, and Kennedy.

**Resolution No. 177-18.**

By Director Davis.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Leff Electric Company, Inc. for an estimated quantity of Wire, Cable and Accessories, Groups H (1-8), Group M (1-12) and Group N (Metal Price Adjustment) for the Division of Cleveland Public Power, Department of Public Utilities, for a period of one year 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 one one-year option to renew, received on November 17, 2017 under the authority of Section 129.26 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$95,296.60, 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 required goods and/or services necessary for the specified items.

The requirement contract shall further provide that the Contractor shall furnish all the City's requirements for such goods and/or services, whether more or less than the

estimated quantity, as may be ordered under delivery orders separately certified to the contract.

Yeas: Director Langhenry, Acting Director Wood, Directors Cox, Gordon, McGrath, Menesse, West, Interim Director Ebersole, Director McNamara, and Interim Director Donald.  
Nays: None.

Absent: Mayor Jackson, Directors Dumas, and Kennedy.

**Resolution No. 178-18.**

By Director Davis.

Be it resolved by the Board of Control of the City of Cleveland that the bid of RA Strauss Electric Supply Co. for an estimated quantity of Wire, Cable and Accessories, Groups E (1-5), Group F (1-4) and Group N (Metal Price Adjustment) for the Division of Cleveland Public Power, Department of Public Utilities, for a period of one year 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 one one-year option to renew, received on November 17, 2017 under the authority of Section 129.26 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$149,910.00, 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 required goods and/or services necessary for the specified items.

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

Yeas: Director Langhenry, Acting Director Wood, Directors Cox, Gordon, McGrath, Menesse, West, Interim Director Ebersole, Director McNamara, and Interim Director Donald.  
Nays: None.

Absent: Mayor Jackson, Directors Dumas, and Kennedy.

**Resolution No. 179-18.**

By Director Davis.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on November 17, 2017 for an estimated quantity for Wire, Cable and Accessories (Items A11, B3, C11, D5, E6, F6, G22, H9, I2, J7, K7, L4 and M13) for the Division of Cleveland Public Power Department of Public Utilities, under the authority of Section 129.26 of the Codified Ordinances of Cleveland, Ohio, 1976, are rejected.

Yeas: Director Langhenry, Acting Director Wood, Directors Cox, Gordon, McGrath, Menesse, West, Interim Director Ebersole, Director McNamara, and Interim Director Donald.  
Nays: None.

Absent: Mayor Jackson, Directors Dumas, and Kennedy.

**Resolution No. 180-18.**

By Director Spronz.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of Vandra Brothers, Inc. for the public improvement of Harvard Avenue Resurfacing (Lee Road to Evanston - E. 190th Street), all bid items, for the Division of Engineering and Construction, Mayor's



Office of Capital Projects, received on April 11, 2018, under the authority of Ordinance No. 1162-17, passed by Cleveland City Council on December 4, 2017, upon a unit price basis for the improvement, in the aggregate amount of \$2,347,152.36, is affirmed and approved as the lowest responsible bid, and the Director of Capital Projects is authorized to enter into contract for the improvement with the bidder.

Be it further resolved that the employment of the following sub-contractors by Vandra Brothers, Inc. for the above-mentioned public improvement is approved:

Trafftech, Inc.  
\$153,000.00 — (6.5%)

Tech Ready Mix  
\$237,000.00 — (10.1%)

Cuyahoga Supply and Tool, Inc.  
\$50,000.00 — (2.1%)

RAR Contracting Co., Inc.  
\$270,000.00 — (11.5%)

Yeas: Director Langhenry, Acting Director Wood, Directors Cox, Gordon, McGrath, Menesse, West, Interim Director Ebersole, Director McNamara, and Interim Director Donald.  
Nays: None.

Absent: Mayor Jackson, Directors Dumas, and Kennedy.

**Resolution No. 181-18.**  
By Director Cox.

Whereas, Board of Control Resolution No. 136-18, adopted April 4, 2018, authorized the Director of Public Works to enter into a written contract with United Skates of Cleveland, LLC, based on its June 9, 2017 proposal, as modified March 21, 2018, to supply management and concession services for the daily operations of the roller skating rink and concession stand located within Zelma Watson George Recreation Center for a period of five years beginning March 15, 2018 with five one-year options to renew, for the Division of Recreation, Department of Public Works, and provided that the aggregate fee paid to United Skates of Cleveland, LLC shall not exceed \$94,000.00 annually for years 1-5, \$96,000.00 annually for years 6 & 7, and \$97,000.00 annually for years 8-10; and

Whereas, Resolution No. 136-18 provided that the fees to be paid to United Skates of Cleveland, LLC under the agreement authorized above shall consist of a fixed monthly amount of \$6,950.00 plus 7% of monthly gross revenues and an incentive fee of 3% of gross revenue when monthly expenses do not exceed 68% of monthly gross revenue;

Whereas, Resolution No. 136-18 did not accurately reflect the fees to be paid United Skates set forth in its proposal as modified March 21, 2018 and certain City requirements which United Skates has incorporated into a revised proposal dated April 18, 2018; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 136-18, adopted April 4, 2018, which authorized the Director of Public Works to enter into a written contract with United Skates of Cleveland, LLC, based on its June 9, 2017 proposal, as modified March

21, 2018, to supply managerial services for the daily operations of the roller skating rink and concession stand located within Zelma Watson George Recreation Center for a period of five years beginning March 15, 2018 with five one-year options to renew, is amended to include United Skates' April 18, 2018 revised Proposal as the basis of the Agreement, under which payment to United Skates of Cleveland, LLC shall consist of a fixed monthly amount of \$6,950.00 plus an incentive fee of 10% of all net profits (net profits are defined as total revenue minus expenses which include the cost of goods and the management fee), subject to a maximum annual fee of \$94,000.00 for years 1-5, \$96,000.00 for years 6 and 7, and \$97,000.00 for years 9 and 10.

Be it further resolved that all other provisions of Resolution No. 136-18 not expressly amended above shall remain unchanged and in full force and effect.

Yeas: Director Langhenry, Acting Director Wood, Directors Cox, Gordon, McGrath, Menesse, West, Interim Director Ebersole, Director McNamara, and Interim Director Donald.  
Nays: None.

Absent: Mayor Jackson, Directors Dumas, and Kennedy.

**Resolution No. 182-18.**

By Director Cox.

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

Whereas, NOW Valet Service, Inc. has proposed to offer valet parking services to the general public for the Art Programming event to be held at Public Hall on July 13, 2018 by using the Willard Park Surface Lot; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that, under Section 183.04 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Works is authorized to enter into a concession agreement with NOW Valet Service, Inc. to use Willard Park Surface Lot to operate a valet parking service for a fee of \$450.00 plus \$5.00 per vehicle parked for the above-mentioned event to be held at the Public Hall on Friday, July 13, 2018, from 5:30pm to 11:30pm.

The concession agreement shall be prepared by the Director of Law and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit public interest.

Yeas: Director Langhenry, Acting Director Wood, Directors Cox, Gordon, McGrath, Menesse, West, Interim Director Ebersole, Director McNamara, and Interim Director Donald.  
Nays: None.

Absent: Mayor Jackson, Directors Dumas, and Kennedy.

**Resolution No. 183-18.**

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

Nos. 127-24-112 and 127-24-113 located on East 104th Street, Cleveland, Ohio, 44104; 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, Michael Brantley has proposed to the City to purchase the parcels for a side yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 6 has approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland with Michael Brantley for the sale of Permanent Parcel No. 127-24-112 and 127-24-113 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 parcels shall be \$200.00 which amount is determined to be not less than the fair market value of the parcels for uses according to the Program.

Yeas: Director Langhenry, Acting Director Wood, Directors Cox, Gordon, McGrath, Menesse, West, Interim Director Ebersole, Director McNamara, and Interim Director Donald.  
Nays: None.

Absent: Mayor Jackson, Directors Dumas, and Kennedy.

**Resolution No. 184-18.**

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. 002-31-038 located at 1967 West 54th 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, James Taddeo has proposed to the City to purchase and develop the parcel for new housing construction; and

Whereas, the following conditions exist:

1. The member of Council from Ward 15 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 parcels is neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested, to execute an Official Deed for and on behalf of the City of Cleveland, with James Taddeo for the sale and development of Permanent Parcel No. 002-31-038 located at 1967 West 54th Street, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

Yeas: Director Langhenry, Acting Director Wood, Directors Cox, Gordon, McGrath, Menesse, West, Interim Director Ebersole, Director McNamara, and Interim Director Donald.

Nays: None.

Absent: Mayor Jackson, Directors Dumas, and Kennedy.

#### **Resolution No. 185-18.**

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 Nos. 116-09-046, 116-09-047, 116-09-048, 116-09-052, 116-09-064, 116-09-066 and 116-09-067 located on 15235, 15237, 15247, 15257, 15234, 15232 and 15230 Saranac Rd.; 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 or lease Land Reutilization Program parcels; and

Whereas, CAMHP Foundation has proposed to the City to lease the parcels for a market garden; and

Whereas, the following conditions exist:

1. The member of Council from Ward 8 has approved the proposed lease or has not disapproved or requested a hold of the proposed lease within 45 days of notification of it;

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, to execute a lease for a period up to 5 years, for and on behalf of the City of Cleveland with CAMHP Foundation for the purpose of maintaining a community garden

on Permanent Parcel Nos. 116-09-046, 116-09-047, 116-09-048, 116-09-052, 116-09-064, 116-09-066 and 116-09-067, 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 lease of the parcels shall be \$5.00, which amount is determined to be not less than the fair market value of the parcels for uses according to the Program.

Yeas: Director Langhenry, Acting Director Wood, Directors Cox, Gordon, McGrath, Menesse, West, Interim Director Ebersole, Director McNamara, and Interim Director Donald.

Nays: None.

Absent: Mayor Jackson, Directors Dumas, and Kennedy.

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 stated 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, MAY 21, 2018**

**9:30 A.M.**

**Calendar No. 18-94:** 1829 West 57th Street (Ward 15)

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. The appellant 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 "B" area

district is 4,800 square feet and the proposed lot area is 4,588 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. The required side yard is approximately 6' - 9" and a 2' - 0" side yard is proposed (includes 12" roof overhang).

3. Section 341.02(b) which states that City Planning approval is required prior to the issuance of a building permit. (Filed April 24, 2018)

**Calendar No. 18-95:** 1833 West 57th Street (Ward 15)

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. The appellant 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 "B" area district is 4,800 square feet and the proposed lot area is 4,200 square feet.

2. Section 355.04(a) which states that the minimum lot width for a single family dwelling in a "B" Area District is 40 feet and 33 feet are proposed.

3. 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. The required side yard is approximately 6' - 9" and a 2' - 0" side yard is proposed (includes 12" roof overhang).

4. Section 341.02(b) which states that City Planning approval is required prior to the issuance of a building permit. (Filed April 24, 2018)

**Calendar No. 18-96:** 3632 Bailey Avenue (Ward 3)

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 3,750 square foot lot 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(a) 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 3,750 square feet.

2. Section 355.04(a) which states that the minimum lot width for a single family dwelling in a "B" Area District is 40 feet and 37' - 6" are proposed.

3. 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. The required side yard is approximately 6' - 9" and a 2' - 0" side yard is proposed (includes 12" roof overhang).

4. Section 341.02(b) which states that City Planning approval is required prior to the issuance of a building permit. (Filed April 24, 2018)

**Calendar No. 18-97:** 1117 East 105th Street (Ward 9)

Cory United Methodist Church, owner, proposes to install a telecommunications antenna and equipment on a parcel located in a C2 Local Retail Business District. The owners appeal for relief from the strict application of Section 358.05(a)(2) of the Cleveland Codified Ordinances which states that in a Local Retail Business District, fences in actual rear yards shall not exceed 6 feet in height and the proposed fence is 8 feet in height. (Filed April 24, 2018)

**Calendar No. 18-98:** 3636 Bailey Avenue (Ward 3)

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 3,750 square foot lot 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(a) 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 3,750 square feet.

2. Section 355.04(a) which states that the minimum lot width for a single family dwelling in a "B" Area District is 40 feet and 37' - 6" are proposed.

3. 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. The required side yard is approximately 6' - 9" and a 2' - 0" side yard is proposed (includes 12" roof overhang).

4. Section 341.02(b) which states that City Planning approval is required prior to the issuance of a building permit. (Filed April 24, 2018)

**Calendar No. 18-99:** 2125 Superior Avenue (Ward 7)

2125 Superior Holding LLC., owner, proposes to construct a new 58 unit apartment building in a C3 and C4 Semi-Industry District. The appellant appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 357.09(b)(2)(C) which states that an 11 foot interior side yard is required at south side of lot and 0' proposed.

2. Section 357.08(b)(I) which states that a 22 foot rear yard is required and 13 feet are proposed.

3. Section 355.04 which states that the maximum gross floor area of building cannot exceed 1/2 lot area, or in this case 12,750 square feet and the appellant is proposing 58,066 square feet. (Filed April 25, 2018)

**Calendar No. 18-100:** 6706 Detroit Avenue (aka 6710 Detroit Avenue) (Ward 15)

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). The appellant appeals for relief from the strict application of 343.23(i) which states that due to the PRO, six (6) parking spaces are required; no parking proposed. (Filed April 26, 2018)

**Calendar No. 18-101:** 1400 East 105th Street (Ward 9)

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. The appellant appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 343.18(c) which stated that no driveway providing access to a property shall be located closer than 15 feet away from property line. The proposed driveways are approximately 8 and 2 feet away from side property lines. (Filed April 26, 2018)

**POSTPONED FROM MAY 7, 2018**

**Appeal from Assessments and Licenses**

**Calendar No. 18-85:** Denial of Mobile Food Shop location/RLUMF18-00009 (Ward 3)

Khaled Alnazer appeals under the authority of Section 76-6(b) of the Charter of the City of Cleveland and Section 329.02(d) of the Cleveland Codified Ordinances from the decision of Cleveland City Councilperson

Kerry McCormack and the Division of Assessments and Licenses to deny the Mobile Food Shop location application #RLUMF18-00009 at 1198 Old River Road on April 11, 2018. (Filed April 12, 2018 - No Testimony)

First postponement made at the request of the city of Cleveland for time to compile discovery.

**REPORT OF THE BOARD OF ZONING APPEALS**

**MONDAY, MAY 7, 2018**

At the meeting of the Board of Zoning Appeals on Monday, May 7, 2018 the following appeals were scheduled for hearing before the Board.

The following appeals were **APPROVED:**

**Calendar No. 18-66:** 4202-04 Bucyrus Avenue

Igor Kaschinszki, owner, proposes to place a storage container on a lot in a B1 Local Retail Business.

**Calendar No. 18-82:** 3153 West 11th Street

Brian Jones, owner, aka Bumpus House LLC., proposes to build a parking lot in a B1 Two Family Residential District.

**Calendar No. 18-83:** 16001 Holmes Avenue

Annette Gibson, owner, proposes to establish use as a day care center in a B1 Two Family Residential District.

**Calendar No. 18-84:** 1355 West 70th Street

Catholic Diocese of Cleveland, owner, and Our Lady of Mt. Carmel, lessee, propose to erect a 5,185 square foot addition to a school in an F3 Multi-Family Residential District.

**Calendar No. 18-86:** 1899 West 44th Street

Harbor Street Partners, owner, proposes to construct a new 4 unit townhouse in a B1 Two Family Residential District.

**Calendar No. 18-87:** 2881 Scranton Road

Ziegler & Tomlinson, owners, propose to build a 232 square foot addition to an existing single family residence in an A1 One Family Residential District.

The following appeal was **WITHDRAWN:**

**Calendar No. 18-92:** Deborah Brown 3523 East 139th Street.

The following appeals were **DISMISSED:**

None.

The following cases were **POSTPONED:**

**Calendar No. 17-361:** Fulton Denison LLC 5804 Denison Avenue. Postponed to May 29, 2018.



**Licenses Denial of Mobile Food Shop**  
**Calendar No. 18-85:** Khaled Alnazer  
 RLUMF18-00009. Postponed to May 21, 2018.

The following cases were heard by the Board of Zoning Appeals on Monday, April 30, 2018 and the decisions were adopted and approved on Monday, May 7, 2018:

The following appeals were **APPROVED:**

**Calendar No. 18-80:** 12502 Larchmere Boulevard  
 Margaret Mueller, owner, and Start LLC., prospective purchaser, proposes to expand restaurant use to include outdoor seating, firepit and bocce ball court in a C2 Local Retail Business District and a Pedestrian Retail Overlay District (PRO).

**Calendar No. 18-81:** 12505 Larchmere Boulevard  
 Margaret Mueller, owner, and Start LLC., prospective purchaser, proposes to expand restaurant use to include outdoor seating, firepit and bocce ball court in a C2 Local Retail Business District and a Pedestrian Retail Overlay District (PRO).

**Calendar No. 18-74:** 14209 Triskett Road  
 Christina Green, owner, proposes to erect a two story frame accessory garage in a B1 Two Family Residential District

Secretary

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

Re: Report of the Meeting of  
 May 2, 2018

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

\* \* \*

**Docket A-29-18.**

RE: Appeal of Jezeel Acosta, Owner of the Two Dwelling Units Two-Family Residence Two Story Frame Property, located on the premises known as 3434 West 54th Street from a NOTICE OF VIOLATION — INTERIOR/EXTERIOR MAINTENANCE, dated December 4, 2017 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until May 15, 2018 to obtain all required permits and register the rental property; and until July 1, 2018 to complete abatement of all the violations on the property; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Bradley.

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

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**Docket A-30-18.**

RE: Appeal of Samuel W. Hoyer, Owner of the Two Dwelling Units Two-Family Residence Two & One-half Story Frame Property, located on the premises known as 3426 East 118th Street from a NOTICE OF VIOLATION — FIRE DAMAGE, dated January 11, 2018 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until August 1, 2018 to complete abatement of the violations; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Bradley.

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

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**Docket A-36-18.**

RE: Appeal of Darius Gavis, Owner of the Two Dwelling Units Two-Family Residence Three Story Wood Frame/Siding/Masonry Veneer Property, located on the premises known as 9845 Lake Avenue from a NOTICE OF VIOLATION — UNAUTHORIZED/ILLEGAL USE, dated January 4, 2018 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the Violation Notice was properly issued, and to allow the Appellant to use the property for limited lodging as defined in the Ohio Building Code (OBC), and the Codified Ordinances of the City of Cleveland, as long as the Appellant resides at the property fifty-one (51) percent of the time and does not exceed the ninety (90) day per year rental as a lodging accommodation; noting that the property was advertised as a hotel, which was not the intent of the Appellant. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Bradley.

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

\* \* \*

**Docket A-40-18.**

RE: Appeal of Telecom Acquisition Corp. I, Inc., Owner of the A-2 Assembly — Nite Clubs, Restaurants Two Story Frame Property, located on the premises known as 1204 Old River Road from a NOTICE OF VIOLATION — INTERIOR MAINTENANCE, dated January 14, 2018 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

No action this date; the docket is rescheduled for May 30, 2018.

**Docket A-41-18.**

RE: Appeal of Telecom Acquisition Corp. I, Inc., Owner of the A-2 Assembly — Nite Clubs, Restaurants Two Story Masonry Property, located on the premises known as 1198 Old River Road from a NOTICE OF VIOLATION — UNAUTHORIZED/ILLEGAL USE, dated January 6, 2018 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

No action this date; the docket is rescheduled for May 30, 2018.

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**Docket A-42-18.**

RE: Appeal of Telecom Acquisition Corp. I, Inc., Owner of the A-2 Assembly — Nite Clubs, Restaurants Two Story Masonry Walls/Wood Floors Property, located on the premises known as 1220 Old River Road from a NOTICE OF VIOLATION — INTERIOR MAINTENANCE, dated January 16, 2018 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

No action this date; the docket is rescheduled for May 30, 2018.

\* \* \*

**Docket A-44-18.**

RE: Appeal of Deborah Joseph, Owner of the One Dwelling Unit Single-Family Residence Two Story Frame Property, located on the premises known as 4700 Bragdon Avenue from an ORDER TO VACATE & HAZARDOUS CONDITIONS, dated February 12, 2018 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the Vacate Order & Hazardous Conditions Notice was properly issued; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Bradley.

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

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**Docket A-45-18.**

RE: Appeal of Nicholas D. Dionisopoulos, Owner of the Two Dwelling Units Two-Family Residence Two & One-half Story Frame Property, located on the premises known as 3207 West 121st Street from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated January 16, 2018 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until June 4, 2018 to complete abatement of the violations; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion



so in order. Motioned by Mr. Saab and seconded by Mr. Bradley.  
Yeas: Messrs. Denk, Saab, Bradley.  
Nays: None. Absent: Messrs., Gallagher, Maschke.

\* \* \*

**Docket A-46-18.**

RE: Appeal of Herbert Harris, Owner of the One Dwelling Unit Single-Family Residence Two & One-half Story Frame Property, located on the premises known as 1219 East 87th Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated September 13, 2017 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to REMAND the property to the Department of Building and Housing for supervision and any required further action, noting that the Appellant is complying with the permit and construction process, and that the City is currently inspecting the property and will continue until the violations have been abated; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Bradley.

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

\* \* \*

**Docket A-47-18.**

RE: Appeal of Jitendra Kapasi, Owner of the One Dwelling Unit Single-Family Residence Two Story Frame Property, located on the premises known as 2027 West 93rd Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated December 27, 2017 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to DENY the Appellant's request for additional time, based upon the photographic evidence, the hazardous conditions, and that the property is a severe detriment to the neighborhood; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Bradley.

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

\* \* \*

**Docket A-48-18.**

RE: Appeal of Slavic Village Development, Owner of the MXD Mixed Uses — Multiple Uses In One Building Two & One-half Story Frame Property, located on the premises known as 5502 Fleet Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated March 8, 2018 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-48-18 has been WITHDRAWN at the request of the Appellant at the May 2, 2018 Board meeting.

\* \* \*

**Docket A-51-18.**

RE: Appeal of Brian Saunders, Owner of the R-2 Residential — Non-transient; Apartments (Shared Egress) Two Story Masonry Property, located on the pre-mises known as 8208 Denison Avenue from a NOTICE OF VIOLATION — INTERIOR/EXTERIOR MAINTENANCE, dated January 29, 2018 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-51-18 has been WITHDRAWN at the request of the Appellant.

\* \* \*

**Docket A-67-18.**

RE: Appeal of Chelsea's Vintage Clothing Inc., Owner of the Property, located on the premises known as 1412 West 116th Street from a NOTICE OF VIOLATION — FIRE CODE, dated March 1, 2018 of the Chief of the Division of Fire, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-67-18 has been POSTPONED; to be rescheduled for May 16, 2018.

\* \* \*

**APPROVAL OF RESOLUTIONS:**

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

- A-258-17 — Richard Wynn
- A-27-18 — Anthony V. Arlia
- A-31-18 — Nelson Rivera
- A-38-18 — Joseph Greer
- A-39-18 — Richard Ratliff

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

\* \* \*

**APPROVAL OF MINUTES:**

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

April 18, 2018

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

\* \* \*

JOSEPH F. DENK  
Chairman

**PUBLIC NOTICE**

There will be a public meeting for the purpose of ascertaining boundaries, recommended on Detroit

Avenue between West 24th Street and Center Street near Stonebridge Towers, for a proposed residential permit parking area, as well as an appropriate time limitation on parking and the period of the day for its application.

May 10, 2018  
6:00 pm  
2111 Center Street

April 25, 2018, May 2, 2018, May 9, 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 Tuesday, May 22, 2018  
9:30 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 Tuesday, May 22, 2018, at 9:30 a.m., to consider the following ordinances now pending in the Council:

**Ord. No. 1453-17.**

By Council Member Conwell.  
An emergency ordinance designating the Garfield Bank Building as a Cleveland Landmark.

**Ord. No. 1454-17.**

By Council Member Conwell.  
An emergency ordinance designating the Glenville-Bratenahl U.S. Post Office, Luke Easter Building as a Cleveland landmark.

**Ord. No. 368-18.**

By Council Member McCormack.  
An ordinance changing the Use, Area, and Height Districts of lands flanking Old River Road and City owned property intended for Canal Basin Park consistent with recent zoning changes located on the East and West Banks of the Flats as identified on the attached map (Map Change No. 2580).

**Ord. No. 426-18.**

By Council Member B. Jones.  
An emergency ordinance designating Crawford Road Christian Church as a Cleveland Landmark.

Anthony Brancatelli, Chair  
Committee on Development,  
Planning and Sustainability

May 9, 2018 and May 16, 2018

**CITY of CLEVELAND BIDS**

**For All Departments**

**Scaled bids will be received at the office of the Commissioner of Purchases and Supplies, Room 12S, City Hall, in accordance with the appended schedule, and will be opened and read in Room 12S, 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, MAY 18, 2018

File No. 52-18 — 2018 Parks Public Improvement, for the Division of Architecture and Site Development, Office of Capital Projects, as authorized by Ordinance No. 549-17, passed by the Council of the City of Cleveland, June 5, 2017.

