

The City Record

Official Publication of the Council of the City of Cleveland



May the Eighth, Two Thousand and Nineteen

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

Containing	PAGE
City Council	3
The Calendar	11
Board of Control	11
Civil Service	15
Board of Zoning Appeals	15
Board of Building Standards and Building Appeals	17
Public Notice	18
Public Hearings	18
City of Cleveland Bids	18
Adopted Resolutions and Ordinances	20
Committee Meetings	50
Index	50



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	1769 West 31st Place	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 Communications Government & International Affairs

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

Matt Gray, Executive Assistant to the Mayor, Chief of Sustainability

Natoya J. Walker Minor, Executive Assistant to the Mayor, Chief of Public Affairs

Edward W. Rybka, Executive Assistant to the Mayor, Chief of Regional Development

Tracy Martin-Thompson, Executive Assistant to the Mayor, Chief of Prevention, Intervention and Opportunity for Youth and Young Adults

OFFICE OF CAPITAL PROJECTS – Matthew L. Spronz, Director
DIVISIONS:

Architecture and Site Development – Carter Edman, 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,

Ronda G. Curtis, Chief Corporate Counsel, Thomas J. Kaiser, Chief Trial Counsel,

Victor R. Perez, Chief Assistant Prosecutor, Room 106; John Skrtic, Law Librarian, Room 100

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

Natasha Brandt, Manager, Internal Audit

DIVISIONS:

Accounts – Lonya Moss Walker, Commissioner, Room 19

Assessments and Licenses – Dedrick Stephens, Commissioner, Room 122

City Treasury – James Hartley, 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 Zoghaib, 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 & Burke Lakefront Airport – Khalid Bahhur,

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 Gissentener, Interim Commissioner

Streets – Frank D. Williams, Interim Commissioner

Traffic Engineering – Robert Mavec, Commissioner

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

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

DIVISIONS:

Air Quality – David Heame, 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 Blie Donald, Director, Room 500

DIVISIONS:

Code Enforcement – Thomas E. Vanover, Commissioner

Construction Permitting – Narid Hussain, Commissioner

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

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

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

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

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

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

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

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

Santana, Peter Whitt, Ted Wammes.

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

Flickinger, Vice-President; Michael Spreng, 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; David

H. Bowen, Lillian Kuri, Gloria Jean Pinkney, Council Member Kerry McCormack,

Diane Downing, August Fluker, Charles Slife.

FAIR HOUSING BOARD – _____, Chair; Genesis O. Brown, Daniel Conway,

Robert L. Render.

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

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

David Perkowski, Joan Shaver Washington, Keith Sutton.

CLEVELAND BOXING AND WRESTLING COMMISSION – Robert Jones, Chairman;

Clint Martin, Mark Rivera.

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

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

Kevin Kelley.

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; Michele Anderson, Stephen Harrison, Raymond Tarasuck, Jr.

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

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

Langhenry.

CLEVELAND MUNICIPAL COURT

JUSTICE CENTER – 1200 ONTARIO STREET

JUDGE COURTROOM ASSIGNMENTS

Judge	Courtroom
Presiding and Administrative Judge 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. 106

WEDNESDAY, MAY 8, 2019

No. 5500

CITY COUNCIL

MONDAY, MAY 6, 2019

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

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 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:** Bishop (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

Cleveland, Ohio
May 6, 2019

The meeting of the Council was called to order at 7:03 p.m. with the

President of Council, Kevin J. Kelley, in the Chair.

Council Members present: Dona Brady, Anthony Brancatelli, Phyllis E. Cleveland, Kevin Conwell, Blaine A. Griffin, Anthony T. Hairston, Kenneth L. Johnson, Basheer S. Jones, Brian Kazy, Kevin J. Kelley, Martin J. Keane, Kerry McCormack, Michael D. Polensek, Jasmin Santana, and Matt Zone.

Also present were: Mayor Frank G. Jackson, Interim Chief of Staff/Director Sharon Dumas, Chief Operating Officer Darnell Brown, Chief of Communications, Government & International Affairs Valarie J. McCall, Chief of Regional Development Edward W. Rybka, Chief of Education Monyka S. Price, Media Relations Director Dan Williams, Chief of Sustainability Matt Gray, Chief of Public Affairs Natoya Walker-Minor, Chief of Prevention, Intervention and Opportunity for Youth and Young Adults Tracy Martin-Thompson, and Directors Langhenry, Davis, Kennedy, Spronz, Gordon, Cox, Menesse, Blue Donald, West, Ebersole, Stevenson, Collier, McNamara, Spreng, Burrows and Pierce Scott.

MOTION

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

MOTION

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

COMMUNICATION

File No. 606-2019.

May 6, 2019

Patricia J. Britt
City Clerk, Clerk of Council
601 Lakeside Avenue
Cleveland, Ohio 44114

Dear Clerk Britt:

In compliance with Codified Ordinance § 111.072, the City of Cleveland, Department of Public Utilities, Division of Water Pollution Control is requesting the following proposed Water Pollution Control Rates and Fees be published in the City Record. These changes will impact C.O. §§ 543 and 535.

§ 543.02 Sewerage and Service Rates Within Cleveland

(a) Regular and Homestead Rates Sewer Rate Schedule

Regular	2020	2021	2022	2023	2024
Minimum Charge*	\$2.75	\$1.51	\$0.00	\$0.00	\$0.00
Usage Charge Per MCF over minimum Charge	\$13.76	\$15.14	\$16.65	\$18.32	\$20.15
Homestead	2020	2021	2022	2023	2024
Minimum Charge*	\$1.63	\$0.90	\$0.00	\$0.00	\$0.00
Usage Charge Per MCF over minimum Charge	\$8.15	\$8.97	\$9.87	\$10.86	\$11.95

*Minimum usage is 0.2 MCF in FY2020, reduced to 0.1 MCF in FY2021 and eliminated in FY2022

(b) Affordability Programs, Special Homestead and Affordability Program rates for customers will follow the same rules and requirements as set forth in Section 535.05 for the Division of Water.

(a) Fixed Charge Based Upon Meter Size

Meter Size	2020	2021	2022	2023	2024
5/8" to 1"	\$ 6.90	\$ 7.95	\$ 9.15	\$ 10.05	\$ 11.05
1-1/2" to 2"	\$ 21.05	\$ 24.25	\$ 27.90	\$ 30.65	\$ 33.70
3" to 4"	\$ 53.70	\$ 61.90	\$ 71.20	\$ 78.20	\$ 86.00
6"	\$ 99.70	\$114.90	\$132.20	\$145.20	\$159.65
8" to 10"	\$141.80	\$163.35	\$188.05	\$206.55	\$227.10
12" Meter	\$210.80	\$242.85	\$279.55	\$307.05	\$337.60
Homestead	\$ 4.15	\$ 4.75	\$ 5.50	\$ 6.05	\$ 6.65

If a meter size is not listed, the customer will be charged the rate for the next size up. Fixed Charges are not prorated but apply to all monthly bills generated in a specific calendar year.

§ 543.03 Fees and Charges

WPC Ancillary Fees and Charges

Fee Description	2020	2021	2022	2023	2024
Lay Permit	\$665	\$688	\$712	\$737	\$763
Extend Permit	\$748	\$774	\$801	\$829	\$858
Repair Permit	\$354	\$366	\$379	\$392	\$406
Bulkhead Permit	\$99	\$102	\$106	\$110	\$114
Miscellaneous Sewer Permit	\$144	\$149	\$154	\$160	\$165
Engineering plan copies (\$/copy)	\$1.25	\$1.30	\$1.35	\$1.40	\$1.45
Re-Inspection Fee	\$343	\$355	\$367	\$380	\$393
Plan Review					
New Main Sewer (\$/foot)	\$1.87	\$1.95	\$2.00	\$2.05	\$2.10
Other Reviews (\$/hr)	\$110	\$114	\$118	\$122	\$126
Residential Parcel (\$/parcel)	\$58	\$60	\$62	\$64	\$66
Commercial Parcel (\$/parcel)	\$116	\$120	\$124	\$128	\$133
Stormwater					
Less than 1 acre	\$330	\$342	\$353	\$366	\$379
1-5 acres	\$497	\$514	\$532	\$551	\$570
6-10 acres	\$994	\$1,029	\$1,065	\$1,102	\$1,140
More than 10 acres	\$1,000	\$1,035	\$1,071	\$1,108	\$1,147
New Main Sewer Inspection Fee (\$/hr)	\$125	\$129	\$134	\$139	\$143
Locate sewer connection by video (per request)	\$620	\$642	\$664	\$687	\$711

§ 535.05 Affordability Programs

(b) - The Director of Public Utilities may establish an affordability program to provide assistance to eligible low-income customers. The program may offer a reduction of forty percent (40%) from the water and **Water Pollution Control** bill for residential customers who have been qualified to receive assistance through the federally funded Home Energy Assistance Program. The Director of Public Utilities shall set the guidelines for administering the affordability program and have final approval of all applications.

It is our intention to have these proposed rates and fees in effect in 2020. The Division of Water Pollution Control will be submitting legislation for consideration by Cleveland City Council later this year, once the six month waiting period outlined in C.O. § 111.072 has transpired.

Sincerely,

Robert L. Davis, Director
Department of Public Utilities

Received.

**FROM OHIO DIVISION OF
LIQUOR CONTROL**

File No. 589-2019.
#9119544. Transfer of Ownership Application, D5J D6, 20 Taps, Inc., 1050 West 10th St. (Ward 3). Received.

File No. 590-2019.
RE: #6552450. New License Application, C1, 1201 Oil, Inc., 1201 East 185th St. (Ward 8). Received.

File No. 607-2019.
RE: #1360513. Transfer of Ownership Application, D5 D6, Cellos LLC, 1030 West 9th St. (Ward 3). Received.

File No. 608-2019.
RE: #5357939. Transfer of License Application, D1 D2 D3 D3A D6, Lulo Enterprises LLC, 1273 West 9th St. (Ward 3). Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 609-2019 — Anthony "Tony" Zajac.

Res. No. 610-2019 — Ernest W. Golpin.

Res. No. 611-2019 — Sayman Bell.
Res. No. 612-2019 — Gene Edward Turner II.

Res. No. 617-2019 Mattie Moody.

CONGRATULATIONS RESOLUTIONS

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

Res. No. 613-2019 — Reverend Dr. Robin E. Hedgeman.

Res. No. 614-2009 — Lottie Whitaker.

Res. No. 615-2019 — Barb Stockhausen.

Res. No. 616-2019 — St. Stephen Roman Catholic Church - 150th Anniversary.

**FIRST READING EMERGENCY
ORDINANCES REFERRED**

Ord. No. 591-2019.
By Council Member Kelley (by departmental request).

An emergency ordinance authorizing the Director of Finance to enter into one or more amendments to Contract No. PS 2017-205 with Youth Opportunity Unlimited for the continuation of services and expansion of the Cleveland Youth Summer Employment Program to include youth diversion employment; and to change the contracting director from Community Relations to Finance.

Whereas, under Ordinance No. 558-17, passed June 5, 2017, the Director of Community Relations entered into Contract No. PS 2017-205 with Youth Opportunities Unlimited for the administration, implementation and management of the Cleveland Youth Summer Employment Program and authorized contracts with various agencies to implement the program; and

Whereas, the City desires to expand the Youth Summer Employment Program to include youth diversion employment, to extend the

term, and to change the contracting director from Community Relations to Finance; and

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

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

Section 1. That the Director of Finance is authorized to enter into one or more amendments to Contract No. PS 2017-205 with Youth Opportunity Unlimited to continue services and to expand the Cleveland Youth Summer Employment Program to include youth diversion employment for an additional one year period, with one option to renew for an additional one-year period, exercisable by the Director of Finance, and to change the contracting director from the Director of Community Relations to the Director of Finance. All other terms of the contract shall remain the same.

Section 2. That the contract amendment shall be prepared by the Director of Law.

Section 3. That the contract amendment shall be paid from funds approved by the Director of Finance.

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

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

Ord. No. 592-2019.
By Council Members Keane and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to exercise the first option to renew Contract No. PIRC 2018-3 with Terrace Construction Company, Inc. for the public improvement of installing automated meter reading units on remaining residential and commercial accounts, including Cleveland Heights accounts and master meter vaults not yet converted.

Whereas, under the authority of Ordinance No. 655-16, passed July 13, 2016, the Director of Public Utilities entered into Contract No. PI 2017-8 with Utilicon Corp. ("Utilicon") for the public improvement of installing automated meter reading units on remaining residential and commercial accounts, including Cleveland Heights accounts and master meter vaults not yet converted; and

Whereas, under Board of Control Resolution No. 266-18, adopted July 9, 2018, the City consented to the assignment by Utilicon of City Contract No. PI 2017-18 to Terrace Construction Company, Inc. ("Terrace") under new Contract No. PIRC 2018-3; and

Whereas, Ordinance No. 655-16 requires further legislation before exercising the first option to renew on this contract; and

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

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

Section 1. That the Director of Public Utilities is authorized to exercise the first option to renew Contract No. PIRC 2018-3 with Terrace for the public improvement of installing automated meter reading units on remaining residential and commercial accounts, including Cleveland Heights accounts and master meter vaults not yet converted. This ordinance constitutes the additional legislative authority required by Ordinance No. 655-16 to exercise this option. (RQN 2002, RL 2019-13)

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

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

Ord. No. 593-2019.
By Council Members Keane and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to exercise the option to renew Contract No. RCD 2017-6 with Hach Co. to maintain, service, calibrate, refurbish, and test various scientific and in-line process analytical instruments manufactured by Hach Co. used to monitor the drinking water purification process.

Whereas, under the authority of Ordinance No. 824-17, passed August 16, 2017, the Director of Public Utilities entered into Contract No. RCD 2017-6 with Hach Co. to maintain, service, calibrate, refurbish, and test various scientific and in-line process analytical instruments manufactured by Hach Co. used to monitor the drinking water purification process; and

Whereas, Ordinance No. 824-17 requires further legislation before exercising the option to renew on this contract; and

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

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

Section 1. That the Director of Public Utilities is authorized to exercise the option to renew Contract No. RCD 2017-6 with Hach Co. to maintain, service, calibrate, refurbish, and test various scientific and in-line process analytical instruments manufactured by Hach Co. used to monitor the drinking water purification process at a cost not to exceed \$174,580. This ordinance constitutes the additional legislative authority required by Ordinance No. 824-17 to exercise this option. (RQS 2002, RL 2019-33)

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

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

Ord. No. 594-2019.

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

An emergency ordinance authorizing the Director of Public Utilities to exercise the options to renew various contracts for the requirements of various types of machines and equipment, and labor and materials to repair and/or replace parts or equipment to maintain various types of machines and equipment, for the Department of Public Utilities.

Whereas, under the authority of Ordinance No. 431-16, passed May 9, 2016, the Director of Public Utilities entered into Contract Nos. RC 2017-069 with Colony Hardware Corporation dba Phillips Contractors Supply, RC 2018-013 with Southeastern Equipment Co., Inc., and RC 2018-035 with Bain Enterprises, LLC for the purchase of various types of machines and equipment, and labor and materials to repair and/or replace parts or equipment to maintain various types of machines and equipment for the Department of Public Utilities; and

Whereas, Ordinance No. 431-16 requires further legislation before exercising the option to renew on these contracts; and

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

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

Section 1. That the Director of Public Utilities is authorized to exercise the options to renew Contract Nos. RC 2017-069 with Colony Hardware Corporation dba Phillips Contractors Supply, RC 2018-013 with Southeastern Equipment Co., Inc., and RC 2018-035 with Bain Enterprises, LLC for the purchase various types of machines and equipment, and labor and materials to repair and/or replace parts or equipment to maintain various types of machines and equipment, in the total estimated sum of \$295,000, for the Department of Public Utilities. This ordinance constitutes the additional legislative authority required by Ordinance No. 431-16 to exercise these options.

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

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

Ord. No. 595-2019.

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

An emergency ordinance authorizing the Director of Public Utilities to employ one or more computer software vendors to acquire or renew Cisco maintenance and support, including Cisco Smartnet, for networking and telecommunication software and equipment; and authorizing the purchase by one or more

requirement contracts of Cisco hardware and software products, including those used for networking and telecommunication and for the phone system, and maintenance and technical support, for the various divisions of the Department of Public Utilities, for a period of one year, with a one-year option to renew, exercisable by the Director of Public Utilities.

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

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

Section 1. That the Director of Public Utilities is authorized to employ by contract or contracts one or more computer software vendors or one or more firms of computer software vendors for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to acquire or renew Cisco maintenance and support, including Cisco Smartnet for networking and telecommunication software, hardware, and equipment, for a period of one year, with a one-year option to renew, exercisable by the Director of Public Utilities.

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

Section 2. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period of one year, with a one-year option to renew, exercisable by the Director of Public Utilities of the necessary items of Cisco hardware and software products, including those used for networking and telecommunication and for the phone system, including maintenance and technical support which have not been acquired under the professional services contract authorized above, 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 various divisions of the Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. 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 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 the Director of Public Utilities is authorized to enter into any third-party software license agreements necessary to effectuate the purposes of this ordinance.

Section 5. That the costs of the requirement 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.

Section 6. That the cost of the contract or contracts authorized shall be paid from Fund No. 52 SF 001. (RQS 2002, RL 2019-34)

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.

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

Ord. No. 596-2019.

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

An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants or vendors to acquire licenses for data storage expansion or to develop data storage expansion solutions, and other related services and equipment, including but not limited to, hardware, servers, chassis, ancillary components, and maintenance, for the Division of Water, Department of Public Utilities; for a period of one year, with two one-year options to renew, the second of which requires additional legislative authority.

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

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

Section 1. That the Director of Public Utilities is authorized to employ by contract or contracts one or more consultants or vendors or one or more firms of consultants or vendors for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland to acquire licenses for data storage expansion or to develop data storage expansion solutions, and other related services and equipment, including but not limited to, hardware, servers, chassis, ancillary components, and maintenance for the Division of Water, Department of Public Utilities, for a period of one year, with two one-year options to renew, the

second of which requires additional legislative authority.

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

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

Section 3. That 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 the cost of the contract or contracts authorized by this ordinance shall be paid from Fund No. 52 SF 001, and from the fund or funds to which are credited any future bonds, if issued for this purpose. (RQS 2002, RL 2019-35)

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

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

Ord. No. 597-2019.
By Council Members Keane and Kelley (by departmental request).

An emergency ordinance authorizing the procurement by one or more requirement contracts for the rental of various types of heavy duty equipment, on an as-needed basis, for the Office of Radio Communications, Divisions of Water, Cleveland Public Power, and Water Pollution Control, Department of Public Utilities, for a period of two years.

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

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

Section 1. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a two year period of the necessary items of the rental of various types of heavy duty equipment, on an as-needed basis, in the approximate amount as procured during the preceding term, to be pro-

cured by the Commissioner of Purchases and Supplies on a unit basis for the Office of Radio Communications, Divisions of Water, Cleveland Public Power, and Water Pollution Control, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. 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 procurement under the contract, each of which procurements shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance. (RQN 2002, RL 2019-9)

Section 3. That under Section 108(b) of the Charter, the procurements 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 procurements, 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.

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

Ord. No. 604-2019.
By Council Member Kelley (by departmental request).

An emergency ordinance to amend Section 171.40 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1069-17, passed September 25, 2017, relating to the use of City credit cards.

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

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

Section 1. That Section 171.40, as amended by Ordinance No. 1069-17, passed September 25, 2017, is amended to read as follows:

Section 171.40 Use of City Credit Cards

(a) *Authorization.*

(1) A credit card held by the Clerk of Council may be used to pay the following work-related expenses of the Clerk, member of Council, and Council staff:

- A. Transportation expenses while traveling on City business;
- B. Lodging expenses while traveling on City business;

C. Food expenses while traveling on City business;

D. Food expenses as authorized by ordinance of Council; and

E. Registration, tuition or enrollment expenses for meetings, seminars, conferences, or retreats; ~~in connection with the performance of official duties.~~

F. Office supplies; and
G. Other ordinary and necessary expenses of the City in which a credit card is the only method of payment acceptable to the vendor.

(2) A credit card held by the Law Department Docket Clerk or any Law Department attorney may be used to pay the following work-related expenses:

A. Filing fees required by any court, board or tribunal;

B. Any other cost assessed by a court, **government office in the United States**, board or tribunal other than judgments or settlements; ;

C. Any cost of obtaining records, transcripts and other documents from a court reporter, or a government office related to a legal matter; and

D. Other ordinary and necessary expenses of the City in which a credit card is the only method of payment acceptable to the vendor.

(3) A credit card held by the Port Control Director, or his or her designee, may be used to pay the following work-related expenses:

A. Emergency commodity purchases in which a credit card is the only method of payment acceptable to the vendor; ;

B. Food expenses as authorized by ordinance of Council;

C. Registration, professional licenses, tuition or enrollment expenses for meetings, seminars, conferences, or retreats;

D. Advertising and public notice expenses;

E. Computer software maintenance including web-page renew expenses; and

F. Filing fees for land property splits.

(4) A credit card held by the Finance ~~Director, or his or her designee, Director's designee,~~ may be used to pay the following work-related expenses:

A. Transportation expenses while traveling on City business;

B. Lodging expenses while traveling on City business;

C. Food expenses while traveling on City business;

D. Food expenses as authorized by ordinance of Council; and

E. Registration, **professional licenses, tuition or enrollment expenses for meetings, seminars, conferences, retreats or other similar events in connection with City business; ; and**

F. Other ordinary and necessary expenses of the City in which a credit card is the only method of payment acceptable to the vendor.

(5) A credit card held by the Commissioner of Purchases and Supplies, or his or her designee, may be used to pay the following work-related expenses:

A. Business licenses, registrations, and subscriptions; ;

B. Tuition and/or enrollment expenses for meetings, seminars, or conferences;

C. Transportation expenses while traveling on City business;

D. Lodging expenses while traveling on City business; and

E. Other and other ordinary and necessary expenses of the City in which a credit card is the only method of payment acceptable to the vendor.

(6) A credit card held by the Chief Financial Officer of the Department of Public Utilities, or his or her designee, may be used to pay the following work-related expenses:

A. Business business licenses, registrations, and subscriptions, and other professional dues and subscriptions;

B. Tuition and/or enrollment expenses for meetings, seminars, or conferences;

C. Training expenses and training supplies;

D. Professional services, program promotions, and participation fees;

E. Equipment, supplies, software and maintenance;

F. Memberships;

G. Advertising and public notices;

H. Parking in City facilities,

taxes, and food; and

I. Other and other ordinary and necessary expenses of the City in which a credit card is the only method of payment acceptable to the vendor.

(7) A credit card held by the Judge of the Cleveland Housing Court, or his or her designee, may be used to pay the following work-related expenses:

A. Transportation expenses while traveling on Court business;

B. Lodging expenses while traveling on Court business;

C. Food expenses while traveling on Court business;

D. Food expenses as authorized by the Judge of the Cleveland Housing Court; and

E. Registration, tuition or enrollment expenses for meetings, seminars, conferences, or retreats in connection with the performance of official duties;

F. Supplies and equipment; and
G. Other ordinary and necessary expenses of the City in which a credit card is the only method of payment acceptable to the vendor.

(8) A credit card held by the Finance Department project coordinator (travel coordinator), or his or her designee, may be used to pay the following work-related expenses:

A. Transportation expenses while traveling on City business;

B. Lodging expenses while traveling on City business;

C. Food expenses while traveling on City business;

D. Food expenses as authorized by ordinance of Council;

E. Registration, professional licenses, tuition or enrollment expenses for meetings, seminars, conferences, or retreats; and

F. Other ordinary and necessary expenses of the City in which a credit card is the only method of payment acceptable to the vendor.

