

The City Record

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July 19, 2024



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216 City Hall

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Board of Control

Wednesday, July 17, 2024

The meeting of the Board of Control convened in the Mayor's Office on Wednesday, July 17, 2024, at 3:12 p.m. with Director Griffin presiding.

Members Present: Director Griffin, Acting Director Margevicius, Director Francis
Acting Director Laird, Directors Margolius, Drummond,
Hernandez, Cole, Acting Director Bourdeau Small, Directors
McNamara, Martin O'Toole

Absent: Mayor Bibb, Director Abonamah

Others Present: Steven Decker, Deputy Commissioner
Purchases & Supplies

Keshia Chambers, Assistant Director
Mayor's Office of Capital Projects

Tomasz Kacki, Paralegal
Law Department

On motions, the resolutions attached were adopted, except as may be otherwise noted.
There being no further business, the meeting was adjourned at 3:15 p.m.

Jeffrey B. Marks
Secretary – Board of Control

Resolution No. 337-24

Adopted 7/17/24

By Director Keane

PUBLIC IMPROVEMENT CONTRACT**BE IT RESOLVED BY THE BOARD OF CONTROL OF THE CITY OF CLEVELAND** that the bid of

Terrace Construction Company, Inc.

for the public improvement of 2024-C Water Main Renewal, all items, under the authority of Ordinance No. 610-2022, passed August 10, 2022, upon a unit basis for the improvement in the aggregate amount of \$2,826,300.40, for the Division of Water, Department of Public Utilities, received on June 13, 2024 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 Terrace Construction Company, Inc. for the above-mentioned public improvement is approved:

<u>Subcontractors</u>	<u>Work</u>	<u>Percentage</u>
Filling Development LLC (CSB)	\$85,200.00 (Supplier 60%)	3.01%
Filling Development LLC (CSB)	\$136,000.00	4.81%
Rockport Ready Mix, Inc. (CSB)	\$400,000.00	14.15%
The Vallejo Co. (CSB)	\$318,000.00	11.25%
The Lakewood Supply Company (CSB)	\$25,200.00 (Supplier 60%)	0.89%
Trafftech Inc. (CSB)	\$6,000.00	0.21%
D. Crawford Trucking LLC (Non-Certified)	TBD	0.0%

Yeas: Director Griffin, Acting Director Margevicius, Director Francis Acting Director Laird, Directors Margolius, Drummond, Hernandez, Cole, Acting Director Bourdeau Small, Directors McNamara, Martin O'Toole

Nays: None

Absent: Mayor Bibb, Director Abonamah

Resolution No. 338-24

Adopted 7/17/24

By Director DeRosa

BE IT RESOLVED BY THE BOARD OF CONTROL OF THE CITY OF CLEVELAND that pursuant to the authority of Ordinance No. 1 090-2023, passed by the Council of the City of Cleveland on October 23, 2023, Soil and Materials Engineers, Inc. (dba SME) is selected upon the nomination of the Mayor's Office of Capital Projects from a list of qualified engineering consultants or firms of such consultants determined to be available after a full and complete canvass by the Director of Mayor's Office of Capital Projects 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 perform various construction activities and design projects for roads, bridges and City facilities, including, but not limited to services for material testing, environmental testing, geotechnical engineering, environmental engineering, land acquisition, structural engineering, bridge inspection, transportation engineering for roads, bridges, retaining walls and slope stability analysis services and assistance with City tree damaged sidewalk program on an as needed basis by the Division of Engineering and Construction, Office of Capital Projects.

BE IT FURTHER RESOLVED that the Director of Mayor's Office of Capital Projects is authorized to enter into a written contract with SME based on its proposal dated April 26, 2024, for a two-year period at a cost not to exceed \$600,000. The agreement authorized hereby shall be prepared by the Director of Law and shall contain such other provisions as the Director of Law deems necessary to protect and benefit the public interest.

BE IT FURTHER RESOLVED that the employment of the following subconsultants by SME for the above authorized contract is approved:

Chagrin Valley Engineering, Ltd.	(CSB/LPE)	\$70,000.00	(11.7%)
KS Associates, Inc.	(FBE/LPE)	\$60,000.00	(10.0%)
Partners Environmental	(CSB/LPE)	\$50,000.00	(8.3%)
United Survey, Inc.	(CSB/LPE)	\$15,000.00	(2.5%)
RE Warner, Inc.	(CSB/LPE)	\$50,000.00	(8.3%)
O.R. Colan Associates, LLC		\$7,500.00	(1.3%)
Surveying and Mapping, Inc.		\$10,000.00	(1.7%)
OHM Advisors		\$40,000.00	(5.0%)
Osborn Engineering		\$50,000.00	(8.3%)

Hardesty & Hanover, LLC	\$20,000.00	(3.3%)
Knowles Municipal Forestry, LLC	\$10,000.00	(1.7%)
Michael Baker International, Inc.	\$40,000.00	(6.7%)
Mott MacDonald, LLC	\$20,000.00	(3.4%)
Bramhall Engineering and Surveying	\$15,000.00	(2.5%)
Wiss, Janney, Elstner Associates, Inc.	\$15,000.00	(2.5%)
HOR Engineering, Inc.	\$30,000.00	(5.0%)
C & K Industrial	\$7,500.00	(1.3%)

Yeas: Director Griffin, Acting Director Margevicius, Director Francis Acting Director Laird, Directors Margolius, Drummond, Hernandez, Cole, Acting Director Bourdeau Small, Directors McNamara, Martin O'Toole

Nays: None

Absent: Mayor Bibb, Director Abonamah

Resolution No. 339-24

Adopted 7/17/24

By Director DeRosa

BE IT RESOLVED BY THE BOARD OF CONTROL OF THE CITY OF CLEVELAND that pursuant to the authority of Ordinance No. I 090-2023, passed by the Council of the City of Cleveland on October 23, 2023 Glaus, Pyle, Schomer, Burns and DeHaven, Inc. dba GPD Group is selected upon the nomination of the Mayor's Office of Capital Projects from a list of qualified engineering consultants or firms of such consultants determined to be available after a full and complete canvass by the Director of Mayor's Office of Capital Projects 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 perform various construction activities and design projects for roads, bridges and City facilities, including, but not limited to services for material testing, environmental testing, geotechnical engineering, environmental engineering, land acquisition, structural engineering, bridge inspection, transportation engineering for roads, bridges, retaining walls and slope stability analysis services and assistance with City tree damaged sidewalk program on an as needed basis by the Division of Engineering and Construction, Office of Capital Projects.

BE IT FURTHER RESOLVED that the Director of Mayor's Office of Capital Projects is authorized to enter into a written contract with Glaus, Pyle, Schomer, Burns and DeHaven, Inc. dba GPO Group based on its proposal dated April 26, 2024, for a two year period at a cost not to exceed \$600,000. The agreement authorized hereby shall be prepared by the Director of Law and shall contain such other provisions as the Director of Law deems necessary to protect and benefit the public interest.

BE IT FURTHER RESOLVED that the employment of the following subconsultants by Glaus, Pyle, Schomer, Burns and DeHaven, Inc. dba GPO Group for the above authorized contract is approved:

AAA Flexible Pipe Cleaning Corp.	(CSB/FBE/LPE)	\$30,000.00	(5.0%)
Lawhon and Associates, Inc.	(FBE)	\$5,000.00	(0.8%)
Charles P. Braman and Co.	(CSB/FBE/LPE)	\$5,000.00	(0.8%)
Halles Engineering and Design LLC	(FBE/MBE)	\$5,000.00	(0.8%)
Stephen Hovancsek and Associates, Inc	(CSB/LPE)	\$65,000.00	(10.8%)
Pro Geotech, Inc	(CSB/MBE/LPE)	\$40,000.00	(6.7%)
G and T Associates	(CSB/MBE/LPE)	\$40,000.00	(6.7%)
Modjeski and Masters, Inc		\$50,000.00	(8.0%)
O.R. Colan Associates, LLC		\$6,000.00	(1.0%)

ACRT

ESC Midwest

Yeas: Director Griffin, Acting Director Margevicius, Director Francis Acting Director Laird, Directors Margolius, Drummond, Hernandez, Cole, Acting Director Bourdeau Small, Directors McNamara, Martin O'Toole

Nays: None

Absent: Mayor Bibb, Director Abonamah

Resolution No. 340-24

Adopted 7/17/24

By Director DeRosa

BE IT RESOLVED BY THE BOARD OF CONTROL OF THE CITY OF CLEVELAND that the bid of

Cook Paving & Construction Co., Inc.

for the public improvement of the Multiple Park Site Improvement Neff Park Bid Items 1 B-26B, 28B, 32B-35B, 37B-40B, 43B, 45B-54B, 56B-57B, 59B-67B and Contingency for the Division of Architecture and Site Development, Office of Capital Projects, received on April 24, 2024, under the authority of Ordinance No. 532-2022, passed June 6, 2012, for a unit price for the improvement in the aggregate amount of \$1,787,933.70, is affirmed and approved as the lowest responsible bid, and the Director of Capital Projects is requested to enter into contract with the bidder.

BE IT FURTHER RESOLVED, by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Cook Paving & Construction Co., Inc., is hereby approved:

<u>Subcontractor</u>	<u>CSB/MBE/FBE</u>	<u>Amount</u>
RAR Contracting Co., Inc.	CSB/MBE/LPE Trucking	\$30,500.00
*RAR Contracting Co., Inc.	CSB/MBE/LPE *Concrete /Aggregates	\$68,400.00
Krusoe Sign Co.	CSB/FBE/LPE	\$11,450.00
Ballast Construction, Inc.	CSB/FBE/FPE	\$208,185.00
Lakeland Electric	CSB/LPE	\$263,000.00
Snider Recreation, Inc.	CSB/LPE	\$548,000.00
Tech Ready Mix	CSB/MBE/LPE	\$105,500.00
The Lakewood Supply Co. 60%.	CSB/LPE	\$13,200.00
DWA Recreation	N/A	\$183,000.00
Newcomer Concrete	N/A	\$40,000.00
Industrial Surface Sealers	N/A	\$16,800.00
Lake Erie Landscape	N/A	\$325,000.00

Yeas: Director Griffin, Acting Director Margevicius, Director Francis Acting Director Laird, Directors Margolius, Drummond, Hernandez, Cole, Acting Director Bourdeau Small, Directors McNamara, Martin O'Toole

Nays: None

Absent: Mayor Bibb, Director Abonamah

Resolution No. 341-24

Adopted 7/17/24

By Director DeRosa

BE IT RESOLVED BY THE BOARD OF CONTROL OF THE CITY OF CLEVELAND that the bid of

Platform Cement, Inc.

for the public improvement of the Multiple Park Site Improvement Calgary Park Bid Items 1 A-11 A, 13A-15A, 17 A-23A, 26A-27 A, 30A-36A, 38A, 40A, 42A-56A, 60A-61A, 63A-64A and Contingency for the Division of Architecture and Site Development, Office of Capital Projects, received on April 24, 2024, under the authority of Ordinance No. 532-2022, passed June 6, 2022, for a unit price for the improvement in the aggregate amount of \$1,301,720.70 is affirmed and approved as the lowest responsible bid, and the Director of Capital Projects is requested to enter into contract with the bidder.