THERE WILL BE A NON-REFUNDABLE FEE FOR PLANS AND SPECIFICATIONS IN THE AMOUNT OF FIFTY DOLLARS (\$50.00) ONLY IN THE FORM OF A CASHIER'S CHECK OR MONEY ORDER (NO COMPANY CHECKS, NO CASH, AND NO CREDIT CARDS WILL BE ACCEPTED TO PURCHASE PLANS. ALL PLANS AND SPECIFICATIONS MUST BE PURCHASED DIRECTLY FROM THE DIVISION OF PURCHASES AND SUPPLIES BIDDERS MUST BE ON PLAN-HOLDERS LIST TO SUBMIT A BID OR RECEIVED ADDENDUMS.)

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, TUESDAY, MAY 8, 2018 AT 11:00 A.M. CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114, ROOM 517A.

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 2, 2018 and May 9, 2018

WEDNESDAY, MAY 23, 2018

File No. 51-18 — Purchase of Various Automotive and Light Truck Parts, for the Division of Motor Vehicle Maintenance, Department of Public Works, as authorized by Section 131.64 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, TUESDAY, MAY 15, 2018 AT 10:00 A.M. DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

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 2, 2018 and May 9, 2018

THURSDAY, MAY 24, 2018

File No. 54-18 — Precast Concrete Manholes and Accessory Items, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 1630-92, passed by the Council of the City of Cleveland, September 21, 1992.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, FRIDAY, MAY 11, 2018 AT 10:30 A.M. CLEVELAND PUBLIC POWER, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114, CENTENNIAL ROOM.

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 2, 2018 and May 9, 2018

FRIDAY, JUNE 1, 2018

File No. 53-18 — Restoration of Pavement (Re-Bid), for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 703-16, passed by the Council of the City of Cleveland, July 13, 2016.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, THURSDAY, MAY 10, 2018 AT 10:00 A.M. CARL B. STOKES PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114, 2ND FLOOR ATRIUM CONFERENCE ROOM.

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 2, 2018 and May 9, 2018

ADOPTED RESOLUTIONS AND ORDINANCES

REPRINT

Ord. No. 359-18.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more requirement contracts without competitive bidding with BissNuss Inc., the Northeast Ohio Regional representative of various proprietary equipment and services, in order to maintain and replace existing components of the chemical feed systems, for the Division of Water, Department of Public Utilities, for a period not to exceed two years.

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

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

Section 1. That this Council determines that the within commodities are non-competitive and cannot be secured from any source other than BissNuss Inc., who is the Northeast Ohio Regional representative of the following various proprietary equipment and services: Evoqua Water Technologies, LLC, Force Flow Inc., ASCO, Inc., Gastronics, Inc., Acrison, Jim Myers & Sons, BNR, Inc., Enviro-pax, Inc., Henry Pratt, Inc., Ross Valves, Inc., ITT Fabrilvalve, Inc., Milton Roy Americas, and Cla-Valve, Inc. in order to maintain and replace existing components of the chemical feed systems. Therefore, the Director of Public Utilities is authorized to make one or more written requirement contracts with BissNuss Inc., for the requirements for a period not to exceed two years, for the necessary equipment and services manufactured by the above-listed manufacturers, but provided by BissNuss Inc., to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Division of Water, Department of Public Utilities.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a delivery order against the contract or contracts certified by the Director of Finance. (RQN 2002, RL 2018-7)

Section 3. 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 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force

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

Passed April 23, 2018.  
Effective April 24, 2018.

**ADOPTED RESOLUTIONS  
AND ORDINANCES**

**Res. No. 500-18.**  
**By Council Member Kelley.**  
**An emergency resolution fixing the 2018 summer schedule of meetings of the Council of the City of Cleveland.**

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 the schedule of meetings during the 2018 summer months of the Council of the City of Cleveland is hereby fixed as follows:

July 18, 2018  
August 15, 2018

A notice identifying the time of the meeting as well as a schedule of committee meetings, if any, to be held prior to the meeting shall be prepared by the Clerk prior to each of the above meeting dates. The Council will resume regular session at 7:00 p.m. on Monday, September 10, 2018.

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

Adopted April 30, 2018.  
Effective May 2, 2018.

**Res. No. 576-18.**  
**By Council Member Johnson.**  
**An emergency resolution withdrawing objection to the transfer of ownership of a C2 Liquor Permit at 12704 Buckeye Road and repealing Resolution No. 389-18 objecting to said permit.**

Whereas, this Council objected to a transfer of ownership of a C2 Liquor Permit to Evans Quick Pick, LLC, DBA Evans Quick Pick, 12704 Buckeye Road, Cleveland, Ohio 44120, Permanent Number 2585220 by Resolution No. 389-18 adopted by the Council on April 2, 2018; and

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

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

Be it resolved by the Council of the City of Cleveland

**Section 1.** That objection to the transfer of ownership of a C2 Liquor Permit to Evans Quick Pick, LLC, DBA Evans Quick Pick, 12704 Buckeye Road, Cleveland, Ohio 44120,

Permanent Number 2585220, be and the same is hereby withdrawn and Resolution No. 389-18, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

Adopted April 30, 2018.  
Effective May 2, 2018.

**Res. No. 577-18.**  
**By Council Member Brancatelli.**  
**An emergency resolution withdrawing objection to the renewal of a C1 and C2 Liquor Permit at 3850 East 65th Street, 1st floor, east unit and repealing Resolution No. 874-17 objecting to said renewal.**

Whereas, this Council objected to the renewal of a C1 and C2 Liquor Permit to Shaker Jamie, Inc., DBA Mike's Food Mart, 3850 East 65th Street, 1st floor, east unit, Cleveland, Ohio 44105, Permanent Number 8026805 by Resolution No. 874-17, adopted by the Council on July 12, 2017; and

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

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

Be it resolved by the Council of the City of Cleveland

**Section 1.** That objection to the renewal of a C1 and C2 Liquor Permit to Shaker Jamie, Inc., DBA Mike's Food Mart, 3850 East 65th Street, 1st floor, east unit, Cleveland, Ohio 44105, Permanent Number 8026805, be and the same is hereby withdrawn and Resolution No. 874-17, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

Adopted April 30, 2018.  
Effective May 2, 2018.

**Res. No. 578-18.**  
**By Council Member Brancatelli.**  
**An emergency resolution withdrawing objection to the transfer of ownership of a C1 and C2 Liquor Permit at 3850 East 65th Street, 1st floor, east unit and repealing Resolution No. 53-18 objecting to said permit.**

Whereas, this Council objected to a transfer of ownership of a C1 and C2 Liquor Permit to Sayej and

Shahin, LLC, DBA Slavic Village One Stop Shop, 3850 East 65th Street, 1st floor, east unit, Cleveland, Ohio 44105, Permanent Number 7761126 by Resolution No. 53-18 adopted by the Council on January 8, 2018; and

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

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

Be it resolved by the Council of the City of Cleveland

**Section 1.** That objection to the transfer of ownership of a C1 and C2 Liquor Permit to Sayej and Shahin, LLC, DBA Slavic Village One Stop Shop, 3850 East 65th Street, 1st floor, east unit, Cleveland, Ohio 44105, Permanent Number 7761126, be and the same is hereby withdrawn and Resolution No. 53-18, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

Adopted April 30, 2018.  
Effective May 2, 2018.

**Ord. No. 21-18.**  
**By Council Members Johnson and Kelley (by departmental request).**

**An emergency ordinance authorizing the Director of Public Works to lease certain property adjacent to the City's Ridge Road Transfer Station to Kufner Towing, Inc. for the purpose of expanding their auto storage and towing business, for a term of five years, with one option to renew for an additional five year term, exercisable by the Director of Public Works.**

Whereas, the City of Cleveland owns certain property located adjacent to the City's Ridge Road Transfer Station (portion of Permanent Parcel No. 013-32-001) which is not needed for the City's public use; and

Whereas, Kufner Towing, Inc. ("Kufner") has proposed to lease the property from the City for the purpose of expanding their adjacent auto storage and towing business located at 3775 Ridge Road and making approved site improvements to accommodate the use; 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 notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Works is authorized to lease to Kufner ("Lessee"), certain property located adjacent to the City's Ridge Road Transfer Station (portion of Permanent Parcel No. 013-32-001)



which is not needed for the City's public use and is more fully described as follows:

**LEGAL DESCRIPTION FOR PROPOSED LEASE AREA CITY OF CLEVELAND TO KUFNER PROPERTIES, INC. 013-32-001**

**April 14, 2016**

**Revised November 9, 2017**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of the Original Brooklyn Township Lot No. 36 and more fully bounded and described as follows:

Commencing at an iron pin monument found at the intersection of the centerline of Ridge Road (width varies) with the Northerly line of Original Lot No. 25;

Thence South 05°31'32" East along said centerline of Ridge Road, 339.77 feet to the Southwesterly corner of Parcel No. 1 of land conveyed to Mike Epstein by deed dated May 3, 1946 and recorded in Volume 508, Page 321 of C.C.D.R.;

Thence South 89°06'42" East along the Southerly line of said parcel of land conveyed to Mike Epstein, 630.57 feet to a point on the Easterly line of said O.L.25 and the principal place of beginning (1/2" iron pin set with Cap No. 7344);

Thence South 89°06'42" East, a distance of 305.00 feet to a 1/2" iron pin set with Cap No. 7344;

Thence South 40°41'27" East, a distance of 400.00 feet to a 1/2" iron pin set with Cap No 7344;

Thence South 38°29'05" West, a distance of 332.87 feet to a 1/2" iron pin set with Cap No 7344;

Thence North 89°02'33" West, a distance of 360.00 feet to a point on the Easterly line of said O.L. No. 25 (1/2" iron pin set with Cap No. 7344);

Thence North 00°08'12" East along the Easterly line of said O.L. 25, a distance of 562.57 feet to a point and the principal place of beginning, to be the same more or less, but subject to all legal high-ways and containing 5.7964 acres of land.

This legal description was written by Mackay Engineering and Surveying Company in April 18, 2016 under the supervision of Michael Mackay, P.S. #7344.

The basis of bearings are based on the centerline of Ridge Road Bearing North 05°31'32" West.

**Section 2.** That the term of the lease authorized by this ordinance shall be for a period of five years, with one option to renew for an additional five year term, exercisable by the Director of Public Works.

**Section 3.** That the property authorized by this ordinance shall be leased at the appraised value of \$7,800 annually, which is determined to be fair market value, exclusive of utilities, and any costs associated with its use of the property, including real estate taxes if assessed.

**Section 4.** That the lease may authorize the Lessee to make improvements to the leased premises subject to the approval of appropriate City agencies and officials.

**Section 5.** That the lease shall be prepared by the Director of Law.

**Section 6.** That the Director of Public Works, the Director of Law,

and other appropriate City officials are authorized to execute any other documents and certificates, and take any other actions which may be necessary or appropriate to effect the lease authorized by 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 April 30, 2018.  
Effective May 2, 2018.

**Ord. No. 204-18. By Council Members Johnson and Kelley (by departmental request).**

**An emergency ordinance authorizing the Director of Public Works to enter into contract with the Northeast Ohio Muni Football League aka Cleveland Municipal Football Association to conduct a city-wide football program.**

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

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

**Section 1.** That the Director of Public Works is authorized to enter into contract with the Northeast Ohio Muni Football League aka Cleveland Municipal Football Association dba Cleveland Muni Football League to conduct a city-wide football program and to pay participant entry fees, in an amount not to exceed \$80,098, payable from Fund No. 01-7004-6380, Request No. RQS 7004, RL 2018-2.

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

Passed April 30, 2018.  
Effective May 2, 2018.

**Ord. No. 294-18. By Council Members Johnson and Kelley (by departmental request).**

**An emergency ordinance authorizing the purchase by one or more requirement contracts of various types of lubricants to be used on moveable bridge fittings, cables, machinery, appurtenances, or other components, including labor to apply, if necessary, for the Division of Streets, Department of Public Works.**

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

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

**Section 1.** That the Director of Public Works is authorized to make one or more written requirement contracts under the Charter and the

Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one-year period of the necessary items of various types of lubricants to be used on moveable bridge fittings, cables, machinery, appurtenances, or other components, including labor to apply, if necessary, in the estimated sum of \$217,000 per year, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Streets, Department of Public Works. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 2.** That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance. (RQN 7016, RL 2017-43)

**Section 3.** That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Public Works may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

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

Passed April 30, 2018.  
Effective May 2, 2018.

**Ord. No. 295-18. By Council Members Johnson and Kelley (by departmental request)**

**An emergency ordinance authorizing the purchase by one or more requirement contracts of rock salt, for the Division of Streets, Department of Public Works, for a period of one year.**

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

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

**Section 1.** That the Director of Public Works is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year of the necessary items of rock salt, in the approximate amount as purchased during the preceding term, to be



purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Streets, Department of Public Works. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 2.** That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance. (RQN 7016, RL 2017-41)

**Section 3.** That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Public Works may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

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

Passed April 30, 2018.  
Effective May 2, 2018.

**Ord. No. 325-18.**

**By Council Members McCormack, Johnson and Kelley (by departmental request).**

**An emergency ordinance authorizing the Director of Public Works to enter into a license agreement with Cavaliers Operating Company, LLC, or its designee, to use and occupy City-owned property located at the northeast corner of Huron Road and Ontario Street to locate construction equipment needed for the Quicken Loans Arena Transformation project.**

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

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

**Section 1.** That, notwithstanding Section 183.16 of the Codified Ordinances of Cleveland, Ohio, the Director of Public Works is authorized to enter into one or more license agreements with Cavaliers Operating Company, LLC, or its designee, ("Cavaliers") whereby the City is granting to the Cavaliers the right to use and occupy City property located at the northeast corner of Huron Road and Ontario Street to locate construction equipment needed for the Quicken Loans Arena

Transformation project, at a cost of \$1.00 and other valuable consideration. The location is more fully described as follows:

**LEGAL DESCRIPTION BLOCK "A"**

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being a part of Original Two Acre Lots Nos. 97, 98, 99, 100, a portion of East 2nd Street, now vacated, as shown by the Vacation Plat of East 2nd Street recorded in Volume 269 of Maps, Page 65 of Cuyahoga County Records and a portion of a 5.00 foot strip of Huron Road S.E., vacated by Ordinance No. 41329, passed April 27, 1903 by the Council of the City of Cleveland and bounded and described as follows:

Beginning on the Southwesterly line of East 4th Street, 60 feet in width, at its intersection with the Northwesterly line of Huron Road S.E., 94 feet in width, from which a drill hole & "X" was set 15.00 feet west, said line also being the Southeasterly line of the aforementioned 5.00 foot strip of Huron Road S.E., vacated by Ordinance No. 41329;

Course No. 1:

Thence South 56°-24'-52" West, along said Northwesterly line of Huron Road S.E., 311.30 feet to its intersection with the Northeastly line of Ontario Street, of various widths, and a drill hole & "X" set;

Course No. 2:

Thence North 66°-47'-28" West, along said Northeastly line of Ontario Street, 48.05 feet to an angle therein and a drill hole & "X" set;

Course No. 3:

Thence North 57°-54'-22" West, along said Northeastly line of Ontario Street, 164.71 feet to a point and a drill hole & "X" set in pavers;

Course No. 4:

Thence North 78°-25'-07" East, 437.33 feet to its intersection with the Southwesterly line of the aforementioned East 4th Street, from which a drill hole & "X" was set 10.00 feet west;

Course No. 5:

Thence South 33°-32'-42" East, along said Southwesterly line of East 4th Street, 26.44 feet to the place of beginning, containing 35,594 square feet of land, (0.8172 acres), according to a survey by Garrett & Associates, Registered Engineers and Surveyors, Made in June, 2011, be the same more or less, but subject to all legal highways.

Bearings shown herein are to an assumed meridian and are used to denote angles only.

L 10-05 BLOCK A June 8, 2011  
Revised June 17, 2011

**Section 2.** That the term of the license agreement shall not extend beyond June 1, 2020, and shall automatically renew from year to year unless terminated by either party, or the project described above is completed, whichever first occurs.

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

**Section 4.** That the Director of Public Works, the Director of Law, and other appropriate City officials, are authorized to execute such other documents and certificates, and take such other action as may be necessary or appropriate to effect the

license agreement authorized by this ordinance.

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

Passed April 30, 2018.  
Effective May 2, 2018.

**Ord. No. 327-18.**

**By Council Members McCormack, Johnson and Kelley (by departmental request).**

**An emergency ordinance giving consent of the City of Cleveland to the County of Cuyahoga for the rehabilitation of the West 41st Street Bridge over Norfolk Southern Railroad and Train Avenue; authorizing the Director of Capital Projects to enter into agreements; to apply for and accept an allocation of County Motor Vehicle License Tax 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. Consent.** That it is declared to be in the public interest that the consent of the City of Cleveland is given to the County of Cuyahoga (the "County") to construct the following improvement under plans, specifications, and estimates approved by the County: rehabilitation of the West 41st Street Bridge No. 01.05 over Norfolk Southern Railroad and Train Avenue (County ID No. 1178) (the "Improvement").

**Section 2. Cooperation**

(a) That the City will cooperate with the County in the Improvement.

(b) That the County will arrange for the preparation of construction plans and specifications, including necessary engineering reports for the Improvement, under Current Cuyahoga County standards for construction of County roads and bridges.

(c) That the County will arrange for the supervision and administration of the construction project.

(d) That the City agrees to assume and contribute 100% of the cost of any items included in the construction contract at the request of the City, which are determined by the County to be not eligible or made necessary by the Improvement.

**Section 3. Funding**

(a) That the City agrees to cooperate with the County in the cost of the Improvement by an allocation from the County Motor Vehicle License Tax Fund to pay the County portion of the project.

(b) That the County shall secure and/or contribute one-hundred percent (100%) of the cost of design, construction, and construction supervision.

**Section 4. Maintenance.** That upon completion of the Improvement, the City will keep the highway open to traffic at all times; and

(a) Maintain the Improvement in accordance with the provisions of the statutes relating thereto and make ample financial provisions for the maintenance;

(b) Maintain the right-of-way and keep it free of obstructions in a manner satisfactory to the County and hold the right-of-way inviolate for public highway purposes and permit no signs, posters, billboards, roadside stands or other private installations within the right-of-way limits;

(c) That the County shall continue to maintain the structural elements of any bridge (defined as a structure with a span of twenty feet or greater) located within the limits of the Improvement under the applicable sections of the Revised Code; and

(d) After construction of the Improvement is complete, the City agrees to follow and maintain post-construction Best Management Practices as outlined in the Municipal Storm Water Permit that is filed with the Ohio Environmental Protection Agency.

**Section 5. Traffic.** That on completion of the Improvement, the City will keep the highway open to traffic at all times; and

(a) Place and maintain all traffic control devices conforming to the Ohio Manual of Uniform Traffic Control Devices on the Improvement in compliance with the provisions of Section 4511.11 of the Revised Code and other related sections of the Revised Code;

(b) That the street or highway within the limits of the Improvement is designated a through highway as provided in division (A)(6) of Section 4511.07 of the Revised Code;

(c) That stop signs affecting the movement of traffic on the street or highway within the Improvement shall be removed, and no stop signs shall be erected on same except at its intersection with another through highway where traffic does not warrant the installation of a traffic control signal but where the warrants for a "Four-Way Stop" as provided in the above-mentioned Manual are met;

(d) That no rule or regulation shall be enacted restricting the use of the Improvement by any class of vehicle or vehicle load permitted by the Revised Code to use a public highway. Any existing rule or regulation so restricting road usage is rescinded; and

(e) The City shall regulate parking in the following manner: Prohibit parking under Section 4511.66 of the Revised Code unless otherwise controlled by local ordinance or resolution.

**Section 6. Right-of-Way**

(a) That all existing street and public right-of-way within the City which is necessary for the Improvement shall be made available.

(b) That in the event any additional right-of-way is required, the City will arrange for the acquisition.

**Section 7. Utilities**

(a) That the City will make arrangements with and obtain arrangements from all privately-owned public utility companies whose lines or structures will be affected by the Improvement, and the companies have agreed to make any and all necessary arrangements in such a manner as to be clear of any construction called for by the plans for the Improvement, and the companies have agreed to make necessary rearrangements immediately after notification by the City.

(b) That the County will participate in the costs of alterations of governmentally-owned utility facilities which come within the provisions of Section 8204 (Utility Reimbursement Eligibility) of the Ohio Department of Transportation's Real Estate Policies and Procedures Manual to the same extent that it participates in the other costs of the Improvement, provided, however, that such participation will not extend to any additions or betterments of existing facilities.

(c) That it is agreed that the City shall, at its own expense, make all rearrangements of water mains, service, lines, fire hydrants, valve boxes, sanitary sewers, or other city-owned utilities and/or appurtenances thereto which do not comply with the Provisions of Section 8204 (Utility Reimbursement Eligibility) of the Ohio Department of Transportation's Real Estate Policies and Procedures Manual, whether inside or outside the corporate limits, as may be necessary to conform to the Improvement.

(d) That the construction, reconstruction, and/or arrangement of all utilities shall be done in a manner as not to interfere unduly with the operation of the contractor constructing the Improvement, and all backfilling of trenches made necessary by utility rearrangements shall be performed under the provisions of the ODOT Construction and Material Specifications.

**Section 8. Miscellaneous**

(a) That if the County is formally requested by ordinance of this Council to include the construction of sanitary sewers, water lines, area sewers (drainage of area surrounding the Improvement), sidewalks, alternate bid items, or other items

in the Improvement that are in addition to those now existing and not provided for elsewhere in this ordinance, the County will do so, provided that the construction meets with the approval of the County and the City involved in this Improvement; and that the City agrees to pay, or make arrangements for the payment of the cost of the construction, cost of preliminary and design engineering, and construction supervision.

(b) For purposes of this ordinance, the agent for the County and liaison officer shall be the County Engineer of Cuyahoga County, Ohio, and/or such members of his staff as he may designate.

(c) That the City agrees to conduct this transaction by electronic means and agrees that all documents requiring County signatures may be executed by electronic means, and that the electronic signatures affixed by the County to the documents shall have the same legal effect as if that signature was manually affixed to a paper version of the document. The City also agrees on behalf of the aforementioned entities and persons to be bound by the provisions of Chapters 304 and 1306 of the Revised Code as they pertain to electronic transactions, and to comply with the electronic signature policy of the County.

**Section 9.** That the Director of Capital Projects is authorized to enter into agreements necessary to complete the Improvement.

**Section 10.** That the Director of Capital Projects is authorized to apply to the County for approval to use County Motor Vehicle License Tax funds to pay for the Improvement, to accept the funds and to file all papers and execute all documents necessary to receive the funds; and that the funds are appropriated for the purposes set forth above.

**Section 11.** That this Council requests the County to proceed with the Improvement.

**Section 12.** That the Clerk of Council is directed to transmit to the County three (3) certified copies of this ordinance immediately on its taking effect.

**Section 13.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed April 30, 2018.

Effective May 2, 2018.

**Ord. No. 353-18.**

**By Council Members McCormack, Johnson and Kelley (by departmental request).**

**An emergency ordinance authorizing the Director of Capital Projects to make alterations and modifications in Contract No. PI 2016-003 with Platform Cement, Inc. for improvements to the West Side Market parking area project.**

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 make the following alterations and modifications in Contract No. PI 2016-003 with Platform Cement, Inc. for improvements to the West Side Market parking area project:

**Additions - Original Items**

Item	Description	Amount
A01	General Conditions - Pay in Full: 15% Due	\$ 11,250.00
A44	Breakaway Bollards - (1) unit at \$2,000 each	2,000.00
A45	Directional Signage - 15% due of \$25,000 lump sum	3,750.00
A49	Compactor Relocation - 33% of \$3,000 lump sum	<u>1,000.00</u>
Total Additions - Original Items		\$ 18,000.00

**Additions - New Items**

Item	Description	Amount
New	ADA Curb Ramp at St. Emeric's Entry	\$ 2,322.40
New	Screen fence gates (5 total)	<u>12,210.00</u>
Total Additions - New Items		\$ 14,532.40
Total Additions - Original Items		\$ 18,000.00
Total Additions - New Items		<u>14,532.40</u>
TOTAL SUBSIDIARY ADDITIONS		\$ 32,532.40
Original Contract Amount		\$3,010,023.13
Total Subsidiary Additions		<u>+ 32,532.40</u>
New Contract Amount		\$3,042,555.53

which alteration has been recommended in writing by the Director of Capital Projects, countersigned by the Mayor, and consented to by the surety on the contract. The price to be paid for the alterations and modifications to the contract has been agreed upon in writing and signed by the Director of Capital Projects and the contractor. This alteration will cause an increase in the amount of the original contract in the sum of \$32,532.40 to be paid from Fund No. 20 SF 566. (RQS 0103, RL 2018-19)

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

Passed April 30, 2018.  
Effective May 2, 2018.