Use of a City credit card for uses other than those listed in division (a) of this section shall be considered an unauthorized use. **Any items not on these lists may be approved at the Finance Director's discretion.**

Use of a City credit card in a manner inconsistent with any restriction or control placed on the card by the Director of Finance shall be considered an unauthorized use.

(b) No late charges or finance charges shall be allowed as an allowable expense on a City credit

card unless authorized by the Director of Finance.

(c) Any debt incurred as a result of the use of a credit card under this section shall be paid from moneys appropriated in the budget to specific appropriation line items of the appointing authority for work-related expenses listed in division (a) of this section.

(d) Use of any credit card under division (a) of this section shall be limited to the amount appropriated in a specific appropriation line item for the permitted use or uses designated in division (a) and not otherwise encumbered.

(e) If the card is issued in the name of a specific officer or employee, that officer or employee is liable in person and upon any official bond of the officer or employee to reimburse the City Treasury for the amount charged to the City beyond the authorized amount or the amount of unauthorized use. If the card is issued to the office of an appointing authority, the appointing authority is liable in person and upon any official bond of the appointing authority for the amount charged to the City beyond the authorized amount or for the amount of unauthorized use.

(f) Any time a City credit card authorized for use under this section is used for more than the amount appropriated and not otherwise unencumbered or is used for an unauthorized use, the City Treasury shall be reimbursed for any amount spent beyond the appropriated, otherwise unencumbered amount, or for the amount of unauthorized use, in the following manner:

(1) If the card is issued in the name of a specific officer or employee, that officer or employee is liable in person and upon any official bond of the officer or employee for reimbursing the City Treasury for any amount charged on the card beyond the appropriated, otherwise unencumbered amount or for the amount of the unauthorized use.

(2) If the card is issued in the name of the office of the appointing authority, the appointing authority is liable in person and upon any official bond of the appointing authority for reimbursement for any amount charged on the card beyond the appropriated, otherwise unencumbered amount or for the amount of the unauthorized use.

(g) Whenever any officer or employee who is authorized to use a City credit card or the office of any other county appointing authority suspects the loss, theft, or possibility of unauthorized use of the card, the officer or employee shall notify the Director of Finance, **Division of Treasury, Division of Internal Audit, Division of Financial Reporting and Control** and either the officer's or employee's appointing authority immediately and in writing.

(h) If the Director of Finance determines there has been a credit card expenditure beyond the appropriated, otherwise unencumbered or the authorized amount or if the Director of Finance determines that there has been unauthorized use of a credit card, and if the Director of Finance determines that the City Treasury should be reimbursed for credit card expenditures beyond the

appropriated, otherwise unencumbered or the authorized amount, or for the amount of the unauthorized use, the Director of Finance shall give written notice to the officer or employee or appointing authority of liability to the City Treasury in accordance with this section. If, within thirty (30) days after issuance of the written notice, the City Treasury is not reimbursed for the amount shown on the written notice, the Director of Law shall recover that amount from the officer or employee or appointing authority who is liable under this section by civil action in any court of appropriate jurisdiction.

(i) Use of a City credit card for any use other than those permitted under division (a) of this section is a violation of RC 2913.21.

(j) The Director of Finance may revoke credit card privileges and reclaim the credit cards as the Director deems necessary.

Section 2. That existing Section 171.40, as amended by Ordinance No. 1069-17, passed September 25, 2017, is repealed.

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

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

FIRST READING EMERGENCY RESOLUTION REFERRED

Res. No. 605-2019.

By Council Member B. Jones.

An emergency resolution declaring the second Monday in October, currently observed as Columbus Day, annually as Indigenous Peoples' Day in the City of Cleveland; encouraging other institutions to recognize this day; and reaffirming the City's commitment to promote the well-being and growth of Cleveland's Native American and Indigenous community.

Whereas, the City of Cleveland supports the recognition of Indigenous Peoples' Day to reflect upon the ongoing struggles of indigenous people of this nation, and to celebrate the thriving culture and value that all indigenous people add to our city; and

Whereas, the City of Cleveland recognizes the annexation of indigenous homelands for the building of our nation, and knows indigenous people have lived upon this nation's land since time immemorial, and values the progress our society has accomplished through Native American technology, thought, and culture; and

Whereas, the City of Cleveland values the many contributions made to our community through Indigenous Peoples' knowledge, labor, technology, science, philosophy, arts and deep cultural contribution that has substantially shaped the character of this City; and

Whereas, citizens have a responsibility to oppose the systematic racism towards indigenous people in the United States, which perpetuates high rates of poverty and income

inequality, exacerbating disproportionate health, education, and social crises; and

Whereas, the City of Cleveland promotes closing the equity gap for Indigenous peoples through policies and practices that reflect the experiences of Indigenous Peoples, ensure greater access and opportunity, and honor our nation's indigenous roots, history, and contributions; and

Whereas, government entities, organizations and other public institutions should change their policies to support a day of celebration and appreciation for the contributions of indigenous people and to celebrate our nation's variety of indigenous roots and history; and

Whereas, the idea of Indigenous Peoples' Day was first proposed in 1977 by a delegation of Native nations to the United Nations-sponsored International Conference on Discrimination Against Indigenous Populations in the Americas; and

Whereas, in 1990, at the First Continental Conference on 500 Years of Indian Resistance, representatives from 120 indigenous nations unanimously passed a resolution to transform Columbus Day into an occasion to strengthen the process of continental unity and struggle towards liberation and thereby use the occasion to reveal a more accurate historical record; and

Whereas, the City of Cleveland recognizes the value of educational integrity and search for truth in telling the story of our foundation, and acknowledges past injustices to all Native American nations, and as a gesture of reconciliation, desires to recognize Indigenous Peoples' Day; and

Whereas, this Council urges that Indigenous Peoples' Day shall be used to reflect upon the ongoing struggles of indigenous people of this land, and to celebrate the thriving culture and value that all indigenous people add to our city; and

Whereas, this Council urges the Administration to affirm that it is City policy to participate in the annual Indigenous Peoples' Day celebrations and activities; that City departments work with the Department of Community Relations to encourage participation on a city-wide basis; and

Whereas, this Council urges that other businesses, organizations, and public entities to recognize Indigenous Peoples' Day; and

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

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

Section 1. That this Council declares the second Monday in October, currently observed as Columbus Day, annually as Indigenous Peoples' Day in the City of Cleveland; encourages other institutions to recognize this day; and reaffirms the City's commitment to promote the well-being and growth of Cleveland's Native American and Indigenous community.

Section 2. That this Council hereby directs the Clerk of Council to transmit a copy of this resolution to City of Cleveland Mayor Frank G. Jackson.

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

Referred to Committee on Finance.

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

Ord. No. 598-2019.

By Council Member Kazy.

An emergency ordinance designating Brookside Boulevard between Highlandview Avenue and the eastern edge of the dead-end street with a secondary and honorary designation of "St. Paul AME Way".

Whereas, since 1919, St. Paul AME Church, located at 4118 Brookside Boulevard, has been at the forefront of the West Park community, bridging the gap within the community and investing in both humanity and Cleveland's families; and

Whereas, St. Paul AME has continually positioned itself as a center of learning, fellowship and service, which encompasses both spiritual and educational excellence; and

Whereas, having been positioned in the West Park community for over 60 years at either one of two locations, St. Paul AME has been a stabilizing institution at both Liberty Avenue for 40 years and Brookside Boulevard; both locations can be seen from one another with Emery Park located between them; and

Whereas, having held a community festival for the past 25 years, St. Paul AME has continually provided, given back, and has always been an excellent community partner; and

Whereas, the citizens of Cleveland want to honor St. Paul AME Church with a secondary street sign designation of "St. Paul AME Way" in recognition of its six decades of unwavering service to the West Park community; 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 Brookside Boulevard between Highlandview Avenue and the eastern edge of the dead-end street is designated with a secondary and honorary designation of "St. Paul AME Way".

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

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

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Passed. Yeas 15. Nays 0.

Ord. No. 599-2019.

By Council Member Brady.

An emergency ordinance amending the Title and Sections 1 and 2 of Ordinance No. 481-2019 passed April 15, 2019 as it pertains to authorizing the Director of the Department of Aging to enter into an agreement with Court Community Service for the Senior Lawn Care Program through the use of Ward 11 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 Sections 1 and 2 of Ordinance No. 481-2019 passed April 15, 2019 are hereby amended to read as follows:

An emergency ordinance authorizing the Director of the Department of Aging to enter into agreement with Court Community Service for the **Senior Lawn Care Program** through the use of Ward 11 Casino Revenue Funds.

Section 1. That the Director of the Department of Aging be authorized to enter into an agreement with Court Community Service for the Senior Lawn Care Program for the public purpose of assisting senior citizens residing in the city of Cleveland with **grass cutting and lawn maintenance care** through the use of Ward 11 Casino Revenue Funds.

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

Section 2. That the Title and Sections 1 and 2 of Ordinance No. 481-2019 passed April 15, 2019 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.

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

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Passed. Yeas 15. Nays 0.

Ord. No. 600-2019.

By Council Members J. Jones and Bishop.

An emergency ordinance authorizing the Director of the Department of Aging to enter into an agreement with Mt. Pleasant NOW Development Corporation for the Senior Lawn Care and Snow Removal Program through the use of Ward 1 and 2 Casino Revenue Funds.

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

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

Section 1. That the Director of the Department of Aging be authorized to enter into an agreement effective June 1, 2018 with Mt Pleasant NOW Development Corporation for the

Senior Lawn Care and Snow Removal Program for the public purpose of assisting senior citizens residing in the city of Cleveland with grass cutting and lawn maintenance care through the use of Ward 1 and 2 Casino Revenue Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$40,000 and shall be paid from Fund No. 10 SF 188.

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

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

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

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Passed. Yeas 15. Nays 0.

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 601-2019.

By Council Member Polensek.

An emergency resolution objecting to a New C1 Liquor Permit at 1201 East 185th Street.

Whereas, Council has been notified by the Division of Liquor Control of an application for a New C1 Liquor Permit at 1201 Oil, Inc., DBA Hanini Express, 1201 East 185th Street, Cleveland, Ohio 44119, Permit No. 6552450; and

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

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

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

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

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

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

Whereas, this resolution constitutes an emergency measure providing for the immediate preservation

of the public peace, prosperity, safety and welfare pursuant to Section 4303.26 of the Ohio Revised Code. Council's objection to said permit must be received by the Superintendent of Liquor Control within 30 days of notification; now, therefore,

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

Section 1. That Council does hereby record its objection to a New C1 Liquor Permit at 1201 Oil, Inc., DBA Hanini Express, 1201 East 185th Street, Cleveland, Ohio 44119, Permit No. 6552450; and requests the Superintendent of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Adopted. Yeas 15. Nays 0.

Res. No. 602-2019.

By Council Member Polensek.

An emergency resolution objecting to the transfer of ownership of a C1 and C2 Liquor Permit to 1035 East 185th Street.

Whereas, Council has been notified by the Division of Liquor Control of an application for the transfer of ownership of a C1 and C2 Liquor Permit from 7 Eleven, Inc., DBA 7 Eleven, 36237, 1035 East 185th Street, Cleveland, Ohio 44119, Permit Number 80036070155 to Michael Miyako Boyer, LLC, DBA 7 Eleven Store 36237A, 1035 East 185th Street, Cleveland, Ohio 44119, Permit No. 59034330005; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1 and C2 Liquor Permit from 7 Eleven, Inc., DBA 7 Eleven, 36237, 1035 East 185th Street, Cleveland, Ohio 44119, Permit Number 80036070155 to Michael Miyako Boyer, LLC, DBA 7 Eleven Store 36237A, 1035 East 185th Street, Cleveland, Ohio 44119, Permit No. 59034330005; and requests the Superintendent of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Adopted. Yeas 15. Nays 0.

Res. No. 603-2019.

By Council Member Kazy.

An emergency resolution withdrawing objection to a New C1 Liquor Permit at 14053 Lorain Avenue and repealing Resolution No. 384-2019 objecting to said permit.

Whereas, this Council objected to a New C1 Liquor Permit to KDR Himalayan, LLC, DBA Rite Shop, 14053 Lorain Avenue, Cleveland, Ohio 44111, Permit No. 45302820005 by Resolution No. 384-2019 adopted by the Council on March 25, 2019; 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 New C1 Liquor Permit to KDR Himalayan, LLC, DBA Rite Shop, 14053 Lorain Avenue, Cleveland, Ohio 44111, Permit No. 45302820005, be and the same is hereby withdrawn and Resolution No. 384-2019, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

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

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Adopted. Yeas 15. Nays 0.

SECOND READING EMERGENCY ORDINANCE PASSED

Ord. No. 476-2019.

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

An emergency ordinance authorizing the Director of Community Development to apply for and accept a grant from the Cleveland Foundation and other grants from any public and private entity to conduct a research study on the City's real property tax policies and tax abatement programs and to assess the results; and authorizing the director to enter into one or more contracts for professional consultants to implement this ordinance.

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

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Passed. Yeas 15. Nays 0.

SECOND READING EMERGENCY RESOLUTION ADOPTED

Res. No. 569-2019.

By Council Members Cleveland, Zone and McCormack.

An emergency resolution opposing Senate Bill 23 which prohibits abortion when a fetal heartbeat is detected.

Approved by Committee on Finance.

The rules were suspended. Yeas 15. Nays 0. Read second time. Read third time in full. Adopted. Yeas 14. Nays 1.

Those voting yea: Council Members Brady, Brancatelli, Cleveland, Conwell, Griffin, Hairston, B. Jones, Johnson, Kazy, Keane, Kelley, McCormack, Santana, Zone.

Those voting nay: Council Member Polensek.

Absent: Council Members Bishop and J. Jones.

MOTION

On the motion of Council Member Conwell, the absences of Council Members Kevin L. Bishop and

Joseph T. Jones are hereby authorized. Seconded by Council Member Brady.

MOTION

The Council Meeting adjourned at 7:36 p.m. to meet on Monday, May 13, 2019, at 7:00 p.m. in the Council Chamber.



Patricia J. Britt
City Clerk, Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

May 1, 2019

The meeting of the Board of Control convened in the Mayor's office on Wednesday, May 1, 2019 at 10:42 a.m. with Director Langhenry presiding.

Present: Directors Langhenry, Davis, Kennedy, Cox, Gordon, McGrath, Menesse, West, Ebersole, McNamara, and Donald.

Absent: Mayor Jackson and Director Dumas.

Others: Deborah Midgett, Acting Commissioner, Division of Purchases & Supplies.

Matthew Spronz, Director, Mayor's Office of Capital Projects.

Melissa Burrows, Director, Office of Equal Opportunity.

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

Resolution No. 160-19.

By Director Dumas.

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 387-2019, passed by the Council of the City of Cleveland on April 15, 2019, Cuyahoga Community College District is selected from a list of firms determined after a full and complete canvass by the Director of Finance, as the firm to be employed by contract to supplement the regularly employed staff of the several departments of the City to provide the professional services necessary to conduct a "Cuyahoga Community College Aspire" program, for a term of 1 year, with 1 one-year option to renew, exercisable by the Director of Finance.

Be it further resolved that the Director of Finance is authorized to enter into contract with Cuyahoga Community College District, based on its proposal dated December 10, 2018, which contract shall be prepared by the Director of Law, shall provide for the furnishing of the professional services described in the proposal, for a fee not to exceed

\$90,000.00 for each of the initial one-year term and the optional renewal year, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Yeas: Directors Langhenry, Davis, Kennedy, Cox, Gordon, McGrath, Menesse, West, Ebersole, McNamara, and Donald.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

Resolution No. 161-19.

By Director Dumas.

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 387-2019, passed by the Council of the City of Cleveland on April 15, 2019, College Now Greater Cleveland, Inc. is selected from a list of firms determined after a full and complete canvass by the Director of Finance, as the firm to be employed by contract to supplement the regularly employed staff of the several departments of the City to provide the professional services necessary to conduct an "ACT/SAT Preparation" program, for a term of 1 year, with 1 one-year option to renew, exercisable by the Director of Finance.

Be it further resolved that the Director of Finance is authorized to enter into contract with College Now Greater Cleveland, based on its proposal dated December 10, 2018, which contract shall be prepared by the Director of Law, shall provide for the furnishing of the professional services described in the proposal, for a fee not to exceed \$85,600.00 for each of the initial one-year term and the optional renewal year, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Yeas: Directors Langhenry, Davis, Kennedy, Cox, Gordon, McGrath, Menesse, West, Ebersole, McNamara, and Donald.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

Resolution No. 162-19.

By Director Dumas.

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 387-2019, passed by the Council of the City of Cleveland on April 15, 2019, Beech Brook is selected from a list of firms determined after a full and complete canvass by the Director of Finance, as the firm to be employed by contract to supplement the regularly employed staff of the several departments of the City to provide the professional services necessary to conduct a "Grief and Toxic Stress Counseling for Youth; Therapeutic Tutoring; Chronic Disease Management; Smoking Cessation; Therapeutic Yoga; and Art Therapy" program, for a term of 1 year, with 1 one-year option to renew, exercisable by the Director of Finance.

Be it further resolved that the Director of Finance is authorized to enter into contract with Beech Brook, based on its proposal dated December 7, 2018, which contract shall be prepared by the Director of Law, shall provide for the furnishing of the professional services

described in the proposal, for a fee not to exceed \$70,000.00 for each of the initial one-year term and the optional renewal year, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Yeas: Directors Langhenry, Davis, Kennedy, Cox, Gordon, McGrath, Menesse, West, Ebersole, McNamara, and Donald.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

Resolution No. 163-19.

By Director Dumas.

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 387-2019, passed by the Council of the City of Cleveland on April 15, 2019, HB Estrada, LLC is selected from a list of firms determined after a full and complete canvass by the Director of Finance, as the firm to be employed by contract to supplement the regularly employed staff of the several departments of the City to provide the professional services necessary to conduct an "ACT/SAT Preparation" program, for a term of 1 year, with 1 one-year option to renew, exercisable by the Director of Finance.

Be it further resolved that the Director of Finance is authorized to enter into contract with HB Estrada, LLC, based on its proposal dated December 10, 2018, which contract shall be prepared by the Director of Law, shall provide for the furnishing of the professional services described in the proposal, for a fee not to exceed \$68,160.00 for each of the initial one-year term and the optional renewal year, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Yeas: Directors Langhenry, Davis, Kennedy, Cox, Gordon, McGrath, Menesse, West, Ebersole, McNamara, and Donald.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

Resolution No. 164-19.

By Director Dumas.

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 387-2019, passed by the Council of the City of Cleveland on April 15, 2019, OhioGuidestone is selected from a list of firms determined after a full and complete canvass by the Director of Finance, as the firm to be employed by contract to supplement the regularly employed staff of the several departments of the City to provide the professional services necessary to conduct a "Getting Ahead" and "Getting Ahead While Getting Out" program, for a term of 1 year, with 1 one-year option to renew, exercisable by the Director of Finance.

Be it further resolved that the Director of Finance is authorized to enter into contract with OhioGuidestone, based on its proposal dated December 1, 2018, which contract shall be prepared by the Director of Law, shall provide for the furnishing of the professional services described in the proposal, for a fee not to exceed \$75,000.00 for each of

the initial one-year term and the optional renewal year, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Yeas: Directors Langhenry, Davis, Kennedy, Cox, Gordon, McGrath, Menesse, West, McNamara, and Donald.

Nays: None.

Abstain: Director Ebersole.
Absent: Mayor Jackson and Director Dumas.

Resolution No. 165-19.

By Director Dumas.

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 387-2019, passed by the Council of the City of Cleveland on April 15, 2019, Youth Opportunities Unlimited is selected from a list of firms determined after a full and complete canvass by the Director of Finance, as the firm to be employed by contract to supplement the regularly employed staff of the several departments of the City to provide the professional services necessary to conduct the "Mayor Frank G. Jackson's Youth Job and Career Readiness Internship" program and a Summer Jobs program, for a term of 1 year, with 1 one-year option to renew, exercisable by the Director of Finance.

Be it further resolved that the Director of Finance is authorized to enter into contract with Youth Opportunities Unlimited, based on its proposal dated December 19, 2018, which contract shall be prepared by the Director of Law, shall provide for the furnishing of the professional services described in the proposal, for a fee not to exceed \$560,000.00 for each of the initial one-year term and the optional renewal year, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Yeas: Directors Langhenry, Davis, Kennedy, Cox, Gordon, McGrath, Menesse, West, Ebersole, McNamara, and Donald.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

Resolution No. 166-19.

By Director Dumas.

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 387-2019, passed by the Council of the City of Cleveland on April 15, 2019, Karamu House is selected from a list of firms determined after a full and complete canvass by the Director of Finance, as the firm to be employed by contract to supplement the regularly employed staff of the several departments of the City to provide the professional services necessary to conduct a "Performing Arts" program, for a term of 1 year, with 1 one-year option to renew, exercisable by the Director of Finance.

Be it further resolved that the Director of Finance is authorized to enter into contract with Karamu House, based on its proposal dated October 31, 2018, which contract shall be prepared by the Director of Law, shall provide for the furnishing of the professional services described in the proposal, for a fee

not to exceed \$66,836.22 for each of the initial one-year term and the optional renewal year, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Yeas: Directors Langhenry, Davis, Kennedy, Cox, Gordon, McGrath, Menesse, West, Ebersole, McNamara, and Donald.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

Resolution No. 167-19.

By Director Dumas.

Be it resolved, by the Board of Control of the City of Cleveland that the employment of the following sub-consultants by Motorola Solutions, Inc. under the contract to be entered into under the authority of Ordinance No. 565-18, passed by the Council of the City of Cleveland on May 21, 2018, and Board of Control Resolution No. 65-19, adopted February 20, 2019, for professional services and equipment to implement Safe Smart CLE Citywide Video Surveillance at City Recreation Centers, Neighborhood Corridors, Business Districts, Parks and Division of Police-defined Hot Spots, for the Department of Finance, is approved:

SUB-CONSULTANT AMOUNT CSB/MBE/FBE WORK

Thompson Electric (Non-Certified) \$32,640 Electrical

Tri County Tower LLC (Non-Certified) \$52,585 Rooftop Installation

Yeas: Directors Langhenry, Davis, Kennedy, Cox, Gordon, McGrath, Menesse, West, Ebersole, McNamara, and Donald.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

Resolution No. 168-19.

By Director Davis.

Be it resolved by the Board of Control of the City of Cleveland that the bid of The Great Lakes Construction Co. for the public improvement of Crown Residuals Improvements, all items, under the authority of Ordinance No. 1406-15, passed November 30, 2015, upon a unit basis for the improvement in the aggregate amount of \$6,545,000.00, for the Division of Water, Department of Public Utilities, received on February 8, 2019, is affirmed and approved as the lowest responsible bid, and the Director of Public Utilities is authorized to enter into a contract for the improvement with the bidder.

Be it further resolved that the employment of the following subcontractors by The Great Lakes Construction Co. for the above-mentioned public improvement is approved.

SUBCONTRACTORS WORK PERCENTAGE

Contractor Connection, Inc. (MBE) \$561,000.00 8.57%

North Electric Inc. (MBE) \$632,500.00 9.66%

Affiliated Metal Industries (FBE)	\$154,000.00	2.35%
The K. Company (FBE)	\$439,450.00	6.71%
Timeline Photography (CSB)	\$ 10,000.00	0.15%
Jadco Construction Services, Inc (CSB)	\$108,350.00	1.66%
Mike McGarry & Sons (CSB)	\$197,670.00	3.02%
Lakeside Supply Company (CSB)	\$ 50,000.00	0.76%

Yeas: Directors Langhenry, Davis, Kennedy, Cox, Gordon, McGrath, Menesse, West, Ebersole, McNamara, and Donald.

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

Resolution No. 169-19.