BE IT FURTHER RESOLVED, by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Cook Paving & Construction Co., Inc., is hereby approved:

<u>Subcontractor</u>	<u>CSB/MBE/FBE</u>	<u>Amount</u>
Down To Earth Landscaping	CSB/MBE/LPE	\$398,077.00
Ballast Construction, Inc. dba Ballast Fence	CSB/MBE/LPE	\$205,178.00
Lakeland Electric, Inc.	CSB/LPE	\$107,810.00
Snider Recreation, Inc.	CSB/LPE	\$525,832.00

Yeas: Director Griffin, Acting Director Margevicius, Director Francis Acting Director Laird, Directors Margolius, Drummond, Hernandez, Cole, Acting Director Bourdeau Small, Directors McNamara, Martin O'Toole

Nays: None

Absent: Mayor Bibb, Director Abonamah

Resolution No. 342-24

Adopted 7/17/24

By Director Williams

WHEREAS, Ordinance No. 591-2023, passed by the Council of the City of Cleveland on June 5, 2023, authorizes the Director of Public Works to employ by contract one or more consultants to provide professional services necessary to conduct a Pavement Management Survey for the Division of Streets, Department of Public Works; now, therefore,

BE IT RESOLVED, by the BOARD of CONTROL of the CITY of CLEVELAND that, under Ordinance No. 591-2023 passed by the Council of the City of Cleveland on June 5, 2023, Transmap Corporation ("Consultant") is selected upon nomination of the Director of Public Works from a list of consultants determined after a full and complete canvass by the Director of Public Works as the firm to be employed to supplement the regularly employed staff of the City to provide professional services necessary to conduct a Pavement Management Survey of all public roads within the City's public right-of-way for the Division of Streets, Department of Public Works.

BE IT FURTHER RESOLVED that the Director of Public Works is authorized to enter into a written contract with Transmap Corporation, based on its February 23, 2024, proposal, for the professional services necessary to conduct a Pavement Management Survey, which contract shall be prepared by the Director of Law. The fee for services to be performed under the contract, as described in Consultant's proposal, shall be an amount of \$225,033.82.

Yeas: Director Griffin, Acting Director Margevicius, Director Francis Acting Director Laird, Directors Margolius, Drummond, Hernandez, Cole, Acting Director Bourdeau Small, Directors McNamara, Martin O'Toole

Nays: None

Absent: Mayor Bibb, Director Abonamah

Resolution No. 343-24

Adopted 7/17/24

By Director Hernandez

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. 008-10-064 located at 2331 Kinkel Avenue; and

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

WHEREAS, Rosemary DeJesus has proposed to the City to purchase and develop the parcel for yard expansion; and

WHEREAS, the following conditions exist:

1. The member of Council from Ward 14 has either approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;
2. The proposed purchaser of the parcel is neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

BE IT RESOLVED BY THE BOARD OF CONTROL OF THE CITY OF CLEVELAND that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested, to execute an Official Deed for and on behalf of the City of Cleveland, with Rosemary DeJesus, for the sale and development of Permanent Parcel No. 008-10-064 located at 2331 Kinkel Avenue, 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 parcels for uses according to the Program.

Yeas: Director Griffin, Acting Director Margevicius, Director Francis Acting Director Laird, Directors Margolius, Drummond, Hernandez, Cole, Acting Director Bourdeau Small, Directors McNamara, Martin O'Toole

Nays: None

Absent: Mayor Bibb, Director Abonamah

Resolution No. 344-24

Adopted 7/17/24

By Director Hernandez

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. 143-07-032 located on Dynes Avenue; and

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

WHEREAS, Amanda Nicole Garrett has proposed to the City to purchase and develop the parcel for yard expansion; and

WHEREAS, the following conditions exist:

1. The member of Council from Ward 1 has either approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;
2. The proposed purchaser of the parcel is neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

BE IT RESOLVED BY THE BOARD OF CONTROL OF THE CITY OF CLEVELAND that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested, to execute an Official Deed for and on behalf of the City of Cleveland, with Amanda Nicole Garrett, for the sale and development of Permanent Parcel No. 143-07-032 located on Dynes Avenue, 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 parcels for uses according to the Program.

Yeas: Director Griffin, Acting Director Margevicius, Director Francis Acting Director Laird, Directors Margolius, Drummond, Hernandez, Cole, Acting Director Bourdeau Small, Directors McNamara, Martin O'Toole

Nays: None

Absent: Mayor Bibb, Director Abonamah

Resolution No. 345-24

Adopted 7/17/24

By Director Hernandez

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. 115-08-028 located at 14813 Pepper Avenue; and

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

WHEREAS, Tywan Howell has proposed to the City to purchase and develop the parcel for yard expansion; and

WHEREAS, the following conditions exist:

1. The member of Council from Ward 10 has either approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;
2. The proposed purchaser of the parcel is neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

BE IT RESOLVED BY THE BOARD OF CONTROL OF THE CITY OF CLEVELAND that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested, to execute an Official Deed for and on behalf of the City of Cleveland, with Tywan Howell, for the sale and development of Permanent Parcel No. 115-08-028 located at 14813 Pepper Avenue, 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 parcels for uses according to the Program.

Yeas: Director Griffin, Acting Director Margevicius, Director Francis Acting Director Laird, Directors Margolius, Drummond, Hernandez, Cole, Acting Director Bourdeau Small, Directors McNamara, Martin O'Toole

Nays: None

Absent: Mayor Bibb, Director Abonamah

Resolution No. 346-24

Adopted 7/17/24

By Director Hernandez

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. 115-05-019 located at 14321 Saranac Road; and

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

WHEREAS, Reginald Smith has proposed to the City to purchase and develop the parcel for yard expansion; and

WHEREAS, the following conditions exist:

1. The member of Council from Ward 10 has either approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;
2. The proposed purchaser of the parcel is neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

BE IT RESOLVED BY THE BOARD OF CONTROL OF THE CITY OF CLEVELAND that under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested, to execute an Official Deed for and on behalf of the City of Cleveland, with Reginald Smith, for the sale and development of Permanent Parcel No. 115-05-019 located at 14321 Saranac Road, 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 parcels for uses according to the Program.

Yeas: Director Griffin, Acting Director Margevicius, Director Francis Acting Director Laird, Directors Margolius, Drummond, Hernandez, Cole, Acting Director Bourdeau Small, Directors McNamara, Martin O'Toole

Nays: None

Absent: Mayor Bibb, Director Abonamah

Civil Service

PUBLIC NOTICE

– PLEASE BE ADVISED –

Civil Service Commission Exam Notice

Exam Title: Private Secretary

Examiner: Tamica Tanner

Date: July 25, 2024

Time: 9:30 a.m. & 12:30 p.m.

Location: CCH- ROOM 6

Exam Type: Written/typing

Civil Service

Civil Service CITY OF CLEVELAND CIVIL SERVICE COMMISSION ANNOUNCEMENTS – 2024

Filing begins July 19, 2024, unless otherwise noted.

Click on a listing below to read it:

Bulletin No.	Exam Method	Classifications	Exam Type	Examiner	Close Date
74	OPEN	Asphalt Tamperer	PE	TJT	8/16/2024
75	OPEN	Construction Equipment Operator - B	PE	TH	8/16/2024
76	OPEN	Legal Secretary	EE	LS	8/16/2024
77	OPEN	Plumber Unit Leader	EE	CS	8/16/2024
78	OPEN	Welder /Fabricator	EE	DE	8/16/2024

Civil Service

CIVIL SERVICE COMMISSION ANNOUNCEMENT #CS2024-074
APPROVED C.S.C. MINUTES 7/12/2024

Asphalt Tamper Examination (OPEN)

FILING OF APPLICATION:

Application must be made electronically through the City of Cleveland's web site:
www.governmentjobs.com/careers/cleveland

THE ELECTRONIC APPLICATION PERIOD IS FROM 12:01 A.M. ON FRIDAY, JULY 18, 2024, UNTIL 11:59 PM. ON THURSDAY, AUGUST 16, 2024. NOTE: APPLICATIONS WILL NOT BE ACCEPTED AFTER 11:59 PM ON THURSDAY, AUGUST 16, 2024

SALARY: The prevailing salary for this position as established by Ordinance of the Council of the City of Cleveland is \$27.94 - 33.66 an hour.

EXAMINATION INFORMATION

PERFORMANCE EXAMINATION: Candidates will be notified of the time, date, and place of the exam via email.

DUTIES

Under immediate supervision, performs the more highly skilled work in connection with the laying and repairing of asphalt street pavement and performs related duties as required. TYPICAL TASKS: Tamps asphalt around joints; smooths joints; shovels asphalt from trucks and spreads it evenly; tears up and cuts out defective pavement; cleans out holes; trims and cuts joints for patches; and tends fires.

MINIMUM QUALIFICATIONS

High School Diploma or GED required. Four years of full time paid asphalt work or Four years of employment experience as a Municipal Service Laborer with hot mix asphalt experience for the City of Cleveland required. Valid State of Ohio Driver's License required. Must be able to lift and carry a minimum of 75 pounds.

NOTE: Minimum qualifications must be met as of the last day of the filing period unless otherwise stated.

RESIDENCY CREDIT

In accordance with the Ordinances of the City of Cleveland: A person who has had as his/her primary residence in the City of Cleveland **for at least one year at the time**

of filing a Civil Service application, and desires to take an entry-level Civil Service examination, shall, if a passing grade on the written examination is attained, have ten (10) points added to his/her passing score. (NOTE: Not all Examinations consider residency credit in the scoring process) To substantiate a claim for residency points, Applicants must UPLOAD LEGIBLE COPIES of the following:

- A signed and notarized Residency Affidavit available on the City's website here: <https://www.clevelandohio.gov/sites/clevelandohio/files/AffidavitofResidency0321.pdf>

VETERANS' PREFERENCE

Veterans' preference will be awarded, when applicable, to eligible veterans in accordance with Civil Service Rules 4.40E, 4.40F and 4.40G. Proof of active service or a DD Form 214, must be presented to the Commission at the time of filing application for the examination in which credit is sought in order to qualify for veterans' credit. If the applicant has received an honorable discharge or a general discharge under honorable conditions that applicant shall receive an additional five (5) points added to their raw score on the examination; or ten (10) points are added to their raw score on the examination if applicant's supporting documentation indicates more than fifteen percent (15%) service-connected disability.

NOTE: Only DD Form 214 (long form) or an official armed service document indicating type of discharge or separation and the dates of active service will be accepted as proof of active service.

We are an equal opportunity employer. We do not discriminate on the basis of race, color, sex, national origin/ancestry, military status, disability, age and religion.

Civil Service

CIVIL SERVICE COMMISSION ANNOUNCEMENT #CS2024-075
APPROVED C.S.C. MINUTES 7/12/2024

Construction Equipment Operator - Group B Examination (OPEN)

FILING OF APPLICATION:

Application must be made electronically through the City of Cleveland's web site:
www.governmentjobs.com/careers/cleveland

THE ELECTRONIC APPLICATION PERIOD IS FROM 12:01 A.M. ON FRIDAY, JULY 18, 2024, UNTIL 11:59 PM. ON THURSDAY, AUGUST 16, 2024. NOTE: APPLICATIONS WILL NOT BE ACCEPTED AFTER 11:59 PM ON THURSDAY, AUGUST 16, 2024

SALARY: The prevailing salary for this position as established by Ordinance of the Council of the City of Cleveland is \$27.94 - 33.66 an hour.

EXAMINATION INFORMATION

PERFORMANCE EXAMINATION: Candidates will be notified of the time, date, and place of the exam via email.

DUTIES

Under general supervision, performs excavation and grading work to repair and maintain channels to accommodate vehicular and pedestrian traffic such as, but not limited to, roads, streets, expressways, bridges, drainage structures, grade separations, parking lots, alleys, fences, and sidewalks (excludes buildings). Directs, instructs, and assists workers in the installation and maintenance work of the water distribution system. Transports equipment to and from job site. Loads refuse, debris from streets, structure demolitions, and from City emergency projects for removal. Participates in loading, crushing, or processing of snow season materials. Maintains and repairs equipment. Participates in the skilled operation of heavy equipment. Serves as a member of a crew where specialized knowledge and skills are required. Performs other job-related duties as required where qualified.