**Ord. No. 505-18.  
By Council Member Kelley (by departmental request).**

**An emergency ordinance authorizing the issuance and sale of one or more series of general obligation refunding bonds to refund currently outstanding general obligation 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

Whereas, this Council has determined to authorize the City to issue 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 bonds of the City; 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 applicable 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 such Project 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, this Council passed Ordinance No. 1749-80 on October 8, 1980,

and thereafter amended that ordinance by Ordinance No. 1112-83, passed May 6, 1983 and Ordinance No. 944-96, passed June 10, 1996 (Ordinance No. 1749-80, as so amended and as the same may further be amended from time to time in accordance with its provisions, is referred to as the "General Bond Ordinance"), providing the general terms and provisions for the issuance of unvoted general obligations of the City, with the specific terms of each series of Bonds to be contained in ordinances authorizing the issuance of Bonds in accordance with the provisions thereof (the "Series Bond Ordinances"); and

Whereas, the authorization for issuance of 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 general obligation refunding bonds of the City ("Refunding Bonds") are authorized to be issued for the purpose of refunding one or more series of the City's outstanding general obligation bonds, or designated maturities thereof, issued to

provide funds to pay costs of various projects of the City (the "Projects") or to pay costs of final judgments, including settlement claims approved by a court (the "Final Judgments"), 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 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 and Terms.**

The Refunding Bonds shall be issued pursuant to the provisions of Article XVIII of the Constitution of Ohio, Revised Code Chapter 133 and other applicable provisions of the Revised Code, the Charter of the City, the General Bond Ordinance and this Ordinance in the principal amount and for the purpose stated in Section 1. 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 but in no case as to a particular maturity date exceeding the principal amount maturing on that date. The Refunding Bonds shall bear the designation and be numbered as determined by the Director of Finance. 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 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 6% per year. 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 or to Final Judgments, and the principal amount of Refunding Bonds allocated to each Project or to Final Judgments 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 or to Final Judgments 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 or to Final Judgments, 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 or to Final Judgments 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 below).

The City shall have the option to deliver to the Registrar (as defined in Section 3 hereof) for cancellation Term Refunding Bonds in any aggregate principal amount and to receive a credit against the then-current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City for any Term Refunding Bonds. That option shall be exercised by the City on or before the forty-fifth (45th) day preceding the applicable Mandatory Redemption Date, by furnishing the Escrow Agent a certificate, signed by the Registrar, setting forth the extent of the credit to be applied with respect to the then-current Mandatory Sinking Fund Redemption Requirement. If the certificate is not timely furnished to the Escrow Agent, the Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then-current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) also shall be received by the City for any Term Refunding Bonds which prior thereto have been redeemed (other than through the operation of the Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and canceled by the Registrar, to the extent not applied theretofore as a credit against any mandatory redemption obligation.

Each Term Refunding Bond so delivered, or previously redeemed, or purchased and canceled, shall be credited by the Escrow Agent at 100% of the principal amount thereof against the then-current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation). Any excess of that amount over the then-current Mandatory Sinking Fund Redemption Requirement shall be credited against subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations) in the order directed by the Director of Finance.

**(b) Optional Redemption.** The 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 for some or all of the Refunding Bonds not to be callable prior to their stated maturity.

If optional redemption at a price exceeding 100% of the principal amount to be redeemed is to take place as of any applicable Mandatory Redemption Date, the Refunding Bonds, or portions thereof, to be



redeemed optionally shall be selected by lot prior to the selection by lot of the Refunding Bonds to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements of paragraph (a). The Refunding Bonds shall be redeemed pursuant to this paragraph only upon written notice from the Director of Finance to the Registrar. That notice shall specify the redemption date and the principal amount of each maturity of Refunding Bonds to be redeemed, and shall be given at least forty-five (45) days prior to the redemption date or such shorter period as shall be acceptable to the Registrar. There shall be deposited with the Registrar on or prior to the redemption date, funds sufficient to redeem at the redemption price, all of the redeemable Refunding Bonds for which notice of redemption has been given.

**(c) Purchase in Lieu of Redemption.** If and to the extent provided in the Certificate of Award, the City may elect to purchase Refunding Bonds called for optional redemption in lieu of redeeming those Refunding Bonds. That election shall be exercised by written direction from the Director of Finance to the Registrar and the Escrow Agent. That written direction shall state whether all or less than all of the Refunding Bonds called for optional redemption are to be purchased by the City in lieu of redemption, shall identify the Refunding Bonds to be purchased by their maturity date and shall specify the principal amount of each maturity to be purchased in lieu of redemption. If less than all of the Refunding Bonds called for optional redemption are to be purchased in lieu of redemption, the amount of each maturity to be purchased shall be in amounts of \$5,000 or integral multiples of \$5,000. Any Refunding Bonds called for optional redemption that are not to be purchased shall be redeemed in accordance with their redemption provisions. The purchase price of the Refunding Bonds to be purchased in lieu of redemption shall be equal to the principal of, any accrued but unpaid interest on, and any premium that would have been payable on the Refunding Bonds on the redemption date if the Refunding Bonds had been optionally redeemed instead of being purchased. No notice of the purchase in lieu of redemption is required to be given to the owners of the Refunding Bonds in addition to the notice of redemption required by this Ordinance. The Escrow Agent or Registrar, as paying agent, shall not purchase Refunding Bonds if sufficient moneys have not been deposited with the Escrow Agent or Registrar, as paying agent, by the City for the purpose. On or prior to the scheduled date for optional redemption, the City may rescind its direction to purchase the Refunding Bonds in lieu of redemption by written notice from the Director of Finance to the Registrar and the Escrow Agent. In the event that the direction to purchase is rescinded, the Refunding Bonds shall be redeemed on the redemption date set forth in the notice of redemption delivered to the owners of the Refunding Bonds and in accordance with the provisions of this Ordinance.

**(d) Partial Redemption or Purchase.** If fewer than all of the outstanding Refunding Bonds are called for redemption at one time (whether for redemption or purchase in lieu of redemption), they shall be called in the order of maturities directed by the Director of Finance. If fewer than all Refunding Bonds of a single maturity are to be redeemed or purchased in lieu of redemption, the selection of Refunding Bonds to be redeemed or purchased, or portions thereof in amounts of \$5,000 or any integral multiple thereof, shall be made by the Registrar by lot in a manner determined by the Registrar. In the case of a partial redemption or purchase of Refunding Bonds by lot when Refunding Bonds of denominations greater than \$5,000 are then outstanding, each \$5,000 unit of principal thereof shall be treated as though it were a separate Refunding Bond of the denomination of \$5,000. If it is determined that one or more, but not all of the \$5,000 units of principal amount represented by a Refunding Bond are to be called for redemption, then upon notice of redemption of a \$5,000 unit or units, the registered owner of that Refunding Bond shall surrender the Refunding Bond to the Registrar (i) for payment of the redemption or purchase price of the \$5,000 unit or units called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (ii) for issuance, without charge to the registered owner thereof, of a new Refunding Bond or Refunding Bonds of any authorized denomination or denominations in an aggregate principal amount equal to the unmatured portion of the Bond not redeemed or purchased, and bearing interest at the same rate and maturing on the same date as, the Refunding Bond surrendered.

**(e) Notice of Redemption.** The notice of the call for redemption of Refunding Bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the Refunding Bonds or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Registrar on behalf of the City by mailing a copy of the redemption notice by first class mail, postage prepaid, at least thirty (30) days prior to the date fixed for redemption (or such period specified in the Certificate of Award), to the registered owner of each Refunding Bond subject to redemption in whole or in part at the registered owner's address shown on the Register (as defined in Section 3) maintained by the Registrar at the close of business on the fifteenth day preceding that mailing and to any Credit Support Instrument (as defined in Section 12 hereof) for the Refunding Bonds or designated portions thereof. Failure to receive notice by mail or any defect in that notice regarding any Refunding Bond, however, shall not affect the validity of the proceedings for the redemption of any Refunding Bond. Any notice of redemption of any Refunding Bonds may specify that the redemption is

contingent on the deposit of moneys with the Escrow Agent or Registrar, as paying agent, on or prior to the redemption date in an amount sufficient to pay the redemption price of the Refunding Bonds that are to be redeemed.

**(f) Payment of Redeemed Refunding Bonds.** Notice having been mailed in the manner provided in the preceding paragraph, and moneys having been deposited by the City with the Escrow Agent or Registrar, as paying agent, in an amount sufficient to pay the redemption price, the Refunding Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, upon presentation and surrender at the place or places specified in that notice, shall be paid. If money for the redemption of all of the Refunding Bonds and portions thereof to be redeemed, including interest accrued to the redemption date, is held by the Registrar on the redemption date, and, if notice of redemption has been deposited in the mail, then from and after the redemption date those Refunding Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If that money shall not be so available on the redemption date, or that notice shall not have been deposited in the mail, those Refunding Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All money held by the Registrar for the redemption of particular Refunding Bonds shall be held in trust for the account of the registered owners and shall be paid to them, respectively, upon presentation and surrender of those Refunding Bonds.

The debt charges on the Refunding Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Registrar or Escrow Agent as paying agent. Principal shall be payable when due upon presentation and surrender of the Refunding Bonds at the principal corporate trust office of the Registrar. Interest on a Refunding Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Refunding Bond was registered, and to that person's address appearing on the Register at the close of business on the date provided in the Registrar Agreement authorized in Section 3 (the "Record Date"). Notwithstanding any contrary provision in the General Bond Ordinance, so long as the Refunding Bonds are held by a Depository in a book entry system (as described in Section 3), debt charges on the Refunding Bonds will be payable in lawful money of the United States by wire transfer to the Depository made by the Escrow Agent on each Interest Payment Date.

This Series Bond Ordinance is enacted pursuant to the General Bond Ordinance. The General Bond Ordinance, except for the third paragraph of Section 13(a) (pertaining generally to an adjustment of the interest rate in an event of default) and the third paragraph of Section

4 (pertaining generally to the periods during which the City is not required to make any transfers or exchanges of Refunding Bonds issued under the General Bond Ordinance), will apply to the Refunding Bonds. Except for those provisions, the General Bond Ordinance is included as a part of this Ordinance as fully as if restated in this Ordinance. Words and terms not otherwise defined in this Ordinance shall have the same meaning as set forth in the General Bond Ordinance.

**Section 3. Execution, Authentication, Approval and Recording of the Refunding Bonds; Exchange and Transfer of the Refunding Bonds; Paying Agents.** The Refunding Bonds shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance. Pursuant to Section 4 of the General Bond Ordinance, each Refunding Bond shall be authenticated by the manual signature of an authorized officer of the Trustee (as defined therein). The Refunding Bonds shall be signed by the City's Mayor and by the City's Director of Finance, and, consistent with Revised Code Section 133.27 and notwithstanding Section 177.02 of the Codified Ordinances of the City, either or both of those signatures may be a facsimile. The Refunding Bonds shall bear the seal of the City, which seal may be a facsimile seal. Pursuant to Section 83 of the City's Charter, the Director of Law shall prepare the Refunding Bonds and shall endorse thereon her approval of the form thereof by her manual or facsimile signature.

U.S. Bank National Association is appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent for the Refunding Bonds (the "Registrar"); provided that the Escrow Agent shall also act as paying agent for the Refunding Bonds so long as the Refunding Bonds are held in a book entry system. The Director of Finance is authorized to sign and deliver, in the name and on behalf of the City, an agreement among the City, the Registrar and the Escrow Agent (the "Registrar Agreement") approved as to form by the Director of Law, containing terms that are not inconsistent with this Ordinance and not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Registrar Agreement by the Director of Finance. Payment for the services rendered and for reimbursement of expenses incurred pursuant to the Registrar Agreement shall be made from the proceeds of the Refunding Bonds, to the extent available, and then from other money lawfully available and appropriated for that purpose.

So long as any of the Refunding Bonds remain outstanding, the City will cause the Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Refunding Bonds as provided in this Section (the "Register"). Subject to the provisions of Section 4, the person in whose name a Refunding Bond is registered on the Register shall be regarded as the absolute owner of

that Refunding Bond for all purposes of this Ordinance. Payment of or on account of the debt charges on any Refunding Bond shall be made only to or upon the order of that person; neither the City nor the Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Refunding Bond, including interest, to the extent of the amount or amounts so paid.

Any Refunding Bond may be exchanged for Refunding Bonds of any authorized denomination upon presentation and surrender at the principal corporate trust office of the Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. A Refunding Bond may be transferred only on the Register upon presentation and surrender of the Refunding Bond at the principal corporate trust office of the Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. Upon exchange or transfer the Registrar shall complete, authenticate and deliver a new Refunding Bond or Refunding Bonds of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmaturing principal amount of the Refunding Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Registrar shall undertake the exchange or transfer of Refunding Bonds only after the new Refunding Bonds are signed by the authorized officers of the City. In all cases of Refunding Bonds exchanged or transferred, the City shall sign and the Registrar shall authenticate and deliver Refunding Bonds in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Refunding Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this Ordinance, as the Refunding Bonds surrendered upon that exchange or transfer.

Notwithstanding any other provisions of this Ordinance, if it is determined by the Director of Finance to be advantageous to the City, the Refunding Bonds may be issued in book entry form in accordance with the provisions of this Section. As used in this Section and this Ordinance:

"Book entry form" or "book entry system" means a form or system under which (i) the ownership of beneficial interests in Refunding Bonds and the principal of and

interest on the Refunding Bonds may be transferred only through a book entry, and (ii) physical Refunding Bond certificates in fully registered form are issued by the City only to a Depository or its nominee as registered owner, with the Refunding Bonds "immobilized" in the custody of the Depository. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in those Refunding Bonds and that principal and interest.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, with its Participants or otherwise, a book entry system to record ownership of beneficial interests in bonds or the principal and interest, and to effect transfers of bonds, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Participant" means any participant contracting with a Depository under a book entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Refunding Bonds may be issued to a Depository for use in a book entry system and, if and as long as a book entry system is utilized: (i) the Refunding Bonds may be issued in the form of a single, fully registered Refunding Bond representing each maturity and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (ii) the beneficial owners in book entry form shall have no right to receive Refunding Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in book entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Refunding Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

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

The Director of Finance is also hereby authorized and directed to

the extent necessary or required to enter into any agreements determined necessary in connection with the book entry system for the Refunding Bonds, after determining that the signing thereof will not endanger the funds or securities of the City and after the approval of the form of any such agreement by the Director of Law.

**Section 4. Sale of 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 13 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 2), 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, 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, are in the best interest of the City and in compliance with all legal requirements.

If, in the judgment of the Director of Finance, a disclosure document in the form of an Official Statement is appropriate or necessary in connection with the original issuance 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 and any necessary supplements and to authorize the use and distribution of that Official Statement and any supplements. The Director of Finance is authorized to sign on behalf of the City that Official Statement and any supplements. The Director of Finance is authorized to sign and deliver, on behalf of the City, such certificates in connection with the accuracy of the Official Statement and any supplements as may, in the Director's 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 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 5. Provision for Levying and Collecting Tax.** For the purpose of providing the necessary funds to pay the interest on the Refunding Bonds promptly when and as the same falls due, and also to provide for the discharge of the Refunding Bonds at maturity, there shall be and is levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Refunding Bonds are outstanding, in an amount sufficient to provide for the payment of that interest, when and as the same shall fall due, and also to discharge the principal of the Refunding Bonds at maturity, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Constitution of Ohio.

The tax shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, extended and collected. The tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from those tax levies shall be placed in the Unvoted Tax Supported Obligations Account of the Sinking Fund as required by the General Bond Ordinance and those funds, together with the interest collected on them shall be irrevocably pledged for the payment of principal of and interest on the Refunding Bonds when and as the same fall due; provided, however, that, subject to the provisions of Section 8 of the General Bond Ordinance, in each year to the extent that revenues are available from other sources for the payment of the Refunding Bonds and are appropriated for such purpose, the amount of such tax shall be reduced by the amount of such revenues so available and appropriated.

This Council hereby covenants, on behalf of the City and its officials, pursuant to the authorization under Sections 133.25(B)(1) and 5705.51 of the Revised Code, and in accordance with the provisions of and to the extent required or permitted by the General Bond Ordinance, that the City will appropriate annually from the proceeds of the City's municipal income taxes an amount as is necessary to meet the annual debt charges for the Refunding Bonds.

**Section 6. Application of Proceeds; Notice of Redemption of Refunding Bonds.** Pursuant to Revised Code Section 133.34, the General Bond Ordinance and this Ordinance, the proceeds of the Refunding Bonds to be applied to the refunding of the Refunded Bonds shall be deposited in a separate bank account within the Unvoted Refunding Bond and Note Redemption Account of the Sinking Fund held by The Huntington National Bank, Cleveland, Ohio, as Escrow Agent, in accordance with Section 179.08 of the Codified Ordinances of the City and the Escrow Agreement described below,



and shall be applied to the payment of debt service charges on the Refunding Bonds from and after the date of issuance of the Refunding Bonds to and including their respective maturity or prior redemption dates. The amount to be deposited in the Escrow Fund shall be determined by the Director of Finance in the Certificate of Award and shall be the amount necessary, together with money in the Unvoted Tax Supported Obligations Account of the Sinking Fund available for the purpose, to provide for the refunding of the Refunded Bonds. Any transfer to the Escrow Fund of any money currently on deposit in the Unvoted Tax Supported Obligations Account and determined by the Director of Finance to be available for payment of the Refunding Bonds, is authorized by this Ordinance.

Money deposited in the Escrow Fund shall be (a) held in cash or (b) invested in direct obligations of the United States of America that mature or are subject to redemption by and at the option of the holder, in amounts sufficient, together with any uninvested cash in the Escrow Fund but without further investment or reinvestment, for the payment of the principal of, and any redemption premium and interest on, the Refunded Bonds as provided in the Escrow Agreement. Pursuant to the respective Ordinances authorizing the Refunded Bonds, Section 133.34 of the Revised Code and this Ordinance, money deposited in the Escrow Fund, and the investment income thereon, are pledged to the payment of the Refunded Bonds.

Pursuant to Revised Code Chapter 133 and this Ordinance, and notwithstanding Chapter 179 of the Codified Ordinances, any accrued interest received from the sale of the Refunding Bonds and any original issue premium in excess of the amount deposited with the Escrow Agent under the Escrow Agreement to accomplish the refunding of the Refunded Bonds shall be deposited in the Unvoted Tax Supported Obligations Account of the Sinking Fund to be applied to the payment of interest on the Refunding Bonds. The proceeds of the Refunding Bonds to be applied to pay costs of any Credit Support Instruments obtained pursuant to Section 12 shall be paid to the provider or providers of those Credit Support Instruments. The proceeds from the sale of the Refunding Bonds to be used to pay costs of issuing the Refunding Bonds and refunding the Refunded Bonds shall be deposited with the Registrar in a separate account under the Registrar Agreement pending their application to the payment of such costs.

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 7. General Obligation.** The Refunding Bonds are secured by a pledge and lien on a parity with the pledges and liens authorized by the General Bond Ordinance and, in addition to the taxes and revenues specifically pledged pursuant to this Ordinance and the General Bond Ordinance and the other covenants, terms and agreements provided hereunder and in the General Bond Ordinance to secure payment of the principal of and interest on the Refunding Bonds, the City hereby determines, declares, warrants and covenants that the Refunding Bonds are general obligations of the City and that the full faith and credit of

the City are hereby pledged for the payment of the principal of and interest on the Refunding Bonds in accordance with the laws and Constitution of the State of Ohio, this Ordinance and the General Bond Ordinance.

**Section 8. Defeasance.**

**(a) Release of Ordinance.** If the City shall pay or cause to be paid and discharged all the outstanding 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 8(b) hereof) shall cease to be of further effect, and the covenants, agreements and other obligations of the City under this Ordinance shall be discharged and satisfied, and thereupon the Trustee shall at the request of the City execute and deliver to the City such instruments in writing as shall discharge the lien hereof and enter on the record such discharge of the lien and such other instruments as may be reasonably required by the City.

**(b) Payment and Discharge of 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 nonpresentment 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 9. 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 10. 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 11. 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 12. 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 13. 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 14. 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 15. 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 16. Delivery to County.** The Director of Finance is directed to forward a certified copy of this Ordinance and of the Certificate of Award for the Refunding Bonds to the Cuyahoga County Fiscal Officer and to secure a receipt therefor.

**Section 17. 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 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. 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 20. Emergency Measure.** This Ordinance is declared to be an emergency measure for the immediate preservation of the public peace, property, health and safety of the City by providing for the refunding of the Refunded Bonds, which will enable the City to obtain debt service savings or restructure its outstanding debt and thereby protect and preserve the credit of the City, and for the usual daily operation of a municipal department, and, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest date allowed by law.

Passed April 30, 2018.  
Effective May 2, 2018.

**Ord. No. 506-18.**  
**By Council Member Kelley (by departmental request).**

**An emergency ordinance authorizing the issuance and sale of bonds in the maximum principal amount of \$18,460,000 for the purpose of providing funds to improve municipal parks and recreation facilities and authorizing related matters.**

Whereas, this Council desires to issue bonds in an aggregate principal amount not to exceed \$18,460,000 (the "Bonds") to finance the costs of certain permanent improvements described in Section 1 of this ordinance (this "Ordinance"); and

Whereas, the Director of Finance, as fiscal officer of this City, has previously certified to this Council that the estimated life or usefulness of the improvements to be financed with the proceeds of the Bonds is at least five years and that the maximum maturity of the Bonds is 28 years, as evidenced by the certificate contained in File No. 506-18-A; and

Whereas, this Council passed Ordinance No. 1749-80 on October 8, 1980, and thereafter amended that ordinance by Ordinance No. 1112-83, passed May 6, 1983, and Ordinance No. 944-96, passed June 10, 1996 (Ordinance No. 1749-80, as so amended and as the same may further be amended from time to time in accordance with its provisions, is referred to as the "General Bond Ordinance"), providing the general terms and provisions for the issuance of unvoted general obligations of the City, with the specific terms of each series of Bonds to be contained in ordinances authorizing the issuance of bonds in accordance with the provisions thereof (the "Series Bond Ordinances"); and

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

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

**Section 1. Purpose.** It is deemed necessary to issue the Bonds in an aggregate principal amount not to exceed \$18,460,000 for the purpose of providing funds to improve municipal parks and recreation facilities by constructing, reconstructing, installing, renovating, enlarging, redeveloping and otherwise improving parks and recreation centers and areas, pools, skating rinks, bicycle paths, playgrounds, playfields, tracks, fields, basketball and tennis courts and related buildings, structures, walkways, safety surfaces, pavement, landscaping, irrigation systems and facilities, and providing necessary water systems, drainage, lighting, signage, fixtures, furnishings, equipment, safety modifications and site improvements, together with all necessary and incidental appurtenances and the acquisition of any required real estate and interests in real estate and the demolition of any existing buildings, structures, walkways, safety

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

**Section 2. Authority and Terms.** The Bonds shall be issued pursuant to the provisions of Article XVIII of the Constitution of Ohio, Chapter 133 of the Ohio Revised Code and other applicable provisions of the Ohio Revised Code, the Charter of the City, the General Bond Ordinance and this Ordinance for the purpose stated in Section 1 hereof. The Bonds shall be designated "Parks and Recreation Facilities Improvement Bonds" and may contain such further designation as provided in the certificate of award providing for the final terms of the Bonds and the sale of the Bonds signed by the Director of Finance in accordance with this Ordinance (the "Certificate of Award"). The Bonds shall be issued in one lot as fully registered Bonds in denominations of \$5,000 or any integral multiple thereof. The Bonds shall be numbered as determined by the Director of Finance.

The Bonds shall be issued in the principal amount specified in the Certificate of Award, which shall not exceed the amount stated in Section 1 hereof. The Bonds shall be dated their date of issuance and shall bear interest from their date until the principal amount is paid at the rate or rates per year specified in the Certificate of Award, provided that the weighted average of such rates (taking into account the principal amount and maturity of each Bond to which a rate applies) shall not exceed 6.00% per year. Interest on the Bonds shall be payable when due, or until the principal amount is paid, semiannually on June 1 and December 1 of each year that the Bonds are outstanding, commencing December 1, 2018 (the "Interest Payment Dates"), unless otherwise determined by the Director of Finance in the Certificate of Award.

The Bonds shall mature in the years and principal amounts as shall be permitted by law and determined by the Director of Finance and specified in the Certificate of Award, based on the written advice of a financial advisor (as defined in Section 16) to be in the best interests of the City, provided that (i) each principal payment shall occur on an Interest Payment Date, (ii) the first principal payment on the Bonds shall be no later than August 1, 2020, (iii) the final maturity date of the Bonds shall be no later than 28 years from that date which is 12 months prior to the first date on which provision for payment of principal is made, and (iv) the principal amount thereof shall be payable in annual installments such that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year.