By Director Davis.
Be it resolved by the Board of Control of the City of Cleveland that the bid of Robin's Nest Property Management & Landscape Inc. for landscape maintenance at various Public Utilities facilities, bid item 8, all items, for the Division of Water Pollution Control, Department of Public Utilities, for a period of two years starting upon the later of the execution of a contract or the day following expiration of the currently effective contract for the goods or services, received on February 13, 2019 under the authority of Ordinance No. 947-17, passed December 4, 2017, which on the basis of the estimated quantity would amount to \$75,198.00, 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 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 Linder delivery orders separately certified to the contract.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Robin's Nest Property Management & Landscape Inc. for the contract authorized is approved:

<u>SUBCONTRACTOR</u>	<u>WORK PERCENTAGE</u>
Dobbs Landscaping & Plowing LLC (CSB)	\$19,880.00 26.44%

Yeas: Directors Langhenry, Davis, Kennedy, Cox, Gordon, McGrath, Menesse, West, Ebersole, McNamara, and Donald.

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

Resolution No. 170-19.

By Director Davis.
Be it resolved by the Board of Control of the City of Cleveland that the bid of Asturi Landscape Group LLC for landscape maintenance at various Public Utilities facilities, bid items 2, 3, 4, and 6, all items, for the Division of Water, Department of Public Utilities, for a period of two years starting upon the later of the execution of a contract or the day following expiration of the currently effective contract for the goods or services, received on February 13, 2019 under the authority of Ordinance No. 947-17, passed December 4, 2017, which on the basis of the estimated quantity would amount to \$335,643.13, is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the goods and/or services necessary for the specified items.

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

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Asturi Landscape Group LLC for the contract authorized is approved:

<u>SUBCONTRACTOR</u>	<u>WORK PERCENTAGE</u>
Top Designer Landscaping (CSB)	\$75,000.00 22.35%

Yeas: Directors Langhenry, Davis, Kennedy, Cox, Gordon, McGrath, Menesse, West, Ebersole, McNamara, and Donald.

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

Resolution No. 171-19.

By Director Davis.
Be it resolved by the Board of Control of the City of Cleveland that the bid of PMI Group Inc. for landscape maintenance at various Public Utilities facilities, bid items 1 and 5, all items, for the Division of Water, Department of Public Utilities, for a period of two years starting upon the later of the execution of a contract or the day following expiration of the currently effective contract for the goods or services, received on February 13, 2019 under the authority of Ordinance No. 947-17, passed December 4, 2017, which on the basis of the estimated quantity would amount to \$224,768.50, is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the goods and/or services necessary for the specified items.

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

Be it further resolved by the Board of Control of the City of

Cleveland that the employment of the following subcontractor by PMI Group Inc. for the contract authorized is approved:

<u>SUBCONTRACTOR</u>	<u>WORK PERCENTAGE</u>
Level Ground Contracting (CSB)	TBD 0.00%

Yeas: Directors Langhenry, Davis, Kennedy, Cox, Gordon, McGrath, Menesse, West, Ebersole, McNamara, and Donald.

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

Resolution No. 172-19.

By Director Davis.
Be it resolved, by the Board of Control of the City of Cleveland that all bids received on February 13, 2019 for landscape maintenance at various Public Utilities facilities, bid items 7, all items, and 9, all items, Department of Public Utilities, under the authority of Ordinance No. 947-17, passed December 4, 2017, are rejected.

Yeas: Directors Langhenry, Davis, Kennedy, Cox, Gordon, McGrath, Menesse, West, Ebersole, McNamara, and Donald.

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

Resolution No. 173-19.

By Director Spronz.
Whereas, on March 1, 2019, the City of Cleveland entered into Contract No. PI2019*015 with Cook Paving and Construction Company, Inc. for the public improvement of the 2018 Site Improvements for Kamm's Corner Parking Lot, for the Office of Capital Projects in the aggregate amount of \$318,288.04; and

Whereas, Cook Paving and Construction Company, Inc. has requested the City's consent to add an additional firm as a subcontractor under Contract No. PI2019*015 for which C.O. Section 185.36 requires previous written consent of the Board of Control; now, therefore, Be it resolved by the Board of Control of the City of Cleveland that the employment of the following sub-contractor by Cook Paving and Construction Company, Inc., under City of Cleveland Contract No. PI 2019*015 for the 2018 Site Improvements for Kamm's Corner Parking Lot, entered into on March 1, 2019, is approved.

Newcomer Concrete Services	N/A — \$16,200.00 — 0.0%
----------------------------	--------------------------

Yeas: Directors Langhenry, Davis, Kennedy, Cox, Gordon, McGrath, Menesse, West, Ebersole, McNamara, and Donald.

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

Resolution No. 174-19.

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. 142-13-012 located at 4392 East 154th 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, to sell Land Reutilization Program parcels when certain specified conditions have been met; and

Whereas, Sammie L. Hughley has proposed to the City to purchase the parcel for side yard expansion; and

Whereas, the following conditions exist:

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

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland with Sammie L. Hughley for the sale of Permanent Parcel No. 142-13-012, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

Yeas: Directors Langhenry, Davis, Kennedy, Cox, Gordon, McGrath, Menesse, West, Ebersole, McNamara, and Donald.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

Resolution No. 175-19.

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. 132-08-021 located at 3709 East 59th Street; and

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

Whereas, Alonso Soto has proposed to the City to purchase the parcel for side yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 12 has approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland with Alonso Soto for the sale of Permanent Parcel No. 132-08-021, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

Yeas: Directors Langhenry, Davis, Kennedy, Cox, Gordon, McGrath, Menesse, West, Ebersole, McNamara, and Donald.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

Resolution No. 176-19.

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. 117-16-095 located at 1875 Grantham Road, Cleveland, Ohio 44112; 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, to sell Land Reutilization Program parcels when certain specified conditions have been met; and

Whereas, Sylvia D. Davis has proposed to the City to purchase and develop the parcel for a yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 10 has approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland with Sylvia D. Davis for the sale and development of Permanent Parcel No. 117-16-095, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for the sale of the parcel shall be \$200.00, which amount is

determined to be not less than the fair market value of the parcel for uses according to the Program.

Yeas: Directors Langhenry, Davis, Kennedy, Cox, Gordon, McGrath, Menesse, West, Ebersole, McNamara, and Donald.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

Resolution No. 177-19.

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. 132-01-100 located at 3580 East 61st 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, to sell Land Reutilization Program parcels when certain specified conditions have been met; and

Whereas, Rebecca A. Scott has proposed to the City to purchase and develop the parcel for a side yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 12 has approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland with Rebecca A. Scott for the sale and development of Permanent Parcel No. 132-01-100, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

Yeas: Directors Langhenry, Davis, Kennedy, Cox, Gordon, McGrath, Menesse, West, Ebersole, McNamara, and Donald.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

Resolution No. 178-19.

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. 132-12-076 located at 6103 Hosmer Ave.; 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, to sell Land Reutilization Program parcels when certain specified conditions have been met; and

Whereas, Craig Harris has proposed to the City to purchase and develop the parcel for a side yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 12 has approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland with Craig Harris for the sale and development of Permanent Parcel No. 132-12-076, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

Yeas: Directors Langhenry, Davis, Kennedy, Cox, Gordon, McGrath, Menesse, West, Ebersole, McNamara, and Donald.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

Resolution No. 179-19.

By Director Ebersole.

Whereas, that under the authority of Section 183.021(b)(11) of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies, when directed by the Director of Economic Development is authorized to acquire property from third parties at a purchase price determined to be fair market value by the Board of Control, to hold in the Industrial Commercial Land Bank; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Economic Development, to purchase Permanent Parcel No. 121-20-034 and 121-20-035, located at 10523 Norman Avenue and 10519 Norman Avenue, to hold in the Industrial-Commercial Land Bank, at a price of \$30,000.00, which amount is determined to be fair market value.

Yeas: Directors Langhenry, Davis, Kennedy, Cox, Gordon, McGrath, Menesse, West, Ebersole, McNamara, and Donald.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

KEITH D. SCHEURMAN, Jr.
Acting Secretary

CIVIL SERVICE NOTICES

General Information

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

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

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

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

ROBERT BENNETT,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, MAY 20, 2019

9:30 A.M.

Division of Park Maintenance and Properties Invoice

Calendar No. 19-68: 10409 Meech Avenue (Ward 2)

Number Two Grace LLC., owner, 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 Natasha Bruister, Project Coordinator, for the Division of Park Maintenance and Properties on March 13, 2019 regarding Invoice WO-7010-465123. The invoice was issued in accordance with chapter 209 of the Cleveland Codified Ordinance which authorizes the Department of Parks Maintenance and Properties to abate nuisances on any property and bill the owner of the abated property at a rate of seven cents per square foot. (Filed April 12, 2019)

Division of Park Maintenance and Properties Invoice

Calendar No. 19-69: 10409 Meech Avenue (Ward 2)

Number Two Grace LLC., owner, 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 Natasha Bruister, Project Coordinator, for the Division of Park Maintenance and Properties on March 13, 2019 regarding Invoice WO-7010-546250. The invoice was issued in

accordance with chapter 209 of the Cleveland Codified Ordinance which authorizes the Department of Parks Maintenance and Properties to abate nuisances on any property and bill the owner of the abated property at a rate of seven cents per square foot. (Filed April 12, 2019)

Calendar No. 19-80: 1523 East 122nd Street (Ward 9)

B.R. Knez, owner, proposes to erect an 18' x 40' two story frame single family residence with 20' x 20' detached garage in a B1 Two-Family. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified ordinances:

1. Section 355.04(b) which states that the maximum gross floor area shall not exceed 50 percent of the lot size or in this case 1,600 square feet and the appellant is proposing 2,013 square feet.

2. Section 357.06(a) which states that the required front yard setback area is 15 feet and the appellant is 14 feet.

3. Section 357.09(b)(2)(B) which states that the required interior side yard is 6 feet 7 inches and the appellant is proposing 4 feet 5 inches for the house and 1 foot for the window well.

4. Section 357.13(b)(4) which states open porches shall not be less than 10 feet from the property line and the appellant is proposing 8 feet.

5. Section 341.02(b) which states that City Planning Commission approval is required prior to the issuance of a building permit. (Filed April 25, 2019)

Calendar No. 19-81: 1510 East 123rd Street (Ward 9)

B.R. Knez, owner, proposes to erect an 18' x 40' two story frame single family residence with 20' x 20' detached garage in a B1 Two-Family. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified ordinances:

1. Section 357.09(b)(2)(B) which states that the required interior side yard is 6.57 feet and the appellant is proposing 5 feet for the house and 1 foot 4 inches for the window well.

2. Section 341.02(b) which states that City Planning Commission approval is required prior to the issuance of a building permit. (Filed April 25, 2019)

Calendar No. 19-82: 1514 East 123rd Street (Ward 9)

B.R. Knez, owner, proposes to erect an 19' x 46' two story frame single family residence with 20' x 20' detached garage in a B1 Two-Family. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified ordinances:

1. Section 355.04(b) which states that the maximum gross floor area shall not exceed 50 percent of the lot size or in this case 2,631 square feet and the appellant is proposing 2,731 square feet.

2. Section 357.09(b)(2)(B) which states that the required interior side yard is 7 feet and the appellant is proposing 5 feet for the house and 1 foot 4 inches for the window well.

3. Section 341.02(b) which states that City Planning Commission

approval is required prior to the issuance of a building permit. (Filed April 25, 2019)

Calendar No. 19-83: 1518 East 123rd Street (Ward 9)

B.R. Knez, owner, proposes to erect an 19' x 46' two story frame single family residence with 20' x 20' detached garage in a B1 Two-Family. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified ordinances:

1. Section 355.04(b) which states that the maximum gross floor area shall not exceed 50 percent of the lot size or in this case 2,270 square feet and the appellant is proposing 2,490 square feet.

2. Section 357.09(b)(2)(B) which states that the required interior side yard is 7 feet and the appellant is proposing 5 feet for the house and 1 foot 4 inches for the window well.

3. Section 341.02(b) which states that City Planning Commission approval is required prior to the issuance of a building permit. (Filed April 25, 2019)

Calendar No. 19-86: 601 Erieside Avenue (Ward 3)

City of Cleveland, owner, and Great Lakes Science Center, lessee, propose to use unpaved lawn area as a parking lot for events at First Energy Stadium in a B3 General Industry District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 349.07(a) which states that accessory off-street parking spaces, driveways, and maneuvering areas shall be surfaced with concrete, asphaltic concrete, asphalt or similar surfacing material.

2. Section 349.07(b) which states that accessory off-street parking spaces shall be provided with wheel or bumper guards that are so located that no part of a parked vehicle will extend beyond such parking space. (Filed April 25, 2019)

Calendar No. 19-88: 1017 Starkweather Avenue (Ward 3)

Sutton 5th Street LLC., owner, proposes to erect a 20.8' x 57.8' two story single family residence with an attached garage in a B1 Two-Family. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified ordinances:

1. Section 355.04(b) which states that the minimum lot area for a single family dwelling in a 'B' Area District is 4,800 square feet and the lot area is 3,267 square feet; this section also states that the maximum gross floor area shall not exceed 50 percent of the lot size or in this case 1,633 square feet and the appellant is proposing 1,796 square feet.

2. Section 357.04(a) which states that the required front yard setback is 14 feet and the appellant is proposing 13.33 feet.

3. Section 357.09(b)(2)(B) which states that the required interior side yard is 6.4 feet and the appellant is proposing 5 feet.

4. Section 357.08 which states that the required rear yard is 25.6 feet and the appellant is proposing 22 feet.

5. Section 357.13(b)(4) which states that open front porches shall not be less than 10 feet from the property line and the appellant is proposing 8 feet.

6. Section 341.02(b) which states that City Planning Commission approval is required prior to the issuance of a building permit. (Filed April 25, 2019)

Calendar No. 19-89: 1019 Starkweather Avenue (Ward 3)

Sutton 5th Street LLC., owner, proposes to erect a 20.8' x 57.8' two story single family residence with an attached garage in a B1 Two-Family. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified ordinances:

1. Section 355.04(b) which states that the minimum lot area for a single family dwelling in a 'B' Area District is 4,800 square feet and the lot area is 3,267 square feet; this section also states that the maximum gross floor area shall not exceed 50 percent of the lot size or in this case 1,633 square feet and the appellant is proposing 1,796 square feet.

2. Section 357.04(a) which states that the required front yard setback is 14 feet and the appellant is proposing 13.33 feet.

3. Section 357.09(b)(2)(B) which states that the required interior side yard is 6.4 feet and the appellant is proposing 5 feet.

4. Section 357.08 which states that the required rear yard is 25.6 feet and the appellant is proposing 22 feet.

5. Section 357.13(b)(4) which states that open front porches shall not be less than 10 feet from the property line and the appellant is proposing 8 feet.

6. Section 341.02(b) which states that City Planning Commission approval is required prior to the issuance of a building permit. (Filed April 25, 2019)

Calendar No. 19-90: 1021 Starkweather Avenue (Ward 3)

Sutton 5th Street LLC., owner, proposes to erect a 21.8' x 50' three story frame single family residence with an attached garage in a B1 Two-Family. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified ordinances:

1. Section 355.04(b) which states that the minimum street frontage is 25 feet and no frontage is proposed. The minimum lot area for a single family dwelling in a 'B' Area District is 4,800 square feet and the lot area is 2,217 square feet; this section also states that the maximum gross floor area shall not exceed 50 percent of the lot size and the appellant is proposing 1,805 square feet.

2. Section 357.09(b)(2)(B) which states that the required interior side yard is 6.5 feet and the appellant is proposing 5.3 feet.

3. Section 357.08 which states that the required rear yard is 26.1 feet and the appellant is proposing 20.42 feet for the dwelling and 12 feet for the upper deck over hang.

4. Section 357.09(b)(2)(A) which states that no building shall be erected less than ten feet from a main building on an adjoining lot and the proposed distance is 5.33 feet.

5. Section 341.02(b) which states that City Planning Commission approval is required prior to the issuance of a building permit. (Filed April 25, 2019)

Calendar No. 19-91: 1023 Starkweather Avenue (Ward 3)

Sutton 5th Street LLC., owner, proposes to erect a 21.8' x 50' three story frame single family residence with an attached garage in a B1 Two-Family. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified ordinances:

1. Section 355.04(b) which states that the minimum street frontage is 25 feet and no frontage is proposed. The minimum lot area for a single family dwelling in a 'B' Area District is 4,800 square feet and the lot area is 2,217 square feet; this section also states that the maximum gross floor area shall not exceed 50 percent of the lot size and the appellant is proposing 1,805 square feet.

2. Section 357.09(b)(2) which states that the required interior side yards shall total 10 feet and the appellant is proposing 5 feet.

3. Section 357.09(b)(2)(B) which states that the required interior side yard is 6.5 feet and the appellant is proposing 5 and 0 feet.

4. Section 357.08 which states that the required rear yard is 26.1 feet and the appellant is proposing 20.42 feet for the dwelling and 12 feet for the upper deck over hang.

5. Section 357.09(b)(2)(A) which states that no building shall be erected less than ten feet from a main building on an adjoining lot and the proposed distance is 5.33 feet.

6. Section 341.02(b) which states that City Planning Commission approval is required prior to the issuance of a building permit. (Filed April 25, 2019)

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, MAY 6, 2019

At the meeting of the Board of Zoning Appeals on Monday, May 6, 2019 the following appeals were scheduled for hearing before the Board and;

The following appeals were **APPROVED:**

Calendar No. 19-060: 6609 Wakefield Avenue

Elmhurst Homes, owner, proposes to erect a 22' x 60' two story frame single family residence with a 20' x 20' attached garage in a B1 Two-Family Residential District.

Calendar No. 19-061: 6607 Wakefield Avenue

Elmhurst Homes, owner, proposes to erect a 22' x 60' two story frame single family residence with a 20' x 20' attached garage in a B1 Two-Family Residential District.

The following appeals were **DENIED:**

Calendar No. 18-239: 3547 East 49th Street

Number Three Grace LLC., owner, proposes to establish use as a used truck sales lot on two parcels (to be consolidated) in a B3 Residence Industry District.

Calendar No. 19-040: 3919 East 176th Street

Beatrice Price, owner, proposes to establish use as a state licensed Residential Facility in an A1 One-Family Residential District.

The following appeal was **WITHDRAWN:**

Calendar No. 19-64: 2445 West 7th Street.

Elias Karaboutis, owner, proposes to create a 12' x 25' concrete parking space and new drive apron to an existing single family residence in a B1 Two-Family Residential District.

The following appeals were **DISMISSED:**

None.

The following cases were **POSTPONED:**

Calendar No. 19-47: Petru Stinea
6007 Ellen Avenue. Postponed to June 10, 2019.

Calendar No. 19-62: Brian Davine
603 Herschel Court. Postponed to June 17, 2019.

Calendar No. 19-65: Suhail Iwais
2445 West 7th Street. Postponed to June 24, 2019.

The following cases were heard by the Board of Zoning Appeals on Monday, April 29, 2019 and the decisions were adopted and approved on Monday, May 6, 2019:

The following appeals were **APPROVED:**

Calendar No. 19-054: 18420 Rockland Avenue

Karima Boukhennou, owner, proposes to install approximately 30 linear feet of 6 foot high opaque, white vinyl fence on the side street property line in an A1 One Family Residential District.

Calendar No. 19-058: 1585 West 117th Street

Chris Tran, owner, proposes to change use from office to nail salon in a C2 Residence Office District and a Pedestrian Retail Overlay District.

Calendar No. 19-059: 4030 St. Clair Avenue

KRISRO Holdings LLC., owner, proposes to change use of store to tattoo service, piercing and barber shop in a C3 Semi-Industry District.

Calendar No. 19-066: 5610 Tillman Avenue

Enrique & Cynthia Torres, owner, proposes to erect a 24' x 65' two story single family residence with attached 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 1, 2019

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-20-19.

RE: Appeal of Deleva Gregory Kain Sr., Owner of the Two Dwelling Units Two-Family Residence Two and Half Story Masonry Property located on the premises known as 1262 West 69th Street appeals from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated January 14, 2019 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 July 1, 2019 to complete abatement of all the violations on the property; the property is REMANDED to the Department of Building and Housing for supervision and any required further action. Motioned by Mr. Bradley and seconded by Mr. Maschke.

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

* * *

Docket A-35-19.

RE: Appeal of Craig Roberson Sr., Owner of the Two Dwelling Units Two-Family Residence Two and Half Story Frame Property, located on the premises known as 429 East 120th Street appeals from a NOTICE OF VIOLATION — INTERIOR/EXTERIOR MAINTENANCE, dated January 31, 2019 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, 2019 to install smoke detectors, obtain permit for the demolition of the garage and to register the property with rental registration and until August 1, 2019 to complete abatement of all the violations on the property; the property is REMANDED to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

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

* * *

Docket A-37-19.

RE: Appeal of Desiree Reid, Owner of the Two Dwelling Units Two-Family Residence Two Story

Frame Property, located on the premises known as 3175 West 82nd Street appeals from a NOTICE OF VIOLATION — CONDEMNATION-MAIN STRUCTURE, dated February 6, 2019 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, 2019 to submit plans and obtain permits for rehabilitation and until November 1, 2019 to complete abatement of all the violations on the property; the property is REMANDED to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Bradley.

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

* * *

Docket A-41-19.

RE: Appeal of Shaker Real Estate Properties LLC, Owner of the M Mercantile-Retail Shops, Carry-Out Food Shops One Story Garage-Detached; Masonry Property located on the premises known as 1201 East 158th Street appeals from a NOTICE OF VIOLATION — PLUMBING, dated February 1, 2019 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 July 5, 2019 to submit plans and to complete abatement of all violations; the property is REMANDED to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

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

* * *

Docket A-43-19.

RE: Appeal of Cleveland Bricks LLC, Owner of the Two Dwelling Units Two-Family Residence Two and Half Story Frame Property, located on the premises know as 4403 Fenwick Road appeals from NOTICE OF VIOLATION — CONDEMNATION-MAIN STRUCTURE, dated November 5, 2015 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, 2019 to submit plans for a permit and until March 1, 2020 to complete abatement of all the violations on the property; the property is REMANDED 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. Maschke.

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

Docket A-44-19.

RE: Appeal of Tomorrow Homes LLC, Owner of the Two Dwelling Units Two-Family Residence Two and Half Story Frame Property, located on the premises known as 3917 Clybourne Avenue appeals from a NOTICE OF VIOLATION — INTERIOR MAINTENANCE, dated February 11, 2019 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 15, 2019 to complete abatement of all the violations on the property; the property is REMANDED to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Gallagher.

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

* * *

Docket A-75-19.

RE: Appeal of Andre & Christine Dimatteo, Owner of the One Dwelling Unit Single-Family Residence Two Story Frame Property, located on the premises known as 14209 Triskett Road appeals from a ADJUDICATION ORDER B18028137 (Zoning Approved); Cleveland Building Code Section 3125.06(a)(1) Depth of Footings dated March 25, 2019 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 the ADJUDICATION ORDER with the understanding that the CITY OF CLEVELAND will be withdrawing the violations notice; the property is REMANDED to the Department of Building & Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

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

* * *

APPROVAL OF RESOLUTIONS

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

- A-315-18 — Alfred Mathews
- A-24-19 — Miloslav Cajan
- A-25-19 — Elizabeth Brown
- A-26-19 — West 98th Suites LLC
- A-27-19 — West 98th Suites LLC
- A-28-19 — Emergent Properties LLC
- A-29-19 — Angel Aikens
- A-31-19 — Shadi Bishara
- A-32-19 — Iris J. Franklin
- A-33-19 — Yaris, LLC
- A-34-19 — Spiro & Paglotis Kefalos
- A-38-19 — Martin D. Fano
- A-39-19 — Raymond Grant

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

* * *

APPROVAL OF MINUTES

Separate motions were entered by Mr. Maschke and seconded by Mr. Gallagher 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 17, 2019

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

* * *

JOSEPH F. DENK
Chairman

PUBLIC NOTICE

NONE

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 14, 2019
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 14, 2019, at 9:30 a.m., to consider the following ordinances and resolutions now pending in the Council:

Ord. No. 378-2019.