MINIMUM QUALIFICATIONS

High School Diploma or GED required. Five years of full time recent and relevant paid experience maintaining, operating, and repairing heavy equipment vehicles required. Must be highly proficient in the operation of excavating equipment and digging near utilities. Valid State of Ohio Commercial Driver's License Class "B" with air brake and trailer endorsement required.

NOTE: Minimum qualifications must be met as of the last day of the filing period unless otherwise stated.

RESIDENCY CREDIT

In accordance with the Ordinances of the City of Cleveland: A person who has had as his/her primary residence in the City of Cleveland **for at least one year at the time of filing a Civil Service application**, and desires to take an entry-level Civil Service examination, shall, if a passing grade on the written examination is attained, have ten (10) points added to his/her passing score. (NOTE: Not all Examinations consider residency credit in the scoring process) To substantiate a claim for residency points, Applicants must UPLOAD LEGIBLE COPIES of the following:

- A signed and notarized Residency Affidavit available on the City's website here: <https://www.clevelandohio.gov/sites/clevelandohio/files/AffidavitofResidency0321.pdf>

VETERANS' PREFERENCE

Veterans' preference will be awarded, when applicable, to eligible veterans in accordance with Civil Service Rules 4.40E, 4.40F and 4.40G. Proof of active service or a DD Form 214, must be presented to the Commission at the time of filing application for the examination in which credit is sought in order to qualify for veterans' credit. If the applicant has received an honorable discharge or a general discharge under honorable conditions that applicant shall receive an additional five (5) points added to their raw score on the examination; or ten (10) points are added to their raw score on the examination if applicant's supporting documentation indicates more than fifteen percent (15%) service-connected disability.

NOTE: Only DD Form 214 (long form) or an official armed service document indicating type of discharge or separation and the dates of active service will be accepted as proof of active service.

We are an equal opportunity employer. We do not discriminate on the basis of race, color, sex, national origin/ancestry, military status, disability, age and religion.

Civil Service

CIVIL SERVICE COMMISSION ANNOUNCEMENT #CS2024-076
APPROVED C.S.C. MINUTES 7/12/2024

Legal Secretary Examination (OPEN)

FILING OF APPLICATION:

Application must be made electronically through the City of Cleveland's web site:
www.governmentjobs.com/careers/cleveland

THE ELECTRONIC APPLICATION PERIOD IS FROM 12:01 A.M. ON FRIDAY, JULY 18, 2024, UNTIL 11:59 PM. ON THURSDAY, AUGUST 16, 2024. NOTE: APPLICATIONS WILL NOT BE ACCEPTED AFTER 11:59 PM ON THURSDAY, AUGUST 16, 2024

SALARY: The prevailing salary for this position as established by Ordinance of the Council of the City of Cleveland is \$31,866.00 - \$68,036.96 per year

EXAMINATION INFORMATION

EXPERIENCE EVALUATION: An experience evaluation consists of a quantitative evaluation of an Applicant's academic training and experience pertinent to the classification for which an examination is taken, based on the statement of experience as recorded on the candidate's application and on academic training based on required credentials.

DUTIES

Under supervision, assists in the preparation of legal documents and other papers. Performs general clerical duties. Takes and transcribes legal dictation as required. Tracks legislation as necessary. Manages appointments and travel arrangements. Coordinates the scheduling of meetings, depositions, conferences, and court appearances. Performs other job-related duties as required.

MINIMUM QUALIFICATIONS

High School Diploma or GED required. An Associate's Degree from an accredited college or university required. Two years of full-time paid experience as a Legal Secretary required.

(Substitution: One year of full-time paid experience may substitute for each year of college education lacking. A certificate in Legal Studies or closely related field may substitute for the degree.) Must be able to type at least 40 words per minute.

NOTE: Minimum qualifications must be met as of the last day of the filing period unless otherwise stated.

RESIDENCY CREDIT

In accordance with the Ordinances of the City of Cleveland: A person who has had as his/her primary residence in the City of Cleveland **for at least one year at the time of filing a Civil Service application**, and desires to take an entry-level Civil Service examination, shall, if a passing grade on the written examination is attained, have ten (10) points added to his/her passing score. (NOTE: Not all Examinations consider residency credit in the scoring process) To substantiate a claim for residency points, Applicants must UPLOAD LEGIBLE COPIES of the following:

- A signed and notarized Residency Affidavit available on the City's website here: <https://www.clevelandohio.gov/sites/clevelandohio/files/AffidavitofResidency0321.pdf>

VETERANS' PREFERENCE

Veterans' preference will be awarded, when applicable, to eligible veterans in accordance with Civil Service Rules 4.40E, 4.40F and 4.40G. Proof of active service or a DD Form 214, must be presented to the Commission at the time of filing application for the examination in which credit is sought in order to qualify for veterans' credit. If the applicant has received an honorable discharge or a general discharge under honorable conditions that applicant shall receive an additional five (5) points added to their raw score on the examination; or ten (10) points are added to their raw score on the examination if applicant's supporting documentation indicates more than fifteen percent (15%) service-connected disability.

NOTE: Only DD Form 214 (long form) or an official armed service document indicating type of discharge or separation and the dates of active service will be accepted as proof of active service.

We are an equal opportunity employer. We do not discriminate on the basis of race, color, sex, national origin/ancestry, military status, disability, age and religion.

Civil Service

CIVIL SERVICE COMMISSION ANNOUNCEMENT #CS2024-077
APPROVED C.S.C. MINUTES 7/12/2024

Plumber Unit Leader Examination (OPEN)

FILING OF APPLICATION:

Application must be made electronically through the City of Cleveland's web site:
www.governmentjobs.com/careers/cleveland

THE ELECTRONIC APPLICATION PERIOD IS FROM 12:01 A.M. ON FRIDAY, JULY 18, 2024, UNTIL 11:59 PM. ON THURSDAY, AUGUST 16, 2024. NOTE: APPLICATIONS WILL NOT BE ACCEPTED AFTER 11:59 PM ON THURSDAY, AUGUST 16, 2024

SALARY: The prevailing salary for this position as established by Ordinance of the Council of the City of Cleveland is \$56.58 - \$70.41 an hour.

EXAMINATION INFORMATION

EXPERIENCE EVALUATION: An experience evaluation consists of a quantitative evaluation of an Applicant's academic training and experience pertinent to the classification for which an examination is taken, based on the statement of experience as recorded on the candidate's application and on academic training based on required credentials.

DUTIES

Under general supervision, has charge of a group of workers in connection with the installing, maintaining and repairing of piping systems and fixtures other than those for steam under high pressure. Performs other job-related duties as required.

MINIMUM QUALIFICATIONS

High School Diploma or GED required. Five years of full-time paid experience as a Journeyman Plumber required. Valid State of Ohio Driver's License required. Must be able to lift and carry 70 pounds. The following are desired, but not required: Pipe welding, sewer building, and supervisory experience; Gas line repair and fire suppression systems certifications; Basic computer and job estimating skills.

NOTE: Minimum qualifications must be met as of the last day of the filing period unless otherwise stated.

RESIDENCY CREDIT

In accordance with the Ordinances of the City of Cleveland: A person who has had as his/her primary residence in the City of Cleveland **for at least one year at the time of filing a Civil Service application**, and desires to take an entry-level Civil Service examination, shall, if a passing grade on the written examination is attained, have ten (10) points added to his/her passing score. (NOTE: Not all Examinations consider residency credit in the scoring process) To substantiate a claim for residency points, Applicants must UPLOAD LEGIBLE COPIES of the following:

- A signed and notarized Residency Affidavit available on the City's website here: <https://www.clevelandohio.gov/sites/clevelandohio/files/AffidavitofResidency0321.pdf>

VETERANS' PREFERENCE

Veterans' preference will be awarded, when applicable, to eligible veterans in accordance with Civil Service Rules 4.40E, 4.40F and 4.40G. Proof of active service or a DD Form 214, must be presented to the Commission at the time of filing application for the examination in which credit is sought in order to qualify for veterans' credit. If the applicant has received an honorable discharge or a general discharge under honorable conditions that applicant shall receive an additional five (5) points added to their raw score on the examination; or ten (10) points are added to their raw score on the examination if applicant's supporting documentation indicates more than fifteen percent (15%) service-connected disability.

NOTE: Only DD Form 214 (long form) or an official armed service document indicating type of discharge or separation and the dates of active service will be accepted as proof of active service.

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Civil Service

CIVIL SERVICE COMMISSION ANNOUNCEMENT #CS2024-078
APPROVED C.S.C. MINUTES 7/12/2024

Welder/Fabricator Technician Examination (OPEN)

FILING OF APPLICATION:

Application must be made electronically through the City of Cleveland's web site:
www.governmentjobs.com/careers/cleveland

THE ELECTRONIC APPLICATION PERIOD IS FROM 12:01 A.M. ON FRIDAY, JULY 18, 2024, UNTIL 11:59 PM. ON THURSDAY, AUGUST 16, 2024. NOTE: APPLICATIONS WILL NOT BE ACCEPTED AFTER 11:59 PM ON THURSDAY, AUGUST 16, 2024

SALARY: The prevailing salary for this position as established by Ordinance of the Council of the City of Cleveland is \$27.41 - 31.62 an hour.

EXAMINATION INFORMATION

EXPERIENCE EVALUATION: An experience evaluation consists of a quantitative evaluation of an Applicant's academic training and experience pertinent to the classification for which an examination is taken, based on the statement of experience as recorded on the candidate's application and on academic training based on required credentials.

DUTIES

Under supervision, does oxyacetylene and electric welding on iron, steel, and other metals. Measures, cuts, assembles, welds, and fabricates replacements as needed on equipment, vehicles, and structures. Performs other job-related duties as required. **TYPICAL TASKS:** Welds steam, air, water, and oil piping. Welds and brazes broken castings, pipe hangers, brackets, and pipe fittings. Cuts steel plates, pipes, rods, and bolts. Operates welder and related equipment. Repairs steam and water piping, steam traps, valves, flue blowers, and expansion joints. Heats and straightens automobile frames, axles, bumpers, and other parts. Straightens and repairs road machinery, tractors, trucks, and other machinery. Does arc-welding. Cuts metal with welding and other equipment. Threads pipe. Services welding equipment. Operates various equipment such as band saws, drill and hydraulic presses, as well as bending and rolling machines.

MINIMUM QUALIFICATIONS

High School Diploma or GED required. Three years of full-time paid welding experience required. Must have layout and blueprint reading experience as well as experience in

fabricating parts. Experience in Burning, Arc-Welding, Mig-Welding, Tig-Welding, and the use of Burny 3 CNC cutting machine required. A welding training certificate required. Valid State of Ohio Driver's License required.

NOTE: Minimum qualifications must be met as of the last day of the filing period unless otherwise stated.