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

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

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

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

The City shall have the option to deliver to the Registrar (as defined in Section 3 hereof) for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then-current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City for any Term Bonds. That option shall be exercised by the City on or before the forty-fifth day preceding the applicable Mandatory Redemption Date, by furnishing the Escrow Agent a certificate, signed by the Registrar, setting forth the extent of the credit to be applied with respect to the then-current Mandatory Sinking Fund Redemption Requirement. If the certificate is not timely furnished to the Escrow Agent, the Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then-current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) also shall be received by the City for any Term Bonds that prior thereto have been redeemed (other than through the operation of the Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and cancelled by the Registrar, to the extent not applied theretofore as a credit against any mandatory redemption obligation.

Each Term Bond so delivered, or previously redeemed, or purchased and cancelled, shall be credited by

the Escrow Agent at 100% of the principal amount thereof against the then-current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation). Any excess of that amount over the then-current Mandatory Sinking Fund Redemption Requirement shall be credited against subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations) in the order directed by the Director of Finance.

**(b) Optional Redemption.** The Bonds may be subject to redemption prior to maturity by and at the option of the City, in whole or in part on any date, in integral multiples of \$5,000, on the optional redemption dates and at the redemption prices (expressed as a percentage of the principal amount redeemed) specified in the Certificate of Award, plus, in each case, accrued interest to the redemption date. The first optional redemption date shall not be later than ten years from the first Interest Payment Date, and the highest redemption price shall not be greater than 102% of the principal amount redeemed plus accrued interest to the redemption date. Based on the written advice of a financial advisor, the Director of Finance may determine in the Certificate of Award that it is in the best interests of the City for some or all of the Bonds not to be callable prior to their stated maturity.

If optional redemption at a price exceeding 100% of the principal amount to be redeemed is to take place as of any applicable Mandatory Redemption Date, the Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Bonds to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements of paragraph (a). The Bonds shall be redeemed pursuant to this paragraph only upon written notice from the Director of Finance to the Registrar. That notice shall specify the redemption date and the principal amount of each maturity of Bonds to be redeemed, and shall be given at least 45 days prior to the redemption date or such shorter period as shall be acceptable to the Registrar. There shall be deposited with the Registrar on or prior to the redemption date funds sufficient to redeem at the redemption price all of the redeemable Bonds for which notice of redemption has been given.

**(c) Purchase in Lieu of Redemption.** If and to the extent provided in the Certificate of Award, the City may elect to purchase Bonds called for optional redemption in lieu of redeeming those Bonds. That election shall be exercised by written direction from the Director of Finance to the Registrar and the Escrow Agent. That written direction shall state whether all or less than all of the Bonds called for optional redemption are to be purchased by the City in lieu of redemption, shall identify the Bonds to be purchased by their maturity date and shall specify the principal amount of each maturity to be purchased in lieu of redemption. If less than all of the Bonds called for optional redemption are to be purchased in lieu of redemption, the

amount of each maturity to be purchased shall be in amounts of \$5,000 or integral multiples of \$5,000. Any Bonds called for optional redemption that are not to be purchased shall be redeemed in accordance with their redemption provisions. The purchase price of the Bonds to be purchased in lieu of redemption shall be equal to the principal of, any accrued but unpaid interest on, and any premium that would have been payable on the Bonds on the redemption date if the Bonds had been optionally redeemed instead of being purchased. No notice of the purchase in lieu of redemption is required to be given to the owners of the Bonds in addition to the notice of redemption required by this Ordinance. The Escrow Agent or Registrar, as paying agent, shall not purchase Bonds if sufficient moneys have not been deposited with the Escrow Agent or Registrar, as paying agent, by the City for the purpose. On or prior to the scheduled date for optional redemption, the City may rescind its direction to purchase the Bonds in lieu of redemption by written notice from the Director of Finance to the Registrar and the Escrow Agent. In the event that the direction to purchase is rescinded, the Bonds shall be redeemed on the redemption date set forth in the notice of redemption delivered to the owners of the Bonds and in accordance with the provisions of this Ordinance.

**(d) Partial Redemption or Purchase.** If fewer than all of the outstanding Bonds are called for redemption at one time (whether for redemption or purchase in lieu of redemption), they shall be called in the order of maturities directed by the Director of Finance. If fewer than all Bonds of a single maturity are to be redeemed or purchased in lieu of redemption, the selection of Bonds to be redeemed or purchased, or portions thereof in amounts of \$5,000 or any integral multiple thereof, shall be made by the Registrar by lot in a manner determined by the Registrar. In the case of a partial redemption or purchase of Bonds by lot when Bonds of denominations greater than \$5,000 are then outstanding, each \$5,000 unit of principal thereof shall be treated as though it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all of the \$5,000 units of principal amount represented by a Bond are to be called for redemption, then upon notice of redemption of a \$5,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Registrar (i) for payment of the redemption or purchase price of the \$5,000 unit or units called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (ii) for issuance, without charge to the registered owner thereof, of a new Bond or Bonds of any authorized denomination or denominations in an aggregate principal amount equal to the unmatred portion of the Bond not redeemed or purchased and bearing interest at the same rate and maturing on the same date as the Bond surrendered.

**(e) Notice of Redemption.** The notice of the call for redemption of



Bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Registrar on behalf of the City by mailing a copy of the redemption notice by first-class mail, postage prepaid, at least 30 days prior to the date fixed for redemption (or such period specified in the Certificate of Award), to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register maintained by the Registrar at the close of business on the fifteenth day preceding that mailing and to any provider of a Credit Support Instrument (as defined in Section 15 hereof) for the Bonds or designated portions thereof. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond. Any notice of redemption of any Bonds may specify that the redemption is contingent on the deposit of moneys with the Escrow Agent or Registrar, as paying agent, on or prior to the redemption date in an amount sufficient to pay the redemption price of the Bonds to be redeemed.

**(f) Payment of Redeemed Bonds.** Notice having been mailed in the manner provided in the preceding paragraph, and moneys having been deposited by the City with the Escrow Agent or Registrar, as paying agent, in an amount sufficient to pay the redemption price, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, upon presentation and surrender at the place or places specified in that notice, shall be paid. If money for the redemption of all of the Bonds and portions thereof to be redeemed, including interest accrued to the redemption date, is held by the Registrar on the redemption date, and, if notice of redemption has been deposited in the mail, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If that money shall not be so available on the redemption date, or that notice shall not have been deposited in the mail, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All money held by the Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners and shall be paid to them, respectively, upon presentation and surrender of those Bonds.

The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Registrar or Escrow Agent as paying agent. Principal shall be payable when due upon presentation and surrender of the Bonds at the principal corporate trust office of the Registrar. Interest on a Bond

shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register (as defined in Section 3 hereof) at the close of business on the date provided in the Registrar Agreement authorized and defined in Section 3 hereof (the "Record Date"). Notwithstanding any contrary provision in the General Bond Ordinance, so long as the Bonds are held by a Depository in a book-entry system (as described in Section 3 hereof), debt charges on the Bonds will be payable in lawful money of the United States by wire transfer to the Depository made by the Escrow Agent on each Interest Payment Date.

This Series Bond Ordinance is enacted pursuant to the General Bond Ordinance. The General Bond Ordinance, except for the third paragraph of Section 13(a) (pertaining generally to an adjustment of the interest rate in an event of default) and the third paragraph of Section 4 (pertaining generally to the periods during which the City is not required to make any transfers or exchanges of bonds issued under the General Bond Ordinance), will apply to the Bonds. Except for those provisions, the General Bond Ordinance is included as a part of this Ordinance as fully as if restated in this Ordinance. Words and terms not otherwise defined in this Ordinance shall have the same meaning as set forth in the General Bond Ordinance.

**Section 3. Execution, Authentication, Approval and Recording of the Bonds; Exchange and Transfer of the Bonds; Paying Agents.** The Bonds shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance. Pursuant to Section 4 of the General Bond Ordinance, each Bond shall be authenticated by the manual signature of an authorized officer of the Trustee (as defined therein). The Bonds shall be signed by the City's Mayor and by the City's Director of Finance, and, consistent with Section 133.27 of the Ohio Revised Code and notwithstanding Section 177.02 of the Codified Ordinances of the City, either or both of those signatures may be a facsimile. The Bonds shall bear the seal of the City, which seal may be a facsimile seal. Pursuant to Section 83 of the City's Charter, the Director of Law shall prepare the Bonds and shall endorse thereon the Director of Law's approval of the form thereof by the Director of Law's manual or facsimile signature.

U.S. Bank National Association is appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent for the Bonds (the "Registrar"). The Escrow Agent shall also act as paying agent for the Bonds so long as the Bonds are held in a book-entry system. The Director of Finance is authorized to sign and deliver, in the name and on behalf of the City, an agreement among the City, Registrar and Escrow Agent (the "Registrar Agreement"), approved as to form by the Director of Law, providing for services relating to the registration, transfer, exchange and payment of the Bonds on terms

approved by the Director of Finance on behalf of the City and consistent with this Ordinance and not substantially adverse to the City. That approval shall be conclusively evidenced by the signing of the Registrar Agreement by the Director of Finance. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Registrar Agreement from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Bonds remain outstanding, the City will cause the Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Bonds as provided in this Section (the "Bond Register"). The person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of this Ordinance. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

Any Bond may be exchanged for Bonds of any authorized denomination upon presentation and surrender at the principal corporate trust office of the Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the principal corporate trust office of the Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. Upon exchange or transfer the Registrar shall complete, authenticate and deliver a new Bond or Bonds of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Registrar shall authenticate and deliver Bonds in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Registrar may require that those charges, if any, be paid before

the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this Ordinance, as the Bonds surrendered upon that exchange or transfer.

Notwithstanding any other provisions of this Ordinance, if it is determined by the Director of Finance to be advantageous to the City, the Bonds may be issued in book-entry form in accordance with the provisions of this Section. As used in this Section and this Ordinance:

"Book-entry form" or "book-entry system" means a form or system under which (i) the ownership of beneficial interests in Bonds and the principal of and interest on the Bonds may be transferred only through a book entry, and (ii) physical Bond certificates in fully registered form are issued by the City only to a Depository or its nominee as registered owner, with the Bonds "immobilized" in the custody of the Depository. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in those Bonds and that principal and interest.

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

"Participant" means any participant contracting with a Depository under a book-entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Bonds may be issued to a Depository for use in a book-entry system and, if and as long as a book-entry system is utilized: (i) the Bonds may be issued in the form of a single, fully registered Bond representing each maturity and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (ii) the beneficial owners in book-entry form shall have no right to receive Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in book-entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

If any Depository determines not to continue to act as a Depository for the Bonds for use in a book-entry system, the Director of Finance may attempt to establish a securities depository/book-entry relationship with another qualified Depository. If the Director of Finance does not or is unable to do

so, the Registrar, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall permit withdrawal of the Bonds from the Depository, and the Trustee and Registrar shall authenticate and deliver bond certificates in registered form to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of City action or inaction, of those persons requesting such issuance.

The Director of Finance is also hereby authorized to the extent necessary or required to enter into any agreements determined necessary in connection with the book-entry system for the Bonds, after determining that the signing thereof will not endanger the funds or securities of the City and after the approval of the form of any such agreement by the Director of Law.

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

The Bonds shall be awarded to the Original Purchaser in the Certificate of Award which shall specify the final terms of the Bonds in accordance with law, the provisions of this Ordinance, the written advice of a financial advisor retained under authority of Section 16 hereof and the Original Purchaser's offer to purchase the Bonds, including: the principal amount of the Bonds, the purchase price (which shall be not less than 97% of the principal amount of the Bonds plus any accrued interest to their date of delivery), interest rate or rates, the amounts and years in which principal installments are payable (at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements), the Interest Payment Dates and the date of the Bonds and any other matters required in this Ordinance to be set forth in that Certificate. As appropriate under the Charter, the Mayor, Director of Finance, Director of Law, Clerk of Council and other appropriate officers of the City are, and each of them is, authorized to take such actions as are necessary, appropriate and in the best interest of the City to establish the terms and requirements for delivery of the Bonds and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, procedures, and conditions for the delivery of the Bonds to the Original Purchaser, to give all appropriate notices and certificates, to cause a true transcript of proceedings with reference to the issuance of the Bonds to be delivered to the Original Purchaser, to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated

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

Pursuant to Section 133.30(B) of the Ohio Revised Code, the Director of Finance may combine the Bonds with other bonds into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bonds, Series 2018" or such other designation as may be set forth in the Certificate of Award. Such bonds shall contain a summary statement of purposes encompassing the purpose for which the Bonds are issued and shall state that they are issued pursuant to this Ordinance.

**Section 5. Provision for Levying and Collecting Tax.** For the purpose of providing the necessary funds to pay the interest on the Bonds promptly when and as the same falls due, and also to provide for the discharge of the Bonds at maturity, there shall be and is levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding, in an amount sufficient to provide for the payment of that interest, when and as the same shall fall due, and also to discharge the principal of the Bonds at maturity, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Constitution of Ohio.

The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from those tax levies shall be placed in the Unvoted Tax Supported Obligations Account of the Sinking Fund as required by the General Bond Ordinance, and those funds, together with the interest collected on them, shall be irrevocably pledged for the payment of principal of and interest on the Bonds when and as the same fall due; provided, however, that, subject to the provisions of Section 8 of the General Bond Ordinance, in each year to

the extent that revenues are available from other sources for the payment of the Bonds and are appropriated for such purpose, the amount of such tax shall be reduced by the amount of such revenues so available and appropriated.

This Council hereby covenants, on behalf of the City and its officials, pursuant to the authorization under Sections 133.25(B)(1) and 5705.51 of the Ohio Revised Code, and in accordance with the provisions of and to the extent required or permitted by the General Bond Ordinance, that the City will appropriate annually from the proceeds of the City's municipal income taxes an amount as is necessary to meet the annual debt charges for the Bonds.

**Section 6. Application of Proceeds.** The proceeds from the sale of the Bonds, except for accrued interest thereon and any premium, shall be expended and applied for the objects and purposes for which the Bonds are issued. The proceeds of the Bonds to be applied to pay costs of any Credit Support Instruments obtained pursuant to Section 15 hereof shall be paid to the provider or providers of those Credit Support Instruments. The proceeds from the sale of the Bonds to be used to pay costs of issuing the Bonds shall be deposited with the Registrar in a separate account under the Registrar Agreement pending their application to the payment of such costs. Pursuant to Chapter 133 of the Ohio Revised Code and this Ordinance, and notwithstanding Chapter 179 of the Codified Ordinances, any accrued interest and any premium received from the sale of the Bonds shall be deposited in the Unvoted Tax Supported Obligations Account of the Sinking Fund to be applied to the payment of the principal of and interest on the Bonds.

**Section 7. General Obligation.** The Bonds are secured by a pledge and lien on a parity with the pledges and liens authorized by the General Bond Ordinance and, in addition to the taxes and revenues specifically pledged pursuant to this Ordinance and the General Bond Ordinance and the other covenants, terms and agreements provided hereunder and in the General Bond Ordinance to secure payment of the principal of and interest on the Bonds, the City hereby determines, declares, warrants and covenants that the Bonds are general obligations of the City and that the full faith and credit and general property taxing power (as described in Section 5) of the City are hereby pledged for the payment of the principal of and interest on the Bonds in accordance with the laws and Constitution of the State of Ohio, this Ordinance and the General Bond Ordinance.

**Section 8. Defeasance.**

(a) **Release of Ordinance.** If the City shall pay or cause to be paid and discharged all the outstanding Bonds, or there shall otherwise be paid to the holders of the outstanding Bonds all debt charges due or to become due thereon, and provision shall also be made for paying all other sums payable hereunder, then and in that event this Ordinance (except for Section 8(b) hereof) shall cease to be of further effect, and the covenants, agreements and other obligations of the City under this Ordinance shall be

discharged and satisfied, and thereupon the Trustee shall at the request of the City execute and deliver to the City such instruments in writing as shall discharge the lien hereof and enter on the record such discharge of the lien and such other instruments as may be reasonably required by the City.

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

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

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

**Section 9. Bond Anticipation Notes.** For the purpose of raising money in anticipation of the issuance of the Bonds for the purpose set forth in Section 1 hereof, notes of the City may be issued in an aggregate principal amount not to exceed \$18,460,000 (the "Notes") upon the direction of the Director of Finance

to be set forth in a certificate providing for the final terms of the Notes and the sale of the Notes and signed by the Director of Finance (the "Note Certificate of Award").

(a) **Terms of the Notes.** The Notes shall bear interest at such rate, not exceeding 5.00% per year, as may be fixed by the Director of Finance of the City in the Note Certificate of Award; shall be dated their date of issuance; shall mature on the date set forth in the Note Certificate of Award, which shall be no later than five years from such date of issuance; shall be subject to redemption by the City at any time prior to maturity without penalty, provided that, if the Director of Finance, based on the advice of a financial advisor, determines that it is in the best interest of the City in order to enhance the marketability of the Notes, the Director of Finance may cause the Notes to not be redeemable for a period which ends no later than the date which is two years following the date of issuance of the Notes; shall be designated "Parks and Recreation Facilities Improvement Bond Anticipation Notes"; shall be issued in such numbers and denominations as may be requested by the Note Purchaser (hereinafter defined); and shall be issued in fully registered form (which may be in a book-entry only system) in denominations of \$5,000 or integral multiples thereof. Interest shall be payable semiannually on the dates set forth in the Note Certificate of Award; provided that if the Notes mature on or before the end of the twelfth month following their date of issuance, interest on the Notes shall be payable at maturity.

U.S. Bank National Association is appointed to act as the authenticating agent, registrar, transfer agent and paying agent for the Notes (the "Note Registrar"). The Escrow Agent also shall act as paying agent for the Notes if the Notes are held in a book-entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, an agreement among the City, the Note Registrar and the Escrow Agent (the "Note Registrar Agreement") providing for services relating to the registration, transfer, exchange and payment of Notes on terms that are approved by the Director of Finance on behalf of the City. That approval shall be conclusively evidenced by the signing of the Note Registrar Agreement by the Director of Finance. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Note Registrar Agreement from the proceeds of the Notes to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Notes remain outstanding, the City will cause the Note Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Notes as provided in this Section (the "Note Register"). The person in whose name a Note is registered on the Note Register shall be regarded as the absolute owner of that Note for all purposes of this Ordinance.



Payment of or on account of the debt charges on any Note shall be made only to or upon the order of that person; neither the City nor the Note Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Note, including interest, to the extent of the amount or amounts so paid.

Any Note may be exchanged for Notes of any authorized denomination upon presentation and surrender at the principal corporate trust office of the Note Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Note Registrar. A Note may be transferred only on the Note Register upon presentation and surrender of the Note at the principal corporate trust office of the Note Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Note Registrar. Upon exchange or transfer the Note Registrar shall complete, authenticate and deliver a new Note or Notes of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Note surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Note Registrar shall undertake the exchange or transfer of Notes only after the new Notes are signed by the authorized officers of the City. In all cases of Notes exchanged or transferred, the City shall sign and the Note Registrar shall authenticate and deliver Notes in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Note Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Note Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Notes issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this Ordinance, as the Notes surrendered upon that exchange or transfer.

Pursuant to Section 133.30(B) of the Ohio Revised Code, the Director of Finance may combine the Notes with other bond anticipation notes of the City for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bond Anticipation Notes." The Notes shall contain a summary statement of purposes encompassing the purpose for which the Notes are issued and shall state that they are issued pursuant to this Ordinance.

(b) **Execution and Payment of the Notes.** The Notes shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance. Each Note shall be authenticated by

the manual signature of an authorized officer of the Trustee (as defined therein). The Notes shall be signed by the City's Mayor and by the City's Director of Finance, and, consistent with Section 133.27 of the Ohio Revised Code and notwithstanding Section 177.02 of the Codified Ordinances of the City, either or both of those signatures may be a facsimile. The Notes shall bear the seal of the City, which seal may be a facsimile seal. Pursuant to Section 83 of the City's Charter, the Director of Law shall prepare the Notes and shall endorse thereon the Director of Law's approval of the form thereof by the Director of Law's manual or facsimile signature.

(c) **Sale of the Notes.** The Notes shall first be offered for purchase to the Trustees of the Sinking Fund and, if not purchased by them, shall be offered to the Treasury Investment Account for purchase and, if not purchased for that Account, shall be sold to one or more firms that have proposed to underwrite or purchase the Notes and have been selected by the Director of Finance based on an evaluation of the qualifications of those firms (the "Note Purchaser") in the principal amount set forth in a certificate of award to be executed by the Director of Finance (the "Note Certificate of Award") at not less than par and accrued interest and at a rate not exceeding that set forth in Section 10 hereof. The proceeds of such sale shall be paid into the proper fund and used for the purpose for which the Notes are being issued under the provisions of this Ordinance.

(d) **Security for the Notes.** The Notes shall be secured by a pledge and lien on a parity with the pledges and liens authorized by the General Bond Ordinance and, in addition to the taxes and revenues specifically pledged pursuant to this Ordinance and the General Bond Ordinance and the other covenants, terms and agreements provided hereunder and in the General Bond Ordinance to secure payment of the principal of and interest on the Notes, the City hereby determines, declares, warrants and covenants that the Notes are general obligations of the City and that the full faith and credit and general property taxing power (as described in Section 5) of the City are hereby pledged for the payment of the principal of and interest on the Notes in accordance with the laws and Constitution of the State of Ohio, this Ordinance and the General Bond Ordinance. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose.

**Section 10. Provision for Levying and Collecting Tax.** During the year or years while the Notes are outstanding there shall be levied on all the taxable property in the City, in addition to all other taxes but within tax limitations, a direct tax annually not less than that which would have been levied if bonds had been issued therefor without the prior issue of the Notes. That tax shall be and is ordered computed, certified, levied and extended upon the tax

duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each year are certified, extended and collected. That tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the tax levies required by this Ordinance shall be placed in the Unvoted Tax Supported Obligations Account, and those funds, together with the interest collected on them, shall be irrevocably pledged for the payment of the principal and interest of the Notes or the Bonds in anticipation of which they are issued, when and as the same falls due; provided, however, that in each year to the extent that revenues are available from other sources for the payment of the Notes and Bonds and are appropriated for such purpose, the amount of such direct tax upon all of the taxable property in the City may be reduced by the amount of such revenues so available and appropriated.

**Section 11. Official Statement; Continuing Disclosure.** If, in the judgment of the Director of Finance, a disclosure document (each, an "Official Statement") is appropriate or necessary in connection with the sale of the Notes or the Bonds, the Director of Finance is authorized to prepare or cause to be prepared on behalf of the City an Official Statement with respect to the Notes or the Bonds, as the case may be, and any necessary supplements and to authorize the use and distribution of each Official Statement and any supplements. The Director of Finance is authorized to sign on behalf of the City and in her official capacity each Official Statement and any supplements approved by her. The Director of Finance is authorized to sign and deliver on behalf of the City and in her official capacity such certificates in connection with the accuracy of each Official Statement and any supplements as may, in the judgment of the Director of Finance, be necessary or appropriate. The Director of Finance is also authorized to determine and certify on behalf of the City that such disclosure document is "deemed final" by the City within the meaning of Securities and Exchange Commission Rule 15c2-12 (the "SEC Rule"). The Director of Finance is authorized to contract for services for the production and distribution of preliminary and final Official Statements, including by printed and electronic means.

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

which shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and beneficial owners of the Notes or the Bonds, as the case may be, in accordance with the SEC Rule. The performance of that agreement shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform it. The Director of Finance is further authorized to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices.

**Section 12. Miscellaneous.**

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

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

**Section 13. Captions.** The captions or headings in this Ordinance are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Ordinance.

**Section 14. Federal Tax Covenants.** The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes and the Bonds in such manner and to such extent as may be necessary so that (a) the Notes and the Bonds will not (i) constitute private activity bonds 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 the interest on which is excluded from gross income under Section 103 of the Code, and (b) the interest thereon will not be treated as an item of tax preference under Section 57 of the Code.

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

extent necessary to assure such exclusion of that interest under the Code.

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

**Section 15. Credit Facilities and Ratings.** If the Director of Finance determines it to be in the best interests of the City, based on the written advice of a financial advisor, the Director of Finance may obtain an insurance policy, letter of credit, standby bond purchase agreement or other credit enhancement instrument as further security for the payment when due of the principal of and interest on all or any portion of the Bonds or any Notes (a "Credit Support Instrument"). The Director of Finance may request a rating on the Bonds or Notes from one or more nationally recognized rating organizations, and do any and all things and take any and all actions required to secure a Credit Support Instrument and/or a rating or ratings on the Bonds or Notes. The Director of Finance may enter into one or more agreements for Credit Support Instruments containing terms not materially inconsistent with this Ordinance. The expenditure of the amounts necessary to secure Credit Support Instruments or obtain those ratings is authorized and approved, and the Director of Finance is authorized to provide for the payment of any such amounts from the proceeds of the Bonds or Notes to the extent available and

otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

**Section 16. Financial Advisor.** The Director of Finance may obtain the services of one or more financial advisors, from time to time, to assist the Director of Finance in making any of the determinations required by this Ordinance to be determined by the Director of Finance. The Director of Finance may rely on the written advice of any financial advisor so retained. Any financial advisor employed under the authority of this Ordinance shall be disinterested in the transaction and be independent of the Original Purchasers and any other party interested in the transaction.