By Council Member Polensek. An emergency ordinance designating East Glenville Methodist Episcopal Church as a Cleveland Landmark.

Anthony Brancatelli, Chair
Committee on Development,
Planning and Sustainability

May 1, 2019 and May 8, 2019

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 21, 2019
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 21, 2019, at 9:30 a.m., to consider the following ordinances and resolutions now pending in the Council:

Ord. No. 887-18.

By Council Member Brancatelli (by departmental request).

An ordinance to amend Sections 325.03, 337.23, 343.23, 357.09, and 357.13 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances, relating to side yard setbacks, parking spaces sizes, residential garage placement and size, and conditional uses in the Pedestrian Retail Overlay; and to supplement the codified ordinances by enacting new Section 325.431 relating to the definition of Lot Interior.

Ord. No. 514-2019.

By Council Member McCormack. An ordinance establishing a zero foot Mapped Building Setback from the property line along the southern side of Carter Road between Riverbed Street and the eastern property line of Permanent Parcel No. 004-26-040 (Map Change 2600).

Anthony Brancatelli, Chair
Committee on Development,
Planning and Sustainability

May 8, 2019 and May 15, 2019

CITY of CLEVELAND BIDS

For All Departments

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

Where invitations for bids are advertised, the following notice shall be included in the advertisement: "Pursuant to the MBE/FBE Code, each prime bidder, each minority business enterprise ("MBE") and each female business enterprise ("FBE") must be certified before doing business with the City. Therefore, any prime contractor wishing to receive credit for using an MBE or FBE should ensure that applications for certification as to MBE or FBE status compliance with the Code, affirmative action in employment and, if applicable, joint venture status, are submitted to the office of Equal Opportunity ("OEO") prior to the date of bid opening or

submission of proposals or as specified by the Director. Failure to comply with the business enterprise code or with representations made on these forms may result in cancellation of the contract or other civil or criminal penalties."

WEDNESDAY, MAY 22, 2019

File No. 49-19 — Vega Avenue Retaining Wall Project, for the Division of Engineering and Construction, Office of Capital Projects, as authorized by Ordinance No. 1374-18, passed by the Council of the City of Cleveland, December 3, 2018.

THERE WILL BE A NON-REFUNDABLE FEE FOR PLANS AND SPECIFICATIONS IN THE AMOUNT OF SEVENTY-FIVE DOLLARS (\$75.00) 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 THE PLAN-HOLDERS LIST TO SUBMIT A BID OR RECEIVE ANY ADDENDA.) OUT-OF-AREA BIDDERS MAY SEND THEIR NON-REFUNDABLE FEE FOR PLANS VIA FED EX DELIVERY TO: CITY OF CLEVELAND, DIVISION OF PURCHASES AND SUPPLIES, CLEVELAND CITY HALL, 601 LAKESIDE AVENUE ROOM 128, CLEVELAND, OHIO 44114. INCLUDE IN YOUR REQUEST YOUR COMPANY'S FED EX ACCOUNT NUMBER, FULL COMPANY NAME AND ADDRESS, COMPANY CONTACT/REPRESENTATIVE FULL NAME, CONTACT TELEPHONE NUMBER, FACSIMILE TELEPHONE NUMBER AND EMAIL ADDRESS. THE FED EX DELIVERY CHARGES FOR THE PLANS AND SPECIFICATIONS WILL BE BILLED TO THE BIDDER'S COMPANY FED EX ACCOUNT NUMBER PROVIDED.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, FRIDAY, MAY 10, 2019 AT 10:00 A.M. CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114, ROOM 518.

QUESTIONS REGARDING THE PURCHASE OF PLANS AND SPECIFICATIONS CAN BE DIRECTED TO ROYCE GRIFFIN AT (216) 664-2628.

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 1, 2019 and May 8, 2019

THURSDAY, MAY 30, 2019

File No. 52-19 — Fulton Road/West 28th Street Rehabilitation Phase 2 Lorain Avenue to Detroit Avenue, for the Division of Engineering and Construction, Office of Capital

Projects, as authorized by Ordinance No. 1104-18, passed by the Council of the City of Cleveland, October 15, 2018.

THERE WILL BE A NON-REFUNDABLE FEE FOR PLANS AND SPECIFICATIONS IN THE AMOUNT OF SEVENTY-FIVE DOLLARS (\$75.00) 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 THE PLAN-HOLDERS LIST TO SUBMIT A BID OR RECEIVE ANY ADDENDA.) OUT-OF-AREA BIDDERS MAY SEND THEIR NON-REFUNDABLE FEE FOR PLANS VIA FED EX DELIVERY TO: CITY OF CLEVELAND, DIVISION OF PURCHASES AND SUPPLIES, CLEVELAND CITY HALL, 601 LAKESIDE AVENUE ROOM 128, CLEVELAND, OHIO 44114. INCLUDE IN YOUR REQUEST YOUR COMPANY'S FED EX ACCOUNT NUMBER, FULL COMPANY NAME AND ADDRESS, COMPANY CONTACT/REPRESENTATIVE FULL NAME, CONTACT TELEPHONE NUMBER, FACSIMILE TELEPHONE NUMBER AND EMAIL ADDRESS. THE FED EX DELIVERY CHARGES FOR THE PLANS AND SPECIFICATIONS WILL BE BILLED TO THE BIDDER'S COMPANY FED EX ACCOUNT NUMBER PROVIDED.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, FRIDAY, MAY 17, 2019 AT 10:00 A.M. LOCATED AT CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

QUESTIONS REGARDING THE PURCHASE OF PLANS AND SPECIFICATIONS CAN BE DIRECTED TO ROYCE GRIFFIN AT (216) 664-2628.

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 8, 2019 and May 15, 2019

FRIDAY, MAY 31, 2019

File No. 51-19 — Rehabilitating and Relining Sewers at Various Locations, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 203-19, passed by the Council of the City of Cleveland, March 18, 2019.

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 THE PLAN-HOLDERS LIST TO SUBMIT A BID OR RECEIVE ANY ADDENDA.) OUT-OF-AREA BIDDERS MAY SEND THEIR NON-REFUNDABLE FEE FOR PLANS VIA FED EX DELIVERY TO: CITY OF CLEVELAND, DIVISION OF PURCHASES AND SUPPLIES, CLEVELAND CITY HALL, 601 LAKESIDE AVENUE ROOM 128, CLEVELAND, OHIO 44114. INCLUDE IN YOUR REQUEST YOUR COMPANY'S FED EX ACCOUNT NUMBER, FULL COMPANY NAME AND ADDRESS, COMPANY CONTACT/REPRESENTATIVE FULL NAME, CONTACT TELEPHONE NUMBER, FACSIMILE TELEPHONE NUMBER AND EMAIL ADDRESS. THE FED EX DELIVERY CHARGES FOR THE PLANS AND SPECIFICATIONS WILL BE BILLED TO THE BIDDER'S COMPANY FED EX ACCOUNT NUMBER PROVIDED.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING, THURSDAY, MAY 16, 2019 AT 10:00 A.M. LOCATED AT DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

QUESTIONS REGARDING THE PURCHASE OF PLANS AND SPECIFICATIONS CAN BE DIRECTED TO ROYCE GRIFFIN AT (216) 664-2628.

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).

File No. 53-19 — 2019 City Wards Concrete of Cleveland Public Improvement by Requirements Construction Contract, for the Division of Engineering and Construction, Office of Capital Projects, as authorized by Ordinance No. 140-19, passed by the Council of the City of Cleveland, March 4, 2019.

THERE WILL BE A NON-REFUNDABLE FEE FOR PLANS AND SPECIFICATIONS IN THE AMOUNT OF SEVENTY-FIVE DOLLARS (\$75.00) 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 THE PLAN-HOLDERS LIST TO SUBMIT A BID OR RECEIVE ANY ADDENDA.) OUT-OF-AREA BIDDERS MAY SEND THEIR NON-REFUNDABLE FEE FOR PLANS VIA FED EX DELIVERY TO: CITY OF CLEVELAND, DIVISION OF PURCHASES AND SUPPLIES, CLEVELAND CITY HALL, 601 LAKESIDE AVENUE ROOM 128,

CLEVELAND, OHIO 44114. INCLUDE IN YOUR REQUEST YOUR COMPANY'S FED EX ACCOUNT NUMBER, FULL COMPANY NAME AND ADDRESS, COMPANY CONTACT/REPRESENTATIVE FULL NAME, CONTACT TELEPHONE NUMBER, FACSIMILE TELEPHONE NUMBER AND EMAIL ADDRESS. THE FED EX DELIVERY CHARGES FOR THE PLANS AND SPECIFICATIONS WILL BE BILLED TO THE BIDDER'S COMPANY FED EX ACCOUNT NUMBER PROVIDED.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, THURSDAY, MAY 16, 2019 AT 10:00 A.M. LOCATED AT CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114, ROOM 518.

QUESTIONS REGARDING THE PURCHASE OF PLANS AND SPECIFICATIONS CAN BE DIRECTED TO ROYCE GRIFFIN AT (216) 664-2628.

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 8, 2019 and May 15, 2019

FRIDAY, JUNE 14, 2019

File No. 50-19 — Nottingham Water Treatment Plant Sedimentation Basin Improvements, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1406-15, passed by the Council of the City of Cleveland, November 30, 2015.

THERE WILL BE A **NON-REFUNDABLE FEE** FOR PLANS AND SPECIFICATIONS IN THE AMOUNT OF TWENTY-FIVE DOLLARS (\$25.00) 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 THE PLAN-HOLDERS LIST TO SUBMIT A BID OR RECEIVE ANY ADDENDA.) OUT-OF-AREA BIDDERS MAY SEND THEIR **NON-REFUNDABLE FEE** FOR PLANS VIA FED EX DELIVERY TO: CITY OF CLEVELAND, DIVISION OF PURCHASES AND SUPPLIES, CLEVELAND CITY HALL, 601 LAKESIDE AVENUE ROOM 128, CLEVELAND, OHIO 44114. INCLUDE IN YOUR REQUEST YOUR COMPANY'S FED EX ACCOUNT NUMBER, FULL COMPANY NAME AND ADDRESS, COMPANY CONTACT/REPRESENTATIVE FULL NAME, CONTACT TELEPHONE NUMBER, FACSIMILE TELEPHONE NUMBER AND EMAIL ADDRESS. THE FED EX DELIVERY CHARGES FOR THE PLANS

AND SPECIFICATIONS WILL BE BILLED TO THE BIDDER'S COMPANY FED EX ACCOUNT NUMBER PROVIDED.

THERE WILL BE A **NON-MANDATORY** PRE-BID MEETING, THURSDAY, MAY 16, 2019 AT 2:00 P.M. LOCATED AT NOTTINGHAM WATER WORKS PLANT, 1300 CHARDON ROAD, CLEVELAND, OHIO 44117.

QUESTIONS REGARDING THE PURCHASE OF PLANS AND SPECIFICATIONS CAN BE DIRECTED TO ROYCE GRIFFIN AT (216) 664-2628.

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 8, 2019 and May 15, 2019

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 169-2019.
By Council Members McCormack, Johnson and Brancatelli (by departmental request).

An emergency resolution declaring the intent to vacate a portion of Spruce Avenue.

Whereas, this Council is satisfied that there is good cause to vacate a portion of Spruce Avenue, as described; 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 this Council declares its intent to vacate a portion of the following described real property:

A portion of Spruce Avenue

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a portion of Spruce Avenue N.W. (66.00 feet wide)(formerly Spruce Street) of part of the Buffalo Co. Allotment as shown in Volume 3, Page 31 of Cuyahoga County Map Records further described as follows:

Being all that portion of Spruce Avenue N.W. (66.00 feet wide) extending from the south line of Elm Street N.W. (66.00 feet wide) southerly to the north line of Center Street N.W. (66.00 feet wide).

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

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

Adopted April 29, 2019.
Effective May 1, 2019.

Res. No. 566-2019.
By Council Member Brancatelli.
An emergency resolution objecting to a New C2 Liquor Permit at 8003 Broadway Avenue.

Whereas, Council has been notified by the Division of Liquor Control of an application for a New C2 Liquor Permit at Family Dollar Stores of Ohio, Inc, DBA Family Dollar, #10417, 8003 Broadway Avenue, Cleveland, Ohio 44105, Permit No. 26312750340; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a New C2 Liquor Permit at Family Dollar Stores of Ohio, Inc, DBA Family Dollar, #10417, 8003 Broadway Avenue, Cleveland, Ohio 44105, Permit No. 26312750340; and requests the Superintendent of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted April 29, 2019.
Effective May 1, 2019.

Res. No. 567-2019.
By Council Member Conwell.
An emergency resolution objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 891 Lakeview Road.

Whereas, Council has been notified by the Division of Liquor Control of an application for the transfer of ownership of a C2 and C2X Liquor Permit from Leena Foods, Inc., DBA In & Out Beverage, 891 Lakeview Road, Cleveland, Ohio 44108, Permit Number 5084455 to Zaid Food, Inc., DA In & Out Beverage, 891 Lakeview Road, Cleveland, Ohio 44108, Permit No. 9879120; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C2 and C2X Liquor Permit from Leena Foods, Inc., DBA In & Out Beverage, 891 Lakeview Road, Cleveland, Ohio 44108, Permit Number 5084455 to Zaid Food, Inc., DA In & Out Beverage, 891 Lakeview Road, Cleveland, Ohio 44108, Permit No. 9879120; and requests the Superintendent of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

Section 3. That this resolution is hereby declared to be an emergency measure and, provided it receives

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

Adopted April 29, 2019.
 Effective May 1, 2019.

Ord. No. 295-2019.
By Council Members McCormack, Johnson, Brancatelli and Kelley (by departmental request).
An emergency ordinance authorizing the Director of Public Works to execute two deeds of easement granting to the Ohio Department of Transportation certain temporary easement rights in property needed for its Detroit-Superior Bridge Rehabilitation Project; and declaring the easement rights not needed for the City's public use.

Whereas, the Ohio Department of Transportation ("ODOT") has requested the Director of Public Works to convey certain temporary easement rights in property needed for its Detroit-Superior Bridge Rehabilitation Project; 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, it is found and determined that two temporary easement interests located on parts of the current Canal Basin Parking Lot and a portion of Settler's Landing are not needed for the City's public use and are further described as follows:

PARCEL 009-T
CUY-006-14.56

Situated in the State of Ohio, County of Cuyahoga, City of Cleveland, and being known as a part of Original Lot No. 70 and more particularly bounded and described as follows:

Commencing at the intersection of the West Street (50 feet wide) northern right of way with the Merwin Avenue (variable width) southeastern right of way at Station 121+48.36, 33.38 feet right of U.S. 6 centerline of right of way and the TRUE POINT OF BEGINNING of the parcel of land being described;

1. Thence, along the Merwin Avenue southeastern right of way North 30 degrees 37 minutes 35 seconds East a distance of 62.21 feet to an angle break at Station 122+07.96, 15.56 feet right of U.S. 6 centerline of right of way;

2. Thence, continuing along the Merwin Avenue southeastern right of way North 20 degrees 04 minutes 01 second East a distance of 206.93 feet to Station 123+92.00, 79.05 feet left of U.S. 6 centerline of right of way;

3. Thence, South 70 degrees 25 minutes 13 seconds East a distance of 21.52 feet to Station 124+02.00, 60.00 feet left of U.S. 6 centerline of right of way;

4. Thence, along a line parallel with the U.S. 6 centerline of right of way North 47 degrees 16 minutes 28

seconds East a distance of 95.87 feet to the James Street (50 feet wide) southern right of way at Station 124+97.87, 60.00 feet left of U.S. 6 centerline of right of way;

5. Thence, along the James Street southern right of way South 72 degrees 00 minutes 12 seconds East a distance of 110.69 feet to Station 125+52.00, 36.55 feet right of U.S. 6 centerline of right of way;

6. Thence, South 34 degrees 24 minutes 37 seconds West a distance of 37.95 feet to Station 125+15.00, 45.00 feet right of U.S. 6 centerline of right of way;

7. Thence, along a line perpendicular with the U.S. 6 centerline of right of way South 42 degrees 43 minutes 32 seconds East a distance of 15.00 feet to Station 125+15.00, 60.00 feet right of U.S. 6 centerline of right of way;

8. Thence, along a line parallel with the U.S. 6 centerline of right of way South 47 degrees 16 minutes 28 seconds West a distance of 100.00 feet to Station 124+15.00, 60.00 feet right of U.S. 6 centerline of right of way;

9. Thence, along a line perpendicular with the U.S. 6 centerline of right of way South 42 degrees 43 minutes 32 seconds East a distance of 40.00 feet to Station 124+15.00, 100.00 feet right of U.S. 6 centerline of right of way;

10. Thence, South 44 degrees 43 minutes 47 seconds West a distance of 45.04 feet to Station 123+70.00, 102.00 feet right of U.S. 6 centerline of right of way;

11. Thence, South 21 degrees 19 minutes 56 seconds West a distance of 82.29 feet to Station 122+96.00, 138.00 feet right of U.S. 6 centerline of right of way;

12. Thence, North 73 degrees 15 minutes 19 seconds West a distance of 90.55 feet to Station 122+50.00, 60.00 feet right of U.S. 6 centerline of right of way;

13. Thence, along a line parallel with the U.S. 6 centerline of right of way South 47 degrees 16 minutes 28 seconds West a distance of 86.54 feet to the West Street northern right of way at Station 121+63.46, 60.00 feet right of U.S. 6 centerline of right of way;

14. Thence, along the West Street northern right of way North 72 degrees 17 minutes 47 seconds West a distance of 30.60 feet to the TRUE POINT OF BEGINNING and enclosing an area of 0.9837 acres, more or less, 0.0712 acres of which is present road occupied (P.R.O.).

Excepting the following three (3) P.R.O. parcels of land conveyed to The County of Cuyahoga, Ohio for the purpose of constructing and maintain bridge piers:

1. Parcel No. 2 as described in Volume 1479, Page 629 containing 0.0139 acres

2. Parcel No. 1 as described in Volume 1479, Page 632 containing 0.0241 acres

3. Parcel No. 2 as described in Volume 1479, Page 632 containing 0.0332 acres

Grantor claims title by deed dated November 15, 1988 and recorded in deed Volume 88-5988, Page 64 of the Cuyahoga County Records, PN 101-15-021.

Bearings for the above description are based upon the Ohio State Plane Coordinates System, North Zone, NAD83 (Conus) (Mol) datum.

The stations referred to herein are from U.S. 6 centerline of right of way, as found on Ohio Department of Transportation Right of Way Plan CUY-006-14.56.

This description was prepared and reviewed under the supervision of Scott A. Horan, P.S., Registered Surveyor No. 8678 and based upon a survey by Euthenics, Inc. for the Ohio Department of Transportation, District 12 between November 2016 and November 2017.

**PARCEL 011-T
CUY-006-14.56**

Situated in the State of Ohio, County of Cuyahoga, City of Cleveland, and being known as a part of Original Lot No. 70 and more particularly bounded and described as follows:

Commencing at the intersection of the southwest property line of the Grantor with the West Superior Avenue (variable width) southeast right of way at Station 127+56.48, 187.74 feet left of U.S. 6 centerline of right of way and the TRUE POINT OF BEGINNING of the parcel of land being described;

1. Thence, along the West Superior Avenue southeast right of way North 71 degrees 24 minutes 15 seconds East a distance of 33.00 feet to the northern property line of the Grantor at Station 127+86.59, 174.25 feet left of U.S. 6 centerline of right of way;

2. Thence, along the northern property line of the Grantor South 39 degrees 27 minutes 31 seconds East a distance of 94.28 feet to a point on curve at Station 127+81.22, 80.12 feet left of U.S. 6 centerline of right of way;

3. Thence, continuing along the northern property line of the Grantor along an arc of curve to the right having a radius of 1055.25 feet, an arc length of 119.22 feet, a chord bearing South 34 degrees 58 minutes 53 seconds East, a chord length of 119.16 feet and a delta of 06 degrees 28 minutes and 23 seconds to a point of tangency at Station 127+65.17, 37.95 feet right of U.S. 6 centerline of right of way;

4. Thence, continuing along the northern property line of the Grantor South 31 degrees 44 minutes 41 seconds East a distance of 60.40 feet to Station 127+53.66, 97.24 feet right of U.S. 6 centerline of right of way;

5. Thence, South 47 degrees 39 minutes 23 seconds West a distance of 36.66 feet to Station 127+17.00, 97.00 feet right of U.S. 6 centerline of right of way;

6. Thence, North 31 degrees 21 minutes 31 seconds West a distance of 30.44 feet to Station 127+23.00, 67.15 feet right of U.S. 6 centerline of right of way;

7. Thence, South 47 degrees 33 minutes 53 seconds West a distance of 32.61 feet to Station 126+90.39, 66.99 feet right of U.S. 6 centerline of right of way;

8. Thence, along a line perpendicular to the U.S. 6 centerline of right of way North 42 degrees 43 minutes 32 seconds West a distance of 59.55 feet to Station 126+90.39, 7.44 feet right of U.S. 6 centerline of right of way;

9. Thence, North 08 degrees 07 minutes 14 seconds West a distance

of 17.05 feet to the southern property line of the Grantor at Station 127+00.07, 6.59 feet left of U.S. 6 centerline of right of way;

10. Thence, along the southern property line of the Grantor North 42 degrees 41 minutes 58 seconds West a distance of 41.32 feet to Station 127+00.09, 47.91 feet left of U.S. 6 centerline of right of way;

11. Thence, continuing along the southern property line of the Grantor North 06 degrees 10 minutes 16 seconds West a distance of 23.84 feet to Station 127+14.29, 67.07 feet left of U.S. 6 centerline of right of way;

12. Thence, continuing along the southern property line of the Grantor North 46 degrees 58 minutes 11 seconds East, a distance of 30.71 feet to Station 127+45.00, 67.23 feet left of U.S. 6 centerline of right of way;

13. Thence, continuing along the southern property line of the Grantor North 37 degrees 17 minutes 05 seconds West a distance of 121.06 feet to the TRUE POINT OF BEGINNING and enclosing an area of 0.3428 acres, more or less, none of which is present road occupied.

Grantor claims title by deed dated April 27, 1990 and recorded as Volume 90-2362, Page 4 of the Cuyahoga County Records, PN 101-15-009.

Bearings for the above description are based upon the Ohio State Plane Coordinates System, North Zone, NAD83 (Conus)(Mol) datum.

The stations referred to herein are from U.S. 6 centerline of right of way, as found on Ohio Department of Transportation Right of Way Plan CUY-006-14.56.

This description was prepared and reviewed under the supervision of Scott A. Horan, P.S., Registered Surveyor No. 8678 and based upon a survey by Euthenics, Inc. for the Ohio Department of Transportation, District 12 between November 2016 and November 2017.

Section 2. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the above-described two exclusive temporary easement interests to ODOT at the appraised value of \$259,900, which is determined to be fair market value.

Section 3. That the purpose of the easements shall be to provide protection under the bridge from damage during the project, to provide access to evaluate the condition of the bridge, and to provide access to make repairs to the bridge.

Section 4. That the duration of the temporary easements shall be until the Detroit-Superior Bridge Rehabilitation Project is completed; that the temporary easements shall include reasonable right of entry rights to the City and its contractors and partners for the Towpath Trail and Canal Basin Park projects; that the temporary easements shall not be assignable without the consent of the Director of Public Works; that the temporary easements shall require that ODOT or its contractor provide reasonable insurance, and pay any applicable taxes and assessments.