RESIDENCY CREDIT

In accordance with the Ordinances of the City of Cleveland: A person who has had as his/her primary residence in the City of Cleveland **for at least one year at the time of filing a Civil Service application**, and desires to take an entry-level Civil Service examination, shall, if a passing grade on the written examination is attained, have ten (10) points added to his/her passing score. (NOTE: Not all Examinations consider residency credit in the scoring process) To substantiate a claim for residency points, Applicants must UPLOAD LEGIBLE COPIES of the following:

- A signed and notarized Residency Affidavit available on the City's website here: <https://www.clevelandohio.gov/sites/clevelandohio/files/AffidavitofResidency321.pdf>

VETERANS' PREFERENCE

Veterans' preference will be awarded, when applicable, to eligible veterans in accordance with Civil Service Rules 4.40E, 4.40F and 4.40G. Proof of active service or a DD Form 214, must be presented to the Commission at the time of filing application for the examination in which credit is sought in order to qualify for veterans' credit. If the applicant has received an honorable discharge or a general discharge under honorable conditions that applicant shall receive an additional five (5) points added to their raw score on the examination; or ten (10) points are added to their raw score on the examination if applicant's supporting documentation indicates more than fifteen percent (15%) service-connected disability.

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Schedule of the Board of Zoning Appeals

**Monday, July 29, 2024
9:30 a.m.**

Under the conditions specified by law, the Board of Zoning Appeals will be conducting a hybrid in-person and virtual hearing using the WebEx Platform. IF YOU WISH TO PARTICIPATE AND OR GIVE TESTIMONY THROUGH WEBEX, contact the Board of Zoning Appeals office and request the link at 216-664-2580 by noon on July 31, 2024. You can also email us boardofzoningappeals@clevelandohio.gov.

The in-person hearing will be held in Room 514 in City Hall. Bring proper ID to enter the building.

Those individuals not planning to attend are encouraged to view one of the live streams:

<http://www.clevelandohio.gov/CityofCleveland/Home/Government/CityAgencies/CityPlanningCommission/ZoningAppeals>

Or <https://www.youtube.com/channel/UCB8qloJrhmpYIR1OLY68bw/>

Calendar No. 24-104: 16205 Delrey Avenue

Ward 1 – Joseph Jones

Constance Boykins, owner, proposes application to erect a 12 feet by 17 feet, one-story frame living space addition to existing single-family residence in an A1 One-Family Residential District. The owners appeal for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Division (b)(2) of Section 357.09, which states the Minimum Required Interior Side Yard is 10 feet, and the appellant is proposing 6 feet, 7 inches.

Calendar No. 24-105: 4724 Memphis Avenue

Ward 13 – Kris Harsh

Parkway Plaza LLC, owner, proposes to demolish existing structure and erect 9,133 square foot, six-tenant (unspecified) retail space and 23 space parking lot in C1 Local Retail Business District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Division (d) of Section 357.01, which states that Front yards are required when established by specific building lines shown on the Building Zone Map. A 15-foot front setback is specifically required on the Building Zone Map: proposed parking in the required setback is not a permitted front yard encroachment as listed in Section 357.13.

2. Division (b)(1) of Section 357.05, which states that on the rear third of a corner lot in a Local Retail Business District where the rear lot line abuts a Residence District, the building line shall be not less than 10 feet back from the side street line where approximately five feet are proposed.
3. Sections 352.08 through 352.12, which state that a 10-foot-wide landscaped transition strip providing 75% year-round opacity is required where lot abuts Residential zoning district. A 6-foot-wide frontage strip providing 50% year-round opacity is required where proposed parking lot abuts street. No landscaping is shown, and a dumpster is proposed in required transition strip area.
4. Division (b) of Section 343.18, which states driveway must be at least 15 feet from side property line; two feet are proposed.
5. Section 341.02, which states approval of City Planning Commission/Department is required; proposed construction has not yet been approved.

**Calendar No.24-106: Denial of John’s Hot Dog’s Vendor’s License
LUMF2-00013**

Ward 3 – Kerry McCormack

John Sisamis (AKA John’s Hotdogs), owner, appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and division (d) of Section 329.02 of the Cleveland Codified Ordinances to dispute the decision of the Commissioner of Assessments and Licenses to deny vendor’s license LUMF24-00013 based upon input from Councilman Kerry McCormack.

**Calendar No. 24-107: 4117 East 93rd Street
Ward 2 – Kevin Bishop**

Shawanda Hammonds Slaughter, owner, proposes to change use from one family dwelling unit to type ‘A’ Day Care in Two-Family District. The owners appeal for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.03, which states that as permitted and regulated in One Family District 337.02(g)(3)(C). Childcare use requires approval from the Board of Zoning Approval and is required to be 30 feet from any adjoining premises in residence district not used for a similar purpose. Proposed childcare is surrounded by Two Family Residential District.

**Calendar No. 24-108: 698 East 124th Street
Ward 10 – Anthony Hairston**

RAL Property Management proposes to establish use as a Residential Facility for five occupants in a B1 Two-Family Residential District. The owners appeal for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 325.571, which states “Residential Facility” means a publicly or privately operated home or facility, licensed pursuant to state law, that provides accommodations, supervision, and personal care services to any of the following: (a) one or two unrelated persons with mental illness; (b) one or two unrelated adults who are receiving residential state supplement payments as defined in the Ohio Revised Code; or (c) three to 16 unrelated adults.
2. Division (h) of Section 337.03, which states a Residential Facility, as defined in Chapter 325 of this Zoning Code, for one to five unrelated persons, is not permitted if located less than 1,000 feet from another residential facility. Proposed Residential Facility use is within 1,000 feet from another Residential Facility located at 635 East 120th Street (Aspire To Be Great).

Postponed from July 8, 2024

**Calendar No. 24-091: 2489 Professor Street
Ward 3 – Kerry McCormack**

Chad Kusa, owner, proposes to construct a new three-family dwelling on a 4,049 square foot lot in a B1 Two-Family Residential District. The owner appeals for relief from the strict application of the following sections of the Cleveland Codified Ordinances:

1. Section 337.03, which states that in a Two-Family District, a three-family dwelling is not permitted; it is first permitted in a Multi-Family District.
2. Division (b) of Section 355.04, which states that the maximum gross floor area of a residence building in a ‘B’ Area District is half the lot area or in this case 2,090 square feet. The proposed floor area is 4,000 square feet.

NO TESTIMONY TAKEN. POSTPONED DUE TO SCHEDULING CONFLICT.

Report of the Board of Zoning Appeals

Monday, July 15, 2024

At the meeting of the Board of Zoning Appeals on Monday, July 15, 2024, the following appeals were scheduled for hearing before the Board and;

The following appeals were **APPROVED**:

Calendar No. 24-090: 3300 Clinton Avenue

Alex Frondorf, owner, proposes to erect a two-story frame (accessory), single-family residence on the rear half of the lot with attached garage & pool house in a B1 Two-Family Residential District.

The following appeals were **DENIED**: **None**

The following appeals were **WITHDRAWN**: **None**

The following appeals were **DISMISSED**:

Calendar No. 24-038: 1055 Ivanhoe Road/Violation Notice

216 Real Estate LLC., owner (c/o Jason Lewis), appeals under the authority of Section 76-6 of the Charter of the City of Cleveland and division (d) of Section 329.02 of the Cleveland Codified Ordinances from Notice of Violation Number V24003721.

The following cases were **REMANDED**: **None**

The following cases were **POSTPONED**:

Calendar No. 24-089: Shelter The People Cleveland

4843 Wendell Avenue. August 26, 2024.

Calendar No. 24-092: The Cleveland Clinic Foundation

2170 East 103rd Street. August 5, 2024.

Calendar No. 24-093: The Cleveland Clinic Foundation

2180 East 103rd Street. August 5, 2024.

Calendar No. 24-094: The Cleveland Clinic Foundation

10106 Cedar Avenue. August 5, 2024.

Calendar No. 24-095: The Cleveland Clinic Foundation

10112 Cedar Avenue. August 5, 2024.

Calendar No. 24-096: The Cleveland Clinic Foundation

10112 Cedar Avenue. August 5, 2024.

Calendar No. 24-097: The Cleveland Clinic Foundation

2164 East 103rd Street. August 5, 2024.

Calendar No 24-098:Housing STS, LLC

12210-12212 Lorain Avenue. August 19, 2024.

The following cases were heard by the Board of Zoning Appeals on Monday July 8, 2024, and the decisions were adopted and approved on Monday, July 15, 2024:

Calendar No. 24-075: 4098 Rocky River Drive

Rocky River Rental Property, Ltd, owners, proposes to establish use as a Tattoo Studio a C1 Residence-Office District.

Calendar No. 24-101: 1555 East 118th Street

1555 East 118 St. LLC, owner, proposes application to erect one new, three-story, multi-unit building on a parcel of land with two existing residential houses (18 total units) and a 14-car parking area on newly created 22,845 square foot lot in a C1 General Retail Business District.

Calendar No. 24-069: 7202 Hague Road (Granted Conditionally)

Travis Tomlinson, owner, proposes to establish use as Motor Vehicle Service Garage in a C1 General Retail Business District.

The following cases were heard by the Board of Zoning Appeals on Monday August 14, 2023, and the decisions was adopted and approved on Monday, July 15, 2024:

Calendar No. 23-128:3119 West 50th Street (Granted Conditionally)

Adrian Ortega proposes to build a parking lot on a City of Cleveland Land Bank Parcel (PPN 016-14-016) in a B1 Two-Family Residential District.

Agenda of the Board of Building Standards and Building Appeals

Wednesday, July 17, 2024 - revised

Board of Building Standards and Building Appeals
Cleveland City Hall - Room 514 or via WebEx at 9:30 a.m. EST
BBSA@clevelandohio.gov

NOTE: This is a tentative Agenda and may vary both in scope and order of presentation as time permits and circumstances warrant.

Download the WebEx Desktop App or the mobile App from the WebEx website at <https://www.webex.com/downloads.html/>

Instructions to enable a browser plug-in for Chrome or Firefox can be found here: <https://help.webex.com/en-us/WBX77970/How-Do-I-Enable-the-Webex-Plug-in-to-Join-aMeeting-Using-Chrome-or-Firefox>

For instructions to join the call you can go to here: <https://help.webex.com/en-us/bksp8r/Join-a-Meeting-from-the-Webex-Meetings-Desktop-Appor-Mobile-App>

Email: cdavis@clevelandohio.gov to receive the calendar invite (This invite is for testament/witness purposes only)

PUBLIC HEARINGS WILL BE STREAMED LIVE ON YOUTUBE:

<https://www.youtube.com/channel/UCB8qloJrhmpYIR1OLY68bw/>

BUILDING:

**Docket A-43-24 2184 West 85th Street WARD: 15
(Jenny Spencer)**

Hasanabouali Inc, Owners of the MXD Mixed Uses-Multiple uses in one building Two-Story Wood/Timber Frame Structure, appeals from a **NOTICE OF VIOLATION – FIRE DAMAGE**, dated January 16, 2024; appellant is requesting for time to complete abatement of the violations.

**Docket A-51-24 2517 East 57th Street WARD: 5
(Richard A. Starr)**

RDJ Group LLC, Owner of the R-2 Residential-Non-transient; Apartments (Shared Egress) Two and a Half-Story Wood Frame/Siding/Masonry Veneer Frame Structure, appeals from a **NOTICE OF VIOLATION – CONDEMNATION – MAIN**

STRUCTURE, & VACATE, dated March 4, 2024; appellant is requesting for time to complete abatement of the violations.

Docket A-51-24 was RESCHEDULED.

Docket A-94-24 2163 East 78th Street WARD: 5
(Richard A. Starr)

Cheryl Hammons, Owner R-2 Residential-Non-transient; Apartments (Shared Egress) Two Story Masonry Frame Structure appeals from a **NOTICE OF VIOLATION – INTERIOR/EXTERIOR MAINTENANCE & HAZARDOUS CONDITIONS** dated April 18, 2024; appellant for time to complete abatement of the violations.