**Section 17. Open Meeting Determination.** It is found and determined that all formal actions of this Council and of any of its committees concerning and relating to the passage of this Ordinance were taken, and that all deliberations of this Council and any of its committees that resulted in these formal actions were held, in meetings open to the public in compliance with all legal requirements, including, without limitation, Section 121.22 of the Ohio Revised Code.

**Section 18. Findings and Recitals of Validity.** It is hereby determined, represented and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Bonds and the Notes in order to make them legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of the Bonds or the Notes. It is further found and determined, and is hereby represented and recited, that the provisions of Sections 28, 29, 32, 33 (including the provisions of Section 33 with respect to readings on three separate days or dispensing with such readings by a two-thirds vote of all members of the Council), 36, 37, 48 and all other applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this Ordinance was passed in conformity therewith.

**Section 19. Delivery to County Fiscal Officer.** The Director of Finance is authorized to forward a certified copy of this Ordinance and of the Certificate of Award for the Bonds and any Note Certificate of Award to the County Fiscal Officer of Cuyahoga County and to secure a receipt therefor.

**Section 20. Severability.** Each section and each part of each section of this Ordinance is hereby declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any such section or part of a section or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstance, other than those as to which it is held invalid, shall not be affected thereby, and it

is hereby declared to be the legislative intent that the other provisions of this Ordinance would have been passed independently of such section, or parts of a section, so held to be invalid.

**Section 21. Legislative Intent.** All terms, conditions, pledges, covenants or agreements on the part of the City provided for in this Ordinance are made by the voluntary act of the City under its lawful authority, including its authority under its Charter and Article XVIII of the Constitution of Ohio.

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

**Section 22. Emergency Measure.** This Ordinance is declared to be an emergency measure for the immediate preservation of the public peace, property, health and safety of the City by providing funds to pay the costs of certain permanent improvements which are urgently needed for the benefit of the City and for the usual daily operation of a municipal department, and, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest date allowed by law.

Passed April 30, 2018.  
Effective May 2, 2018.

**Ord. No. 507-18.**  
**By Council Member Kelley (by departmental request).**

**An emergency ordinance authorizing the issuance and sale of bonds in the maximum principal amount of \$6,085,000 for the purpose of providing funds to improve buildings and structures housing and providing for the discharge of governmental functions and services otherwise benefiting the public safety, health and welfare and for the provision of necessary fixtures, furnishings, equipment, technology, appurtenances, utilities, and site improvements for the purpose and authorizing related matters.**

Whereas, this Council desires to issue bonds in an aggregate principal amount not to exceed \$6,085,000 (the "Bonds") to finance the costs of certain permanent improvements described in Section 1 of this ordinance (this "Ordinance"); and

Whereas, the Director of Finance, as fiscal officer of this City, has previously certified to this Council that the estimated life or usefulness of the improvements to be financed with the proceeds of the Bonds is at least five years and that the maximum maturity of the Bonds is 13 years, as evidenced by the certificate contained in File No. 507-18-A; and

Whereas, this Council passed Ordinance No. 1749-80 on October 8, 1980,

and thereafter amended that ordinance by Ordinance No. 1112-83, passed May 6, 1983, and Ordinance No. 944-96, passed June 10, 1996 (Ordinance No. 1749-80, as so amended and as the same may further be amended from time to time in accordance with its provisions, is referred to as the "General Bond Ordinance"), providing the general terms and provisions for the issuance of unvoted general obligations of the City, with the specific terms of each series of Bonds to be contained in ordinances authorizing the issuance of bonds in accordance with the provisions thereof (the "Series Bond Ordinances"); and

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

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

**Section 1. Purpose.** It is deemed necessary to issue the Bonds in an aggregate principal amount not to exceed \$6,085,000 for the purpose of providing funds for constructing, reconstructing, installing, renovating, enlarging and otherwise improving buildings and structures housing and providing for the discharge of governmental functions and services otherwise benefiting the public safety, health and welfare, including facilities in, of and for City Hall, fire stations, police stations, stadium facilities, and other facilities, to provide for certain architectural, engineering and other professional services and audits related to such facilities, to improve technology used in providing City services, including telecommunications equipment and computer hardware and software, and for the provision of necessary fixtures, furnishings, equipment, technology, appurtenances, utilities, landscaping and site improvements for the purpose, and to pay any capitalized interest and all expenses incurred in connection with the issuance of the securities, including all financing costs within the meaning of Section 133.01(K) of the Ohio Revised Code and such other costs of the foregoing permanent improvements that may be financed with the proceeds of securities as permitted by Section 133.15(B) of the Ohio Revised Code and as otherwise permitted by law.

**Section 2. Authority and Terms.** The Bonds shall be issued pursuant to the provisions of Article XVIII of the Constitution of Ohio, Chapter 133 of the Ohio Revised Code and other applicable provisions of the Ohio Revised Code, the Charter of the City, the General Bond Ordinance and this Ordinance for the purpose stated in Section 1 hereof. The Bonds shall be designated "Public Facilities Improvement Bonds" and may contain such further designation as provided in the certificate of award providing for the final terms of the Bonds and the sale of the Bonds signed by the Director of Finance in accordance with this

Ordinance (the "Certificate of Award"). The Bonds shall be issued in one lot as fully registered Bonds in denominations of \$5,000 or any integral multiple thereof. The Bonds shall be numbered as determined by the Director of Finance.

The Bonds shall be issued in the principal amount specified in the Certificate of Award, which shall not exceed the amount stated in Section 1 hereof. The Bonds shall be dated their date of issuance and shall bear interest from their date until the principal amount is paid at the rate or rates per year specified in the Certificate of Award, provided that the weighted average of such rates (taking into account the principal amount and maturity of each Bond to which a rate applies) shall not exceed 6.00% per year. Interest on the Bonds shall be payable when due, or until the principal amount is paid, semiannually on June 1 and December 1 of each year that the Bonds are outstanding, commencing December 1, 2018 (the "Interest Payment Dates"), unless otherwise determined by the Director of Finance in the Certificate of Award.

The Bonds shall mature in the years and principal amounts as shall be permitted by law and determined by the Director of Finance and specified in the Certificate of Award, based on the written advice of a financial advisor (as defined in Section 16) to be in the best interests of the City, provided that (i) each principal payment shall occur on an Interest Payment Date, (ii) the first principal payment on the Bonds shall be no later than August 1, 2020, (iii) the final maturity date of the Bonds shall be no later than 13 years from that date which is 12 months prior to the first date on which provision for payment of principal is made, and (iv) the principal amount thereof shall be payable in annual installments such that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year.

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

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

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



redeemed, plus interest accrued to the redemption date, on the Mandatory Redemption Dates.

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

The City shall have the option to deliver to the Registrar (as defined in Section 3 hereof) for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then-current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City for any Term Bonds. That option shall be exercised by the City on or before the forty-fifth day preceding the applicable Mandatory Redemption Date, by furnishing the Escrow Agent a certificate, signed by the Registrar, setting forth the extent of the credit to be applied with respect to the then-current Mandatory Sinking Fund Redemption Requirement. If the certificate is not timely furnished to the Escrow Agent, the Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then-current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) also shall be received by the City for any Term Bonds that prior thereto have been redeemed (other than through the operation of the Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and cancelled by the Registrar, to the extent not applied theretofore as a credit against any mandatory redemption obligation.

Each Term Bond so delivered, or previously redeemed, or purchased and cancelled, shall be credited by the Escrow Agent at 100% of the principal amount thereof against the then-current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation). Any excess of that amount over the then-current Mandatory Sinking Fund Redemption Requirement shall be credited against subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations) in the order directed by the Director of Finance.

**(b) Optional Redemption.** The Bonds may be subject to redemption prior to maturity by and at the option of the City, in whole or in part on any date, in integral multiples of \$5,000, on the optional redemption dates and at the redemption prices (expressed as a percentage of the principal amount redeemed) specified in the Certificate of Award, plus, in each case, accrued interest to the redemption date. The first optional redemption date shall not be later than ten years from the first Interest Payment Date, and the highest redemption price shall not be greater than 102% of the principal amount

redeemed plus accrued interest to the redemption date. Based on the written advice of a financial advisor, the Director of Finance may determine in the Certificate of Award that it is in the best interests of the City for some or all of the Bonds not to be callable prior to their stated maturity.

If optional redemption at a price exceeding 100% of the principal amount to be redeemed is to take place as of any applicable Mandatory Redemption Date, the Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Bonds to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements of paragraph (a). The Bonds shall be redeemed pursuant to this paragraph only upon written notice from the Director of Finance to the Registrar. That notice shall specify the redemption date and the principal amount of each maturity of Bonds to be redeemed, and shall be given at least 45 days prior to the redemption date or such shorter period as shall be acceptable to the Registrar. There shall be deposited with the Registrar on or prior to the redemption date funds sufficient to redeem at the redemption price all of the redeemable Bonds for which notice of redemption has been given.

**(c) Purchase in Lieu of Redemption.** If and to the extent provided in the Certificate of Award, the City may elect to purchase Bonds called for optional redemption in lieu of redeeming those Bonds. That election shall be exercised by written direction from the Director of Finance to the Registrar and the Escrow Agent. That written direction shall state whether all or less than all of the Bonds called for optional redemption are to be purchased by the City in lieu of redemption, shall identify the Bonds to be purchased by their maturity date and shall specify the principal amount of each maturity to be purchased in lieu of redemption. If less than all of the Bonds called for optional redemption are to be purchased in lieu of redemption, the amount of each maturity to be purchased shall be in amounts of \$5,000 or integral multiples of \$5,000. Any Bonds called for optional redemption that are not to be purchased shall be redeemed in accordance with their redemption provisions. The purchase price of the Bonds to be purchased in lieu of redemption shall be equal to the principal of, any accrued but unpaid interest on, and any premium that would have been payable on the Bonds on the redemption date if the Bonds had been optionally redeemed instead of being purchased. No notice of the purchase in lieu of redemption is required to be given to the owners of the Bonds in addition to the notice of redemption required by this Ordinance. The Escrow Agent or Registrar, as paying agent, shall not purchase Bonds if sufficient moneys have not been deposited with the Escrow Agent or Registrar, as paying agent, by the City for the purpose. On or prior to the scheduled date for optional redemption, the City may rescind its direction to purchase the Bonds in lieu of redemption by written notice from

the Director of Finance to the Registrar and the Escrow Agent. In the event that the direction to purchase is rescinded, the Bonds shall be redeemed on the redemption date set forth in the notice of redemption delivered to the owners of the Bonds and in accordance with the provisions of this Ordinance.

**(d) Partial Redemption or Purchase.** If fewer than all of the outstanding Bonds are called for redemption at one time (whether for redemption or purchase in lieu of redemption), they shall be called in the order of maturities directed by the Director of Finance. If fewer than all Bonds of a single maturity are to be redeemed or purchased in lieu of redemption, the selection of Bonds to be redeemed or purchased, or portions thereof in amounts of \$5,000 or any integral multiple thereof, shall be made by the Registrar by lot in a manner determined by the Registrar. In the case of a partial redemption or purchase of Bonds by lot when Bonds of denominations greater than \$5,000 are then outstanding, each \$5,000 unit of principal thereof shall be treated as though it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all of the \$5,000 units of principal amount represented by a Bond are to be called for redemption, then upon notice of redemption of a \$5,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Registrar (i) for payment of the redemption or purchase price of the \$5,000 unit or units called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (ii) for issuance, without charge to the registered owner thereof, of a new Bond or Bonds of any authorized denomination or denominations in an aggregate principal amount equal to the unmaturing portion of the Bond not redeemed or purchased and bearing interest at the same rate and maturing on the same date as the Bond surrendered.

**(e) Notice of Redemption.** The notice of the call for redemption of Bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Registrar on behalf of the City by mailing a copy of the redemption notice by first-class mail, postage prepaid, at least 30 days prior to the date fixed for redemption (or such period specified in the Certificate of Award), to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register maintained by the Registrar at the close of business on the fifteenth day preceding that mailing and to any provider of a Credit Support Instrument (as defined in Section 15 hereof) for the Bonds or designated portions thereof. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond. Any notice

of redemption of any Bonds may specify that the redemption is contingent on the deposit of moneys with the Escrow Agent or Registrar, as paying agent, on or prior to the redemption date in an amount sufficient to pay the redemption price of the Bonds to be redeemed.

**(f) Payment of Redeemed Bonds.** Notice having been mailed in the manner provided in the preceding paragraph, and moneys having been deposited by the City with the Escrow Agent or Registrar, as paying agent, in an amount sufficient to pay the redemption price, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, upon presentation and surrender at the place or places specified in that notice, shall be paid. If money for the redemption of all of the Bonds and portions thereof to be redeemed, including interest accrued to the redemption date, is held by the Registrar on the redemption date, and, if notice of redemption has been deposited in the mail, then from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If that money shall not be so available on the redemption date, or that notice shall not have been deposited in the mail, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All money held by the Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners and shall be paid to them, respectively, upon presentation and surrender of those Bonds.

The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Registrar or Escrow Agent as paying agent. Principal shall be payable when due upon presentation and surrender of the Bonds at the principal corporate trust office of the Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register (as defined in Section 3 hereof) at the close of business on the date provided in the Registrar Agreement authorized and defined in Section 3 hereof (the "Record Date"). Notwithstanding any contrary provision in the General Bond Ordinance, so long as the Bonds are held by a Depository in a book-entry system (as described in Section 3 hereof), debt charges on the Bonds will be payable in lawful money of the United States by wire transfer to the Depository made by the Escrow Agent on each Interest Payment Date.

This Series Bond Ordinance is enacted pursuant to the General Bond Ordinance. The General Bond Ordinance, except for the third paragraph of Section 13(a) (pertaining generally to an adjustment of the interest rate in an event of default) and the third paragraph of Section 4 (pertaining generally to the periods during which the City is not required to make any transfers or

exchanges of bonds issued under the General Bond Ordinance), will apply to the Bonds. Except for those provisions, the General Bond Ordinance is included as a part of this Ordinance as fully as if restated in this Ordinance. Words and terms not otherwise defined in this Ordinance shall have the same meaning as set forth in the General Bond Ordinance.

**Section 3. Execution, Authentication, Approval and Recording of the Bonds; Exchange and Transfer of the Bonds; Paying Agents.** The Bonds shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance. Pursuant to Section 4 of the General Bond Ordinance, each Bond shall be authenticated by the manual signature of an authorized officer of the Trustee (as defined therein). The Bonds shall be signed by the City's Mayor and by the City's Director of Finance, and, consistent with Section 133.27 of the Ohio Revised Code and notwithstanding Section 177.02 of the Codified Ordinances of the City, either or both of those signatures may be a facsimile. The Bonds shall bear the seal of the City, which seal may be a facsimile seal. Pursuant to Section 83 of the City's Charter, the Director of Law shall prepare the Bonds and shall endorse thereon the Director of Law's approval of the form thereof by the Director of Law's manual or facsimile signature.

U.S. Bank National Association is appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent for the Bonds (the "Registrar"). The Escrow Agent shall also act as paying agent for the Bonds so long as the Bonds are held in a book-entry system. The Director of Finance is authorized to sign and deliver, in the name and on behalf of the City, an agreement among the City, Registrar and Escrow Agent (the "Registrar Agreement"), approved as to form by the Director of Law, providing for services relating to the registration, transfer, exchange and payment of the Bonds on terms approved by the Director of Finance on behalf of the City and consistent with this Ordinance and not substantially adverse to the City. That approval shall be conclusively evidenced by the signing of the Registrar Agreement by the Director of Finance. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Registrar Agreement from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Bonds remain outstanding, the City will cause the Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Bonds as provided in this Section (the "Bond Register"). The person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of this Ordinance. Payment of or on account of the debt charges on any Bond shall be made only to

or upon the order of that person; neither the City nor the Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

Any Bond may be exchanged for Bonds of any authorized denomination upon presentation and surrender at the principal corporate trust office of the Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the principal corporate trust office of the Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. Upon exchange or transfer the Registrar shall complete, authenticate and deliver a new Bond or Bonds of any authorized denomination or denominations requested by the owner equal in the aggregate to the unexpired principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Registrar shall authenticate and deliver Bonds in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this Ordinance, as the Bonds surrendered upon that exchange or transfer.

Notwithstanding any other provisions of this Ordinance, if it is determined by the Director of Finance to be advantageous to the City, the Bonds may be issued in book-entry form in accordance with the provisions of this Section. As used in this Section and this Ordinance:

"Book-entry form" or "book-entry system" means a form or system under which (i) the ownership of beneficial interests in Bonds and the principal of and interest on the Bonds may be transferred only through a book entry, and (ii) physical Bond certificates in fully registered form are issued by the City only to a Depository or its nominee as registered owner, with the Bonds "immobilized" in the custody of the Depository. The book entry maintained by others than the City is the record that identifies the owners of

beneficial interests in those Bonds and that principal and interest.

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

"Participant" means any participant contracting with a Depository under a book-entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Bonds may be issued to a Depository for use in a book-entry system and, if and as long as a book-entry system is utilized: (i) the Bonds may be issued in the form of a single, fully registered Bond representing each maturity and registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository; (ii) the beneficial owners in book-entry form shall have no right to receive Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in book-entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

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

The Director of Finance is also hereby authorized to the extent necessary or required to enter into any agreements determined necessary in connection with the book-entry system for the Bonds, after determining that the signing thereof will not endanger the funds or securities of the City and after the approval of the form of any such agreement by the Director of Law.

**Section 4. Sale of Bonds.** The Bonds shall first be offered for purchase to the Trustees of the Sinking Fund and, if not purchased by them, shall be offered to the Treasury Investment Account for purchase and, if not purchased for that

Account, shall be sold to one or more firms that have proposed to underwrite or purchase the Bonds and have been selected by the Director of Finance based on an evaluation of the qualifications of those firms (collectively, the "Original Purchaser").

The Bonds shall be awarded to the Original Purchaser in the Certificate of Award which shall specify the final terms of the Bonds in accordance with law, the provisions of this Ordinance, the written advice of a financial advisor retained under authority of Section 16 hereof and the Original Purchaser's offer to purchase the Bonds, including: the principal amount of the Bonds, the purchase price (which shall be not less than 97% of the principal amount of the Bonds plus any accrued interest to their date of delivery), interest rate or rates, the amounts and years in which principal installments are payable (at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements), the Interest Payment Dates and the date of the Bonds and any other matters required in this Ordinance to be set forth in that Certificate. As appropriate under the Charter, the Mayor, Director of Finance, Director of Law, Clerk of Council and other appropriate officers of the City are, and each of them is, authorized to take such actions as are necessary, appropriate and in the best interest of the City to establish the terms and requirements for delivery of the Bonds and to make such arrangements as are necessary with the Original Purchaser in order to establish the date, location, procedures, and conditions for the delivery of the Bonds to the Original Purchaser, to give all appropriate notices and certificates, to cause a true transcript of proceedings with reference to the issuance of the Bonds to be delivered to the Original Purchaser, to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance and to take all steps necessary to effect the due execution, authentication and delivery of the Bonds. The Director of Finance is further authorized to sign and deliver on behalf of the City a bond purchase agreement between the City and the Original Purchaser (the "Bond Purchase Agreement"), approved as to form by the Director of Law, setting forth the terms and conditions on which the City agrees to sell the Bonds and the Original Purchaser agrees to buy the Bonds, which shall be consistent with this Ordinance, not substantially adverse to the City, and approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement by the Director of Finance. It is determined that the terms of the Bonds, as provided in this Ordinance and as may be provided in or pursuant to the Certificate of Award, are in the best interest of the City and in compliance with all legal requirements.

Pursuant to Section 133.30(B) of the Ohio Revised Code, the Director of Finance may combine the Bonds

with other bonds into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bonds, Series 2018" or such other designation as may be set forth in the Certificate of Award. Such bonds shall contain a summary statement of purposes encompassing the purpose for which the Bonds are issued and shall state that they are issued pursuant to this Ordinance.

**Section 5. Provision for Levying and Collecting Tax.** For the purpose of providing the necessary funds to pay the interest on the Bonds promptly when and as the same falls due, and also to provide for the discharge of the Bonds at maturity, there shall be and is levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding, in an amount sufficient to provide for the payment of that interest, when and as the same shall fall due, and also to discharge the principal of the Bonds at maturity, which tax shall not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Constitution of Ohio.

The tax shall be within the ten mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from those tax levies shall be placed in the Unvoted Tax Supported Obligations Account of the Sinking Fund as required by the General Bond Ordinance, and those funds, together with the interest collected on them, shall be irrevocably pledged for the payment of principal of and interest on the Bonds when and as the same fall due; provided, however, that, subject to the provisions of Section 8 of the General Bond Ordinance, in each year to the extent that revenues are available from other sources for the payment of the Bonds and are appropriated for such purpose, the amount of such tax shall be reduced by the amount of such revenues so available and appropriated.

This Council hereby covenants, on behalf of the City and its officials, pursuant to the authorization under Sections 133.25(B)(1) and 5705.51 of the Ohio Revised Code, and in accordance with the provisions of and to the extent required or permitted by the General Bond Ordinance, that the City will appropriate annually from the proceeds of the City's municipal income taxes an amount as is necessary to meet the annual debt charges for the Bonds.

**Section 6. Application of Proceeds.** The proceeds from the sale of the Bonds, except for accrued interest thereon and any premium, shall be expended and applied for the objects and purposes for which the Bonds are issued. The proceeds of the Bonds to be applied to pay costs of any Credit Support Instruments obtained pursuant to Section 15 hereof shall be paid to the provider or providers of those Credit Support



Instruments. The proceeds from the sale of the Bonds to be used to pay costs of issuing the Bonds shall be deposited with the Registrar in a separate account under the Registrar Agreement pending their application to the payment of such costs. Pursuant to Chapter 133 of the Ohio Revised Code and this Ordinance, and notwithstanding Chapter 179 of the Codified Ordinances, any accrued interest and any premium received from the sale of the Bonds shall be deposited in the Unvoted Tax Supported Obligations Account of the Sinking Fund to be applied to the payment of the principal of and interest on the Bonds.

**Section 7. General Obligation.** The Bonds are secured by a pledge and lien on a parity with the pledges and liens authorized by the General Bond Ordinance and, in addition to the taxes and revenues specifically pledged pursuant to this Ordinance and the General Bond Ordinance and the other covenants, terms and agreements provided hereunder and in the General Bond Ordinance to secure payment of the principal of and interest on the Bonds, the City hereby determines, declares, warrants and covenants that the Bonds are general obligations of the City and that the full faith and credit and general property taxing power (as described in Section 5) of the City are hereby pledged for the payment of the principal of and interest on the Bonds in accordance with the laws and Constitution of the State of Ohio, this Ordinance and the General Bond Ordinance.

**Section 8. Defeasance.**

(a) Release of Ordinance. If the City shall pay or cause to be paid and discharged all the outstanding Bonds, or there shall otherwise be paid to the holders of the outstanding Bonds all debt charges due or to become due thereon, and provision shall also be made for paying all other sums payable hereunder, then and in that event this Ordinance (except for Section 8(b) hereof) shall cease to be of further effect, and the covenants, agreements and other obligations of the City under this Ordinance shall be discharged and satisfied, and thereupon the Trustee shall at the request of the City execute and deliver to the City such instruments in writing as shall discharge the lien hereof and enter on the record such discharge of the lien and such other instruments as may be reasonably required by the City.

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

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

(ii) the Escrow Agent shall hold in special accounts or subaccounts, in trust for and irrevocably committed solely thereto, direct obligations of the United States certified by an independent public accounting firm of national reputation to be of such maturities and interest payment dates and to bear such interest, without further investment or reinvestment of either the principal

amount thereof or the interest earnings therefrom (likewise to be held in trust and committed, except as hereinafter provided), as will be sufficient, together with moneys referred to in (i) above, for the payment, at their maturities or redemption dates, of all debt charges on the Bonds to their date of maturity or redemption, as the case may be, or if default in such payment shall have occurred on such date then to the date of the tender of such payment; provided, that if any Bonds are to be redeemed prior to the maturity thereof, notice of such redemption shall have been duly given or irrevocable provision satisfactory to the Trustee shall have been duly made for the giving of such notice. Any moneys held by the Escrow Agent in accordance with the provisions of this Section shall be invested by the Escrow Agent in direct obligations of the United States of America maturing, or redeemable at the option of the holder, at times and in amounts sufficient to meet payment of debt charges on the Bonds, as directed by the Director of Finance. Any income or interest earned by, or increment to, the investments held under this Section shall, to the extent determined from time to time by the Escrow Agent to be in excess of the amount required to be held by it for the purposes of this Section, be transferred at the time of such determination as provided in Section 17(a) of the General Bond Ordinance for unclaimed funds held by a Paying Agent. In the event of nonpresentation of any Bond as described in Section 17(a) of the General Bond Ordinance, the moneys held pursuant to this Section shall be held and paid as provided in said Section 17(a) for unclaimed funds held by a Paying Agent.