Section 5. That the conveyances referred to above shall be made by official deeds of temporary easement prepared by the Director of

Law and executed by the Director of Public Works on behalf of the City of Cleveland. The deeds of temporary easement shall contain any additional terms and conditions as are required to protect the interest of the City. The Directors of Public Works and Law are authorized to execute any other documents, including without limitation, contracts for right of entry, as may be necessary to effect this ordinance.

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

Passed April 29, 2019.

Effective May 1, 2019.

**Ord. No. 326-2019,
By Council Members Johnson and
Brancatelli (by departmental
request).**

An emergency ordinance authorizing the Director of Capital Projects to issue one or more permits to Cellco Partnership d/b/a Verizon Wireless to encroach into the public right-of-way at various locations in the City of Cleveland by installing, using and maintaining fiber optic cable and other equipment related to wireline backhaul facilities pursuant to R.C. Section 4939.03.

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

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

Section 1. That the Director of Capital Projects is authorized to issue one or more permits, revocable at the will of Council, to Cellco Partnership d/b/a Verizon Wireless, 7575 Commerce Ct., Lewis Center, Ohio, 43035 ("Permittee") to encroach into the public right-of-way at various locations in the City of Cleveland by installing, using, and maintaining fiber optic cable and other equipment related to wireline backhaul facilities pursuant to R.C. § 4939.03. The permit(s) authorized shall not be issued until the Manager of the Division of Engineering and Construction and the Director of Capital Projects have first reviewed and approved each specific encroachment location that the Permittee requests.

Section 2. That Permittee may assign a permit only with the prior written consent of the Director of Capital Projects. That nothing in this ordinance grants or shall be considered to grant to Permittee any right, privilege, or permission to use, or to attach or affix any object to poles, duct banks, or vaults owned by another; Permittee shall obtain such permission from the respective owner.

Section 3. That the encroaching objects permitted by this ordinance shall conform to plans and specifications first approved by the Manager of Engineering and

Construction. That Permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroachments.

Section 4. That the Director of Law shall prepare the permit(s) authorized by this ordinance and shall incorporate such additional provisions as the director determines necessary to protect and benefit the public interest. The permit shall be issued only when, in the opinion of the Director of Law, a prospective Permittee has properly indemnified the City against any loss that may result from the encroachment(s) permitted.

Section 5. That the permit shall reserve reasonable right of entry to the encroachment location to the City.

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

Passed April 29, 2019.
Effective May 1, 2019.

**Ord. No. 329-2019.
By Council Members Hairston,
Johnson, Brancatelli and Kelley (by
departmental request).**

An emergency ordinance authorizing the Director of Public Works to execute a deed of easement and two deeds of temporary easement granting to the Northeast Ohio Regional Sewer District certain easement rights in property needed for its London Road Relief Sewer Project; and declaring the easement rights not needed for the City's public use.

Whereas, the Northeast Ohio Regional Sewer District ("NEORS") has requested the Director of Public Works to convey certain easement rights and temporary easement rights in property needed for its London Road Relief Sewer Project; 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, it is found and determined that a permanent easement interest located at the project site is not needed for the City's public use and is further described as follows:

**Permanent Sewer Easement
LNDN-PS10
Across Parcel No. 117-08-001
and 117-10-047
0.0644 Acre (2,803 Square Feet)**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot No. 158, in Van Deboe Hager Co's Euclid Lawn Subdivision of part of Original Euclid Township Lot No. 9, Tract No. 10 as recorded in Volume 35, Page 28 of the Cuyahoga County Map Records and part

of Original Euclid Township Lot No. 50, Tract No. 11 and the Gore Tract. Also, being part of the land conveyed to City of Cleveland, as recorded in Volume 7232, Page 270 and Volume 7070, Page 565 of the Cuyahoga County Records, being more definitely described as follows;

Commencing at the intersection of the centerline of Roseland Road (50 feet wide) and the centerline of Avalon Road (50 feet wide);

Thence, along the centerline of Roseland Road, North 41° 28' 19" East, 215.07 feet to the westerly line of said land conveyed to City of Cleveland;

Thence, leaving said centerline, along the westerly line of said land conveyed to City of Cleveland, South 47° 28' 06" East, 2.56 feet to the True Point of Beginning for the easement herein described;

Thence, leaving the westerly line of said land conveyed to City of Cleveland, along the arc of a curve which deflects to the left, 246.08 feet to the northerly line of said land conveyed to City of Cleveland, said curve having a radius of 394.50 feet, a central angle of 35° 44' 22", and a chord of 242.11 feet which bears North 16° 56' 00" East;

Thence, along the northerly line of said land conveyed to City of Cleveland, North 49° 04' 29" East, 14.22 feet;

Thence, leaving said northerly line, along the arc of a curve which deflects to the right, 263.57 feet to the westerly line of said land conveyed to City of Cleveland, said curve having a radius of 405.50 feet, a central angle of 37° 14' 31", and a chord of 258.96 feet which bears South 16° 23' 35" West;

Thence, along the westerly line of said land conveyed to City of Cleveland, North 47° 28' 06" West, 11.10 feet to the point of beginning.

Containing within said bounds 0.0644 acre of land (2,803 square feet) as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor No. 7730 in September, 2017.

Bearings are based on Ohio State Plane, North Zone NAD83 (2011) Grid North.

Section 2. That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that two temporary easement interests located at the project site are not needed for the City's public use and are further described as follows:

**Temporary Easement LNDN-T14
Across Parcel No. 117-08-001
and 117-10-047 0.3952 Acre
(17,213 Square Feet)**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot No. 158, in Van Deboe Hager Co's Euclid Lawn Subdivision of part of Original Euclid Township Lot No. 9, Tract No. 10 as recorded in Volume 35, Page 28 of the Cuyahoga County Map Records and part of Original Euclid Township Lot No. 50, Tract No. 11 and the Gore Tract. Also, being part of the land conveyed to City of Cleveland, as recorded in Volume 7232, Page 270 and Volume 7070, Page 565 of the Cuyahoga County Records, being more definitely described as follows;

Commencing at the intersection of the centerline of Roseland Road (50 feet wide) and the centerline of Avalon Road (50 feet wide);

Thence, along the centerline of Roseland Road, North 41° 28' 19" East, 215.07 feet to the westerly line of said land conveyed to City of Cleveland and the True Point of Beginning for the easement herein described;

Thence, leaving said centerline, along the westerly line of said land conveyed to City of Cleveland, North 47° 28' 06" West, 117.95 feet;

Thence, leaving said westerly line, North 11° 30' 52" West, 10.42 feet to the northerly line of said land conveyed to City of Cleveland;

Thence, along the northerly line of said land conveyed to City of Cleveland, North 49° 04' 29" East, 213.61 feet;

Thence, leaving said northerly line, along the arc of a curve which deflects to the right, 246.08 feet to the westerly line of said land conveyed to City of Cleveland, said curve having a radius of 394.50 feet, a central angle of 35° 44' 22", and a chord of 242.11 feet which bears South 16° 56' 00" West;

Thence, along the westerly line of said land conveyed to City of Cleveland, North 47° 28' 06" West, 2.56 feet to the point of beginning.

Containing within said bounds 0.3952 acre of land (17,213 square feet) as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor No. 7730 in September, 2017.

Bearings are based on Ohio State Plane, North Zone NAD83 (2011) Grid North.

**Temporary Easement LNDN-T15
Across Parcel No. 117-08-001
and 117-10-047 0.3724 Acre
(16,222 Square Feet)**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Sublot No. 158, in Van Deboe Hager Co's Euclid Lawn Subdivision of part of Original Euclid Township Lot No. 9, Tract No. 10 as recorded in Volume 35, Page 28 of the Cuyahoga County Map Records and part of Original Euclid Township Lot No. 50, Tract No. 11 and the Gore Tract. Also, being part of the land conveyed to City of Cleveland, as recorded in Volume 7232, Page 270 and Volume 7070, Page 565 of the Cuyahoga County Records, being more definitely described as follows;

Commencing at the intersection of the centerline of Roseland Road (50 feet wide) and the centerline of Avalon Road (50 feet wide);

Thence, along the centerline of Roseland Road, North 41° 28' 19" East, 215.07 feet to the westerly line of said land conveyed to City of Cleveland;

Thence, leaving said centerline, along the westerly line of said land conveyed to City of Cleveland, South 47° 28' 06" East, 13.66 feet to the True Point of Beginning for the easement herein described;

Thence, leaving said westerly line, along the arc of a curve which deflects to the left, 263.57 feet to the northerly line of said land conveyed to City of Cleveland, said curve having a radius of 405.50 feet, a central angle of 37° 14' 31", and a chord of 258.96 feet which bears North 16° 23' 35" East;

Thence, along the northerly line of said land conveyed to City of Cleveland, North 49° 04' 29" East, 29.15 feet;

Thence, leaving said northerly line, South 41° 34' 06" East, 13.65 feet;

Thence, South 03° 19' 31" West, 26.34 feet;

Thence, South 40° 36' 34" East, 104.14 feet;

Thence, South 41° 23' 41" West, 227.23 feet to the westerly line of said land conveyed to City of Cleveland;

Thence, along the westerly line of said land conveyed to City of Cleveland, North 47° 28' 06" West, 27.38 feet to the point of beginning.

Containing within said bounds 0.3724 acre of land (16,222 square feet) as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor No. 7730 in September, 2017.

Bearings are based on Ohio State Plane, North Zone NAD83(2011) Grid North.

Section 3. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the above-described non-exclusive permanent easement interest and the two exclusive temporary easement interests to NEORSD at a price of \$1.00 and other valuable consideration, which is determined to be fair market value. Section 1 of Ordinance No. 263-18, passed June 4, 2018 authorizes future easements valued at \$29,064 to be granted to NEORSD at no cost as part of the compensation for the Charles Van Duzer property. The herein easements are appraised at \$11,340 therefore, pursuant to Ord. No. 263-18, the remaining credit due to NEORSD is \$17,724.

Section 4. That the purpose of the easements shall be to access to the project site for construction and future maintenance needed for the London Road Relief Sewers Project.

Section 5. That the duration of the permanent easement shall be perpetual; that the duration of the temporary easements shall be until the London Road Relief Sewer Project is completed; that the permanent easement and temporary easements shall include reasonable right of entry rights to the City; that the easement and temporary easements shall not be assignable without the consent of the Director of Public Works; that the permanent easement and temporary easements shall require that NEORSD or its contractor provide reasonable insurance, and pay any applicable taxes and assessments.

Section 6. That the conveyances referred to above shall be made by official deed of easement and official deeds of temporary easement prepared by the Director of Law and executed by the Director of Public Works on behalf of the City of Cleveland. The deed of easement and the deeds of temporary easement shall contain any additional terms and conditions as are required to protect the interest of the City. The Directors of Public Works and Law are authorized to execute any other documents, including without limitation, contracts for right of entry, as may be necessary to effect 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 29, 2019.
Effective May 1, 2019.

**Ord. No. 330-2019.
By Council Members McCormack, Brancatelli Johnson and Kelley (by departmental request).**

An emergency ordinance authorizing the Director of Public Works to execute a deed of easement and four deeds of temporary easement granting to the Northeast Ohio Regional Sewer District certain easement rights in property at Clark Field needed for NEORSD's West 3rd Quigley / Westerly (W3QW) Miscellaneous CSO Control Project; and declaring the easement rights not needed for the City's public use.

Whereas, the Northeast Ohio Regional Sewer District ("NEORSD") has requested the Director of Public Works to convey certain easement rights and temporary easement rights in property at Clark Field needed for NEORSD's West 3rd Quigley / Westerly (W3QW) Miscellaneous CSO Control Project; 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, it is found and determined that a permanent easement interest located near the project site is not needed for the City's public use and is further described as follows:

**Permanent Easement W3QW-P-01
Across Parcel No. 008-29-004
0.2193 Acre**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Brooklyn Township Lot Nos. 71 and 86. Also being part of the land conveyed to City of Cleveland as recorded Volume 6492, Page 4 and Volume 6819, Page 58 of the Cuyahoga County Records, being more definitely described as follows:

Commencing at the intersection of the centerline of Castle Avenue S.W. (66 feet wide) and the centerline of West 11th Street (45 feet wide);

Thence, along the centerline of West 11th Street, South 09° 59' 48" East, 5.70 feet;

Thence, leaving said centerline, North 80° 00' 12" East, 22.50 feet to the easterly right of way of West 11th Street and the True Point of Beginning for the easement herein described;

Thence, along the easterly right of way of West 11th Street the following two courses;

North 09° 59' 48" West, 2.85 feet to an angle point therein;

Thence, North 01° 06' 55" West, 163.42 feet;

Thence, leaving said easterly right of way, North 49° 17' 18" East, 355.38 feet;

Thence, North 18° 42' 27" East, 166.28 feet;

Thence, North 58° 26' 35" West, 29.39 feet;

Thence, North 31° 33' 25" East, 10.00 feet;

Thence, South 58° 26' 35" East, 32.05 feet;

Thence, North 88° 41' 13" East, 215.76 feet;

Thence, North 28° 48' 26" East, 104.83 feet;

Thence, South 61° 11' 34" East, 10.00 feet;

Thence, South 28° 48' 26" West, 110.60 feet;

Thence, South 88° 41' 13" West, 219.65 feet;

Thence, South 18° 39' 10" West, 169.14 feet;

Thence, South 49° 17' 18" West, 362.44 feet;

Thence, South 01° 46' 01" East, 155.93 feet;

Thence, South 88° 14' 19" West, 4.62 feet to the point of beginning.

Containing within said bounds 0.2193 acre of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in September, 2018.

Bearings are based on the Ohio State Plane, North Zone, NAD83(2011) Grid North.

Section 2. That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that four temporary easement interests located near the project site are not needed for the City's public use and are further described as follows:

**Temporary Construction
Easement W3QW-T-01A
Across Parcel No. 008-29-004
0.0886 Acre**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Brooklyn Township Lot No. 71. Also being part of the land conveyed to City of Cleveland as recorded Volume 6492, Page 4 and Volume 6819, Page 58 of the Cuyahoga County Records, being more definitely described as follows:

Commencing at the intersection of the centerline of Castle Avenue S.W. (66 feet wide) and the centerline of West 11th Street (45 feet wide);

Thence, along the centerline of West 11th Street, South 09° 59' 48" East, 5.70 feet;

Thence, leaving said centerline, North 80° 00' 12" East, 22.50 feet to the easterly right of way of West 11th Street and the True Point of Beginning for the easement herein described;

Thence, leaving said easterly right of way, North 88° 14' 19" East, 4.62 feet;

Thence, North 01° 46' 01" West, 155.93 feet;

Thence, North 49° 17' 18" East, 28.18 feet;

Thence, South 01° 06' 52" East, 45.63 feet;

Thence, South 88° 53' 01" West, 16.28 feet;

Thence, South 01° 39' 56" East, 67.26 feet;

Thence, South 47° 43' 55" East, 53.90 feet;

Thence, South 00° 07' 59" West, 34.55 feet;

Thence, South 68° 30' 46" West, 19.62 feet;

Thence, South 80° 30' 33" West, 25.92 feet to the easterly right of way of West 11th Street;

Thence, along said easterly right of way, North 09° 59' 48" West, 21.38 feet to the point of beginning.

Containing within said bounds 0.0886 acre of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in September, 2018.

Bearings are based on the Ohio State Plane, North Zone, NAD83(2011) Grid North.

Temporary Construction Easement W3QW-T-01B Across Parcel No. 008-29-004 0.0067 Acre

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Brooklyn Township Lot No. 71. Also being part of the land conveyed to City of Cleveland as recorded in Volume 6492, Page 4 and Volume 6819, Page 58 of the Cuyahoga County Records, being more definitely described as follows;

Commencing at the intersection of the centerline of Castle Avenue S.W. (66 feet wide) and the centerline of West 11th Street (45 feet wide);

Thence, along the centerline of West 11th Street, South 09° 59' 48" East, 5.70 feet;

Thence, leaving said centerline, North 80° 00' 12" East, 22.50 feet to the easterly right of way of West 11th Street;

Thence, along the easterly right of way of West 11th Street the following two courses; North 09° 59' 48" West, 2.85 feet to an angle point therein;

Thence, North 01° 06' 55" West, 163.42 feet to the True Point of Beginning for the easement herein described;

Thence, continuing along said easterly right of way, North 01° 06' 55" West, 22.07 feet;

Thence, leaving said easterly right of way, North 88° 53' 01" East, 25.00 feet; South 01° 06' 40" East, 1.39 feet;

Thence, South 49° 17' 18" West, 32.44 feet to the point of beginning. Containing within said bounds 0.0067 acre of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in September, 2018.

Bearings are based on the Ohio State Plane, North Zone, NAD83(2011) Grid North.

Temporary Construction Easement W3QW-T-02 Across Parcel No. 008-29-004 0.6500 Acre

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Brooklyn Township Lot No. 86. Also being part of the land conveyed to City of Cleveland as recorded in Volume 6492, Page 4 and Volume 6819, Page 58 of the Cuyahoga County Records, being more definitely described as follows;

Commencing at the intersection of the centerline of Castle Avenue S.W. (66 feet wide) and the centerline of West 11th Street (45 feet wide);

Thence, along the centerline of West 11th Street, South 09° 59' 48" East, 5.70 feet;

Thence, leaving said centerline, North 80° 00' 12" East, 22.50 feet to the easterly right of way of West 11th Street;

Thence, along the easterly right of way of West 11th Street the following two courses; North 09° 59' 48" West, 2.85 feet to an angle point therein;

Thence, North 01° 06' 55" West, 163.42 feet;

Thence, leaving said easterly right of way, North 49° 17' 18" East, 347.49 feet to the True Point of Beginning for the easement herein described;

Thence, North 40° 42' 42" West, 0.96 feet;

Thence, North 18° 39' 10" East, 152.41 feet;

Thence, North 34° 37' 27" West, 23.03 feet;

Thence, North 15° 06' 08" West, 33.14 feet;

Thence, North 74° 53' 52" East, 70.00 feet;

Thence, South 15° 06' 08" East, 40.00 feet;

Thence, North 88° 42' 30" East, 175.16 feet;

Thence, North 28° 48' 26" East, 80.85 feet;

Thence, North 00° 00' 00" East, 52.56 feet;

Thence, North 90° 00' 00" East, 90.00 feet;

Thence, South 00° 00' 00" East, 60.00 feet;

Thence, North 90° 00' 00" West, 59.85 feet;

Thence, South 28° 48' 26" West, 106.14 feet;

Thence, South 88° 42' 30" West, 217.75 feet;

Thence, South 18° 39' 10" West, 74.49 feet;

Thence, South 35° 16' 13" East, 50.02 feet;

Thence, South 02° 22' 58" East, 3.51 feet;

Thence, North 88° 50' 26" East, 513.68 feet;

Thence, South 01° 48' 46" East, 14.00 feet;

Thence, South 88° 50' 26" West, 514.01 feet;

Thence, South 00° 00' 57" West, 37.35 feet;

Thence, South 89° 04' 12" West, 65.99 feet;

Thence, North 40° 42' 42" West, 19.31 feet;

Thence, North 49° 17' 18" East, 10.93 feet;

Thence, North 18° 39' 10" East, 169.14 feet;

Thence, North 88° 41' 13" East, 219.65 feet;

Thence, North 28° 48' 26" East, 110.60 feet;

Thence, North 61° 11' 34" West, 10.00 feet;

Thence, South 28° 48' 26" West, 104.83 feet;

Thence, South 88° 41' 13" West, 215.76 feet;

Thence, North 58° 26' 35" West, 32.05 feet;

Thence, South 31° 33' 25" West, 10.00 feet;

Thence, South 58° 26' 35" East, 29.39 feet;

Thence, South 18° 42' 27" West, 166.28 feet;

Thence, South 49° 17' 18" West, 7.89 feet to the point of beginning.

Containing within said bounds 0.6500 acre of land as surveyed by

KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in September, 2018.

Bearings are based on the Ohio State Plane, North Zone, NAD83(2011) Grid North.

Temporary Construction Easement W3QW-T-03 Across Parcel No. 008-29-004 0.1722 Acre

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Brooklyn Township Lot No. 86. Also being part of the land conveyed to City of Cleveland as recorded in Volume 6492, Page 4 and Volume 6819, Page 58 of the Cuyahoga County Records, being more definitely described as follows;

Commencing at the intersection of the centerline of Castle Avenue S.W. (66 feet wide) and the centerline of West 11th Street (45 feet wide);

Thence, along the centerline of West 11th Street, South 09° 59' 48" East, 5.70 feet;

Thence, leaving said centerline, North 80° 00' 12" East, 22.50 feet to the easterly right of way of West 11th Street;

Thence, North 88° 14' 19" East, 4.62 feet;

Thence, North 01° 46' 01" West, 155.93 feet;

Thence, North 49° 17' 18" East, 351.50 feet;

Thence, South 40° 42' 42" East, 19.31 feet;

Thence, North 89° 04' 12" East, 65.99 feet;

Thence, North 00° 00' 57" East, 37.35 feet;

Thence, North 88° 50' 26" East, 514.01 feet to the True Point of Beginning for the easement herein described;

Thence, North 01° 48' 46" West, 150.00 feet;

Thence, North 88° 11' 14" East, 50.00 feet;

Thence, South 01° 48' 46" East, 150.00 feet;

Thence, South 88° 11' 14" West, 50.00 feet to the point of beginning.

Containing within said bounds 0.1722 acre of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in September, 2018.

Bearings are based on the Ohio State Plane, North Zone, NAD83(2011) Grid North.

Section 3. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the above-described non-exclusive permanent easement interest and the four exclusive temporary easement interests to NEORS at a price to be determined to be fair market value by the Board of Control.

Section 4. That the purpose of the permanent easement shall be to access the project site for construction and the performance of future maintenance needed for the West 3rd Quigley / Westerly (W3QW) Miscellaneous CSO Control Project.

Section 5. That the purpose of the temporary easements shall be for access to the construction site and construction staging.

Section 6. That the duration of the permanent easement shall be perpetual; that the duration of the temporary easements shall be until the

West 3rd Quigley / Westerly (W3QW) Miscellaneous CSO Control Project is completed; that the permanent easement and temporary easements shall include reasonable right of entry rights to the City; that the easement and temporary easements shall not be assignable without the consent of the Director of Public Works; that the permanent easement and temporary easements shall require that NEORS or its contractor provide reasonable insurance, and pay any applicable taxes and assessments.

Section 7. That the conveyances referred to above shall be made by official deed of easement and official deeds of temporary easement prepared by the Director of Law and executed by the Director of Public Works on behalf of the City of Cleveland. The deed of easement and the deeds of temporary easement shall contain any additional terms and conditions as are required to protect the interest of the City. The Directors of Public Works and Law are authorized to execute any other documents, including without limitation, contracts for right of entry, as may be necessary to effect this ordinance.

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

Passed April 29, 2019.
Effective May 1, 2019.

Ord. No. 375-2019.
By Council Members Cleveland, Brancatelli and Kelley (by departmental request).

An emergency ordinance terminating Contract No. CT 3002 LS 2015*013 with Cumberland TCC1 LLC for the development of Site C located between the Rock and Roll Hall of Fame and the Great Lakes Science Center; to enter into an agreement with the Rock and Roll Hall of Fame to develop Site C; and to authorize any other agreements that are necessary.