Docket A-98-24 **3412 East 145th Street** **WARD: 1**
(Joseph T. Jones)

VMD OH LLC, Owner R-2 Residential-Non-transient; Apartments (Shared Egress)
Two Story Masonry walls/Wood Floors Frame Structure appeals from a **NOTICE OF VIOLATION – CONDEMNATION – MAIN STRUCTURE & CODEMNATION-GARAGE** dated December 7, 2022; appellant for time to complete abatement of the violations.

Docket A-100-24 **3373 East 93rd Street** **WARD: 6**
(Blaine A. Griffin)

Black Lion Investment Group LLC, Owner of the MXD Mixed Uses-Multiple uses in One Building Two Story Masonry walls/Wood Floors Frame Structure appeals from a **NOTICE OF VIOLATION – HAZARDOUS CONDITIONS** dated April 10, 2024; appellant is requesting for time to complete abatement of the violations.

HOUSING:

Docket A-46-24 3457 West 41st Street WARD: 14
(Jenny Spencer)

Manuel Roman, Owner of the Three Dwelling Units; Three-Family Residence; Two-Story Frame Property, appeals from a **NOTICE OF VIOLATION – INTERIOR/EXTERIOR MAINTENANCE**, dated January 29, 2023; appellant is requesting for time to complete abatement of the violations.

Docket A-47-24 3630 East 112th Street WARD: 2
(Kevin L. Bishop)

Olia Wilson, Owner of the Two Dwelling Units; Two-Family Residence; One-Story Masonry Frame Property, appeals from a **NOTICE OF VIOLATION –INTERIOR/**

EXTERIOR MAINTENANCE, dated February 16, 2024; appellant is requesting for time to complete abatement of the violations.

Docket A-50-24

11310 Florian Avenue

WARD: 11
(Danny Kelly)

Steve Vulic, Owner of the Two Dwelling Units; Two-Family Residence; Two-Story Frame Property, appeals from a **NOTICE OF VIOLATION – INTERIOR/EXTERIOR MAINTENANCE** dated February 28, 2024; appellant is requesting for time to complete abatement of the violations.

Docket A-52-24

9331 Pratt Avenue

WARD: 2
(Kevin L. Bishop)

DAKM Holdings LLC, Owner of the Two Dwelling Units; Two -Family Residence; Two-Story Frame Property, appeals from a **NOTICE OF VIOLATION – CONDEMNATION-MAIN STRUCTURE, & CONDEMNATION – GARAGE** dated, February 7, 2024; appellant is requesting for time to complete abatement of the violations.

Docket A-53-24

3788 Lee Heights Boulevard

WARD: 1
(Joseph T. Jones)

Hero Homes JV2 LLC, Owner of the One Dwelling Unit; Single-Family Residence; One and a Half-Story Frame Property, appeals from a **NOTICE OF VIOLATION – RENTAL REGISTRATION, NO PERMIT & INTERIOR/EXTERIOR MAINTENANCE**, dated February 9, 2024; appellant is requesting for time to complete abatement of the violations.

Docket A-54-24

15530 Munn Road

WARD: 17
(Charles J. Slife)

John Debarr, Owner of the One Dwelling Unit; Single-Family Residence; Two-Story Wood Frame/Siding/Masonry Veneer Property, appeals from a **NOTICE OF VIOLATION – EXTERIOR MAINTENANCE**, dated February 12, 2024; appellant is requesting for time to complete abatement of the violations.

Docket A-55-24

15700 Leigh Ellen Avenue

WARD: 16
(Brian Kazy)

The Estate of Jordan Gaiser, Owner of the One Dwelling Unit; Single-Family Residence; One-Story Garage-Detached; Wood Frame Property, appeals from **NOTICE OF VIOLATION – CONDEMNATION – GARAGE** dated February 13, 2024; appellant is requesting for time to complete abatement of the violations.

Docket A-56-24

4421 West 11th Street

WARD: 12
(Rebecca Maurer)

Brad Reinhard, Owner of the One Dwelling Unit; Single-Family Residence; Two-Story Frame Property, appeals from a **NOTICE OF VIOLATION – FIRE DAMAGE**, dated February 12, 2024; appellant is requesting for time to complete abatement of the violations.

Docket A-57-24

9721 Union Avenue

WARD: 6
(Blaine A. Griffin)

Regis Williams, Owner of the One Dwelling Unit; Single-Family Residence; One and a Half-Story Frame Property, appeals from a **NOTICE OF VIOLATION – INTERIOR/EXTERIOR MAINTENANCE**, dated March 4, 2024; appellant is requesting for time to complete abatement of the violations.

Docket A-59-24

10531 Columbia Avenue

WARD: 9
(Kevin Conwell)

Taylorred Spaces LLC, Owner of the One Dwelling Unit; Single-Family Residence; Two-Story Frame Property, appeals from a **NOTICE OF VIOLATION – INTERIOR/EXTERIOR MAINTENANCE, NO PERMIT & RENTAL REGISTRATION**, dated February 23, 2024; appellant is requesting for time to complete abatement of the violations.

Docket A-60-24

11204 Parkview Avenue

WARD: 4
(Deborah A. Gray)

DAKM Holdings LLC, Owner of the Three Dwelling Units; Three-Family Residence; Two and a Half-Story Frame Property, appeals from a **NOTICE OF VIOLATION – CONDEMNATION-MAIN STRUCTURE**, dated February 23, 2024; appellant is requesting for time to complete abatement of the violations.

Docket A-86-24

2968 East 67th Street

WARD: 5
(Richard A. Starr)

Robin Turner, Owner of the Two Dwelling Units Two-Family Residence One Story Masonry walls/Wood floors Frame Property appeals from a **NOTICE OF VIOLATION – INTERIOR/EXTERIOR MAINTENANCE & HVAC** dated March 27, 2024 & March 28, 2024; appellant is requesting for time to complete abatement of the violations.

Docket A-95-24

3855 West 31st Street

WARD: 10
(Anthony T. Hairston)

Estate of Milica Kablar, Owner of the One Dwelling Unit; Single-Family Residence One and a Half Story Frame Property appeals from a **NOTICE OF VIOLATION- CONDEMNATION MAIN STRUCTURE** dated March 11, 2024; appellant is requesting for time to complete abatement of the violations.

Docket A-96-24**12808 Woodside Avenue****WARD: 12
(Rebecca Maurer)**

Kimberly Morris, Owner of the One Dwelling Unit; Single-Family Residence Two Story Frame Property appeals from a **NOTICE OF VIOLATION – CONDEMNATION-GARAGE, HAZARDOUS CONDITIONS, NO PERMIT & INTERIOR/EXTERIOR MAINTENANCE** dated April 29, 2024; appellant is requesting for time to complete abatement of the violations.

Docket A-97-24**12808 Cumberland Avenue****WARD: 4
(Deborah A. Gray)**

Kimberly Morris, Owner of the Two Dwelling Units Two-Family Residence Two Story Frame Property appeals from a **NOTICE OF VIOLATION – CONDEMNATION – GARAGE, HAZARDOUS CONDITIONS, NO PERMIT & INTERIOR/EXTERIOR MAINTENANCE** dated April 29, 2024; appellant is requesting for time to complete abatement of the violations.

Docket A-101-24**1283 West 106th Street****WARD: 15
(Jenny Spencer)**

Cecilia Li & Felipe de Freitas, Owner of the One Dwelling Unit; Single-Family Residence Two and a Half Story Frame Property appeals from a **NOTICE OF VIOLATION – CONDEMNATION – GARAGE & CONDEMNATION – MAIN STRUCTURE** dated April 26, 2024; appellant is requesting for time to complete abatement of the violations.

Approval of Resolutions

Docket/s:

A-21-24	Kenneth Passerallo
A-22-24	Murad Alqudah
A-23-24	Christie Lites Cleveland LLC
A-24-24	Nathan Nickschinski
A-26-24	Eileen A. Scott
A-27-24	Dawn Young
A-28-24	Bonwit Teller LLC
A-29-24	John/Katherine Carey
A-30-24	R&R Luxury Homes LLC
A-31-24	Edifice Properties LLC
A-32-24	Joseph C. Beard
A-33-24	Brenda Lopez
A-34-24	Samuel Mitchell
A-35-24	Kyns T8 LLC
A-36-24	Muse Spaces LLC
A-37-24	Jamie Scaggs
A-38-24	Molmor LLC
A-39-24	Stephen Arisco
A-41-24	Hype Investing LLC
A-42-24	3434 West Blvd LLC

Approval of Minutes

July 3, 2024

MEMO

To: Tom Vanover, Commissioner/CBO

From: Carmella Davis, Executive Secretary
Board of Building Standards and Building Appeals

Date: May 15, 2024

Subject: Request for presence at board hearing

The Board of Building Standards and Building Appeals request the presence of a representative for a Public Hearing on the following Docket/s from the Department of Building and Housing, and the presence of a representative from the Division of Fire on Wednesday, July 17, 2024, at approximately 9:30 a.m. via WebEx.

DOCKET NO.	ADDRESS	INSPECTOR/S
A-43-24	2184 West 85	J. Dedic
A-51-24	2517 East 57	M. Shockley
A-46-24	3457 West 41	D. Turic
A-47-24	3630 East 112	K. Lanum
A-50-24	11310 Florian	D. Turic
A-52-24	9331 Pratt	M. Smith
A-53-24	3788 Lee Hts	R. Derrett
A-54-24	15530 Munn	C. Davis
A-55-24	15700 Leigh Ellen	C. Davis
A-56-24	4421 West 11	J. Barkas
A-57-24	9721 Union	A. Arnold
A-59-24	10531 Columbia	R. Derrett
A-60-24	11204 Parkview	M. Smith
A-86-24	2968 East 67	K. Lanum/R. Hartman
A-95-24	3855 West 31	J. Barkas
A-96-24	12808 Woodside	R. Derrett
A-97-24	9705 Cumberland	R. Derrett
A-101-24	1283 West 106	Rowshanbakhtfardian

Adopted Resolutions and Passed Ordinances

These resolutions were adopted, and ordinances were passed by City Council on Wednesday, July 10, 2024.

Click on a piece of legislation below to read it:

[Ord. No. 468-2024](#)

[Ord. No. 645-2024](#)

[Ord. No. 521-2024](#)

[Ord. No. 662-2024](#)

[Ord. No. 580-2024](#)

[Ord. No. 663-2024](#)

[Ord. No. 582-2024](#)

[Ord. No. 664-2024](#)

[Ord. No. 584-2024](#)

[Ord. No. 665-2024](#)

[Ord. No. 594-2024](#)

[Ord. No. 666-2024](#)

[Ord. No. 612-2024](#)

[Ord. No. 667-2024](#)

[Ord. No. 613-2024](#)

[Ord. No. 699-2024](#)

[Ord. No. 614-2024](#)

[Ord. No. 700-2024](#)

[Ord. No. 623-2024](#)

[Ord. No. 720-2024](#)

[Ord. No. 625-2024](#)

[Ord. No. 721-2024](#)

[Ord. No. 627-2024](#)

[Ord. No. 722-2024](#)

[Ord. No. 629-2024](#)

[Ord. No. 747-2024](#)

[Ord. No. 632-2024](#)

[Ord. No. 787-2024](#)

[Ord. No. 634-2024](#)

[Ord. No. 788-2024](#)

[Ord. No. 640-2024](#)

[Ord. No. 790-2024](#)

[Ord. No. 641-2024](#)

[Res. No. 483-2024](#)

[Ord. No. 642-2024](#)

[Res. No. 619-2024](#)

[Ord. No. 643-2024](#)

[Res. No. 701-2024](#)

[Ord. No. 644-2024](#)

[Res. No. 702-2024](#)

Res. No. 703-2024

Res. No. 706-2024

Res. No. 704-2024

Res. No. 749-2024

Res. No. 705-2024

Res. No. 789-2024

Ordinance No. 468-2024

By Council Members: McCormack and Griffin (by departmental request)

An emergency ordinance authorizing the Director of Port Control to enter into one or more contracts with AeroCloud System Inc., for the purpose of providing an automated airport gate scheduling and billing management software solution for the Common Use Airport Operations program, for the Department of Port Control, for a period of one-year, with five one-year options to renew, exercisable by the Director of Port Control.