**Section 9. Bond Anticipation Notes.** For the purpose of raising money in anticipation of the issuance of the Bonds for the purpose set forth in Section 1 hereof, notes of the City may be issued in an aggregate principal amount not to exceed \$6,085,000 (the "Notes") upon the direction of the Director of Finance to be set forth in a certificate providing for the final terms of the Notes and the sale of the Notes and signed by the Director of Finance (the "Note Certificate of Award").

(a) Terms of the Notes. The Notes shall bear interest at such rate, not exceeding 5.00% per year, as may be fixed by the Director of Finance of the City in the Note Certificate of Award; shall be dated their date of issuance; shall mature on the date set forth in the Note Certificate of Award, which shall be no later than five years from such date of issuance; shall be subject to redemption by the City at any time prior to maturity without penalty, provided that, if the Director of Finance, based on the advice of a financial advisor, determines that it is in the best interest of the City in order to enhance the marketability of the Notes, the Director of Finance may cause the Notes to not be redeemable for a period which ends no later than the date which is two years following the date of issuance of the Notes; shall be designated "Public Facilities Improvement Bond Anticipation Notes"; shall be

issued in such numbers and denominations as may be requested by the Note Purchaser (hereinafter defined); and shall be issued in fully registered form (which may be in a book-entry only system) in denominations of \$5,000 or integral multiples thereof. Interest shall be payable semiannually on the dates set forth in the Note Certificate of Award; provided that if the Notes mature on or before the end of the twelfth month following their date of issuance, interest on the Notes shall be payable at maturity.

U.S. Bank National Association is appointed to act as the authenticating agent, registrar, transfer agent and paying agent for the Notes (the "Note Registrar"). The Escrow Agent also shall act as paying agent for the Notes if the Notes are held in a book-entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, an agreement among the City, the Note Registrar and the Escrow Agent (the "Note Registrar Agreement") providing for services relating to the registration, transfer, exchange and payment of Notes on terms that are approved by the Director of Finance on behalf of the City. That approval shall be conclusively evidenced by the signing of the Note Registrar Agreement by the Director of Finance. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Note Registrar Agreement from the proceeds of the Notes to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Notes remain outstanding, the City will cause the Note Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Notes as provided in this Section (the "Note Register"). The person in whose name a Note is registered on the Note Register shall be regarded as the absolute owner of that Note for all purposes of this Ordinance. Payment of or on account of the debt charges on any Note shall be made only to or upon the order of that person; neither the City nor the Note Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Note, including interest, to the extent of the amount or amounts so paid.

Any Note may be exchanged for Notes of any authorized denomination upon presentation and surrender at the principal corporate trust office of the Note Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Note Registrar. A Note may be transferred only on the Note Register upon presentation and surrender of the Note at the principal corporate trust office of the Note Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Note Registrar. Upon exchange or transfer

the Note Registrar shall complete, authenticate and deliver a new Note or Notes of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmaturing principal amount of the Note surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Note Registrar shall undertake the exchange or transfer of Notes only after the new Notes are signed by the authorized officers of the City. In all cases of Notes exchanged or transferred, the City shall sign and the Note Registrar shall authenticate and deliver Notes in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Note Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Note Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Notes issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this Ordinance, as the Notes surrendered upon that exchange or transfer.

Pursuant to Section 133.30(B) of the Ohio Revised Code, the Director of Finance may combine the Notes with other bond anticipation notes of the City for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bond Anticipation Notes." The Notes shall contain a summary statement of purposes encompassing the purpose for which the Notes are issued and shall state that they are issued pursuant to this Ordinance.

(b) **Execution and Payment of the Notes.** The Notes shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance. Each Note shall be authenticated by the manual signature of an authorized officer of the Trustee (as defined therein). The Notes shall be signed by the City's Mayor and by the City's Director of Finance, and, consistent with Section 133.27 of the Ohio Revised Code and notwithstanding Section 177.02 of the Codified Ordinances of the City, either or both of those signatures may be a facsimile. The Notes shall bear the seal of the City, which seal may be a facsimile seal. Pursuant to Section 83 of the City's Charter, the Director of Law shall prepare the Notes and shall endorse thereon the Director of Law's approval of the form thereof by the Director of Law's manual or facsimile signature.

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

set forth in a certificate of award to be executed by the Director of Finance (the "Note Certificate of Award") at not less than par and accrued interest and at a rate not exceeding that set forth in Section 10 hereof. The proceeds of such sale shall be paid into the proper fund and used for the purpose for which the Notes are being issued under the provisions of this Ordinance.

(d) **Security for the Notes.** The Notes shall be secured by a pledge and lien on a parity with the pledges and liens authorized by the General Bond Ordinance and, in addition to the taxes and revenues specifically pledged pursuant to this Ordinance and the General Bond Ordinance and the other covenants, terms and agreements provided hereunder and in the General Bond Ordinance to secure payment of the principal of and interest on the Notes, the City hereby determines, declares, warrants and covenants that the Notes are general obligations of the City and that the full faith and credit and general property taxing power (as described in Section 5) of the City are hereby pledged for the payment of the principal of and interest on the Notes in accordance with the laws and Constitution of the State of Ohio, this Ordinance and the General Bond Ordinance. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose.

**Section 10. Provision for Levying and Collecting Tax.** During the year or years while the Notes are outstanding there shall be levied on all the taxable property in the City, in addition to all other taxes but within tax limitations, a direct tax annually not less than that which would have been levied if bonds had been issued therefor without the prior issue of the Notes. That tax shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each year are certified, extended and collected. That tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the tax levies required by this Ordinance shall be placed in the Unvoted Tax Supported Obligations Account, and those funds, together with the interest collected on them, shall be irrevocably pledged for the payment of the principal and interest of the Notes or the Bonds in anticipation of which they are issued, when and as the same falls due; provided, however, that in each year to the extent that revenues are available from other sources for the payment of the Notes and Bonds and are appropriated for such purpose, the amount of such direct tax upon all of the taxable property in the City may be reduced by the amount of such revenues so available and appropriated.

**Section 11. Official Statement; Continuing Disclosure.** If, in the judgment of the Director of Finance, a disclosure document (each, an "Official Statement") is appropriate or

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

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

**Section 12. Miscellaneous.**

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

(b) Any covenants, terms and provisions of the General Bond Ordinance are fully applicable to the Bonds and the Notes authorized herein, and nothing in this Ordinance shall be deemed to alter or

restrict such full application of the General Bond Ordinance, except for the exclusion from application to the Bonds and the Notes authorized herein of the provisions of the third paragraph of Section 13(a) and the third paragraph of Section 4 of the General Bond Ordinance, pursuant to Section 2 hereof.

**Section 13. Captions.** The captions or headings in this Ordinance are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Ordinance.

**Section 14. Federal Tax Covenants.** The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes and the Bonds in such manner and to such extent as may be necessary so that (a) the Notes and the Bonds will not (i) constitute private activity bonds 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 the interest on which is excluded from gross income under Section 103 of the Code, and (b) the interest thereon will not be treated as an item of tax preference under Section 57 of the Code.

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

The Director of Finance, as the fiscal officer, or any other officer of the City having responsibility for issuance of the Notes and the Bonds is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Notes and the Bonds as the City is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or status of the Notes and the Bonds or interest thereon or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments or penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which

action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Notes and the Bonds, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Notes and the Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Notes and the Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Notes and the Bonds.

**Section 15. Credit Facilities and Ratings.** If the Director of Finance determines it to be in the best interests of the City, based on the written advice of a financial advisor, the Director of Finance may obtain an insurance policy, letter of credit, standby bond purchase agreement or other credit enhancement instrument as further security for the payment when due of the principal of and interest on all or any portion of the Bonds or any Notes (a "Credit Support Instrument"). The Director of Finance may request a rating on the Bonds or Notes from one or more nationally recognized rating organizations, and do any and all things and take any and all actions required to secure a Credit Support Instrument and/or a rating or ratings on the Bonds or Notes. The Director of Finance may enter into one or more agreements for Credit Support Instruments containing terms not materially inconsistent with this Ordinance. The expenditure of the amounts necessary to secure Credit Support Instruments or obtain those ratings is authorized and approved, and the Director of Finance is authorized to provide for the payment of any such amounts from the proceeds of the Bonds or Notes to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

**Section 16. Financial Advisor.** The Director of Finance may obtain the services of one or more financial advisors, from time to time, to assist the Director of Finance in making any of the determinations required by this Ordinance to be determined by the Director of Finance. The Director of Finance may rely on the written advice of any financial advisor so retained. Any financial advisor employed under the authority of this Ordinance shall be disinterested in the transaction and be independent of the Original Purchasers and any other party interested in the transaction.

**Section 17. Open Meeting Determination.** It is found and determined that all formal actions of this Council and of any of its committees concerning and relating to the passage of this Ordinance were taken, and that all deliberations of this Council and any of its committees that resulted in these formal actions were held, in meetings open to the public in compliance with all legal

requirements, including, without limitation, Section 121.22 of the Ohio Revised Code.

**Section 18. Findings and Recitals of Validity.** It is hereby determined, represented and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Bonds and the Notes in order to make them legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of the Bonds or the Notes. It is further found and determined, and is hereby represented and recited, that the provisions of Sections 28, 29, 32, 33 (including the provisions of Section 33 with respect to readings on three separate days or dispensing with such readings by a two-thirds vote of all members of the Council), 36, 37, 48 and all other applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this Ordinance was passed in conformity therewith.

**Section 19. Delivery to County Fiscal Officer.** The Director of Finance is authorized to forward a certified copy of this Ordinance and of the Certificate of Award for the Bonds and any Note Certificate of Award to the County Fiscal Officer of Cuyahoga County and to secure a receipt therefor.

**Section 20. Severability.** Each section and each part of each section of this Ordinance is hereby declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any such section or part of a section or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstance, other than those as to which it is held invalid, shall not be affected thereby, and it is hereby declared to be the legislative intent that the other provisions of this Ordinance would have been passed independently of such section, or parts of a section, so held to be invalid.

**Section 21. Legislative Intent.** All terms, conditions, pledges, covenants or agreements on the part of the City provided for in this Ordinance are made by the voluntary act of the City under its lawful authority, including its authority under its Charter and Article XVIII of the Constitution of Ohio.

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

**Section 22. Emergency Measure.** This Ordinance is declared to be an emergency measure for the immediate preservation of the public peace,



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

Passed April 30, 2018.  
Effective May 2, 2018.

**Ord. No. 508-18.  
By Council Member Kelley (by departmental request).**

**An emergency ordinance authorizing the issuance and sale of bonds in the maximum principal amount of \$67,535,000 for the purpose of providing funds to improve the municipal street system and related facilities and authorizing related matters.**

Whereas, this Council desires to issue bonds in an aggregate principal amount not to exceed \$67,535,000 (the "Bonds") to finance the costs of certain permanent improvements described in Section 1 of this ordinance (this "Ordinance"); and

Whereas, the Director of Finance, as fiscal officer of this City, has previously certified to this Council that the estimated life or usefulness of the improvements to be financed with the proceeds of the Bonds is at least five years and that the maximum maturity of the Bonds is 25 years, as evidenced by the certificate contained in File No. 508-18-A; and

Whereas, this Council passed Ordinance No. 1749-80 on October 8, 1980, and thereafter amended that ordinance by Ordinance No. 1112-83, passed May 6, 1983, and Ordinance No. 944-96, passed June 10, 1996 (Ordinance No. 1749-80, as so amended and as the same may further be amended from time to time in accordance with its provisions, is referred to as the "General Bond Ordinance"), providing the general terms and provisions for the issuance of unvoted general obligations of the City, with the specific terms of each series of Bonds to be contained in ordinances authorizing the issuance of bonds in accordance with the provisions thereof (the "Series Bond Ordinances"); and

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

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

**Section 1. Purpose.** It is deemed necessary to issue the Bonds in an aggregate principal amount not to exceed \$67,535,000 for the purpose of providing funds to improve the municipal street system and related

facilities, including streets, expressways, roadways, driveways, driveway approaches, retaining walls, underground vaults, sidewalks, ADA ramps, bikeways and pedestrian walkways, by acquiring, constructing, reconstructing, opening, extending, widening, grading, draining, paving, resurfacing, sealing and curbing, replacing existing street lighting and related equipment and systems with LED lighting and related equipment and systems, removing and replacing trees within the public right of way, installing gutters, sidewalks and related pedestrian and cyclist improvements, constructing and improving culverts, resetting and constructing catch basins and other storm drainage facilities, constructing, reconstructing, replacing, renovating and improving bridges and pedestrian bridges, acquiring any real estate and interests in real estate, including easements, necessary for such purpose, and installing signs, signals, markings and other devices for traffic control purposes, together with all necessary and incidental appurtenances, and to pay any capitalized interest and all expenses incurred in connection with the issuance of the securities, including all financing costs within the meaning of Section 133.01(K) of the Ohio Revised Code and such other costs of the foregoing permanent improvements that may be financed with the proceeds of securities as permitted by Section 133.15(B) of the Ohio Revised Code and as otherwise permitted by law.

**Section 2. Authority and Terms.** The Bonds shall be issued pursuant to the provisions of Article XVIII of the Constitution of Ohio, Chapter 133 of the Ohio Revised Code and other applicable provisions of the Ohio Revised Code, the Charter of the City, the General Bond Ordinance and this Ordinance for the purpose stated in Section 1 hereof. The Bonds shall be designated "Bridges and Roadways Improvement Bonds" and may contain such further designation as provided in the certificate of award providing for the final terms of the Bonds and the sale of the Bonds signed by the Director of Finance in accordance with this Ordinance (the "Certificate of Award"). The Bonds shall be issued in one lot as fully registered Bonds in denominations of \$5,000 or any integral multiple thereof. The Bonds shall be numbered as determined by the Director of Finance.

The Bonds shall be issued in the principal amount specified in the Certificate of Award, which shall not exceed the amount stated in Section 1 hereof. The Bonds shall be dated their date of issuance and shall bear interest from their date until the principal amount is paid at the rate or rates per year specified in the Certificate of Award, provided that the weighted average of such rates (taking into account the principal amount and maturity of each Bond to which a rate applies) shall not exceed 6.00% per year. Interest on the Bonds shall be payable when due, or until the principal amount is paid, semiannually on June 1 and December 1 of each year that the Bonds are outstanding, commencing December 1, 2018 (the "Interest Payment Dates"), unless

otherwise determined by the Director of Finance in the Certificate of Award.

The Bonds shall mature in the years and principal amounts as shall be permitted by law and determined by the Director of Finance and specified in the Certificate of Award, based on the written advice of a financial advisor (as defined in Section 16) to be in the best interests of the City, provided that (i) each principal payment shall occur on an Interest Payment Date, (ii) the first principal payment on the Bonds shall be no later than August 1, 2020, (iii) the final maturity date of the Bonds shall be no later than 25 years from that date which is 12 months prior to the first date on which provision for payment of principal is made, and (iv) the principal amount thereof shall be payable in annual installments such that the total principal and interest payments on the Bonds in any fiscal year in which principal is payable is not more than three times the amount of those payments in any other fiscal year.

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

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

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

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

The City shall have the option to deliver to the Registrar (as defined in Section 3 hereof) for cancellation Term Bonds in any aggregate principal amount and to receive a credit against the then-current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) of the City for any Term Bonds. That option shall be exercised by the City on or before the forty-fifth

day preceding the applicable Mandatory Redemption Date, by furnishing the Escrow Agent a certificate, signed by the Registrar, setting forth the extent of the credit to be applied with respect to the then-current Mandatory Sinking Fund Redemption Requirement. If the certificate is not timely furnished to the Escrow Agent, the Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) shall not be reduced. A credit against the then-current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation) also shall be received by the City for any Term Bonds that prior thereto have been redeemed (other than through the operation of the Mandatory Sinking Fund Redemption Requirements) or purchased for cancellation and cancelled by the Registrar, to the extent not applied theretofore as a credit against any mandatory redemption obligation.

Each Term Bond so delivered, or previously redeemed, or purchased and cancelled, shall be credited by the Escrow Agent at 100% of the principal amount thereof against the then-current Mandatory Sinking Fund Redemption Requirement (and corresponding mandatory redemption obligation). Any excess of that amount over the then-current Mandatory Sinking Fund Redemption Requirement shall be credited against subsequent Mandatory Sinking Fund Redemption Requirements (and corresponding mandatory redemption obligations) in the order directed by the Director of Finance.

**(b) Optional Redemption.** The Bonds may be subject to redemption prior to maturity by and at the option of the City, in whole or in part on any date, in integral multiples of \$5,000, on the optional redemption dates and at the redemption prices (expressed as a percentage of the principal amount redeemed) specified in the Certificate of Award, plus, in each case, accrued interest to the redemption date. The first optional redemption date shall not be later than ten years from the first Interest Payment Date, and the highest redemption price shall not be greater than 102% of the principal amount redeemed plus accrued interest to the redemption date. Based on the written advice of a financial advisor, the Director of Finance may determine in the Certificate of Award that it is in the best interests of the City for some or all of the Bonds not to be callable prior to their stated maturity.

If optional redemption at a price exceeding 100% of the principal amount to be redeemed is to take place as of any applicable Mandatory Redemption Date, the Bonds, or portions thereof, to be redeemed optionally shall be selected by lot prior to the selection by lot of the Bonds to be redeemed on the same date by operation of the Mandatory Sinking Fund Redemption Requirements of paragraph (a). The Bonds shall be redeemed pursuant to this paragraph only upon written notice from the Director of Finance to the Registrar. That notice shall specify the redemption date and the principal amount of each maturity of Bonds to be redeemed, and shall be

given at least 45 days prior to the redemption date or such shorter period as shall be acceptable to the Registrar. There shall be deposited with the Registrar on or prior to the redemption date funds sufficient to redeem at the redemption price all of the redeemable Bonds for which notice of redemption has been given.

**(c) Purchase in Lieu of Redemption.** If and to the extent provided in the Certificate of Award, the City may elect to purchase Bonds called for optional redemption in lieu of redeeming those Bonds. That election shall be exercised by written direction from the Director of Finance to the Registrar and the Escrow Agent. That written direction shall state whether all or less than all of the Bonds called for optional redemption are to be purchased by the City in lieu of redemption, shall identify the Bonds to be purchased by their maturity date and shall specify the principal amount of each maturity to be purchased in lieu of redemption. If less than all of the Bonds called for optional redemption are to be purchased in lieu of redemption, the amount of each maturity to be purchased shall be in amounts of \$5,000 or integral multiples of \$5,000. Any Bonds called for optional redemption that are not to be purchased shall be redeemed in accordance with their redemption provisions. The purchase price of the Bonds to be purchased in lieu of redemption shall be equal to the principal of, any accrued but unpaid interest on, and any premium that would have been payable on the Bonds on the redemption date if the Bonds had been optionally redeemed instead of being purchased. No notice of the purchase in lieu of redemption is required to be given to the owners of the Bonds in addition to the notice of redemption required by this Ordinance. The Escrow Agent or Registrar, as paying agent, shall not purchase Bonds if sufficient moneys have not been deposited with the Escrow Agent or Registrar, as paying agent, by the City for the purpose. On or prior to the scheduled date for optional redemption, the City may rescind its direction to purchase the Bonds in lieu of redemption by written notice from the Director of Finance to the Registrar and the Escrow Agent. In the event that the direction to purchase is rescinded, the Bonds shall be redeemed on the redemption date set forth in the notice of redemption delivered to the owners of the Bonds and in accordance with the provisions of this Ordinance.

**(d) Partial Redemption or Purchase.** If fewer than all of the outstanding Bonds are called for redemption at one time (whether for redemption or purchase in lieu of redemption), they shall be called in the order of maturities directed by the Director of Finance. If fewer than all Bonds of a single maturity are to be redeemed or purchased in lieu of redemption, the selection of Bonds to be redeemed or purchased, or portions thereof in amounts of \$5,000 or any integral multiple thereof, shall be made by the Registrar by lot in a manner determined by the Registrar. In the case of a partial redemption or purchase of Bonds by lot when Bonds of denominations greater than \$5,000 are then

outstanding, each \$5,000 unit of principal thereof shall be treated as though it were a separate Bond of the denomination of \$5,000. If it is determined that one or more, but not all of the \$5,000 units of principal amount represented by a Bond are to be called for redemption, then upon notice of redemption of a \$5,000 unit or units, the registered owner of that Bond shall surrender the Bond to the Registrar (i) for payment of the redemption or purchase price of the \$5,000 unit or units called for redemption (including, without limitation, the interest accrued to the date fixed for redemption and any premium), and (ii) for issuance, without charge to the registered owner thereof, of a new Bond or Bonds of any authorized denomination or denominations in an aggregate principal amount equal to the unmatured portion of the Bond not redeemed or purchased and bearing interest at the same rate and maturing on the same date as the Bond surrendered.

**(e) Notice of Redemption.** The notice of the call for redemption of Bonds shall identify (i) by designation, letters, numbers or other distinguishing marks, the Bonds or portions thereof to be redeemed, (ii) the redemption price to be paid, (iii) the date fixed for redemption, and (iv) the place or places where the amounts due upon redemption are payable. The notice shall be given by the Registrar on behalf of the City by mailing a copy of the redemption notice by first-class mail, postage prepaid, at least 30 days prior to the date fixed for redemption (or such period specified in the Certificate of Award), to the registered owner of each Bond subject to redemption in whole or in part at the registered owner's address shown on the Bond Register maintained by the Registrar at the close of business on the fifteenth day preceding that mailing and to any provider of a Credit Support Instrument (as defined in Section 15 hereof) for the Bonds or designated portions thereof. Failure to receive notice by mail or any defect in that notice regarding any Bond, however, shall not affect the validity of the proceedings for the redemption of any Bond. Any notice of redemption of any Bonds may specify that the redemption is contingent on the deposit of moneys with the Escrow Agent or Registrar, as paying agent, on or prior to the redemption date in an amount sufficient to pay the redemption price of the Bonds to be redeemed.

**(f) Payment of Redeemed Bonds.** Notice having been mailed in the manner provided in the preceding paragraph, and moneys having been deposited by the City with the Escrow Agent or Registrar, as paying agent, in an amount sufficient to pay the redemption price, the Bonds and portions thereof called for redemption shall become due and payable on the redemption date, and, upon presentation and surrender at the place or places specified in that notice, shall be paid. If money for the redemption of all of the Bonds and portions thereof to be redeemed, including interest accrued to the redemption date, is held by the Registrar on the redemption date, and, if notice of redemption has been deposited in the mail, then

from and after the redemption date those Bonds and portions thereof called for redemption shall cease to bear interest and no longer shall be considered to be outstanding. If that money shall not be so available on the redemption date, or that notice shall not have been deposited in the mail, those Bonds and portions thereof shall continue to bear interest, until they are paid, at the same rate as they would have borne had they not been called for redemption. All money held by the Registrar for the redemption of particular Bonds shall be held in trust for the account of the registered owners and shall be paid to them, respectively, upon presentation and surrender of those Bonds.

The debt charges on the Bonds shall be payable in lawful money of the United States of America without deduction for the services of the Registrar or Escrow Agent as paying agent. Principal shall be payable when due upon presentation and surrender of the Bonds at the principal corporate trust office of the Registrar. Interest on a Bond shall be paid on each Interest Payment Date by check or draft mailed to the person in whose name the Bond was registered, and to that person's address appearing, on the Bond Register (as defined in Section 3 hereof) at the close of business on the date provided in the Registrar Agreement authorized and defined in Section 3 hereof (the "Record Date"). Notwithstanding any contrary provision in the General Bond Ordinance, so long as the Bonds are held by a Depository in a book-entry system (as described in Section 3 hereof), debt charges on the Bonds will be payable in lawful money of the United States by wire transfer to the Depository made by the Escrow Agent on each Interest Payment Date.

This Series Bond Ordinance is enacted pursuant to the General Bond Ordinance. The General Bond Ordinance, except for the third paragraph of Section 13(a) (pertaining generally to an adjustment of the interest rate in an event of default) and the third paragraph of Section 4 (pertaining generally to the periods during which the City is not required to make any transfers or exchanges of bonds issued under the General Bond Ordinance), will apply to the Bonds. Except for those provisions, the General Bond Ordinance is included as a part of this Ordinance as fully as if restated in this Ordinance. Words and terms not otherwise defined in this Ordinance shall have the same meaning as set forth in the General Bond Ordinance.