Whereas, under Ordinance No. 561-14, passed June 2, 2014, as amended by Ordinance No. 1507-14, passed December 8, 2014 and Ordinance No. 670-18, passed May 14, 2018, this Council authorized the Director of Port Control to enter into a 50-year Agreement of Lease For Phase I-Site Contract No. CT 3002 LS 2015*013 effective as of July 20, 2015 ("Lease") with Cumberland TCC1 LLC (a wholly owned subsidiary of Cumberland TCC, LLC) ("Cumberland") to commence development on an approximately 1.0 acre parcel of property between The Rock and Roll Hall of Fame Museum Inc. ("Rock Hall") and Great Lakes Science Center parcels ("Site C") by June 14, 2019; and

Whereas, the Rock Hall is contemplating an expansion of the their existing Museum facility containing space for exhibition, education, performance, office, library and archives, retail, food and beverage service facilities, and such other

components consistent with a world-class visitor attraction and the Rock Hall's mission to engage, teach and inspire through the power of rock and roll, with designated exterior public areas, boardwalk and plaza, to the extent included in the final plans ("Development Plan"); and

Whereas, due to unique development opportunities involving the expansion of the Rock Hall, Cumberland seeks approval to transfer its development rights to the Rock Hall through a separate agreement between those parties; and

Whereas, under Section 4A of Ordinance No. 561-14 and Section 8.1 of the Lease, Cumberland agrees not to assign or transfer its rights in any portion of Site C to another entity in which Cumberland does not have management and operating control prior to Completion of the Improvements without prior written consent from City, as authorized by legislation enacted by Cleveland City Council; and

Whereas, in order to facilitate this transfer, the City needs to terminate the lease authorized under Contract No. CT 3002 LS 2015*013 with Cumberland and to enter into a new lease with the Rock Hall for development of Site C; and

Whereas, this Council approves the lease termination with Cumberland and the new lease with the Rock Hall; and

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

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

Section 1. That the Director of Port Control is authorized to terminate the Lease on Site C authorized under Contract No. CT 3002 LS 2015*013 with Cumberland prior to commencement of improvements.

Section 2. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that Site C is no longer needed for the City's public use.

Section 3. 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 Port Control is authorized to enter into a lease with the Rock Hall for the development of Site C ("Lease") and is more fully described in the legal description contained in File No. 375-2019-A.

Section 4. That the term of the Rock Hall's Lease shall be until May 11, 2042, which runs coterminous with the existing Rock Hall's lease with the City, with one option to renew for an additional 49 years, exercisable by the Rock Hall.

Section 5. That to uphold the Lease, the Rock Hall would be required to commence construction of the Development Plan by December 31, 2021 (unless extended no more than two years by meeting certain fundraising benchmarks approved by the Director of Port Control) and complete construction within 36 months of receipt of first permit.

Section 6. That, as consideration in lieu of an annual base rent, the Rock Hall will be responsible, for

the costs of all infrastructure installation as they deem necessary for implementation of the Development Plan. Infrastructure improvements may include, without limitation, those for communication, electric, sewage and water service to Site C. The Rock Hall agrees that its minimum investment in infrastructure improvements for implementation of the Development Plan shall be in an amount no less than \$1,950,000 (determined as the fair market value by calculating the present value lump sum upfront payment of the 2019 appraised rental stream for the Leased Premises). In the unlikely event the actual cost of infrastructure improvements that the Rock Hall deems necessary or desirable for implementation of the Development Plan do not exceed such minimum investment amount, the Rock Hall agrees to deposit the difference into a capital improvements fund for the North Coast Harbor Common Area Maintenance.

Section 7. That the Rock Hall Lease may authorize the Rock Hall to make improvements to Site C at its cost subject to the approval of appropriate City agencies and officials.

Section 8. That the Rock Hall agrees not to assign, convey, sell, pledge or transfer its rights in any portion of Site C, or any right or privilege created in the Lease, to another entity in which Rock Hall does not have management and operating control prior to C Completion of the Improvements on Site C, and upon any attempt to do so (without prior written consent from the City), the Lease will immediately terminate.

Section 9. That the Rock Hall Lease shall be prepared by the Director of Law and approved by the Director of Port Control.

Section 10. That the Director of Port Control, the Director of Law, and other appropriate City officials are authorized to enter into any agreement necessary to implement this ordinance, or to execute any agreement, documents, instruments, or certificates, that are necessary.

Section 11. 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 29, 2019.
Effective May 1, 2019.

Ord. No. 508-2019.
By Council Member Kelley (by departmental request).

An emergency ordinance authorizing the issuance and sale of bonds in the maximum principal amount of \$12,000,000 for the purpose of providing funds to improve municipal parks and recreation facilities and authorizing related matters.

Whereas, this Council desires to issue bonds in an aggregate principal amount not to exceed \$12,000,000 (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. 508-2019-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 \$12,000,000 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, golf courses, 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, 2019 (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, 2021, (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 unmaturing 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 2019" 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:

(1) 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 \$12,000,000 (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").

(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 29, 2019.

Effective May 1, 2019.

Ord. No. 509-2019.

By Council Member Kelley (by departmental request).

An emergency ordinance authorizing the issuance and sale of bonds in the maximum principal amount of \$18,000,000 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 \$18,000,000 (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 18 years, as evidenced by the certificate contained in File No. 509-2019-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 \$18,000,000 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 and stables, service stations, centers and facilities, waste collection, the West Side Market, Music Hall, transfer and disposal facilities, parking facilities and other facilities, to provide for certain architectural, engineering and other professional services 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, sprinkler systems, 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, 2019 (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, 2021, (iii) the final maturity date of the Bonds shall be no later than 18 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 2019" 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 \$18,000,000 (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").

(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 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 29, 2019.

Effective May 1, 2019.

Ord. No. 510-2019.
By Council Member Kelley (by departmental request).

An emergency ordinance authorizing the issuance and sale of bonds in the maximum principal amount of \$23,000,000 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 \$23,000,000 (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 19 years, as evidenced by the certificate contained in File No. 510-2019-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 \$23,000,000 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, 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, installing water lines, constructing, reconstructing, replacing, renovating and improving bridges, acquiring any real estate and interests in real estate, including easements, necessary for such purpose, and installing lighting and signs, signals, markings and other devices for traffic control purposes, together with all necessary and incidental appurtenances, and to pay any capitalized interest and all expenses incurred in connection with the issuance of the securities, including all financing costs within the meaning of Section 133.01(K) of the 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, 2019 (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 (1) 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, 2021, (iii) the final maturity date of the Bonds shall be no later than 19 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 unmaturing 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 2019" 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 \$23,000,000 (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").

(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 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) 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 29, 2019.
Effective May 1, 2019.

Ord. No. 520-2019.
By Council Member Kelley.
An emergency ordinance authorizing the Clerk of Council to enter into a Trademark License Agreement with the U.S. Census Bureau, U.S. Department of Commerce.

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 Clerk of Council is authorized to enter into a Trademark License Agreement with the United States Census Bureau, United States Department of Commerce, to use the 2020 Census logo

on 2020 Census promotional materials for Cleveland City Council for a period of two years.

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

Passed April 29, 2019.
Effective May 1, 2019.

Ord. No. 548-2019.
By Council Member McCormack.
An emergency ordinance consenting and approving the issuance of a permit for the Diversity Center of Northeast Ohio event on May 4, 2019, managed by Hermes Sports & Events.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Diversity Center of Northeast Ohio event on May 4, 2019, start: in front of the Rock & Roll Hall of Fame; Head west on Al Lerner Way; Turn Left on West 3rd Street; Turn Left on Lakeside Avenue; Turn Right on East 13th Street; Turn Right on W. St. Clair Avenue; Turn Right on West 9th Street; Turn Right on Lakeside Avenue; Turn Left on West 3rd Street; turn Right on Al Lerner Way; Finish in front of the Rock & Roll Hall of Fame; provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed April 29, 2019.
Effective May 1, 2019.

Ord. No. 549-2019.
By Council Members Kelley, Bishop, J. Jones, McCormack, Johnson, Cleveland, Griffin, B. Jones, Polensek, Conwell, Hairston, Brady, Brancatelli, Santana, Zone, Kazy, Keane and Mayor Jackson.
An emergency ordinance to add the name "Michael Stanley Way" as a secondary and honorary name to Huron Road between Euclid Avenue and East 9th Street.

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 Codified Ordinances of Cleveland, Ohio, 1976, the name "Michael Stanley Way" shall be added as a secondary and honorary name to Huron Road between Euclid Avenue and East 9th Street.

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

Passed April 29, 2019.
Effective May 1, 2019.

Ord. No. 550-2019.

By Council Members McCormack and Zone.

An emergency ordinance consenting and approving the issuance of a permit for the Rite Aid 2019 Cleveland Marathon, Half Marathon, and 10K Course, on May 19, 2019.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Rite Aid 2019 Cleveland Marathon, Marathon Course start: start on Ontario Street just south of Huron Road; turn right (east) on South Roadway becomes Euclid Avenue; turn left (north) on East 17th Street; turn left (west) on St. Clair Avenue; turn right (north) on East 9th Street; turn left (west) on Al Lerner Way; turn left (south) on West 3rd Street; turn right (west) on Lakeside Avenue becomes Main Avenue; turn left (south) on Old River Road; turn right (south) on Robert Lockwood Drive; turn right (southwest) on Columbus Road; turn left (south) on Columbus Road; turn left (east) on Carter Road; turn left (north) on Carter Road; turn right (east) on Canal Road; turn left (south) on West 3rd Street; turn right (west) on Jefferson Avenue; turn right (north) on West 5th Street; turn left (west) on Literary Road; turn left (south) on West 7th Street; turn right (west) on Jefferson Avenue; turn right (west) on Starkweather Avenue; turn right (north) on West 14th Street; turn right (east) on Kenilworth Avenue; turn diagonal (east) on Literary Road; turn left (north) on West 10th Street; turn left (west) on University Road; turn left (south) on West 11th Street turn right (west) on Abbey Avenue; turn right (north) on Gehring Street; turn left (west) on Lorain Avenue; turn right (north) on West 25th Street; left (west) on Franklin Boulevard; turn right (north) on West 74th Street; turn left (west) on Detroit Avenue; turn right (north) on West

Boulevard; turn left (west) on Clifton Boulevard; turn right (north) on West 115th Street; turn left (west) on Lake Avenue; turn right (north) on Webb; turn left (west) on Lake Road; turn right (west) on Clifton Boulevard; make 180 degree turn just east of Kensington; turn left (north) on Lake Avenue; turn right (south) on Webb; turn left (east) on Lake Avenue; turn left (north) on West 117th Street; turn right (east) on Edgewater Drive; turn left (north) on Cliff Drive (continue straight on West Boulevard); turn left (east) on Shoreway entrance ramp; turn right (south) on West 73rd Street; turn left (east) on Detroit Avenue; finish on Detroit/Superior before West 3rd Street; Half Marathon Course start: turn right (north) on West 65th Street; turn left (west) on West Clinton Avenue; make a 180 degree turn on West Clinton; turn left (north) on West 65th Street; turn right (east) on Detroit Avenue (back on Marathon Course; 10K Course start: start on Ontario Street just south of Huron Road; turn right (east) on South Roadway becomes Euclid Avenue; turn left (north) on East 17th Street; turn left (west) on St. Clair Avenue; turn right (north) on East 9th Street; turn left (west) on Al Lerner Way; turn left (south) on West 3rd Street; turn right (west) on Lakeside Avenue becomes Main Street; turn left (south) on Old River Road; turn right (south) on Robert Lockwood Drive; turn right (southwest) on Columbus Road; turn left (south) on Columbus Road; turn right (west) on Abbey Avenue; turn right (north) on Gehring Street; turn left (southwest) on Lorain/Carnegie Avenue; turn right (north) on West 25th Street; turn left (west) on Franklin Boulevard; turn right (north) on West 29th Street; turn right (east) on Detroit Avenue; finish on Detroit/Superior before West 3rd Street; provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed April 29, 2019.
Effective May 1, 2019.

Ord. No. 557-2019.
By Council Members Cleveland and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide technical support and maintenance of core information technology activities and other related services and to acquire

software; and authorizing the purchase by one or more requirement contracts of the purchase, lease, or license of core networking hardware, software, server infrastructure, and wireless networking hardware to replace end of life devices, for the Department of Port Control, for a period of one year, with three one-year options to renew, the second of which requires additional legislative authority.

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

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

Section 1. That the Director of Port Control is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to provide technical support and maintenance of core information technology activities and other related services, for a period of one year, with three one-year options to renew, the second of which requires additional legislative authority. The first of the one-year options to renew may be exercised by the Director of Port Control, without the necessity of obtaining additional authority of this Council. The second of the one-year options to renew may not be exercised without additional legislative authority. If such additional legislative authority is granted and the second of the one-year options to renew is exercised, then the third of the one-year options to renew may be exercised at the option of the Director of Port Control, without the necessity of obtaining additional authority of this Council.

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

Section 2. That the Director of Port Control is authorized to employ by contract or contracts one or more computer software developers or vendors or one or more firms of computer software developers or vendors for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to acquire one or more licenses for software applications, including implementation, training, and technical support related to the software, for a period of one year, with three one-year options to renew, the second of which requires additional legislative authority. The first of the one-year options to renew may be exercised by the Director of Port Control,

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

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

Section 3. That the Director of Port Control is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period of one year, with three one-year options to renew, the second of which requires additional legislative authority, of the necessary items of the purchase, lease, or license of core networking hardware and/or software not acquired under a professional service contract authorized in this ordinance, server infrastructure, and wireless networking hardware to replace end of life devices, in the approximate amount as purchased or procured during the preceding term, to be purchased or procured by the Commissioner of Purchases and Supplies on a unit basis for the Department of Port Control. The first of the one-year options to renew may be exercised by the Director of Port Control, without the necessity of obtaining additional authority of this Council. The second of the one-year options to renew may not be exercised without additional legislative authority. If such additional legislative authority is granted and the second of the one-year options to renew is exercised, then the third of the one-year options to renew may be exercised at the option of the Director of Port Control, without the necessity of obtaining additional authority of this Council. 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 4. That under Section 108(b) of the Charter, the purchases or procurements authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Port Control may sign all documents that are necessary to

make the purchases or procurements, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 5. That the Director of Port Control is authorized to enter into any third-party software licenses agreements necessary to effectuate the purposes of this ordinance.

Section 6. That the costs of the requirement contract or contracts shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 115, 60 SF 116, 60 SF 126, 60 SF 128, 60 SF 130, 60 SF 141, 60 SF 160, 60 SF 167, 60 SF 168, and shall also be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase or procurement under the contract, each of which purchases or procurements shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance. (RQN 3001, RL 2019-8)

Section 7. That the cost of the professional service contract or contracts and other expenditures shall be paid from Fund No. 60 SF 001. (RQS 3001, RL 2019-39)

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

Passed April 29, 2019.
Effective May 1, 2019.

Ord. No. 563-2019.
By Council Members Bishop, Johnson and Griffin.

An emergency ordinance authorizing the Director of the Department of Community Development to enter into agreement with the Beauty and Barber Empowerment Center for the Beauty and Empowerment Center Program through the use of Wards 2, 4, and 6 Casino Revenue Funds.

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

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

Section 1. That the Director of the Department of Community Development is hereby authorized to enter into agreement effective February 1, 2019 with the Beauty and Barber Empowerment Center for the Beauty and Empowerment Center Program for the public purpose of providing a cosmetology training program for city of Cleveland residents through the use of Wards 2, 4, and 6 Casino Revenue Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$45,000 and shall be paid from Fund No. 10 SF 188.

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

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

Passed April 29, 2019.
Effective May 1, 2019.

Ord. No. 564-2019.
By Council Member Brady.
An emergency ordinance authorizing the Director of the Department of Community Development to enter into agreement with Westown Community Development Corporation for the Westown CDC Code Enforcement Program through the use of Ward 11 Casino Revenue Funds.

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

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

Section 1. That the Director of the Department of Community Development is hereby authorized to enter into agreement effective July 1, 2019 with Westown Community Development Corporation for the Westown CDC Code Enforcement Program for the public purpose of eliminating slum and blight in City of Cleveland neighborhoods through the use of Ward 11 Casino Revenue Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$70,260 and shall be paid from Fund No. 10 SF 188.

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

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

Passed April 29, 2019.
Effective May 1, 2019.

Ord. No. 565-2019.
By Council Member Brady.
An emergency ordinance authorizing the Director of the Department of Community Development to enter into an agreement with the Westown Community Development Corporation for the Holiday Food Gift Card Program through the use of Ward 11 Casino Revenue Funds.

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

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

Section 1. That the Director of the Department of Community Development is hereby authorized to enter

into an agreement effective November 1, 2019 with the Westown Community Development Corporation for the Holiday Food Gift Card Program for the public purpose of providing food cards for low to moderate income residents residing in the city of Cleveland through the use of Ward 11 Casino Revenue Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$2,500 and shall be paid from Fund No. 10 SF 188.

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

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

Passed April 29, 2019.
Effective May 1, 2019.

**Ord. No. 568-2019.
By Council Members Cleveland and Kelley (by departmental request).**

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to make one or more purchase orders with Black Box Network Services and IntelliNet Corporation for professional services necessary to restore flight and baggage information displays at Cleveland Hopkins International Airport, restore e-mail services, install new threat protection software, and perform related services necessary to assess, restore, and secure the network.

Whereas, on April 21, 2019, the Department of Port Control encountered a malware infection causing disruption to its applications, including the flight and baggage information displays, and to its departmental e-mails; and

Whereas, due to the urgency of the situation and to ensure the safety, health, and welfare of the citizens of the City of Cleveland and

the traveling public, it is necessary for the City to respond quickly; and

Whereas, it is necessary to provide emergency assessment, inspection, and testing of the IT network for the Department of Port Control to determine if other purchases are necessary for the network to resume normal and secure operation; and

Whereas, based on considerations of cost, quality, safety, security and delivery date, the City should issue purchase orders to Black Box Network Services ("Black Box") and IntelliNet Corporation ("IntelliNet") to immediately restore flight and baggage information displays, restore e-mails, install new threat protection services, and other related services necessary to restore and secure the network; and

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

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

Section 1. That this Council determines the urgency of the malware infection at the Department of Port Control requires immediate action. Therefore, the Commissioner of Purchases and Supplies is authorized to make one or more purchase orders with Black Box, based on its proposal dated April 24, 2019, in the estimated amount of \$669,876.85, for professional services necessary to restore flight and baggage information displays at Cleveland Hopkins International Airport, restore e-mail services through the Department of Port Control, install new threat protection services, and perform related services necessary to assess, restore, and secure the Department of Port Control's IT network, including Black Box providing any related hardware or software need to restore and secure the network.

Section 2. That this Council determines the urgency of the malware infection at the Department of Port Control requires immediate action. Therefore, the Commissioner of Purchases and Supplies is authorized to make one or more purchase orders with IntelliNet, based on its estimate dated April 24, 2019, in the estimated amount of \$79,960.00, for professional services necessary to restore flight and baggage information displays at Cleveland Hopkins

International Airport, restore e-mail services through the Department of Port Control, install new threat protection services, and perform related services necessary to assess, restore, and secure the Department of Port Control's IT network, including IntelliNet providing any related hardware or software need to restore and secure the network.

Section 3. That the purchase orders shall be payable from Fund No. 60 SF 001, RQS 3001, RLA 2019-35.

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 29, 2019.
Effective May 1, 2019.

COUNCIL COMMITTEE MEETINGS

**Monday, May 6, 2019
9:30 a.m.**

Health and Human Services Committee: Present: Griffin, Chair; McCormack, Vice Chair; Conwell, B. Jones, Hairston, Santana, Zone.

2:00 p.m.

Finance Committee: Present: Kelley, Chair; Zone, Vice Chair; Brady, Brancatelli, Cleveland, Conwell, Griffin, Keane, McCormack.

**Tuesday, May 7, 2019
1:30 p.m.**

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

**Wednesday, May 8, 2019
10:00 a.m.**

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

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 Sections 1 and 2 of Ordinance No. 481-2019 passed April 15, 2019 as it pertains to authorizing the Director of the Department of Aging to enter into an agreement with Court Community Service for the Senior Lawn Care Program through the use of Ward 11 Casino Revenue Funds. (O 599-2019)713
Authorizing the Director of the Department of Aging to enter into an agreement with Mt. Pleasant NOW Development Corporation for the Senior Lawn Care and Snow Removal Program through the use of Ward 1 and 2 Casino Revenue Funds. (O 600-2019)713

Agreements

Amending the Title and Sections 1 and 2 of Ordinance No. 481-2019 passed April 15, 2019 as it pertains to authorizing the Director of the Department of Aging to enter into an agreement with Court Community Service for the Senior Lawn Care Program through the use of Ward 11 Casino Revenue Funds. (O 599-2019)713

Authorizing the Director of the Department of Aging to enter into an agreement with Mt. Pleasant NOW Development Corporation for the Senior Lawn Care and Snow Removal Program through the use of Ward 1 and 2 Casino Revenue Funds. (O 600-2019)713

Authorizing the Director of the Department of Community Development to enter into agreement with the Beauty and Barber Empowerment Center for the Beauty and Empowerment Center Program through the use of Wards 2, 4, and 6 Casino Revenue Funds. (O 563-2019)753

Terminating Contract No. CT 3002 LS 2015*013 with Cumberland TCC1 LLC for the development of Site C located between the Rock and Roll Hall of Fame and the Great Lakes Science Center; to enter into an agreement with the Rock and Roll Hall of Fame to develop Site C; and to authorize any other agreements that are necessary. (O 375-2019)730

Board of Building Standards and Building Appeals

Clybourne Avenue, 3917 (Ward 13) — Tomorrow Homes LLC, owner — appeal resolved on 5/1/19 (Doc. A-44-19) 722

Colonnadde Road, 1882 (Ward 10) — Angel Aikens, owner — appeal adopted on 5/1/19 (Doc. A-29-19) 722

East 101st Street, 2317 (Ward 6) — Yaris, LLC, owner — appeal adopted on 5/1/19 (Doc. A-33-19) 722

East 120th Street, 429 (Ward 10) — Craig Roberson Sr., owner — appeal resolved on 5/1/19 (Doc. A-35-19) 721

East 131st Street, 4096 (Ward 1) — Shadi Bishara, owner — appeal adopted on 5/1/19 (Doc. A-31-19) 722

East 134th Street, 3407 (Ward 4) — Emergent Properties LLC, owner — appeal adopted on 5/1/19 (Doc. A-28-19) 722

East 137th Street, 3260 (Ward 4) — Elizabeth Brown, owner — appeal adopted on 5/1/19 (Doc. A-25-19) 722

East 158th Street, 1201 (Ward 8) — Shaker Real Estate Properties LLC, owner - appeal resolved on 5/1/19 (Doc. A-41-19) 721

East 93rd Street, 2206 (Ward 6) — Iris J. Franklin, owner — appeal adopted on 5/1/19 (Doc. A-32-19) 722

Fenwick Road, 4403 (Ward 3) — Cleveland Bricks, LLC, owner — appeal resolved on 5/1/19 (Doc. A-43-19) 721

Madison Avenue, 6008-10 (Ward 15) — Miloslav Cajan, owner — appeal adopted on 5/1/19 (Doc. A-24-19) 722

Norman Avenue, 10523 (Ward 6) — Alfred Mathews, owner — appeal adopted on 5/1/19 (Doc. A-315-18) 722

Spring Road, 1611 (Ward 12) — Spiro & Panglotis Kefalos, owner — appeal adopted on 5/1/19 (Doc. A-34-19) 722

Triskett Road, 14209 (Ward 16) — Andre & Christine Dimatteo, owner — appeal resolved on 5/1/19 (Doc. A-75-19) 722

Union Avenue, 11721 (Ward 2) — Raymond Grant, owner — appeal adopted on 5/1/19 (Doc. A-39-19) 722

West 36th Street, 2173 (Ward 3) — Martin D. Fano, owner — appeal adopted on 5/1/19 (Doc. A-38-19) 722

West 48th Street, 1833-35 (Ward 3) — West 48th Suites, LLC, owner — appeal adopted on 5/1/19 (Doc. A-26-19) 722