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 enter into one or more contracts with AeroCloud System Inc., for the purpose of providing an automated airport gate scheduling and billing management software solution for the Common Use Airport Operations program, on the basis of its proposal with an effective date of April 1, 2024, for the Department of Port Control, for a period of one-year, with five one-year options to renew, exercisable by the Director of Port Control.

Section 2. That under Section 108(b) of the Charter, the services 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 obtain such services and may enter into one or more contracts with the consultants selected through that cooperative process.

Section 3. The contract or contracts shall be paid from Fund No. 60 SF 001. (RQS 3001, RL 2024-49)

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 July 10, 2024.

Effective July 16, 2024.

Ordinance No. 521-2024

By Council Members: Bishop and Griffin (by departmental request)

An emergency ordinance to discontinue the Divisions of Recreation and Park Maintenance and Properties and the Office of Special Events and Marketing, by repealing various sections of Chapter 131, as amended and enacted by various ordinances; to amend Section 131.02 relating to the duties of the Director of Public Works; to create the Department of Parks and Recreation; to enact new Sections 133.01 to Sections 133.46; and to amend various other sections of the codified ordinances, as amended and enacted by various ordinances, relating to the foregoing changes.

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, upon the concurrence of the Board of Control, as required by Sections 77 and 79 of the Charter of the City of Cleveland, the Divisions of Recreation and Park Maintenance and Properties, and the Office of Special Events and Marketing are discontinued and the following sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 131.05 as enacted by Ordinance No. 1331-A-10, passed December 6, 2010,

Section 131.06, as amended by Ordinance No. 523-2020, passed November 18, 2020, and

Sections 131.29, 131.30, 131.39, and 131.40, as enacted by Ordinance No. 1331-A-10, passed December 6, 2010,

are repealed.

Section 2. That the following sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 131.07, as amended by Ordinance No. 523-2020, passed November 18, 2020,

Section 131.08, as amended by Ordinance No 135-11, passed January 31, 2011,

Section 131.081, as amended by Ordinance No. 1580-11, passed December 5, 2011,

Section 131.09, as enacted by Ordinance No. 1330-A-10, passed December 6, 2010,

Section 131.10, as amended by Ordinance No. 1328-18, passed November 19, 2018,

Section 131.15, as amended by Ordinance No. 1516-11, passed December 5, 2011,

Sections 131.17 and 131.18, as enacted by Ordinance No. 1330-A-10, passed December 6, 2010,

Section 131.19, as amended by Ordinance No. 1516-11, passed December 5, 2011,

Sections 131.20, as enacted by Ordinance No. 1330-A-10, passed December 6, 2010,

Sections 131.21 and 131.22, as amended by Ordinance No. 1092-2023, passed November 13, 2023,

Section 131.24, as enacted by Ordinance No. 1330-A-10, passed December 6, 2010,

Section 131.31, as amended by Ordinance No. 35-2024, passed January 22, 2024,

Sections 131.32 and 131.33, as enacted by Ordinance No. 1330-A-10, passed December 6, 2010,

Section 131.34, as amended by Ordinance No. 674-2019, passed June 3, 2019,

Section 131.35, as amended by Ordinance No. 20-15, passed May 4, 2015,

Section 131.36, as amended by Ordinance No. 1650-12, passed May 13, 2013,

Section 131.37, as amended by Ordinance No. 20-15, passed May 4, 2015,

Section 131.381, as amended by Ordinance No. 1167-16, passed November 14, 2016,

Section 131.41, as enacted by Ordinance No. 1330-A-10, passed December 6, 2010,

Section 131.42, as amended by Ordinance No. 1483-15, passed December 7, 2015,

Section 131.83, as enacted by Ordinance No. 1330-A-10, passed December 6, 2010, and

Sections 131.85 and 131.86, as enacted by Ordinance No. 1330-A-10, passed December 6, 2010,

are repealed.

Section 3. That Section 131.02, amended by Ordinance No. 1516-11, passed December 5, 2011, is amended to read as follows:

Section 131.02 Duties of the Director of Public Works

The Director of Public Works either directly or through the appropriate divisions established in the Department of Public Works, shall have charge of the planning, construction, improvement, repair and maintenance of streets, boulevards, sidewalks, alleys, lanes and other public highways; of the planning, construction, improvement, repair and maintenance and the operation of bridges and viaducts; of drains, ditches, culverts; the cleaning and sprinkling of streets, boulevards and public places; the collection and disposal of waste; the preservation of tools, equipment and other property belonging to the City and pertaining to the Department of Public Works; charge and management of City Hall buildings; all City off-street parking facilities not under the jurisdiction of another department; all other real estate belonging to the City and not under the jurisdiction of another department; the installation and maintenance of parking meters in parking meter zones established by the Commissioner of Traffic Engineering; and the issuance of parking infraction tickets and the impoundment of vehicles to the extent that the Codified Ordinances specifically authorize employees of the Division of Parking Facilities to perform said tasks.

The Director of Public Works and his or her designees, which shall include only supervisory or higher ranking officials in the Department of Public Works, when commissioned by the Director of Public Safety as special police, may enforce minor misdemeanor offenses related to solid waste collection and disposal through the issuance of citations in accordance with Rule 4.1 of the Rules of Criminal Procedure. He or she shall further perform all other duties pertaining to the Department which may be required of him or her by ordinance or by the Mayor.

Section 4. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Sections 133.01 to 133.46 to read as follows:

CHAPTER 133
DEPARTMENT OF PARKS AND RECREATION

Section 133.01 Establishment of the Department of Parks and Recreation

There is established a Department of Parks and Recreation to be controlled and administered by a Director of Parks and Recreation, subject to the provisions of the Charter and ordinances of the City, and to the direction of the Mayor. The Director may appoint and employ Assistant Directors, a secretary who may be in the unclassified service, and such other officers and employees as maybe necessary for the operation of

his or her office and the several divisions and activities comprising the Department, except officers and employees appointed by commissioners of the several divisions in accordance with the provisions of Charter Section 79.

Section 133.02 Duties of the Director of Parks and Recreation

The Director of Parks and Recreation either directly or through the appropriate divisions established in the Department of Parks and Recreation, shall manage and supervise all public improvements, works and undertakings of the City except as otherwise provided by the Charter and ordinances of the City. He or she shall have charge of the preservation of tools, equipment and other property belonging to the City and pertaining to the Department of Parks and Recreation; charge and management of the Public Hall, the Music Hall, the Little Theater, the main arena, Mall Units 1 and 2 (Malls B and C), and all meeting rooms which shall comprise and be known as "The Public Auditorium Building", and Cleveland Browns Stadium; all City parks, recreation facilities and markets. He or she shall further perform all other duties pertaining to the Department which may be required of him or her by ordinance or by the Mayor.

Section 133.03 Office of Administration

There is established in the Department of Parks and Recreation an Office of Administration to be administered and controlled by a Manager of Administration, subject to the provisions of the Charter and Codified Ordinances of Cleveland, Ohio 1976 and the supervision of the Director of Parks and Recreation.

Section 133.04 Duties of the Manager of Administration

The Manager of Administration shall control and supervise all activities and personnel of the Office of Administration; shall coordinate departmental support for the various divisions of the Department of Parks and Recreation in the areas of personnel, legislation, budgeting, purchasing, information technology and in such additional areas as are determined to be necessary by the Director of Parks and Recreation for the efficient operation of the Department; and shall perform such other duties as may from time to time be required by ordinance or by the Director of Parks and Recreation.

Section 133.05 Office of Special Events and Marketing

There is established in the Department of Parks and Recreation an Office of Special Events and Marketing to be administered and controlled by a Manager of Special Events and Marketing, subject to the provisions of the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, and to the supervision of the Director of Parks and Recreation.

Section 133.06 Duties of the Manager of Special Events and Marketing

The Manager of Special Events and Marketing shall:

- (a) Make recommendations to the Director regarding the issuance and conditions of issuance for all permits governing special events occurring within the corporate boundaries of the City;
- (b) Prior to and during every special event, coordinate the permitting process of all City departments providing services to the special event;
- (c) Provide technical assistance and information to special event applicants;
- (d) Recommend to the Director appropriate risk management measures to protect the City during each special event;
- (e) Administer all special event concession agreements and all special event permits under this chapter excepting only those concession agreements which apply to property under the control of the Directors of Port Control and Public Utilities;
- (f) Have the authority to determine and require events promoters to provide essential services, including but not limited to, adequate on-site safety and traffic control, fire protection, first-aid services, sanitation and cleanup, except that the hiring of police officers or private security personnel shall not be required for any block party or any small neighborhood-based community event when the anticipated attendees will not exceed 100 persons; and
- (g) Preside over such special events steering committees of City personnel from more than one (1) City department as may be appointed by the directors of the affected City departments and record all actions taken by the committees.

Section 133.07 Special Event Permits

For purposes of this chapter, "special event" means a preplanned event or series of events of less than a week's duration, including block parties or any small neighborhood-based community events, sponsored by a public or private person or entity, which is: (1) located wholly or partially on property which is owned or maintained by the City of Cleveland; or (2) located on any other property and requires for its successful execution, the provision and coordination of municipal services to a degree significantly over and above that which the City of Cleveland routinely provides under ordinary everyday circumstances.

City buildings, parks and all other real estate under control of the Director which have been constructed or maintained for the benefit of the public shall be for the use of the public in general under the Charter and ordinances of the City of Cleveland. To that end, no person or entity shall be given any special or exclusive privilege to use any public

property under the control of the Director without first obtaining a permit under this section. Additionally, the Director shall ensure that proper coordination occurs among necessary City departments to facilitate the use of City streets for special event activities including parades, marathons, foot races/bike-a-thons, and all other events requiring closure of a right-of-way.

All closures of City streets in conjunction with a special event shall be approved by the Police Traffic Commissioner, Commissioner of Streets, and Manager of Special Events and Marketing.

(a) The Director may establish rules and regulations for the use of public property under his or her control. Such rules and regulations shall become effective ten (10) days after publication in the City Record and shall be enforced as ordinances of the City. The Director of Parks and Recreation shall have the authority to make, amend, alter or rescind rules and regulations governing use of the facilities of the Public Auditorium Building and Cleveland Browns Stadium not in conflict with the ordinances or laws regulating such conduct. The Director may require in any rental agreement that the event be required to pay for or provide security personnel within and without the rental premises. The Director or designee shall not require any permit applicant to hire police officers or private security personnel for any block party or any small neighborhood-based community event when the anticipated attendees will not exceed one hundred (100) persons.

(b) The Director may place reasonable time restrictions on the issuance of special event permits, including without limitation a prior notice requirement, first-come, first-served scheduling, limitations on frequency of use, and limitation of permits to normal operating hours for City property. Use of the City Hall Rotunda for events other than City-sponsored events shall be limited to after normal business hours and weekends. The Director's prior notice requirement may not exceed five (5) days for special event permits not subject to the requirements of Section 133.08.

(c) The Director may place reasonable place restrictions on the issuance of special event permits, which restrictions may consider the historic use of the property, recreational use policies adopted in the Director's rules and regulations, the size of the property and the degree to which the special event would interfere with the historic use and adopted recreational use policies for the property.