**Section 3. Execution, Authentication, Approval and Recording of the Bonds; Exchange and Transfer of the Bonds; Paying Agents.** The Bonds shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance. Pursuant to Section 4 of the General Bond Ordinance, each Bond shall be authenticated by the manual signature of an authorized officer of the Trustee (as defined therein). The Bonds shall be signed by the City's Mayor and by the City's Director of Finance, and, consistent with Section 133.27 of the Ohio Revised Code and notwithstanding Section 177.02 of the Codified Ordinances of the City, either

or both of those signatures may be a facsimile. The Bonds shall bear the seal of the City, which seal may be a facsimile seal. Pursuant to Section 83 of the City's Charter, the Director of Law shall prepare the Bonds and shall endorse thereon the Director of Law's approval of the form thereof by the Director of Law's manual or facsimile signature.

U.S. Bank National Association is appointed to act as the authenticating agent, bond registrar, transfer agent and paying agent for the Bonds (the "Registrar"). The Escrow Agent shall also act as paying agent for the Bonds so long as the Bonds are held in a book-entry system. The Director of Finance is authorized to sign and deliver, in the name and on behalf of the City, an agreement among the City, Registrar and Escrow Agent (the "Registrar Agreement"), approved as to form by the Director of Law, providing for services relating to the registration, transfer, exchange and payment of the Bonds on terms approved by the Director of Finance on behalf of the City and consistent with this Ordinance and not substantially adverse to the City. That approval shall be conclusively evidenced by the signing of the Registrar Agreement by the Director of Finance. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Registrar Agreement from the proceeds of the Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Bonds remain outstanding, the City will cause the Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Bonds as provided in this Section (the "Bond Register"). The person in whose name a Bond is registered on the Bond Register shall be regarded as the absolute owner of that Bond for all purposes of this Ordinance. Payment of or on account of the debt charges on any Bond shall be made only to or upon the order of that person; neither the City nor the Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Bond, including interest, to the extent of the amount or amounts so paid.

Any Bond may be exchanged for Bonds of any authorized denomination upon presentation and surrender at the principal corporate trust office of the Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. A Bond may be transferred only on the Bond Register upon presentation and surrender of the Bond at the principal corporate trust office of the Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Registrar. Upon exchange or transfer the Registrar

shall complete, authenticate and deliver a new Bond or Bonds of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Bond surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Registrar shall undertake the exchange or transfer of Bonds only after the new Bonds are signed by the authorized officers of the City. In all cases of Bonds exchanged or transferred, the City shall sign and the Registrar shall authenticate and deliver Bonds in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Bonds issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this Ordinance, as the Bonds surrendered upon that exchange or transfer.

Notwithstanding any other provisions of this Ordinance, if it is determined by the Director of Finance to be advantageous to the City, the Bonds may be issued in book-entry form in accordance with the provisions of this Section. As used in this Section and this Ordinance:

"Book-entry form" or "book-entry system" means a form or system under which (i) the ownership of beneficial interests in Bonds and the principal of and interest on the Bonds may be transferred only through a book entry, and (ii) physical Bond certificates in fully registered form are issued by the City only to a Depository or its nominee as registered owner, with the Bonds "immobilized" in the custody of the Depository. The book entry maintained by others than the City is the record that identifies the owners of beneficial interests in those Bonds and that principal and interest.

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

"Participant" means any participant contracting with a Depository under a book-entry system and includes security brokers and dealers, banks and trust companies, and clearing corporations.

The Bonds may be issued to a Depository for use in a book-entry system and, if and as long as a book-entry system is utilized: (i) the Bonds may be issued in the form of a single, fully registered Bond representing each maturity and registered in the name of the Depository or its nominee, as registered owner,



and immobilized in the custody of the Depository; (ii) the beneficial owners in book-entry form shall have no right to receive Bonds in the form of physical securities or certificates; (iii) ownership of beneficial interests in book-entry form shall be shown by book entry on the system maintained and operated by the Depository and its Participants, and transfers of the ownership of beneficial interests shall be made only by book entry by the Depository and its Participants; and (iv) the Bonds as such shall not be transferable or exchangeable, except for transfer to another Depository or to another nominee of a Depository, without further action by the City.

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

The Director of Finance is also hereby authorized to the extent necessary or required to enter into any agreements determined necessary in connection with the book-entry system for the Bonds, after determining that the signing thereof will not endanger the funds or securities of the City and after the approval of the form of any such agreement by the Director of Law.

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

The Bonds shall be awarded to the Original Purchaser in the Certificate of Award which shall specify the final terms of the Bonds in accordance with law, the provisions of this Ordinance, the written advice of a financial advisor retained under authority of Section 16 hereof and the Original Purchaser's offer to purchase the Bonds, including: the principal amount of the Bonds, the purchase price (which shall be not less than 97% of the principal amount of the Bonds plus any accrued interest to their date of delivery), interest rate or rates, the amounts and years in which principal installments are payable (at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements), the Interest Payment Dates and the date of the

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

Pursuant to Section 133.30(B) of the Ohio Revised Code, the Director of Finance may combine the Bonds with other bonds into a single consolidated issue of bonds for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bonds, Series 2018" or such other designation as may be set forth in the Certificate of Award. Such bonds shall contain a summary statement of purposes encompassing the purpose for which the Bonds are issued and shall state that they are issued pursuant to this Ordinance.

**Section 5. Provision for Levying and Collecting Tax.** For the purpose of providing the necessary funds to pay the interest on the Bonds promptly when and as the same falls due, and also to provide for the discharge of the Bonds at maturity, there shall be and is levied on all the taxable property in the City, in addition to all other taxes, a direct tax annually during the period the Bonds are outstanding, in an amount sufficient to provide for the payment of that interest, when and as the same shall fall due, and also to discharge the principal of the Bonds at maturity, which tax shall

not be less than the interest and sinking fund tax required by Section 11 of Article XII of the Constitution of Ohio.

The tax shall be within the ten-mill limitation imposed by law, shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each of those years are certified, extended and collected, and shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from those tax levies shall be placed in the Unvoted Tax Supported Obligations Account of the Sinking Fund as required by the General Bond Ordinance, and those funds, together with the interest collected on them, shall be irrevocably pledged for the payment of principal of and interest on the Bonds when and as the same fall due; provided, however, that, subject to the provisions of Section 8 of the General Bond Ordinance, in each year to the extent that revenues are available from other sources for the payment of the Bonds and are appropriated for such purpose, the amount of such tax shall be reduced by the amount of such revenues so available and appropriated.

This Council hereby covenants, on behalf of the City and its officials, pursuant to the authorization under Sections 133.25(B)(1) and 5705.51 of the Ohio Revised Code, and in accordance with the provisions of and to the extent required or permitted by the General Bond Ordinance, that the City will appropriate annually from the proceeds of the City's municipal income taxes an amount as is necessary to meet the annual debt charges for the Bonds.

**Section 6. Application of Proceeds.** The proceeds from the sale of the Bonds, except for accrued interest thereon and any premium, shall be expended and applied for the objects and purposes for which the Bonds are issued. The proceeds of the Bonds to be applied to pay costs of any Credit Support Instruments obtained pursuant to Section 15 hereof shall be paid to the provider or providers of those Credit Support Instruments. The proceeds from the sale of the Bonds to be used to pay costs of issuing the Bonds shall be deposited with the Registrar in a separate account under the Registrar Agreement pending their application to the payment of such costs. Pursuant to Chapter 133 of the Ohio Revised Code and this Ordinance, and notwithstanding Chapter 179 of the Codified Ordinances, any accrued interest and any premium received from the sale of the Bonds shall be deposited in the Unvoted Tax Supported Obligations Account of the Sinking Fund to be applied to the payment of the principal of and interest on the Bonds.

**Section 7. General Obligation.** The Bonds are secured by a pledge and lien on a parity with the pledges and liens authorized by the General Bond Ordinance and, in addition to the taxes and revenues specifically pledged pursuant to this Ordinance and the General Bond Ordinance and the other covenants, terms and agreements provided hereunder and in the General Bond Ordinance to secure payment of the principal of

and interest on the Bonds, the City hereby determines, declares, warrants and covenants that the Bonds are general obligations of the City and that the full faith and credit and general property taxing power (as described in Section 5) of the City are hereby pledged for the payment of the principal of and interest on the Bonds in accordance with the laws and Constitution of the State of Ohio, this Ordinance and the General Bond Ordinance.

**Section 8. Defeasance.**

(a) Release of Ordinance. If the City shall pay or cause to be paid and discharged all the outstanding Bonds, or there shall otherwise be paid to the holders of the outstanding Bonds all debt charges due or to become due thereon, and provision shall also be made for paying all other sums payable hereunder, then and in that event this Ordinance (except for Section 8(b) hereof) shall cease to be of further effect, and the covenants, agreements and other obligations of the City under this Ordinance shall be discharged and satisfied, and thereupon the Trustee shall at the request of the City execute and deliver to the City such instruments in writing as shall discharge the lien hereof and enter on the record such discharge of the lien and such other instruments as may be reasonably required by the City.

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

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

(ii) the Escrow Agent shall hold in special accounts or subaccounts, in trust for and irrevocably committed solely thereto, direct obligations of the United States certified by an independent public accounting firm of national reputation to be of such maturities and interest payment dates and to bear such interest, without further investment or reinvestment of either the principal amount thereof or the interest earnings therefrom (likewise to be held in trust and committed, except as hereinafter provided), as will be sufficient, together with moneys referred to in (i) above, for the payment, at their maturities or redemption dates, of all debt charges on the Bonds to their date of maturity or redemption, as the case may be, or if default in such payment shall have occurred on such date then to the date of the tender of such payment; provided, that if any Bonds are to be redeemed prior to the maturity thereof, notice of such redemption shall have been duly given or irrevocable provision satisfactory to the Trustee shall have been duly made for the giving of such notice. Any moneys held by the Escrow Agent in accordance with the provisions of this Section shall be invested by the Escrow Agent in direct obligations of the United States of America maturing, or redeemable at the option of the holder, at times and in amounts sufficient to meet payment of debt charges on the Bonds, as directed by the Director of Finance. Any income

or interest earned by, or increment to, the investments held under this Section shall, to the extent determined from time to time by the Escrow Agent to be in excess of the amount required to be held by it for the purposes of this Section, be transferred at the time of such determination as provided in Section 17(a) of the General Bond Ordinance for unclaimed funds held by a Paying Agent. In the event of nonpresentation of any Bond as described in Section 17(a) of the General Bond Ordinance, the moneys held pursuant to this Section shall be held and paid as provided in said Section 17(a) for unclaimed funds held by a Paying Agent.

**Section 9. Bond Anticipation Notes.** For the purpose of raising money in anticipation of the issuance of the Bonds for the purpose set forth in Section 1 hereof, notes of the City may be issued in an aggregate principal amount not to exceed \$67,535,000 (the "Notes") upon the direction of the Director of Finance to be set forth in a certificate providing for the final terms of the Notes and the sale of the Notes and signed by the Director of Finance (the "Note Certificate of Award").

(a) Terms of the Notes. The Notes shall bear interest at such rate, not exceeding 5.00% per year, as may be fixed by the Director of Finance of the City in the Note Certificate of Award; shall be dated their date of issuance; shall mature on the date set forth in the Note Certificate of Award, which shall be no later than five years from such date of issuance; shall be subject to redemption by the City at any time prior to maturity without penalty, provided that, if the Director of Finance, based on the advice of a financial advisor, determines that it is in the best interest of the City in order to enhance the marketability of the Notes, the Director of Finance may cause the Notes to not be redeemable for a period which ends no later than the date which is two years following the date of issuance of the Notes; shall be designated "Bridges and Roadways Improvement Bond Anticipation Notes"; shall be issued in such numbers and denominations as may be requested by the Note Purchaser (hereinafter defined); and shall be issued in fully registered form (which may be in a book-entry only system) in denominations of \$5,000 or integral multiples thereof. Interest shall be payable semiannually on the dates set forth in the Note Certificate of Award; provided that if the Notes mature on or before the end of the twelfth month following their date of issuance, interest on the Notes shall be payable at maturity.

U.S. Bank National Association is appointed to act as the authenticating agent, registrar, transfer agent and paying agent for the Notes (the "Note Registrar"). The Escrow Agent also shall act as paying agent for the Notes if the Notes are held in a book-entry system. The Director of Finance shall sign and deliver, in the name and on behalf of the City, an agreement among the City, the Note Registrar and the Escrow Agent (the "Note Registrar Agreement") providing for services relating to the registration, transfer, exchange and payment of Notes on terms that are approved by the

Director of Finance on behalf of the City. That approval shall be conclusively evidenced by the signing of the Note Registrar Agreement by the Director of Finance. The Director of Finance shall provide for the payment of the services rendered and for reimbursement of expenses incurred pursuant to the Note Registrar Agreement from the proceeds of the Notes to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose.

So long as any of the Notes remain outstanding, the City will cause the Note Registrar to maintain and keep at its principal corporate trust office all books and records necessary for the registration, exchange and transfer of Notes as provided in this Section (the "Note Register"). The person in whose name a Note is registered on the Note Register shall be regarded as the absolute owner of that Note for all purposes of this Ordinance. Payment of or on account of the debt charges on any Note shall be made only to or upon the order of that person; neither the City nor the Note Registrar shall be affected by any notice to the contrary, but the registration may be changed as provided in this Section. All such payments shall be valid and effectual to satisfy and discharge the City's liability upon the Note, including interest, to the extent of the amount or amounts so paid.

Any Note may be exchanged for Notes of any authorized denomination upon presentation and surrender at the principal corporate trust office of the Note Registrar, together with a request for exchange signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Note Registrar. A Note may be transferred only on the Note Register upon presentation and surrender of the Note at the principal corporate trust office of the Note Registrar together with an assignment signed by the registered owner or by a person legally empowered to do so in a form satisfactory to the Note Registrar. Upon exchange or transfer the Note Registrar shall complete, authenticate and deliver a new Note or Notes of any authorized denomination or denominations requested by the owner equal in the aggregate to the unmatured principal amount of the Note surrendered and bearing interest at the same rate and maturing on the same date.

If manual signatures on behalf of the City are required, the Note Registrar shall undertake the exchange or transfer of Notes only after the new Notes are signed by the authorized officers of the City. In all cases of Notes exchanged or transferred, the City shall sign and the Note Registrar shall authenticate and deliver Notes in accordance with the provisions of this Ordinance. The exchange or transfer shall be without charge to the owner, except that the City and Note Registrar may make a charge sufficient to reimburse them for any tax or other governmental charge required to be paid with respect to the exchange or transfer. The City or the Note Registrar may require that those charges, if any, be paid before the procedure is begun for the exchange or transfer. All Notes

issued and authenticated upon any exchange or transfer shall be valid obligations of the City, evidencing the same debt, and entitled to the same security and benefit under this Ordinance, as the Notes surrendered upon that exchange or transfer.

Pursuant to Section 133.30(B) of the Ohio Revised Code, the Director of Finance may combine the Notes with other bond anticipation notes of the City for purposes of their sale as a single issue to be designated "Various Purpose General Obligation Bond Anticipation Notes." The Notes shall contain a summary statement of purposes encompassing the purpose for which the Notes are issued and shall state that they are issued pursuant to this Ordinance.

(b) **Execution and Payment of the Notes.** The Notes shall express upon their faces the purpose for which they are issued and that they are issued pursuant to this Ordinance. Each Note shall be authenticated by the manual signature of an authorized officer of the Trustee (as defined therein). The Notes shall be signed by the City's Mayor and by the City's Director of Finance, and, consistent with Section 133.27 of the Ohio Revised Code and notwithstanding Section 177.02 of the Codified Ordinances of the City, either or both of those signatures may be a facsimile. The Notes shall bear the seal of the City, which seal may be a facsimile seal. Pursuant to Section 83 of the City's Charter, the Director of Law shall prepare the Notes and shall endorse thereon the Director of Law's approval of the form thereof by the Director of Law's manual or facsimile signature.

(c) **Sale of the Notes.** The Notes shall first be offered for purchase to the Trustees of the Sinking Fund and, if not purchased by them, shall be offered to the Treasury Investment Account for purchase and, if not purchased for that Account, shall be sold to one or more firms that have proposed to underwrite or purchase the Notes and have been selected by the Director of Finance based on an evaluation of the qualifications of those firms (the "Note Purchaser") in the principal amount set forth in a certificate of award to be executed by the Director of Finance (the "Note Certificate of Award") at not less than par and accrued interest and at a rate not exceeding that set forth in Section 10 hereof. The proceeds of such sale shall be paid into the proper fund and used for the purpose for which the Notes are being issued under the provisions of this Ordinance.

(d) **Security for the Notes.** The Notes shall be secured by a pledge and lien on a parity with the pledges and liens authorized by the General Bond Ordinance and, in addition to the taxes and revenues specifically pledged pursuant to this Ordinance and the General Bond Ordinance and the other covenants, terms and agreements provided hereunder and in the General Bond Ordinance to secure payment of the principal of and interest on the Notes, the City hereby determines, declares, warrants and covenants that the Notes are general obligations of the City and that the full faith and credit and general property taxing power (as described in Section 5) of the City are hereby pledged for the payment of the principal of and interest on the Notes in

accordance with the laws and Constitution of the State of Ohio, this Ordinance and the General Bond Ordinance. The par value to be received from the sale of the Bonds or of any renewal notes and any excess funds resulting from the issuance of the Notes shall, to the extent necessary, be used to pay the debt charges on the Notes at maturity and are pledged for that purpose.

**Section 10. Provision for Levying and Collecting Tax.** During the year or years while the Notes are outstanding there shall be levied on all the taxable property in the City, in addition to all other taxes but within tax limitations, a direct tax annually not less than that which would have been levied if bonds had been issued therefor without the prior issue of the Notes. That tax shall be and is ordered computed, certified, levied and extended upon the tax duplicate and collected by the same officers, in the same manner and at the same time that taxes for general purposes for each year are certified, extended and collected. That tax shall be placed before and in preference to all other items and for the full amount thereof. The funds derived from the tax levies required by this Ordinance shall be placed in the Unvoted Tax Supported Obligations Account, and those funds, together with the interest collected on them, shall be irrevocably pledged for the payment of the principal and interest of the Notes or the Bonds in anticipation of which they are issued, when and as the same falls due; provided, however, that in each year to the extent that revenues are available from other sources for the payment of the Notes and Bonds and are appropriated for such purpose, the amount of such direct tax upon all of the taxable property in the City may be reduced by the amount of such revenues so available and appropriated.

**Section 11. Official Statement; Continuing Disclosure.** If, in the judgment of the Director of Finance, a disclosure document (each, an "Official Statement") is appropriate or necessary in connection with the sale of the Notes or the Bonds, the Director of Finance is authorized to prepare or cause to be prepared on behalf of the City an Official Statement with respect to the Notes or the Bonds, as the case may be, and any necessary supplements and to authorize the use and distribution of each Official Statement and any supplements. The Director of Finance is authorized to sign on behalf of the City and in her official capacity each Official Statement and any supplements approved by her. The Director of Finance is authorized to sign and deliver on behalf of the City and in her official capacity such certificates in connection with the accuracy of each Official Statement and any supplements as may, in the judgment of the Director of Finance, be necessary or appropriate. The Director of Finance is also authorized to determine and certify on behalf of the City that such disclosure document is "deemed final" by the City within the meaning of Securities and Exchange Commission Rule 15c2-12 (the "SEC Rule"). The Director of Finance is authorized to contract for services for the production and distribution of preliminary and final Official Statements, including by printed and electronic means.

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

**Section 12. Miscellaneous.**

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

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

**Section 13. Captions.** The captions or headings in this Ordinance are for convenience only and in no way define, limit or describe the scope or intent of any provisions or sections of this Ordinance.

**Section 14. Federal Tax Covenants.** The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Notes and the Bonds in such manner and to such extent as may be necessary so that (a) the Notes and the Bonds will not (i) constitute private activity bonds 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 the interest on which is excluded from gross income under Section 103 of the Code, and (b) the interest thereon will not be treated as an item of tax preference under Section 57 of the Code.

The City further covenants that (a) it will take or cause to be taken such actions that may be required



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

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

**Section 15. Credit Facilities and Ratings.** If the Director of Finance determines it to be in the best interests of the City, based on the written advice of a financial advisor, the Director of Finance may obtain an insurance policy, letter of credit, standby bond purchase agreement or other credit enhancement instrument as further security for the payment when due of the principal of and interest on all or any portion of the Bonds or any Notes (a "Credit

Support Instrument"). The Director of Finance may request a rating on the Bonds or Notes from one or more nationally recognized rating organizations, and do any and all things and take any and all actions required to secure a Credit Support Instrument and/or a rating or ratings on the Bonds or Notes. The Director of Finance may enter into one or more agreements for Credit Support Instruments containing terms not materially inconsistent with this Ordinance. The expenditure of the amounts necessary to secure Credit Support Instruments or obtain those ratings is authorized and approved, and the Director of Finance is authorized to provide for the payment of any such amounts from the proceeds of the Bonds or Notes to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

**Section 16. Financial Advisor.** The Director of Finance may obtain the services of one or more financial advisors, from time to time, to assist the Director of Finance in making any of the determinations required by this Ordinance to be determined by the Director of Finance. The Director of Finance may rely on the written advice of any financial advisor so retained. Any financial advisor employed under the authority of this Ordinance shall be disinterested in the transaction and be independent of the Original Purchasers and any other party interested in the transaction.

**Section 17. Open Meeting Determination.** It is found and determined that all formal actions of this Council and of any of its committees concerning and relating to the passage of this Ordinance were taken, and that all deliberations of this Council and any of its committees that resulted in these formal actions were held, in meetings open to the public in compliance with all legal requirements, including, without limitation, Section 121.22 of the Ohio Revised Code.

**Section 18. Findings and Recitals of Validity.** It is hereby determined, represented and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Bonds and the Notes in order to make them legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of the Bonds or the Notes. It is further found and determined, and is hereby represented and recited, that the provisions of Sections 28, 29, 32, 33 (including the provisions of Section 33 with respect to readings on three separate days or dispensing with such readings by a two-thirds vote of all members of the Council), 36, 37, 48 and all other applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this Ordinance was passed in conformity therewith.

**Section 19. Delivery to County Fiscal Officer.** The Director of Finance is authorized to forward a certified copy of this Ordinance and of the Certificate of Award for the Bonds

and any Note Certificate of Award to the County Fiscal Officer of Cuyahoga County and to secure a receipt therefor.

**Section 20. Severability.** Each section and each part of each section of this Ordinance is hereby declared to be an independent section or part of a section and, notwithstanding any other evidence of legislative intent, it is hereby declared to be the controlling legislative intent that if any such section or part of a section or any provision thereof, or the application thereof to any person or circumstance, is held to be invalid, the remaining sections or parts of sections and the application of such provisions to any other person or circumstance, other than those as to which it is held invalid, shall not be affected thereby, and it is hereby declared to be the legislative intent that the other provisions of this Ordinance would have been passed independently of such section, or parts of a section, so held to be invalid.

**Section 21. Legislative Intent.** All terms, conditions, pledges, covenants or agreements on the part of the City provided for in this Ordinance are made by the voluntary act of the City under its lawful authority, including its authority under its Charter and Article XVIII of the Constitution of Ohio.

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

**Section 22. Emergency Measure.** This Ordinance is declared to be an emergency measure for the immediate preservation of the public peace, property, health and safety of the City by providing funds to pay the costs of certain permanent improvements which are urgently needed for the benefit of the City and for the usual daily operation of a municipal department, and, provided this Ordinance receives the affirmative vote of two-thirds of all members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest date allowed by law.

Passed April 30, 2018.

Effective May 2, 2018.

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**Ord. No. 509-18.**

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

**An emergency ordinance authorizing the issuance and sale of bonds in the maximum principal amount of \$64,000,000 for the purpose of providing funds to improve facilities for the discharge of governmental functions or for services otherwise benefitting public safety, health and welfare, and authorizing related matters.**

Whereas, this Council desires to issue bonds in an aggregate principal amount not to exceed \$64,000,000

(the "Series 2018 Bonds") to finance the costs of certain permanent improvements described in Section 1; and

Whereas, the Series 2018 Bonds shall be payable from and secured by income tax revenues of the City remaining after deposits required under the General Bond Ordinance (as defined in Section 2) are made to the escrow agent for the City's general obligation bonds; and

Whereas, the Director of Finance, as fiscal officer of this City, has certified to this Council that the estimated life or usefulness of the improvements to be financed with the proceeds of the Series 2018 Bonds is at least five years and the maximum maturity of the Series 2018 Bonds is 25 years, as evidenced by the certificate contained in File No. 509-18-A; and

Whereas, the authorization for issuance of the Series 2018 Bonds is necessary to provide funds to pay the costs of certain permanent improvements described in Section 1 that are urgently needed for the benefit of the City, and as a result, this Ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health and safety, and for the usual daily operation of a municipal department; now, therefore,

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

**Section 1. Purpose.** It is deemed necessary to issue the Series 2018 Bonds in an aggregate principal amount not to exceed \$64,000,000 for the purpose of providing funds to improve facilities for the discharge of governmental functions or for services otherwise benefiting the public safety, health and welfare, including acquiring, constructing, reconstructing, rehabilitating, installing, renovating, enlarging and otherwise improving buildings, structures and other facilities, including new facilities of and for the City Division of Police, the provision of necessary fixtures, furnishings, equipment and site improvements, and all necessary and related appurtenances, and the acquisition of any required real estate and interests in real estate, and to pay any capitalized interest and all expenses incurred in connection with the issuance of the securities, including all financing costs within the meaning of Section 133.01(K) of the Revised Code and such other costs of the foregoing permanent improvements that may be financed with the proceeds of securities as permitted by Section 133.15(B) of the Ohio Revised Code and as otherwise permitted by law.