West 48th Street, 1854 (Ward 3) — West 48th Suites, LLC, owner — appeal adopted on 5/1/19 (Doc. A-27-19) 722

West 69th Street, 1262 (Ward 15) — Deleva Gregory Kain Sr., owner — appeal resolved on 5/1/19 (Doc. A-20-19) 721

West 82nd Street, 3175 (Ward 3) — Desiree Reed, owner — appeal resolved on 5/1/19 (Doc. A-37-19) 721

Board of Control — Capital Projects Office

Kamm's Corner Parking Lot Site Improvements (2018) — approve subcontractor — Contract #PI2019*015 per C.O. Sec. 185.36 (BOC Res. 173-19) 717

Board of Control — Community Development Department

East 154th Street, 4392 (Ward 1) — PPN 142-13-012 — Sammie L. Hughley (BOC Res. 174-19)..... 717

East 59th Street, 3709 (Ward 12) — PPN 132-08-021 — Alonso Soto (BOC Res. 175-19)..... 718

East 61st Street, 3580 (Ward 12) — PPN 132-01-100 — Rebecca A. Scott (BOC Res. 177-19)..... 718

Grantham Road, 1875 (Ward 10) — PPN 117-16-095 — Sylvia D. Davis (BOC Res. 176-19) 718

Hosmer Avenue, 6103 (Ward 12) — PPN 132-12-076 — Craig Harris (BOC Res. 178-19)..... 718

Board of Control — Economic Development Department

Acquire property — PPNs 121-20-034/035 — Industrial Commercial Land Bank — per C.O. Sec. 183.021(b)(11) — Division of Purchases and Supplies (BOC Res. 179-19) 719

Board of Control — Finance Department

ACT/SAT preparation program — per Ord. 387-2019 to College Now Greater Cleveland, Inc. — Depts. of Law (BOC Res. 161-19) 715

ACT/SAT preparation program — per Ord. 387-2019 to HB Estrada, LLC — Dept. of Law (BOC Res. 163-19)	716
Cuyahoga Community College Aspire program — per Ord. 387-2019 to Cuyahoga Community College District — Dept. of Law (BOC Res. 160-19)	715
Getting Ahead and Getting Ahead While Getting Out program — per Ord. 387-2019 to OhioGuidestone — Depts. of Law (BOC Res. 164-19)	716
Grief and Toxic Stress Counseling for Youth, Therapeutic Tutoring, Chronic Disease Management, Smoking Cessation, Therapeutic Yoga, and Art Therapy program — per Ord. 387-2019 to Beech Brook — Dept. of Law (BOC Res. 162-19)	715
Mayor Frank G. Jackson's Youth Job and Career Readiness Internship and Summer Jobs program — per Ord. 387-2019 to Youth Opportunities Unlimited — Dept. of Law (BOC Res. 165-19)	716
Performing Arts program — per Ord. 387-2019 to Karamu House — Dept. of Law (BOC Res. 166-19)	716
Safe Smart CLE Citywide Video Surveillance — approve subcontractors — Contract per BOC Res. 65-19 (BOC Res. 167-19)	716

Board of Control — Land Acquisition

Acquire property — PPNs 121-20-034/035 — Industrial Commercial Land Bank — per C.O. Sec. 183.021(b) (11) — Division of Purchases and Supplies, Dept. of Economic Development (BOC Res. 179-19)	719
--	-----

Board of Control — Land Reutilization Program

East 154th Street, 4392 (Ward 1) — PPN 142-13-012 — Sammie L. Hughley (BOC Res. 174-19)	717
East 59th Street, 3709 (Ward 12) — PPN 132-08-021 — Alonso Soto (BOC Res. 175-19)	718
East 61st Street, 3580 (Ward 12) — PPN 132-01-100 — Rebecca A. Scott (BOC Res. 177-19)	718
Grantham Road, 1875 (Ward 10) — PPN 117-16-095 — Sylvia D. Davis (BOC Res. 176-19)	718
Hosmer Avenue, 6103 (Ward 12) — PPN 132-12-076 — Craig Harris (BOC Res. 178-19)	718

Board of Control — Land Reutilization Program (Ward 1)

East 154th Street, 4392 (Ward 1) — PPN 142-13-012 — Sammie L. Hughley (BOC Res. 174-19)	717
---	-----

Board of Control — Land Reutilization Program (Ward 10)

Grantham Road, 1875 (Ward 10) — PPN 117-16-095 — Sylvia D. Davis (BOC Res. 176-19)	718
--	-----

Board of Control — Land Reutilization Program (Ward 12)

East 59th Street, 3709 (Ward 12) — PPN 132-08-021 — Alonso Soto (BOC Res. 175-19)	718
East 61st Street, 3580 (Ward 12) — PPN 132-01-100 — Rebecca A. Scott (BOC Res. 177-19)	718
Hosmer Avenue, 6103 (Ward 12) — PPN 132-12-076 — Craig Harris (BOC Res. 178-19)	718

Board of Control — Law Department

ACT/SAT preparation program — per Ord. 387-2019 to College Now Greater Cleveland, Inc. — Depts. of Finance (BOC Res. 161-19)	715
ACT/SAT preparation program — per Ord. 387-2019 to HB Estrada, LLC — Dept. of Finance (BOC Res. 163-19)	716
Cuyahoga Community College Aspire program — per Ord. 387-2019 to Cuyahoga Community College District — Dept. of Finance (BOC Res. 160-19)	715
Getting Ahead and Getting Ahead While Getting Out program — per Ord. 387-2019 to OhioGuidestone — Depts. of Finance (BOC Res. 164-19)	716
Grief and Toxic Stress Counseling for Youth, Therapeutic Tutoring, Chronic Disease Management, Smoking Cessation, Therapeutic Yoga, and Art Therapy program — per Ord. 387-2019 to Beech Brook — Dept. of Finance (BOC Res. 162-19)	715
Mayor Frank G. Jackson's Youth Job and Career Readiness Internship and Summer Jobs program — per Ord. 387-2019 to Youth Opportunities Unlimited — Dept. of Finance (BOC Res. 165-19)	716
Performing Arts program — per Ord. 387-2019 to Karamu House — Dept. of Finance (BOC Res. 166-19)	716

Board of Control — Professional Service Contracts

ACT/SAT preparation program — per Ord. 387-2019 to College Now Greater Cleveland, Inc. — Depts. of Finance, Law (BOC Res. 161-19)	715
ACT/SAT preparation program — per Ord. 387-2019 to HB Estrada, LLC — Depts. of Finance, Law (BOC Res. 163-19)	716
Cuyahoga Community College Aspire program — per Ord. 387-2019 to Cuyahoga Community College District — Depts. of Finance, Law (BOC Res. 160-19)	715
Getting Ahead and Getting Ahead While Getting Out program — per Ord. 387-2019 to OhioGuidestone — Depts. of Finance, Law (BOC Res. 164-19)	716

Grief and Toxic Stress Counseling for Youth, Therapeutic Tutoring, Chronic Disease Management, Smoking Cessation, Therapeutic Yoga, and Art Therapy program — per Ord. 387-2019 to Beech Brook — Depts. of Finance, Law (BOC Res. 162-19)..... 715

Mayor Frank G. Jackson’s Youth Job and Career Readiness Internship and Summer Jobs program — per Ord. 387-2019 to Youth Opportunities Unlimited — Depts. of Finance, Law (BOC Res. 165-19) 716

Performing Arts program — per Ord. 387-2019 to Karamu House — Depts. of Finance, Law (BOC Res. 166-19) 716

Safe Smart CLE Citywide Video Surveillance — approve subcontractors — Contract per BOC Res. 65-19 — Dept. of Finance (BOC Res. 167-19) 716

Board of Control — Public Improvement Contracts

Crown Residuals Improvements — per Ord. 1406-15 to The Great Lakes Construction Co. — Division of Water, Dept. of Public Utilities (BOC Res. 168-19) 716

Kamm’s Corner Parking Lot Site Improvements (2018) — approve subcontractor — Contract #PI2019*015 per C.O. Sec. 185.36 — Office of Capital Projects (BOC Res. 173-19) 717

Board of Control — Public Utilities Department

Crown Residuals Improvements — per Ord. 1406-15 to The Great Lakes Construction Co. — Division of Water (BOC Res. 168-19) 716

Landscape maintenance — per Ord. 947-17 — all bids rejected (BOC Res. 172-19) 717

Landscape maintenance — per Ord. 947-17 to Asturi Landscape Group LLC — Division of Water (BOC Res. 170-19) 717

Landscape maintenance — per Ord. 947-17 to PMI Group Inc. — Division of Water (BOC Res. 171-19) 717

Landscape maintenance — per Ord. 947-17 to Robin’s Nest Property Management & Landscape Inc. — Division of Water Pollution Control (BOC Res. 169-19) 717

Board of Control — Purchases and Supplies Division

Acquire property — PPNs 121-20-034/035 — Industrial Commercial Land Bank — per C.O. Sec. 183.021(b)(11) — Dept. of Economic Development (BOC Res. 179-19) 719

Board of Control — Requirement Contracts

Landscape maintenance — per Ord. 947-17 — all bids rejected — Dept. of Public Utilities (BOC Res. 172-19) 717

Landscape maintenance — per Ord. 947-17 to Asturi Landscape Group LLC — Division of Water, Dept. of Public Utilities (BOC Res. 170-19)..... 717

Landscape maintenance — per Ord. 947-17 to PMI Group Inc. — Division of Water, Dept. of Public Utilities (BOC Res. 171-19) 717

Landscape maintenance — per Ord. 947-17 to Robin’s Nest Property Management & Landscape Inc. — Division of Water Pollution Control, Dept. of Public Utilities (BOC Res. 169-19) 717

Board of Control — Water Division

Crown Residuals Improvements — per Ord. 1406-15 to The Great Lakes Construction Co. — Dept. of Public Utilities (BOC Res. 168-19) 716

Landscape maintenance — per Ord. 947-17 to Asturi Landscape Group LLC — Dept. of Public Utilities (BOC Res. 170-19) 717

Landscape maintenance — per Ord. 947-17 to PMI Group Inc. — Dept. of Public Utilities (BOC Res. 171-19)..... 717

Board of Control — Water Pollution Control Division

Landscape maintenance — per Ord. 947-17 to Robin’s Nest Property Management & Landscape Inc. — Dept. of Public Utilities (BOC Res. 169-19) 717

Board of Zoning Appeals — Report

Denison Avenue, 6904 (Ward 14) — Suhail Iwais, owner — appeal postponed to 6/24/19 on 5/6/19 (Cal. 19-65)..... 721

East 49th Street, 3547 (Ward 12) — Number Three Grace LLC, owner — appeal heard on 5/6/19 (Cal. 18-239)..... 720

Ellen Avenue, 6007 (Ward 15) — Petru Stinea, owner — appeal postponed to 6/10/19 on 5/6/19 (Cal. 19-47) 721

Herschel Court, 603 (Ward 3) — Brian Davine, owner — appeal postponed to 6/17/19 on 5/6/19 (Cal. 19-62) 721

Rockland Avenue, 18420 (Ward 17) — Karima Boukhennou, owner — appeal granted and adopted on 5/6/19 (Cal. 19-54) 721

St. Clair Avenue, 4030 (Ward 10) — KRISRO Holdings LLC, owner — appeal granted and adopted on 5/6/19 (Cal. 19-59) 721

Tillman Avenue, 5610 (Ward 15) — Enrique & Cynthia Torres, owner — appeal granted and adopted on 5/6/19 (Cal. 19-66) 721

Wakefield Avenue, 6607 (Ward 15) — Elmhurst Homes, owner — appeal heard on 5/6/19
(Cal. 19-61)..... 720

Wakefield Avenue, 6609 (Ward 15) — Elmhurst Homes, owner — appeal heard on 5/6/19
(Cal. 19-60)..... 720

West 117th Street, 1585 (Ward 15) — Chris Tran, owner — appeal granted and adopted on
5/6/19 (Cal. 19-58)..... 721

West 52nd Street, 3919 (Ward 1) — Beatrice Price, owner — appeal heard on 5/6/19
(Cal. 19-40)..... 721

West 7th Street, 2445 (Ward 3) — Elias Karaboutis, owner — appeal withdrawn on 5/6/19
(Cal. 19-64)..... 721

Board of Zoning Appeals — Schedule

East 122nd Street, 1523 (Ward 9) — B.R. Knez, owner — appeal to be heard on 5/20/19
(Cal. 19-80)..... 719

East 123rd Street, 1510 (Ward 9) — B.R. Knez, owner — appeal to be heard on 5/20/19
(Cal. 19-81)..... 719

East 123rd Street, 1514 (Ward 9) — B.R. Knez, owner — appeal to be heard on 5/20/19
(Cal. 19-82)..... 719

East 123rd Street, 1518 (Ward 9) — B.R. Knez, owner — appeal to be heard on 5/20/19
(Cal. 19-83)..... 720

Erieside Avenue, 601 (Ward 3) — City of Cleveland, owner, and Great Lakes Science
Center, lessee — appeal to be heard on 5/20/19 (Cal. 19-86)..... 720

Meech Avenue, 10409 (Ward 2) — Number Tow Grace LLC, owner — appeal to be heard on
5/20/19 (Cal. 19-69)..... 719

Meech Avenue, 10409 (Ward 2) — Number Two Grace LLC, owner — appeal to be heard on
5/20/19 (Cal. 19-68)..... 719

Starkweather Avenue, 1017 (Ward 3) — Sutton 5th Street LLC, owner — appeal to be heard
on 5/20/19 (Cal. 19-88)..... 720

Starkweather Avenue, 1019 (Ward 3) — Sutton 5th Street LLC, owner — appeal to be heard
on 5/20/19 (Cal. 19-89)..... 720

Starkweather Avenue, 1021 (Ward 3) — Sutton 5th Street LLC, owner — appeal to be heard
on 5/20/19 (Cal. 19-90)..... 720

Starkweather Avenue, 1023 (Ward 3) — Sutton 5th Street LLC, owner — appeal to be heard
on 5/20/19 (Cal. 19-91)..... 720

Bonds

Authorizing the issuance and sale of bonds in the maximum principal amount of \$12,000,000 for
the purpose of providing funds to improve municipal parks and recreation facilities and
authorizing related matters. (O 508-2019) **.730**

Authorizing the issuance and sale of bonds in the maximum principal amount of \$18,000,000 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. (O 509-2019) **.737**

Authorizing the issuance and sale of bonds in the maximum principal amount of \$23,000,000 for
the purpose of providing funds to improve the municipal street system and related
facilities and authorizing related matters. (O 510-2019) **.744**

Bridges

Authorizing the Director of Public Works to execute two deeds of easement granting to the
Ohio Department of Transportation certain temporary easement rights in property needed
for its Detroit Superior Bridge Rehabilitation Project; and declaring the easement rights
not needed for the City’s public use. (O 295-2019) **.725**

Capital Projects

Authorizing the Director of Capital Projects to issue one or more permits to Cellco Partnership
d/b/a Verizon Wireless to encroach into the public right of way at various locations in the
City of Cleveland by installing, using, and maintaining small cell technology equipment,
fiber optic cable to be attached to Cleveland Public Power, CEI or Traffic utility poles
(by separate permission of pole owner) and duct banks and vaults. (O 326-2019) **.726**

Consenting and approving the issuance of a permit for the Diversity Center of Northeast Ohio
event on May 4, 2019, managed by Hermes Sports & Events. (O 548-2019) **.751**

Consenting and approving the issuance of a permit for the Rite Aid 2019 Cleveland Marathon,
Half Marathon, and 10K Course, on May 19, 2019. (O 550-2019) **.752**

Declaring the intent to vacate a portion of Spruce Avenue. (R 169-2019) **.724**

Designating Brookside Boulevard between Highlandview Avenue and the eastern edge of the
dead-end street with a secondary and honorary designation of “St. Paul AME Way”.
(O 598-2019) 713

To add the name “Michael Stanley Way” as a secondary and honorary name to Huron Road
between Euclid Avenue and East 9th Street. (O 549-2019) **.751**

Casino Revenue Funds

Amending the Title and Sections 1 and 2 of Ordinance No. 481-2019 passed April 15, 2019 as it pertains to authorizing the Director of the Department of Aging to enter into an agreement with Court Community Service for the Senior Lawn Care Program through the use of Ward 11 Casino Revenue Funds. (O 599-2019)713

Authorizing the Director of the Department of Aging to enter into an agreement with Mt. Pleasant NOW Development Corporation for the Senior Lawn Care and Snow Removal Program through the use of Ward 1 and 2 Casino Revenue Funds. (O 600-2019)713

Authorizing the Director of the Department of Community Development to enter into agreement with the Beauty and Barber Empowerment Center for the Beauty and Empowerment Center Program through the use of Wards 2, 4, and 6 Casino Revenue Funds. (O 563-2019)753

Census

Authorizing the Clerk of Council to enter into a Trademark License Agreement with the U.S. Census Bureau, U.S. Department of Commerce. (O 520-2019)751

City of Cleveland Bids

City Wards Concrete (2019) — Office of Capital Projects — Division of Engineering and Construction — per Ord. 140-19 — bid due May 31, 2019 (advertised 5/8/2019 and 5/15/2019)..... 723

Fulton Rd./W. 28th St. Rehabilitation Phase 2 (Lorain Ave. to Detroit Ave.) — Office of Capital Projects — Division of Engineering and Construction — per Ord. 1104-18 — bid due May 30, 2019 (advertised 5/8/2019 and 5/15/2019) 723

Nottingham Water Treatment Plant Sedimentation Basin Improvements — Department of Public Utilities — Division of Water — per Ord. 1406-15 — bid due June 14, 2019 (advertised 5/8/2019 and 5/15/2019)..... 724

Sewer Rehabilitating and Relining — Department of Public Utilities — Division of Water Pollution Control — per Ord. 203-19 — bid due May 31, 2019 (advertised 5/8/2019 and 5/15/2019)..... 723

Vega Avenue Retaining Wall Project — Office of Capital Projects — Division of Engineering and Construction — per Ord. 1374-18 — bid due May 22, 2019 (advertised 5/1/2019 and 5/8/2019) 723

City Planning Commission

Declaring the intent to vacate a portion of Spruce Avenue. (R 169-2019)724

Designating Brookside Boulevard between Highlandview Avenue and the eastern edge of the dead-end street with a secondary and honorary designation of “St. Paul AME Way”. (O 598-2019)713

Designating East Glenville Methodist Episcopal Church as a Cleveland Landmark. (O 378-2019)722

Establishing a zero foot Mapped Building Setback from the property line along the southern side of Carter Road between Riverbed Street and the eastern property line of Permanent Parcel No. 004-26-040 (Map Change 2600). (O 514-2019)722

To add the name “Michael Stanley Way” as a secondary and honorary name to Huron Road between Euclid Avenue and East 9th Street. (O 549-2019)751

To amend Sections 325.03, 337.23, 343.23, 357.09, and 357.13 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances, relating to side yard setbacks, parking spaces sizes, residential garage placement and size, and conditional uses in the Pedestrian Retail Overlay; and to supplement the codified ordinances by enacting new Section 325.431 relating to the definition of Lot Interior. (O 887-18)722

Clerk of Council

Authorizing the Clerk of Council to enter into a Trademark License Agreement with the U.S. Census Bureau, U.S. Department of Commerce. (O 520-2019)751

Cleveland Foundation

Authorizing the Director of Community Development to apply for and accept a grant from the Cleveland Foundation and other grants from any public and private entity to conduct a research study on the City’s real property tax policies and tax abatement programs and to assess the results; and authorizing the director to enter into one or more contracts for professional consultants to implement this ordinance. (O 476-2019)715

Cleveland Hopkins International Airport (CHIA)

Authorizing the Commissioner of Purchases and Supplies to make one or more purchase orders with Black Box Network Services and IntelliNet Corporation for professional services necessary to restore flight and baggage information displays at Cleveland Hopkins International Airport, restore e-mail services, install new threat protection software, and perform related services necessary to assess, restore, and secure the network. (O 568-2019)754

Cleveland Public Power (CPP)

Authorizing the Director of Capital Projects to issue one or more permits to Celco Partnership d/b/a Verizon Wireless to encroach into the public right of way at various locations in the City of Cleveland by installing, using, and maintaining small cell technology equipment, fiber optic cable to be attached to Cleveland Public Power, CEI or Traffic utility poles (by separate permission of pole owner) and duct banks and vaults. (O 326-2019) .....	.726
Authorizing the procurement by one or more requirement contracts for the rental of various types of heavy duty equipment, on an as needed basis, for the Office of Radio Communications, Divisions of Water, Cleveland Public Power, and Water Pollution Control, Department of Public Utilities, for a period of two years. (O 597-2019) .....	.711

Codified Ordinances

From Director Robert L. Davis, Department of Public Utilities, City of Cleveland. Pursuant to Section 111.072 of the Codified Ordinances, notification of intent to request legislation for proposed new rates and fees for the Division of Water Pollution Control. (O 606-2019) .....	.707
To amend Section 171.40 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1069-17, passed September 25, 2017, relating to the use of City credit cards. (O 604-2019) .....	.711
To amend Sections 325.03, 337.23, 343.23, 357.09, and 357.13 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances, relating to side yard setbacks, parking spaces sizes, residential garage placement and size, and conditional uses in the Pedestrian Retail Overlay; and to supplement the codified ordinances by enacting new Section 325.431 relating to the definition of Lot Interior. (O 887-18) .....	.722

Community Development

Authorizing the Director of Community Development to apply for and accept a grant from the Cleveland Foundation and other grants from any public and private entity to conduct a research study on the City's real property tax policies and tax abatement programs and to assess the results; and authorizing the director to enter into one or more contracts for professional consultants to implement this ordinance. (O 476-2019) .....	.715
Authorizing the Director of the Department of Community Development to enter into agreement with the Beauty and Barber Empowerment Center for the Beauty and Empowerment Center Program through the use of Wards 2, 4, and 6 Casino Revenue Funds. (O 563-2019) .....	.753

Condolences

Condolence Resolution for Anthony "Tony" Zajac. (R 609-2019) .....	.709
Condolence Resolution for Ernest W. Golphin. (R 610-2019) .....	.709
Condolence Resolution for Gene Edward Turner, II. (R 612-2019) .....	.709
Condolence Resolution for Mattie Moody. (R 617-2019) .....	.709
Condolence Resolution for Sayman Bell. (R 611-2019) .....	.709

Congratulations

Congratulations Resolution for Barb Stockhausen. (R 615-2019) .....	.709
Congratulations Resolution for Lottie Whitaker. (R 614-2019) .....	.709
Congratulations Resolution for Reverend Dr. Robin E. Hedgeman. (R 613-2019) .....	.709
Congratulations Resolution for St. Stephen Roman Catholic Church 150th Anniversary. (R 616-2019) .....	.709

Contracts

Authorizing the Director of Finance to enter into one or more amendments to Contract No. PS 2017-205 with Youth Opportunity Unlimited for the continuation of services and expansion of the Cleveland Youth Summer Employment Program to include youth diversion employment; and to change the contracting director from Community Relations to Finance. (O 591-2019) .....	.709
Authorizing the Director of Public Utilities to employ one or more computer software vendors to acquire or renew Cisco maintenance and support, including Cisco Smartnet, for networking and telecommunication software and equipment; and authorizing the purchase by one or more requirement contracts of Cisco hardware and software products, including those used for networking and telecommunication and for the phone system, and maintenance and technical support, for the various divisions of the Department of Public Utilities, for a period of one year, with a one-year option to renew, exercisable by the Director of Public Utilities. (O 595-2019) .....	.710
Authorizing the Director of Public Utilities to exercise the option to renew Contract No. RCD 2017-6 with Hach Co. to maintain, service, calibrate, refurbish, and test various scientific and in line process analytical instruments manufactured by Hach Co. used to monitor the drinking water purification process. (O 593-2019) .....	.709
Authorizing the Director of Public Utilities to exercise the options to renew various contracts for the requirements of various types of machines and equipment, and labor and materials to repair and/or replace parts or equipment to maintain various types of machines and equipment, for the Department of Public Utilities. (O 594-2019) .....	.710

Authorizing the procurement by one or more requirement contracts for the rental of various types of heavy duty equipment, on an as needed basis, for the Office of Radio Communications, Divisions of Water, Cleveland Public Power, and Water Pollution Control, Department of Public Utilities, for a period of two years. (O 597-2019)711

Easements

Authorizing the Director of Public Works to execute a deed of easement and four deeds of temporary easement granting to the Northeast Ohio Regional Sewer District certain easement rights in property at Clark Field needed for NEORSD’s West 3rd Quigley / Westerly (W3QW) Miscellaneous CSO Control Project; and declaring the easement rights not needed for the City’s public use. (O 330-2019)728

Authorizing the Director of Public Works to execute a deed of easement and two deeds of temporary easement granting to the Northeast Ohio Regional Sewer District certain easement rights in property needed for its London Road Relief Sewer Project; and declaring the easement rights not needed for the City’s public use. (O 329-2019)727

Authorizing the Director of Public Works to execute two deeds of easement granting to the Ohio Department of Transportation certain temporary easement rights in property needed for its Detroit Superior Bridge Rehabilitation Project; and declaring the easement rights not needed for the City’s public use. (O 295-2019)725

Encroachments

Authorizing the Director of Capital Projects to issue one or more permits to Celco Partnership d/b/a Verizon Wireless to encroach into the public right of way at various locations in the City of Cleveland by installing, using, and maintaining small cell technology equipment, fiber optic cable to be attached to Cleveland Public Power, CEI or Traffic utility poles (by separate permission of pole owner) and duct banks and vaults. (O 326-2019)726

Fees

From Director Robert L. Davis, Department of Public Utilities, City of Cleveland. Pursuant to Section 111.072 of the Codified Ordinances, notification of intent to request legislation for proposed new rates and fees for the Division of Water Pollution Control. (O 606-2019)707

Finance Department

Authorizing the Director of Finance to enter into one or more amendments to Contract No. PS 2017-205 with Youth Opportunity Unlimited for the continuation of services and expansion of the Cleveland Youth Summer Employment Program to include youth diversion employment; and to change the contracting director from Community Relations to Finance. (O 591-2019)709

Authorizing the issuance and sale of bonds in the maximum principal amount of \$12,000,000 for the purpose of providing funds to improve municipal parks and recreation facilities and authorizing related matters. (O 508-2019)730

Authorizing the issuance and sale of bonds in the maximum principal amount of \$18,000,000 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. (O 509-2019)737

Authorizing the issuance and sale of bonds in the maximum principal amount of \$23,000,000 for the purpose of providing funds to improve the municipal street system and related facilities and authorizing related matters. (O 510-2019)744

To amend Section 171.40 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1069-17, passed September 25, 2017, relating to the use of City credit cards. (O 604-2019)711

Grants

Authorizing the Director of Community Development to apply for and accept a grant from the Cleveland Foundation and other grants from any public and private entity to conduct a research study on the City’s real property tax policies and tax abatement programs and to assess the results; and authorizing the director to enter into one or more contracts for professional consultants to implement this ordinance. (O 476-2019)715

Hermes Sports & Events, Inc.