(d) The Director may deny or revoke a special event permit whenever he or she finds:

(1) The applicant person or entity has previously violated the provisions of a special event permit or has submitted materially false or incomplete information on any special event permit application; or

(2) The special event would unreasonably interfere with the movement of or service capability of police vehicles, firefighting equipment or ambulance service; or

- (3) The special event would unreasonably interfere with the historic recreational use and the adopted recreational use policies for a neighborhood park; or
- (4) The special event would unreasonably interfere with another special event for which a permit has been issued; or
- (5) The special event would unreasonably interfere with the City activities that occur on or at the property.
- (6) The applicant person or entity has failed to keep detailed records of all vendors, as defined in Section 675.01(a)(3) of the Codified Ordinances, associated with a special event in accordance with divisions (e) and (f) of this section.

The Director may charge a permit application fee, subject to approval of Board of Control, in an amount not to exceed the Director's cost in administering such application.

- (e) The applicant, person, or entity shall do the following:
 - (1) maintain records of all vendors associated with the event, including the name, address, phone number, and description of all items to be sold; and
 - (2) maintain records that demonstrate compliance with Section 675.09 (n) and (o) by vendors of prepackaged frozen desserts associated with the event.
- (f) All special events and vendors associated with special events shall comply with applicable vendor regulations in Section 675.09 of the Codified Ordinances.

Section 133.08 Special Event Concession Agreement and Charges

Every person or entity sponsoring a special event involving sale of items, admission for which a charge or ticket is required or limited to invitation only, or closure of more than one-half (1/2) linear mile of City streets shall comply with the following requirements:

- (a) Obtain a permit under Section 133.07, provided, however, that prior to the issuance of a permit to use City property managed by a City department other than the Department of Parks and Recreation, the director of the affected department must consent to the issuance of the permit;
- (b) Submit an application in a form approved by the director of the affected department or his or her designee within such time period prior to the special event as may be established by the Director;
- (c) If the special event is to be located wholly or partially on property which is owned, leased or maintained by the City of Cleveland, pay property rent in scheduled amounts determined from time to time by the Board of Control; in setting rents, the Board of

Control may consider without limitation the following considerations entitling the applicant to a reduced or abated rent:

- (1) The economic impact of the special event on the Greater Cleveland economy as reflected in sales taxes, transient occupancy taxes, and admission taxes;
 - (2) The extent to which the special event will preserve the City's recreational use Immunity provided in RC 1533.181 on all property used for the special event;
 - (3) The percentage of the special event gross revenues which will accrue to a charity or charities qualifying under Section 501(c)(3) of the Internal Revenue Code.
- (d) Pay all costs, at scheduled rates as determined from time to time by the director of the affected department or designee and approved by the Board of Control, for services and equipment exceeding normal service levels incurred during a special event by the City's Department of Parks and Recreation;
- (e) Pay such additional costs for services exceeding normal service levels incurred during the special event by other City departments at scheduled rates determined by the director of the affected department or his or her designee and approved from time to time by the Board of Control;
- (f) Provide such services at the applicant's sole cost, including without limitation security and traffic control, crowd management, fire protection, food service control and inspection, waste and litter control, and any other services necessary to ensure that an event is conducted in a safe manner to protect the safety, health, property and general welfare of the City's citizens, as determined by the director of the affected department or his or her designee and approved by the Board of Control; and
- (g) Submit an independently audited statement of gross revenues derived from the special event within such time period after the special event as may be specified by the director of the affected department or his or her designee.
- (h) After January 1, 1992, each annual Board of Control resolution establishing special event rental rates and service cost recovery amounts shall only become effective sixty (60) days after publication in the City Record. Notwithstanding any provision of the Codified Ordinances to the contrary, the councilmember of each ward may designate one (1) special event per year to be exempt from either (a) the payment of any sums described herein; and the submission of an audited statement under division (g) of this section, or division (b) if the special event is located in the ward of the councilmember requesting exemption, has gross revenues of under twenty-five thousand dollars (\$25,000.00), and at least ninety percent (90%) of its gross special event revenues accrue to a community-based organization or to a charity qualifying under Section 501(c)(3) of the Internal Revenue Code, the payment of any sums described herein, the submission of an audited statement under division (g) of this section, and the payment of any permit fees to the City. The Director of Parks and Recreation shall submit a report

on the City costs and charges for special events to the Clerk of Council at the end of each calendar year.

Section 133.081 Rental Fees for City Hall Rotunda

(a) The Director of Parks and Recreation may allow private parties to rent the City Hall Rotunda after normal business hours and on weekends provided that said parties secure a permit from the Director under Section 133.07 and pay the fees specified in division (b) of this section.

(b) Rental rates for the Rotunda shall be based on a four (4) hour period. The Director of Parks and Recreation shall assess and collect the following fees for the rental of the City Hall Rotunda:

(1) A five hundred dollar (\$500.00) non-refundable deposit; and

(2) One thousand three hundred seventy-five dollars (\$1,375.00) per four (4) hours of use.

(c) The City Hall Rotunda closes at 12:00 a.m. All events shall end by 11:30 p.m. at the latest.

(d) When a private party obtains banquet food and beverage service from a person or firm under contract with the City to provide concession services in the Rotunda, rental of the Rotunda shall be included in the price that the private party pays for such concession services, and no other charges for rental shall be imposed. When a private party obtains banquet food and beverage service from a person or firm other than one under contract with the City for those services, Rotunda rental shall be assessed and collected in accordance with division (b) of this Section.

(e) Net proceeds from fees collected from the rental shall be deposited into the fund or funds which are designated for use by the Office of Special Events and Marketing for Special Events and Marketing purposes.

Section 133.09 Exempted Special Events

Notwithstanding division (h) of Section 133.08 or any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, a member of Council may request an exemption for a special event for an event located outside of the members' ward if there is not a location in the members' ward suitable for the special event. This exemption shall not be considered as the exemption designated under division (h) of Section 133.08 of the Codified Ordinances.

Section 133.10 Purchase of Food and Beverages for the Public Who Are Attending Activities or Events Sponsored by the Division of Recreation

The Director of Parks and Recreation is authorized to purchase food and beverages for the public who are attending activities or events sponsored by the Division of Recreation. The total amount of funding expended annually shall not exceed fifty thousand dollars (\$50,000).

Section 133.11 Division of Urban Forestry

There is established a Division of Urban Forestry in the Department of Parks and Recreation which shall be administered and controlled by a Commissioner of Urban Forestry and subject to the provisions of the Charter and ordinances of the City, and to the direction of the Director of Parks and Recreation.

Section 133.12 Duties of the Commissioner of Urban Forestry

The Commissioner of Urban Forestry shall, with the approval of the Director of Parks and Recreation, appoint all officers and employees in his or her division. The Commissioner of Urban Forestry shall control and manage the removal of dead and hazardous trees; prevent unsafe conditions relating to tree growth; trim trees for clearance of streetlights, traffic signals and signs, pedestrian and vehicular traffic, and building clearance; remove overgrown tree roots that cause raised sidewalks, and overgrown tree lawns; develop, coordinate, and implement the City's tree canopy; and provide public information regarding the care of trees.

Section 113.13 Reserved

Section 133.14 Division of Public Auditorium

There is established a Division of Public Auditorium in the Department of Parks and Recreation, to be controlled and administered by a Commissioner of Public Auditorium, subject to Charter and ordinances of the City, and to direction of the Director of Parks and Recreation. As provided in Section 133.02, the "Public Auditorium Building" is comprised of the Public Hall, the Music Hall, the Little Theater, the main arena, Mall Units 1 and 2 (Malls B & C) and all meeting rooms.

Section 133.141 Duties of the Commissioner of Public Auditorium

The Commissioner of Public Auditorium shall have control and supervise all activities and personnel of the Division of Public Auditorium; coordinate the scheduling, use and rental of any portion of the Public Auditorium Building; and perform such other and

further duties as may from time to time be required of him or her by the Director of Parks and Recreation.

Section 133.15 Concession Agreements for Rental of the Public Auditorium Building

- (a) The Director of Parks and Recreation shall have the authority to enter into contracts to rent all or any portion of the Public Auditorium Building or Cleveland Browns Stadium. Every contract for renting all or any portion of the Public Auditorium Building shall be reduced to writing and shall contain all the terms and conditions of the agreement including without limitation, the exact amount and location of space to be granted, the amount of the rental therefor, and a separate charge or rate for any labor, materials, or equipment which is to be supplied by the City to the grantee.
- (b) Every grant or concession agreement for the use of the Public Auditorium Building shall be reduced to writing and shall be executed by the parties thereto at least thirty (30) days prior to the scheduled opening date of the event or show, except in emergencies; the Director of Parks and Recreation shall review and approve each concession agreement.
- (c) No grant or concession agreement for the use of the Public Auditorium Building shall be modified or changed in any manner, after it is signed by the parties, except if such modification or change is in writing and signed by the parties and is in all respects clear, complete and in conformity with all existing laws of the City of Cleveland including the rules and regulations of the Director of Parks and Recreation and applicable resolutions of the Board of Control.
- (d) Every such grant or concession agreement for the use of the Public Auditorium Building shall also be approved in writing by the Director of Law.
- (e) All deposits required of any person to secure the use of the Public Auditorium Building shall be nonreturnable.
- (f) Every person, firm, company or organization using or renting space at the Public Auditorium Building shall be required to pay for such use at the rates established by the Board of Control.
- (g) The Director of Parks and Recreation may offer to grantees the acceptance of Mastercard and Visa and other credit cards for ticket purchases.

The Director of Finance may contract for credit card services with any financial institution designated as a depository for active funds of the City of Cleveland. The Director of Finance is authorized to pay all credit card fees and enter into a contract for credit card services and purchase or lease of equipment. The Director of Parks and Recreation shall charge any grantee requesting credit card services all costs of such services including but not limited to bank handling fees to recover for the City the costs of the contracts executed by the Director of Finance.

The Director of Parks and Recreation is authorized to impose on ticket purchases a one dollar and fifty cent (\$1.50) service charge on all telephone and mail order charge purchases to cover Public Auditorium Building costs.

Section 133.16 Reserved

Section 133.17 Moneys From Operation of Public Auditorium Building and Cleveland Browns Stadium

All money which may be advanced by parties holding concession agreements, contracts or leases in the nature of concessions, and all other miscellaneous deposits, made in connection with the operation of the Public Auditorium Building and Cleveland Browns Stadium, and all moneys received from tickets shall be collected by the Public Auditorium Building under the supervision of the Director of Finance. All such moneys shall be brought to the office of the City Treasurer in City Hall.

Section 133.18 Accounting for Cleveland Browns Stadium

Notwithstanding any Codified Ordinances of Cleveland, Ohio, 1976 to the contrary, all revenues derived from Cleveland Browns Stadium received by the City of Cleveland shall be deposited into a separate fund created by the Department of Finance solely for the purpose of accounting for all expenses and revenues associated with Cleveland Browns Stadium and all expenses to be paid by the City of Cleveland for the operation or maintenance of Cleveland Browns Stadium shall be paid from that separate fund.

Section 133.19 Withdrawal of Funds by the Director of Parks and Recreation

All money deposited in a special trust fund account shall be withdrawn only on a warrant executed and approved by the Director of Parks and Recreation, under which warrant a check may be drawn on the depository in which the special trust fund account is placed, in the manner prescribed by ordinance for the withdrawal of City funds from City depositories.

Section 133.20 Accrued Interest from Public Auditorium Building and Stadium Funds

Interest accruing on all such deposits, if any, shall be paid to the City Treasurer by the depository in which the same may be deposited at the same rate and in accordance with the terms of the depository agreement.