**Section 2. Authority, Security and Source of Payment.** The Series 2018 Bonds shall be issued pursuant to the Ohio Constitution, Chapter 133 of the Ohio Revised Code, the Charter of the City, and this Ordinance for the purpose stated in Section 1. The Series 2018 Bonds shall be payable from and secured by the income tax revenues of the City on a basis subordinate to the security given to the General Obligation Bonds of the City ("General Obligation Bonds") under Ordinance No. 1749-80 passed by the Council on October 8, 1980, as amended by Ordinance No. 1112-83 passed by the Council on May 6, 1983, and Ordinance No. 944-96,

passed by the Council on June 10, 1996 (Ordinance No. 1749-80, as so amended and as the same may further be amended from time to time in accordance with its provisions, is referred to as the "General Bond Ordinance"). The debt service on the Series 2018 Bonds shall be payable from income tax collections remaining after depositing with the escrow agent under the General Bond Ordinance the amount required for the payment of debt service on the City's General Obligation Bonds issued and outstanding, from time to time, under the General Bond Ordinance. The Series 2018 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. Pledge and Covenant to Maintain Income Tax.** So long as Bonds are outstanding under the Indenture, the City pledges the municipal income taxes of the City and grants a lien thereon, subordinate to the lien granted in the General Bond Ordinance as security for the General Obligation Bonds of the City issued and outstanding under the General Bond Ordinance, to the full extent required to meet debt charges payable on the Bonds issued and outstanding, from time to time, under the Indenture. The City covenants to appropriate annually sufficient amounts from the income taxes to pay all debt charges on the General Obligation Bonds, the Bonds

outstanding under the Indenture, any Parity Obligations and the Unrestricted Income Tax Obligations (each as defined in the Indenture). The City further covenants that so long as any Bonds are outstanding under the Indenture, the City shall not repeal or amend, or suffer the repeal of, any ordinance for the levy or collection of its income taxes in any manner or to such extent that the City would not be able to meet its obligations to the holders of the Bonds.

**Section 4. Terms of the Series 2018 Bonds.** The Series 2018 Bonds shall be issued in fully registered form. The Series 2018 Bonds may be issued in one or more series or sub-series. The Series 2018 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 Eleventh Supplement identified in Section 7. The Series 2018 Bonds shall be designated "Public Facilities Improvement Bonds, Series 2018" and may contain such further designation as provided in the Certificate of Award identified below. The Series 2018 Bonds shall be issued in one lot as fully registered Series 2018 Bonds in denominations of \$5,000 or any whole multiple thereof. The Series 2018 Bonds shall be numbered as determined by the Director of Finance. The Series 2018 Bonds shall be signed by the officials of the City and in the manner set forth in the Indenture.

The Series 2018 Bonds shall be dated the date of their issuance and delivery or such other date specified in the certificate of award providing for the final terms of the Series 2018 Bonds and the sale of the Series 2018 Bonds in accordance with this Ordinance (the "Certificate of Award"). The Series 2018 Bonds shall bear interest from their date until the principal amount is paid at the rate or rates per year specified in the Certificate of Award, provided that the yield (determined in accordance with the arbitrage provisions of the Internal Revenue Code of 1986, as amended) of the Series 2018 Bonds shall not exceed 6% per year, if sold as fixed rate obligations. Interest on the Series 2018 Bonds shall be payable semi-annually on April 1 and October 1, or such other dates specified in the Certificate of Award (the "Interest Payment Dates").

The provisions of Sections 9.98 to 9.983 of the Revised Code shall apply to the Series 2018 Bonds and pursuant to that authority and this Ordinance, the Director of Finance may determine in the Certificate of Award, based on the written advice of a financial advisor, that the City's best interests will be served by causing all or a portion of the Series 2018 Bonds to be obligations bearing interest at variable rates. If the Director of Finance so determines, then the Director of Finance shall specify in the Certificate of Award the method and procedure by which the variable rate of interest

to be borne by the variable rate Series 2018 Bonds shall be determined; provided that the variable rate Series 2018 Bonds shall not bear interest at a rate in excess of 25% per year. The Director of Finance is authorized to enter into agreements in connection with the delivery of the variable rate Series 2018 Bonds, and from time to time thereafter so long as the variable rate Series 2018 Bonds are outstanding, with providers of Credit Support Instruments (as defined in Section 11) and others as may be determined by the Director of Finance, based on the written advice of a financial advisor, to be necessary or appropriate to provide for the method of determining the variable interest rates, permitting holders the right of tender, providing for liquidity or credit support for the payment of the variable rate Series 2018 Bonds upon tender for purchase or redemption, and providing for the repayment by the City of any amounts drawn under the Credit Support Instrument.

The Series 2018 Bonds shall mature in the years and principal amounts set forth in the Certificate of Award, provided that (i) each principal payment shall occur on an Interest Payment Date, and (ii) the final maturity date of the Series 2018 Bonds shall be no later than August 1, 2044; provided that the Series 2018 Bonds shall not have more than 25 annual principal installments. The Series 2018 Bonds stated to mature in any year may be issued as serial Series 2018 Bonds or as term Series 2018 Bonds payable prior to stated maturity pursuant to sinking fund redemption (the "Term Bonds"). The Director of Finance shall determine in the Certificate of Award whether any of the Series 2018 Bonds shall be issued as Term Bonds, any dates (the "Mandatory Redemption Dates") on which the principal amount of the Term Bonds shall be payable pursuant to mandatory sinking fund installments rather than at stated maturity and the amount of principal to be paid on each Mandatory Redemption Date (the "Mandatory Sinking Fund Redemption Requirements").

If any of the Series 2018 Bonds are issued as Term Series 2018 Bonds, the Term Bonds shall be redeemed pursuant to the Mandatory Sinking Fund Redemption Requirements at a redemption price of 100% of the principal amount redeemed, plus interest accrued to the redemption date, on the Mandatory Redemption Dates. The aggregate of the moneys to be deposited with the Trustee for payment of principal and interest on any Term Bonds shall include amounts sufficient to redeem on the Mandatory Redemption Dates the principal amount of Term Bonds payable on those dates pursuant to the Mandatory Sinking Fund Redemption Requirements (less the amount of any credit as provided in the Indenture and the Eleventh Supplement).

The Series 2018 Bonds may be subject to redemption prior to maturity by and at the option of the City, in whole or in part on any date, in whole multiples of \$5,000, on the redemption dates and at the redemption prices specified in the Certificate of Award, plus, in each case,

accrued interest to the redemption date. Based on the written advice of a financial advisor, the Director of Finance may determine in the Certificate of Award that it is in the best interests of the City (i) for some or all of the Series 2018 Bonds not to be callable prior to their stated maturity, and (ii) for a premium to be payable on the redemption of any Series 2018 Bonds calculated in a manner to make the bondholder whole for the loss of the investment or calculated as a percentage in excess of 100% of the principal amount redeemed.

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

If and to the extent provided in the Certificate of Award, the Series 2018 Bonds may be secured by a Debt Service Reserve Fund to be held by the Trustee under the Indenture. The principal amount of the Series 2018 Bonds may include provision for funding the Debt Service Reserve Fund from the proceeds of the Series 2018 Bonds, subject to compliance with applicable federal tax laws.

**Section 5. Sale of Series 2018 Bonds.** The Series 2018 Bonds shall first be offered for purchase to the Trustees of the Sinking Fund and, if not purchased by them, shall be offered to the Treasury Investment Account for purchase and, if not purchased for that Account, shall be sold to the purchaser identified in the Certificate of Award (the "Original Purchaser"). The Certificate of Award shall specify the final terms of the Series 2018 Bonds in accordance with law, the provisions of this Ordinance, the written advice of a financial advisor retained under authority of Section 12 and the Original Purchaser's offer to purchase the Series 2018 Bonds, including: the principal amount of the Series 2018 Bonds (which shall not exceed the amount stated in Section 1), the purchase price (which shall be not less than 97% of the principal amount plus accrued interest to their date of delivery), interest rate or rates, the amounts and years in which principal installments are payable (at stated maturity or pursuant to Mandatory Sinking Fund Redemption Requirements), terms and conditions under which any Series 2018 Bonds may be redeemed prior to maturity at the option of the City, the Interest Payment Dates and the date of the Series 2018 Bonds (if different from those set forth in Section 3) and any other matters required in this Ordinance to be set forth in that Certificate. As appropriate under the Charter, the Mayor, Director of Finance, Director of Law, Clerk of Council and other appropriate officers of the City are, and each of them is, authorized to take such actions as are necessary, appropriate and in the best interest of the City to establish the terms and requirements for delivery of the Series 2018 Bonds and to make such

arrangements as are necessary with the Original Purchaser in order to establish the date, location, procedures, and conditions for the delivery of the Series 2018 Bonds to the Original Purchaser, to give all appropriate notices and certificates, to cause a true transcript of proceedings with reference to the issuance of the Series 2018 Bonds to be delivered to the Original Purchaser, to sign any transcript certificates, financial statements and other documents and instruments and to take such actions as are necessary or appropriate to consummate the transactions contemplated by this Ordinance and to take all steps necessary to effect the due execution, authentication and delivery of the Series 2018 Bonds. The Director of Finance is authorized to sign and deliver on behalf of the City a bond purchase agreement between the City and the Original Purchaser (the "Bond Purchase Agreement"), approved as to form by the Director of Law, setting forth the terms and conditions on which the City agrees to sell the Series 2018 Bonds and the Original Purchaser agrees to buy the Series 2018 Bonds on terms consistent with this Ordinance and the Indenture, that are not substantially adverse to the City and that are approved by the Director of Finance on behalf of the City, all of which shall be conclusively evidenced by the signing of the Bond Purchase Agreement or amendments to the Bond Purchase Agreement by the Director of Finance. It is determined that the terms of the Series 2018 Bonds, as provided in this Ordinance and as may be provided in or pursuant to the Certificate of Award, the Indenture and the Eleventh Supplement, are in the best interest of the City and in compliance with all legal requirements.

**Section 6. Application of Proceeds.** The proceeds from the sale of the Series 2018 Bonds shall be applied as follows:

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

(b) to the Trustee, for deposit in the Interest Payment Account in the Debt Service Fund, the amount, if any, received by the City upon delivery of the Series 2018 Bonds as accrued interest from their dated date to the date of their delivery to the Original Purchaser;

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

(d) to the Trustee, for deposit in the Interest Payment Account in the Debt Service Fund, the amount, if any, received by the City upon delivery of the Series 2018 Bonds as original issue premium from the sale of the Series 2018 Bonds; and

(e) to the Trustee for deposit in the Project Fund, the balance of the proceeds.

**Section 7. Supplemental Indenture.** The Director of Finance is authorized to sign and deliver on behalf of the City a supplemental trust



indenture (the "Eleventh Supplement"), supplementing the Indenture to provide procedures for the authentication, registration and transfer of the Series 2018 Bonds, redemption of Series 2018 Bonds, payments under any Credit Support Instrument authorized by Section 11, application of the proceeds of the Series 2018 Bonds, defeasance of the Series 2018 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 Eleventh Supplement shall be approved as to form by the Director of Law. The determination by the Director of Finance that the provisions of the Eleventh Supplement are not substantially adverse to the City shall be conclusively evidenced by the Director's signing of the Eleventh Supplement. As appropriate under the Charter, the Mayor, the Director of Finance, the Director of Law, the Clerk of Council and other appropriate officers of the City are, and each of them is, authorized to sign, acknowledge and deliver, in the name and on behalf of the City, such documents, certifications and instruments in addition to the Indenture and Eleventh Supplement as may be necessary or appropriate to issue and sell the Series 2018 Bonds and to consummate the transactions authorized by this Ordinance.

**Section 8. Bond Anticipation Notes.**

For the purpose of raising money in anticipation of the issuance of the Series 2018 Bonds for the purpose set forth in Section 1, notes of the City may be issued in an aggregate principal amount not to exceed \$64,000,000 (the "Notes") upon the direction of the Director of Finance to be set forth in a certificate providing for the final terms of the Notes and the sale of the Notes and signed by the Director of Finance (the "Note Certificate of Award"). The Notes, if sold as fixed rate obligations, shall bear interest at such rate, not exceeding 5% per year, and shall be payable on the date or dates, as shall be determined by the Director of Finance of the City in the Note Certificate of Award; shall be dated their date of issuance; shall mature on the date set forth in the Note Certificate of Award; shall be subject to redemption by the City at any time prior to maturity without penalty, unless the Director of Finance, based on the advice of a financial advisor, determines that it is in the best interest of the City in order to enhance the marketability of the Notes, that the Notes not be redeemable prior to maturity or that a premium be paid on their prior redemption; shall be designated "Public Facilities Improvement Bond Anticipation Notes" or as otherwise provided in the Note Certificate of Award; shall be issued in such numbers and denominations as may be requested by the Note Purchaser (hereinafter defined); and shall be issued in fully registered form (which may be in a book entry only system). The provisions of Sections 9.98 to 9.983 of the Revised Code shall apply to the Notes and pursuant to that authority and this Ordinance, the Director of Finance may determine in the Certificate of

Award, based on the written advice of a financial advisor, that the City's best interests will be served by causing all or a portion of the Notes to be obligations bearing interest at variable rates. If the Director of Finance so determines, then the Director of Finance shall specify in the Certificate of Award the method and procedure by which the variable rate of interest to be borne by the variable rate Notes shall be determined; provided that the variable rate Notes shall not bear interest at a rate in excess of 25% per year. The Director of Finance is authorized to enter into agreements in connection with the delivery of the variable rate Notes, and from time to time thereafter so long as the variable rate Notes are outstanding, with providers of Credit Support Instruments (as defined in Section 11) and others as may be determined by the Director of Finance, based on the written advice of a financial advisor, to be necessary or appropriate to provide for the method of determining the variable interest rates, permitting holders the right of tender, providing for liquidity or credit support for the payment of the variable rate Notes upon tender for purchase or redemption, and providing for the repayment by the City of any amounts drawn under the Credit Support Instrument. The Trustee shall be the authenticating agent, registrar, transfer agent and paying agent for the Notes. The Notes shall be signed by the officials of the City and in the manner set forth in the Indenture. The Notes shall first be offered for purchase to the Trustees of the Sinking Fund and, if not purchased by them, shall be offered to the Treasury Investment Account for purchase and, if not purchased for that Account, shall be sold at not less than par and accrued interest to one or more firms that have proposed to underwrite the Notes and have been selected by the Director of Finance based on an evaluation of the qualifications of those firms (the "Note Purchaser") in the principal amount set forth in a certificate of award to be executed by the Director of Finance (the "Note Certificate of Award"). The proceeds of such sale shall be paid into the proper fund or funds set forth in the Note Certificate of Award and used for the purpose for which the Notes are being issued under the provisions of this Ordinance.

**Section 9. Official Statement; Continuing Disclosure.** If, in the judgment of the Director of Finance, a disclosure document (each, an "Official Statement") is appropriate or necessary in connection with the sale of the Notes or the Series 2018 Bonds, the Director of Finance is authorized to prepare or cause to be prepared on behalf of the City an Official Statement with respect to the Notes or the Series 2018 Bonds, as the case may be, and any necessary supplements and to authorize the use and distribution of each Official Statement and any supplements. The Director of Finance is authorized to sign on behalf of the City and in her official capacity each Official Statement and any supplements approved by her. The Director of Finance is authorized to sign and deliver on behalf of the

City and in her official capacity such certificates in connection with the accuracy of each Official Statement and any supplements as may, in her judgment, be necessary or appropriate. The Director of Finance is also authorized to determine and certify on behalf of the City that such disclosure document is "deemed final" by the City within the meaning of Securities and Exchange Commission Rule 15c2-12 the "SEC Rule." The Director of Finance is authorized to contract for services for the production and distribution of preliminary and final Official Statements, including by printed and electronic means.

For the benefit of the holders and beneficial owners from time to time of the Notes or the Series 2018 Bonds, the City agrees, in accordance with, and as the only obligated person with respect to the Notes and the Series 2018 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 Notes or the Series 2018 Bonds, as the case may be, in accordance with the SEC Rule. The performance of that agreement shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform it. The Director of Finance is further authorized to establish procedures in order to ensure compliance by the City with its continuing disclosure agreement, including the timely provision of information and notices.

**Section 10. Federal Tax Considerations.** The City covenants that it will use, and will restrict the use and investment of, the proceeds of the Series 2018 Bonds and any Notes in such manner and to such extent as may be necessary so that (i) the Series 2018 Bonds and any Notes will not (A) constitute private activity bonds or arbitrage bonds under Sections 141 or 148 of the Internal Revenue Code of 1986, as amended (the "Code") or (B) be treated other than as bonds the interest on which is excluded from gross income under Section 103 of the Code, and (ii) the interest on the Series 2018 Bonds and any Notes will not be an item of tax preference under Section 57 of the Code.

The City further covenants that (i) it will take or cause to be taken such actions that may be required of it for the interest on the Series 2018 Bonds and any Notes to be and remain excluded from gross income for federal income tax purposes, (ii) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and

(iii) it, or persons acting for it, will, among other acts of compliance, (A) apply the proceeds of the Series 2018 Bonds and any Notes to the governmental purpose of the borrowing, (B) restrict the yield on investment property, (C) make timely and adequate payments to the federal government, (D) maintain books and records and make calculations and reports and (E) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

The Director of Finance or any other officer of the City having responsibility for issuance of the Series 2018 Bonds and any Notes is hereby authorized (i) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Series 2018 Bonds and any Notes as the City is permitted to or required to make or give under the federal income tax laws, including, without limitation thereto, any of the elections available under Section 148 of the Code, for the purpose of assuring, enhancing or protecting favorable tax treatment or tax status of the Series 2018 Bonds and any Notes or interest thereon, or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing rebate amounts or payments or penalties or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, which action shall be in writing and signed by the officer, (ii) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the intended tax status of the Series 2018 Bonds and any Notes and (iii) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Series 2018 Bonds and any Notes, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Series 2018 Bonds and any Notes, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on the Series 2018 Bonds and any Notes and the tax status of the Series 2018 Bonds and any Notes.

**Section 11. Credit Facilities and Ratings.** If the Director of Finance determines it to be in the best interests of the City, based on the written advice of a financial advisor, the Director of Finance may obtain an insurance policy, letter of credit, standby bond purchase agreement or other credit enhancement instrument as further security for the payment when due of the principal of and interest on all or any portion of the Series 2018 Bonds or any Notes (a "Credit Support Instrument"). The Director of Finance may request a rating on the Series 2018 Bonds or Notes from one or more nationally recognized rating organizations, and

do any and all things and take any and all actions required to secure a Credit Support Instrument and/or a rating or ratings on the Series 2018 Bonds or Notes. The Director of Finance may enter into one or more agreements for Credit Support Instruments containing terms not materially inconsistent with this Ordinance or the Indenture. The expenditure of the amounts necessary to secure Credit Support Instruments or obtain those ratings is authorized and approved, and the Director of Finance is authorized to provide for the payment of any such amounts from the proceeds of the Series 2018 Bonds or Notes to the extent available and otherwise from any other funds lawfully available that are appropriated or shall be appropriated for that purpose.

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

**Section 13. Open Meeting Determination.** It is found and determined that all formal actions of this Council and of any of its committees concerning and relating to the passage of this Ordinance were taken, and that all deliberations of this Council 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 Series 2018 Bonds and the Notes in order to make them legal, valid and binding obligations of the City have happened, been done and been performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, will have been exceeded in the issuance of the Series 2018 Bonds or the Notes. It is further found and determined, and is represented and recited, that the provisions of Sections 28, 29, 32, 33 (including the provisions of Section 33 with respect to readings on three separate days or dispensing with such readings by a two-thirds vote of all members of the Council), 36, 37, 48 and all other applicable provisions of the City's Charter and the rules of this Council have been fully complied with and this Ordinance was passed in conformity therewith.

**Section 15. Delivery to County Fiscal Officer.** The Director of Finance is authorized to forward a certified copy of this Ordinance and of the Certificate of Award for the Series 2018 Bonds and any Note Certificate

of Award 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. Legislative Intent.** All terms, conditions, pledges, covenants or agreements on the part of the City provided for in this Ordinance are made by the voluntary act of the City under its lawful authority, including its authority under its Charter and Article XVIII of the Constitution of Ohio. Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance shall not apply to the Series 2018 Bonds or the Notes authorized herein.

Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding Series 2018 Bonds, notes, certificates of indebtedness, other obligations, trust indentures, trust agreements, or other agreements or contracts made or entered into by the City and for which consideration was duly received by the City prior to the passage of this Ordinance.

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

Passed April 30, 2018.

Effective May 2, 2018.

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**Ord. No. 575-18.**

**By Council Member Conwell.**

**An emergency ordinance amending the Title and Section 1 of Ordinance No. 187-18, passed February 12, 2018, as it pertains to authorizing the Director of the Department of Aging to enter into an agreement with Ashbury Community Services, Inc., for the Ashbury Senior Computer Community Center Program through the use of Ward 9 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 Title and Section 1 of Ordinance No. 187-18 passed February 12, 2018, are hereby amended to read as follows:

An emergency ordinance authorizing the Director of the Department of Aging to enter into an agreement with Ashbury Community Services, Inc., for the Ashbury Senior Computer Community Center Program through the use of Ward 9 Casino Revenue Funds.

Section 1. That the Director of the Department of Aging is hereby authorized to enter into an agreement effective September 1, 2017 with Ashbury Community Services,

Inc for the Ashbury Senior Computer Community Center Program for the public purpose of providing computer training classes for adults and senior citizens residing in the city of Cleveland through the use of Ward 9 Casino Revenue Funds.

**Section 2.** That the Title and Section 1 of Ordinance No. 187-18 passed February 12, 2018, are 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 April 30, 2018.  
Effective May 2, 2018.

**COUNCIL COMMITTEE MEETINGS**

**Wednesday, May 9, 2018  
10:00 a.m.**

**Safety Committee:** Present: Zone, Chair; Polensek, Vice Chair; Griffin, Kazy, B. Jones, J. Jones, Santana.

**1:30 p.m.**

**Utilities Committee:** Present: Keane, Chair; Kazy, Vice Chair; Bishop, Hairston, McCormack, Polensek, Santana.

**4:00 p.m.**

**Mayor's Appointments Committee:** Present: Kazy, Chair; Brancatelli, Cleveland, Kelley. *Authorized Absence:* Brady.

**Index**

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

**Aging Department**

Amending the Title and Section 1 of Ordinance No. 187-18, passed February 12, 2018, as it pertains to authorizing the Director of the Department of Aging to enter into an agreement with Ashbury Community Services, Inc., for the Ashbury Senior Computer Community Center Program through the use of Ward 9 Casino Revenue Funds. (O 575-18) .....**746**

**Agreements**

Amending the Title and Section 1 of Ordinance No. 187-18, passed February 12, 2018, as it pertains to authorizing the Director of the Department of Aging to enter into an agreement with Ashbury Community Services, Inc., for the Ashbury Senior Computer Community Center Program through the use of Ward 9 Casino Revenue Funds. (O 575-18) .....**746**

**Ashbury Community Services, Inc.**

Amending the Title and Section 1 of Ordinance No. 187-18, passed February 12, 2018, as it pertains to authorizing the Director of the Department of Aging to enter into an agreement with Ashbury Community Services, Inc., for the Ashbury Senior Computer Community Center Program through the use of Ward 9 Casino Revenue Funds. (O 575-18) .....**746**

**Board of Building Standards and Building Appeals**

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Authorizing the Director of Capital Projects to make alterations and modifications in Contract No. PI 2016-003 with Platform Cement, Inc. for improvements to the West Side Market parking area project. (O 353-18) .....714

**Zoning**

Changing the Use, Area, and Height Districts of lands flanking Old River Road and City owned property intended for Canal Basin Park consistent with recent zoning changes located on the East and West Banks of the Flats as identified on the attached map (Map Change No. 2580). (O 368-18) .....709