Consenting and approving the issuance of a permit for the Diversity Center of Northeast Ohio event on May 4, 2019, managed by Hermes Sports & Events. (O 548-2019)751

Holiday Food Gift Card Program

Authorizing the Director of the Department of Community Development to enter into an agreement with the Westown Community Development Corporation for the Holiday Food Gift Card Program through the use of Ward 11 Casino Revenue Funds. (O 565-2019)753

Landmark Commission

Designating East Glenville Methodist Episcopal Church as a Cleveland Landmark. (O 378-2019)722

License Agreements

Authorizing the Clerk of Council to enter into a Trademark License Agreement with the U.S. Census Bureau, U.S. Department of Commerce. (O 520-2019)751

Licenses

Authorizing the Director of Public Utilities to employ one or more professional consultants or vendors to acquire licenses for data storage expansion or to develop data storage expansion solutions, and other related services and equipment, including but not limited to, hardware, servers, chassis, ancillary components, and maintenance, for the Division of Water, Department of Public Utilities; for a period of one year, with two one-year options to renew, the second of which requires additional legislative authority. (O 596-2019)710

Liquor Permits

#1360513. Transfer of Ownership Application, D5 D6. Cellos LLC, 1300 West 9th St. (Ward 3). (F 607-2019)709
 #5357939. Transfer of License Application, D1 D2 D3 D3A D6. Lulo Enterprises LLC, 1273 West 9th St. (Ward 3). (F 608-2019)709
 #6552450. New License Application, C1. 1201 Oil, Inc., 1201 East 185th St. (Ward 8). (F 590-2019)709
 #9119544. Transfer of Ownership Application, D5J D6. 20 Taps, Inc., 1050 West 10th St. (Ward 3). (F 589-2019)709
 Objecting to a New C1 Liquor Permit at 1201 East 185th Street. (R 601-2019)714
 Objecting to a New C2 Liquor Permit at 8003 Broadway Avenue. (R 566-2019)724
 Objecting to the transfer of ownership of a C1 and C2 Liquor Permit to 1035 East 185th Street. (R 602-2019)714
 Objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 891 Lakeview Road. (R 567-2019)725
 Withdrawing objection to a New C1 Liquor Permit at 14053 Lorain Avenue and repealing Resolution No. 384-2019 objecting to said permit. (R 603-2019)714

Marathons

Consenting and approving the issuance of a permit for the Rite Aid 2019 Cleveland Marathon, Half Marathon, and 10K Course, on May 19, 2019. (O 550-2019)752

Mt. Pleasant Now Development Corporation

Authorizing the Director of the Department of Aging to enter into an agreement with Mt. Pleasant NOW Development Corporation for the Senior Lawn Care and Snow Removal Program through the use of Ward 1 and 2 Casino Revenue Funds. (O 600-2019)713

Northeast Ohio Regional Sewer District

Authorizing the Director of Public Works to execute a deed of easement and four deeds of temporary easement granting to the Northeast Ohio Regional Sewer District certain easement rights in property at Clark Field needed for NEORSD's West 3rd Quigley / Westerly (W3QW) Miscellaneous CSO Control Project; and declaring the easement rights not needed for the City's public use. (O 330-2019)728
 Authorizing the Director of Public Works to execute a deed of easement and two deeds of temporary easement granting to the Northeast Ohio Regional Sewer District certain easement rights in property needed for its London Road Relief Sewer Project; and declaring the easement rights not needed for the City's public use. (O 329-2019)727

Ohio Department of Transportation (ODOT)

Authorizing the Director of Public Works to execute two deeds of easement granting to the Ohio Department of Transportation certain temporary easement rights in property needed for its Detroit Superior Bridge Rehabilitation Project; and declaring the easement rights not needed for the City's public use. (O 295-2019)725

Permits

Consenting and approving the issuance of a permit for the Diversity Center of Northeast Ohio event on May 4, 2019, managed by Hermes Sports & Events. (O 548-2019)751
 Consenting and approving the issuance of a permit for the Rite Aid 2019 Cleveland Marathon, Half Marathon, and 10K Course, on May 19, 2019. (O 550-2019)752

Port Control Department

- Authorizing the Commissioner of Purchases and Supplies to make one or more purchase orders with Black Box Network Services and IntelliNet Corporation for professional services necessary to restore flight and baggage information displays at Cleveland Hopkins International Airport, restore e-mail services, install new threat protection software, and perform related services necessary to assess, restore, and secure the network. (O 568-2019)**.754**
- Authorizing the Director of Port Control to employ one or more professional consultants to provide technical support and maintenance of core information technology activities and other related services and to acquire software; and authorizing the purchase by one or more requirement contracts of the purchase, lease, or license of core networking hardware, software, server infrastructure, and wireless networking hardware to replace end of life devices, for the Department of Port Control, for a period of one year, with three one year options to renew, the second of which requires additional legislative authority. (O 557-2019)**.752**
- Terminating Contract No. CT 3002 LS 2015*013 with Cumberland TCC1 LLC for the development of Site C located between the Rock and Roll Hall of Fame and the Great Lakes Science Center; to enter into an agreement with the Rock and Roll Hall of Fame to develop Site C; and to authorize any other agreements that are necessary. (O 375-2019)**.730**

Professional Services

- Authorizing the Commissioner of Purchases and Supplies to make one or more purchase orders with Black Box Network Services and IntelliNet Corporation for professional services necessary to restore flight and baggage information displays at Cleveland Hopkins International Airport, restore e-mail services, install new threat protection software, and perform related services necessary to assess, restore, and secure the network. (O 568-2019)**.754**

Professional Services Contracts

- Authorizing the Director of Port Control to employ one or more professional consultants to provide technical support and maintenance of core information technology activities and other related services and to acquire software; and authorizing the purchase by one or more requirement contracts of the purchase, lease, or license of core networking hardware, software, server infrastructure, and wireless networking hardware to replace end of life devices, for the Department of Port Control, for a period of one year, with three one year options to renew, the second of which requires additional legislative authority. (O 557-2019)**.752**
- Authorizing the Director of Public Utilities to employ one or more professional consultants or vendors to acquire licenses for data storage expansion or to develop data storage expansion solutions, and other related services and equipment, including but not limited to, hardware, servers, chassis, ancillary components, and maintenance, for the Division of Water, Department of Public Utilities; for a period of one year, with two one-year options to renew, the second of which requires additional legislative authority. (O 596-2019)**.710**

Public Hearings (Notices)

- Designating East Glenville Methodist Episcopal Church as a Cleveland Landmark. (O 378-2019)**.722**
- Establishing a zero foot Mapped Building Setback from the property line along the southern side of Carter Road between Riverbed Street and the eastern property line of Permanent Parcel No. 004-26-040 (Map Change 2600). (O 514-2019)**.722**
- To amend Sections 325.03, 337.23, 343.23, 357.09, and 357.13 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances, relating to side yard setbacks, parking spaces sizes, residential garage placement and size, and conditional uses in the Pedestrian Retail Overlay; and to supplement the codified ordinances by enacting new Section 325.431 relating to the definition of Lot Interior. (O 887-18)**.722**

Public Improvement Contracts

- Authorizing the Director of Public Utilities to exercise the first option to renew Contract No. PIRC 2018-3 with Terrace Construction Company, Inc. for the public improvement of installing automated meter reading units on remaining residential and commercial accounts, including Cleveland Heights accounts and master meter vaults not yet converted. (O 592-2019)**.709**

Public Works

- Authorizing the Director of Public Works to execute a deed of easement and four deeds of temporary easement granting to the Northeast Ohio Regional Sewer District certain easement rights in property at Clark Field needed for NEORSD's West 3rd Quigley / Westerly (W3QW) Miscellaneous CSO Control Project; and declaring the easement rights not needed for the City's public use. (O 330-2019)**.728**
- Authorizing the Director of Public Works to execute a deed of easement and two deeds of temporary easement granting to the Northeast Ohio Regional Sewer District certain easement rights in property needed for its London Road Relief Sewer Project; and declaring the easement rights not needed for the City's public use. (O 329-2019)**.727**
- Authorizing the Director of Public Works to execute two deeds of easement granting to the Ohio Department of Transportation certain temporary easement rights in property needed for its Detroit Superior Bridge Rehabilitation Project; and declaring the easement rights not needed for the City's public use. (O 295-2019)**.725**

Purchases and Supplies Division

Authorizing the Commissioner of Purchases and Supplies to make one or more purchase orders with Black Box Network Services and IntelliNet Corporation for professional services necessary to restore flight and baggage information displays at Cleveland Hopkins International Airport, restore e-mail services, install new threat protection software, and perform related services necessary to assess, restore, and secure the network. (O 568-2019)754

Races

Consenting and approving the issuance of a permit for the Diversity Center of Northeast Ohio event on May 4, 2019, managed by Hermes Sports & Events. (O 548-2019)751

Consenting and approving the issuance of a permit for the Rite Aid 2019 Cleveland Marathon, Half Marathon, and 10K Course, on May 19, 2019. (O 550-2019)752

Resolutions - Miscellaneous

Declaring the second Monday in October, currently observed as Columbus Day, annually as Indigenous Peoples' Day in the City of Cleveland; encouraging other institutions to recognize this day; and reaffirming the City's commitment to promote the well-being and growth of Cleveland's Native American and Indigenous community. (R 605-2019)712

Opposing Senate Bill 23 which prohibits abortion when a fetal heartbeat is detected. (R 569-2019)715

Rock 'N Roll Hall of Fame Foundation

Terminating Contract No. CT 3002 LS 2015*013 with Cumberland TCC1 LLC for the development of Site C located between the Rock and Roll Hall of Fame and the Great Lakes Science Center; to enter into an agreement with the Rock and Roll Hall of Fame to develop Site C; and to authorize any other agreements that are necessary. (O 375-2019)730

Senate Bills

Opposing Senate Bill 23 which prohibits abortion when a fetal heartbeat is detected. (R 569-2019)715

Street Vacation

Declaring the intent to vacate a portion of Spruce Avenue. (R 169-2019)724

Streets - Name Change

Designating Brookside Boulevard between Highlandview Avenue and the eastern edge of the dead-end street with a secondary and honorary designation of "St. Paul AME Way". (O 598-2019)713

To add the name "Michael Stanley Way" as a secondary and honorary name to Huron Road between Euclid Avenue and East 9th Street. (O 549-2019)751

Summer Employment Program

Authorizing the Director of Finance to enter into one or more amendments to Contract No. PS 2017-205 with Youth Opportunity Unlimited for the continuation of services and expansion of the Cleveland Youth Summer Employment Program to include youth diversion employment; and to change the contracting director from Community Relations to Finance. (O 591-2019)709

Tax Abatement

Authorizing the Director of Community Development to apply for and accept a grant from the Cleveland Foundation and other grants from any public and private entity to conduct a research study on the City's real property tax policies and tax abatement programs and to assess the results; and authorizing the director to enter into one or more contracts for professional consultants to implement this ordinance. (O 476-2019)715

Utilities Department

Authorizing the Director of Public Utilities to employ one or more computer software vendors to acquire or renew Cisco maintenance and support, including Cisco Smartnet, for networking and telecommunication software and equipment; and authorizing the purchase by one or more requirement contracts of Cisco hardware and software products, including those used for networking and telecommunication and for the phone system, and maintenance and technical support, for the various divisions of the Department of Public Utilities, for a period of one year, with a one-year option to renew, exercisable by the Director of Public Utilities. (O 595-2019)710

Authorizing the Director of Public Utilities to employ one or more professional consultants or vendors to acquire licenses for data storage expansion or to develop data storage expansion solutions, and other related services and equipment, including but not limited to, hardware, servers, chassis, ancillary components, and maintenance, for the Division of Water, Department of Public Utilities; for a period of one year, with two one-year options to renew, the second of which requires additional legislative authority. (O 596-2019)710

Authorizing the Director of Public Utilities to exercise the first option to renew Contract No. PIRC 2018-3 with Terrace Construction Company, Inc. for the public improvement of installing automated meter reading units on remaining residential and commercial accounts, including Cleveland Heights accounts and master meter vaults not yet converted. (O 592-2019)709

Authorizing the Director of Public Utilities to exercise the option to renew Contract No. RCD 2017-6 with Hach Co. to maintain, service, calibrate, refurbish, and test various scientific and in line process analytical instruments manufactured by Hach Co. used to monitor the drinking water purification process. (O 593-2019)709

Authorizing the Director of Public Utilities to exercise the options to renew various contracts for the requirements of various types of machines and equipment, and labor and materials to repair and/or replace parts or equipment to maintain various types of machines and equipment, for the Department of Public Utilities. (O 594-2019)710

Authorizing the procurement by one or more requirement contracts for the rental of various types of heavy duty equipment, on an as needed basis, for the Office of Radio Communications, Divisions of Water, Cleveland Public Power, and Water Pollution Control, Department of Public Utilities, for a period of two years. (O 597-2019)711

From Director Robert L. Davis, Department of Public Utilities, City of Cleveland. Pursuant to Section 111.072 of the Codified Ordinances, notification of intent to request legislation for proposed new rates and fees for the Division of Water Pollution Control. (O 606-2019)707

Ward 01

Authorizing the Director of the Department of Aging to enter into an agreement with Mt. Pleasant NOW Development Corporation for the Senior Lawn Care and Snow Removal Program through the use of Ward 1 and 2 Casino Revenue Funds. (O 600-2019)713

Condolence Resolution for Gene Edward Turner, II. (R 612-2019)709

Ward 02

Authorizing the Director of the Department of Aging to enter into an agreement with Mt. Pleasant NOW Development Corporation for the Senior Lawn Care and Snow Removal Program through the use of Ward 1 and 2 Casino Revenue Funds. (O 600-2019)713

Authorizing the Director of the Department of Community Development to enter into agreement with the Beauty and Barber Empowerment Center for the Beauty and Empowerment Center Program through the use of Wards 2, 4, and 6 Casino Revenue Funds. (O 563-2019)753

Congratulations Resolution for Reverend Dr. Robin E. Hedgeman. (R 613-2019)709

Ward 03

#1360513. Transfer of Ownership Application, D5 D6. Cellos LLC, 1300 West 9th St. (Ward 3). (F 607-2019)709

#5357939. Transfer of License Application, D1 D2 D3 D3A D6. Lulo Enterprises LLC, 1273 West 9th St. (Ward 3). (F 608-2019)709

#9119544. Transfer of Ownership Application, D5J D6. 20 Taps, Inc., 1050 West 10th St. (Ward 3). (F 589-2019)709

Consenting and approving the issuance of a permit for the Diversity Center of Northeast Ohio event on May 4, 2019, managed by Hermes Sports & Events. (O 548-2019)751

Consenting and approving the issuance of a permit for the Rite Aid 2019 Cleveland Marathon, Half Marathon, and 10K Course, on May 19, 2019. (O 550-2019)752

Declaring the intent to vacate a portion of Spruce Avenue. (R 169-2019)724

Establishing a zero foot Mapped Building Setback from the property line along the southern side of Carter Road between Riverbed Street and the eastern property line of Permanent Parcel No. 004-26-040 (Map Change 2600). (O 514-2019)722

To add the name "Michael Stanley Way" as a secondary and honorary name to Huron Road between Euclid Avenue and East 9th Street. (O 549-2019)751

Ward 04

Authorizing the Director of the Department of Community Development to enter into agreement with the Beauty and Barber Empowerment Center for the Beauty and Empowerment Center Program through the use of Wards 2, 4, and 6 Casino Revenue Funds. (O 563-2019)753

Condolence Resolution for Ernest W. Golphin. (R 610-2019)709

Ward 05

Congratulations Resolution for Lottie Whitaker. (R 614-2019)709

Ward 06

Authorizing the Director of the Department of Community Development to enter into agreement with the Beauty and Barber Empowerment Center for the Beauty and Empowerment Center Program through the use of Wards 2, 4, and 6 Casino Revenue Funds. (O 563-2019) .....	.753
Condolence Resolution for Mattie Moody. (R 617-2019) .....	.709

Ward 07

Condolence Resolution for Sayman Bell. (R 611-2019) .....	.709
Declaring the second Monday in October, currently observed as Columbus Day, annually as Indigenous Peoples' Day in the City of Cleveland; encouraging other institutions to recognize this day; and reaffirming the City's commitment to promote the well-being and growth of Cleveland's Native American and Indigenous community. (R 605-2019) .....	.712

Ward 08

#6552450. New License Application, C1. 1201 Oil, Inc., 1201 East 185th St. (Ward 8). (F 590-2019) .....	.709
Designating East Glenville Methodist Episcopal Church as a Cleveland Landmark. (O 378-2019) .....	.722
Objecting to a New C1 Liquor Permit at 1201 East 185th Street. (R 601-2019) .....	.714
Objecting to the transfer of ownership of a C1 and C2 Liquor Permit to 1035 East 185th Street. (R 602-2019) .....	.714

Ward 09

Objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 891 Lakeview Road. (R 567-2019)725
---	------

Ward 11

Amending the Title and Sections 1 and 2 of Ordinance No. 481-2019 passed April 15, 2019 as it pertains to authorizing the Director of the Department of Aging to enter into an agreement with Court Community Service for the Senior Lawn Care Program through the use of Ward 11 Casino Revenue Funds. (O 599-2019) .....	.713
Authorizing the Director of the Department of Community Development to enter into agreement with Westown Community Development Corporation for the Westown CDC Code Enforcement Program through the use of Ward 11 Casino Revenue Funds. (O 564-2019) .....	.753

Ward 12

Condolence Resolution for Anthony "Tony" Zajac. (R 609-2019) .....	.709
Objecting to a New C2 Liquor Permit at 8003 Broadway Avenue. (R 566-2019) .....	.724

Ward 15

Congratulations Resolution for St. Stephen Roman Catholic Church 150th Anniversary. (R 616-2019) .....	.709
Consenting and approving the issuance of a permit for the Rite Aid 2019 Cleveland Marathon, Half Marathon, and 10K Course, on May 19, 2019. (O 550-2019) .....	.752

Ward 16

Designating Brookside Boulevard between Highlandview Avenue and the eastern edge of the dead-end street with a secondary and honorary designation of "St. Paul AME Way". (O 598-2019) .....	.713
Withdrawing objection to a New C1 Liquor Permit at 14053 Lorain Avenue and repealing Resolution No. 384-2019 objecting to said permit. (R 603-2019) .....	.714

Ward 17

Congratulations Resolution for Barb Stockhausen. (R 615-2019)709
---	------

Water Division

Authorizing the Director of Public Utilities to employ one or more professional consultants or vendors to acquire licenses for data storage expansion or to develop data storage expansion solutions, and other related services and equipment, including but not limited to, hardware, servers, chassis, ancillary components, and maintenance, for the Division of Water, Department of Public Utilities; for a period of one year, with two one-year options to renew, the second of which requires additional legislative authority. (O 596-2019) .....	.710
Authorizing the procurement by one or more requirement contracts for the rental of various types of heavy duty equipment, on an as needed basis, for the Office of Radio Communications, Divisions of Water, Cleveland Public Power, and Water Pollution Control, Department of Public Utilities, for a period of two years. (O 597-2019) .....	.711

Water Pollution Control Division (WPC)

Authorizing the procurement by one or more requirement contracts for the rental of various types of heavy duty equipment, on an as needed basis, for the Office of Radio Communications, Divisions of Water, Cleveland Public Power, and Water Pollution Control, Department of Public Utilities, for a period of two years. (O 597-2019)711

From Director Robert L. Davis, Department of Public Utilities, City of Cleveland. Pursuant to Section 111.072 of the Codified Ordinances, notification of intent to request legislation for proposed new rates and fees for the Division of Water Pollution Control. (O 606-2019)707

Westown Community Development Corporation

Authorizing the Director of the Department of Community Development to enter into agreement with Westown Community Development Corporation for the Westown CDC Code Enforcement Program through the use of Ward 11 Casino Revenue Funds. (O 564-2019)753

Zoning

Establishing a zero foot Mapped Building Setback from the property line along the southern side of Carter Road between Riverbed Street and the eastern property line of Permanent Parcel No. 004-26-040 (Map Change 2600). (O 514-2019)722

To amend Sections 325.03, 337.23, 343.23, 357.09, and 357.13 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances, relating to side yard setbacks, parking spaces sizes, residential garage placement and size, and conditional uses in the Pedestrian Retail Overlay; and to supplement the codified ordinances by enacting new Section 325.431 relating to the definition of Lot Interior. (O 887-18)722