Section 133.21 Rental of Market Stalls

(a) If the West Side Market is leased or managed by a third-party operator, then that operator shall assess and collect rent for the use of space at the West Side Market at the operator's discretion. If the West Side Market is operated exclusively by the City, then the Director of Parks and Recreation (the "Director") shall assess and collect rent for the use of space at the West Side Market as provided herein. The rent for leases renewed in the year 2022 shall remain the same as the rent charged in 2020, and the rent for a new tenant lease shall be calculated by inserting the new tenant into the formula set forth below ("Fee Formula") that was calculated for 2022. Except as otherwise provided and beginning in 2023, the Director shall assess and collect rent on the lesser of a three percent (3%) increase from the rent assessed the previous year or the rent calculated by using the then current Fee Formula. New tenants' rent for the first year of their leases shall be calculated solely on the Fee Formula. The Director shall use the following Fee Formula for rent assessment and collection:

(1) By November 1st of each year, the Director shall prepare and submit for review to the Budget Committee of the Tenant's Association, a schedule of expenses for the ensuing year (the "Director's Schedule"). The Director shall have the discretion to increase the total amount of expenses in the Director's Schedule (the "Schedule Amount") so that the Schedule Amount is not greater than the previous year's Schedule Amount plus ten percent (10%) plus a percentage equal to the percentage increase in wages negotiated by the City with its union employees.

In the event that the Schedule Amount exceeds the amount referred to in the preceding sentence, the excess amount may serve as the basis for the calculations set forth herein only with the prior approval of the Budget Committee, which approval shall not be unreasonably withheld. The decision of the Budget Committee as to any such excess amount shall be made within twenty-five (25) days after submittal of the Director's Schedule to the Budget Committee. If the Budget Committee has failed to act at the expiration of this twenty-five (25) day period, the Schedule Amount shall be deemed approved as submitted.

In the event that the Schedule Amount for the ensuing year is less than the previous year's Schedule Amount, the Schedule Amount which shall serve as the basis for calculation of Rent for the ensuing year shall be the Schedule Amount as submitted for review to the Budget Committee plus thirty percent (30%) of the difference between the previous year's Schedule Amount and the Schedule Amount submitted for review to the Budget Committee for the ensuing year.

(2) By December 1st of each year, the Director shall make available to Tenant the calculation of Rent for the ensuing year, based on the formula set forth herein.

(3) Tenant shall be assigned an occupancy factor which shall be determined by multiplying the total amount of occupied square footage, as evidenced the market Plan, times a location factor times a use factor.

A. The location factor shall be:

1. One and eight-tenths (1.8) for stands located in the Market House; or
2. One and two-tenths (1.2) for stands located outside the Market House.

B. The use factor associated with the designated Use Category as defined in the Market Rates shall be:

1. Two (2.0) for any stand selling any amount of spirituous liquor, beer, wine, mixed beverages or other intoxicating beverages;
2. One (1.0) for "fast food", "specialty" and "traditional" stand;
3. Five-tenths (0.5) for "grocery" stands; or
4. Three-tenths (0.3) for "restaurant" stands.

(4) The occupancy factors for all stands upon the Market Grounds shall be added together. The result of that addition shall be "Total Occupancy Factor." The Total Occupancy Factor shall be multiplied by five percent (5%) to reflect average vacancy rates from year to year. This calculation shall result in the "Vacancy Factor."

(5) The aggregate of all revenue reasonably anticipated in the upcoming year from event rental, leases with terms for less than a year, and Storage Lockers shall be deducted from the Schedule Amount. The result of this calculation shall be the "Adjusted Schedule Amount."

(6) The Adjusted Schedule Amount shall be multiplied by a fraction, the numerator of which is Tenant's occupancy factor and the denominator of which is the Total Occupancy factor minus the Vacancy Factor. This calculation shall result in the "Annual Rent," which shall then be divided by twelve (12) to determine the Rent due on the first day of each month.

(7) A fee for energy consumption for the outdoor heating system will be assessed to each Tenant of the Arcade. A fee for maintenance and repair services for the refrigerated display cases will be assessed to each Tenant of the Market House. Such payments are deemed part of the rental obligation.

(b) The Director may rent such spaces or parts or grant the right to use the same for a period not to exceed three (3) years. Rent for a lease term of more than one (1) year shall be recalculated in accordance with division (a) of Section 131.21 each year regardless of the lease term. He or she may make such provision for renewal or extension of the rental right or grant as he or she may deem advisable from time to time for additional periods

not exceeding three (3) years each, providing that the option or right of renewal shall be exercisable only by the Director and not by the grantee.

(c) The Director may rent such spaces for terms less than one (1) year for the amounts established from time to time by the Board of Control.

(d) The Director is authorized to provide in the renting or granting of rights to the use of such part or space that the rental right or grant shall not be transferred or assigned by the grantee thereof to any other person without the consent, in writing, of the Director. Such right or grant may be revoked by the Director upon conviction of the grantee of violation of law or ordinances relating to weights and measures. Provisions shall be made by the Director for the payment of such rental at such regular times and at such place as may be by him or her deemed most advisable.

Section 133.22 Manager of West Side Market

The Director of Parks and Recreation may appoint a Manager of the West Side Market, subject to the provisions of the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, and to the supervision of the Director of Parks and Recreation, who shall be responsible for the management and administration of the City's West Side Market.

Section 133.23 Property Adoption and Licensing

The Director may agree to allow, with the approval of the Board of Control, any business or other entity to maintain, improve, and adopt real estate belonging to the City and not in charge of another department; provided, however, that such real estate is no greater in area than two hundred (200) square feet and that the improvements are for solely for beautification of the real estate. Any business or entity adopting property shall be entitled to have such property designated in its name and the Director is authorized to evaluate and present awards to the best maintained property. The Director shall establish rules and regulations for property adoption. A copy of each proposed Property Adoption Agreement is to be provided to the Clerk of Council at least fourteen (14) days prior to approval by the Board of Control. Any such adoption shall not be construed as the conveyance of any right, title or interest in public property but merely as the grant of a privilege, revocable at will.

Section 133.24 Deposits for Use of Property

The issuance of a permit for the use of Municipal property under the supervision and control of the Department of Parks and Recreation or the use of such equipment or property, both real and personal, shall be secured by a deposit, in an amount equal to at least ten percent (10%) of the value of the equipment used and sufficient to guarantee performance or reimbursement for estimated costs of repair, replacement or return of secured property to its condition prior to use by the permittee, except where by reason

of the nature of the project to be undertaken, the respective commissioner or manager of the division affected, with the approval of the Director of Parks and Recreation has determined that it is impractical or unnecessary to require a deposit.

Section 133.25 Reserved

Section 133.26 Reserved

Section 133.27 Reserved

Section 133.28 Reserved

Section 133.29 Division of Recreation

There is established a Division of Recreation in the Department of Parks and Recreation, to be administered and controlled by a Commissioner of Recreation, subject to the Charter and ordinances of the City, and to the direction of the Director of Parks and Recreation.

Section 133.30 Duties of the Commissioner of Recreation

The Commissioner of Recreation shall have charge and management of all recreational property and activities of the City, including without limitation, yoga, gaming tournaments, tennis, pickleball, volleyball, or any other sports played at City recreation centers or Cleveland Public Auditorium and playgrounds, ballfields, tennis courts, skating rinks, Camp George L. Forbes and the operation and maintenance of all City golf courses. The Commissioner shall administer permits under the same terms and conditions as those set forth in Section 133.07 for the use of any property under his or her charge and management which is not subject to the authority of the Manager of Special Events under Sections 133.07 and 133.08. The Commissioner may enter into agreements with the owners of premises in the vicinity of City playgrounds for the storage of playground equipment on such terms and conditions as may be approved by the Board of Control.

Section 133.31 Highland Park Golf Course and Banquet Room Rates

The Director of Parks and Recreation is authorized to collect, or cause to be collected, the following rates at Highland Park Golf Course, provided, however, that the fees regarding banquet room rental at Highland Park Golf Course may be amended from time to time by the Board of Control:

- (a) In-Season Rates (May 1 through October 15 of each year):

(1) Weekdays

	Rate
18 holes riding*	up to \$36
18 holes walking	up to \$23
9 holes riding	up to \$24
9 holes walking	up to \$17

** As used in this ordinance, riding shall mean the player will use a power cart.*

(2) Weekends - Holidays

	Rate
18 holes riding	up to \$45
18 holes walking	up to \$32
9 holes riding	up to \$26
9 holes walking	up to \$19

(3) Senior – Junior* (only available on weekdays before 3:00 p.m. and weekends after 2:00 p.m.)

	Rate
18 holes riding	up to \$33
18 holes walking	up to \$20
9 holes riding	up to \$19
9 holes walking	up to \$12

** Senior players must be at least sixty (60) years old and Junior players must be under the age of 18.*

(b) Off-Season Rates (October 16 through April 30 of each year):

	Weekdays Rate	Weekends – Holidays Rate
18 holes riding	up to \$29	up to \$32
18 holes walking	up to \$20	up to \$23
9 holes riding	up to \$16	up to \$18
9 holes walking	up to \$11	up to \$13

(c) Residential Discounts and Discount Card. A residential discount on rates is available to all Cleveland residents with non-expired photo identification demonstrating current Cleveland proof of residency. Cleveland residents qualify for and may obtain an annual discount card at no cost. Non-residents can obtain this annual discount card for

a \$20.00 fee. The card provides a discount of up to \$2.00 off of 9 holes and up to \$6.00 off of 18 holes.

(d) Additional Rates/Charges:

	Rate
League rate 9 holes walking/riding (a.m. hours)	up to \$10 / \$16
League rate 9 holes walking/riding (p.m. hours)	up to \$14 / \$20
In-Season Power Cart Fee (9 holes/18 holes)	up to \$7 / \$13
Pull Cart	\$5
Replay [after already playing 18 holes] (9 holes/18 holes)	up to \$9 / \$18
High School/College students (9 holes/18 holes)	up to \$9 / \$15

(e) Banquet Room Rental at Highland Park Golf Course.

(1) All rental rates for the banquet room shall be set by the Board of Control, which shall include rental schedules for City residents and non-City residents.

(2) Rental rates shall be based on a four (4) hour period, which will include at no charge up to one (1) hour before the event for set-up and up to one (1) hour after the event for clean-up. Any events, not including the above-referenced set-up and clean-up times, exceeding the four (4) hour period, shall be charged for each additional hour, or portion of an hour, used. Rental rates for the room, including additional charges for exceeding the four (4) hour period, shall be set by the Board of Control. The banquet room closes at 12:00 a.m. on Friday through Sunday and Holidays and at times determined by the Commissioner of Recreation on Monday through Thursday. All events shall end one-half hour before the facility closes. The City's Concessionaire shall be used exclusively to provide food and beverages for all catered events, unless the Director approves the use of an independent caterer. All beverages, including alcoholic beverages, shall be purchased from the City or the City's Concessionaire. Security is to be provided through the Village of Highland Hills Police Department and it is the responsibility of the group renting the banquet room to arrange and pay for such security, as billed by the Village of Highland Hills Police Department.

(3) Rental of the banquet room for golf outings. The golf outing must conclude one-half hour before the golf course closing time. Events exceeding the four (4) hour rental period described above, are subject to additional charges. If the event is to be catered by the City's Concessionaire, the rental fee for the room for a maximum period of four (4) hours, shall be included in the caterer's per-person meal cost.

(4) Golf leagues established for the season at Highland Park Golf Course may use the banquet room at no charge once per golf season. Events shall be held Monday through Friday and shall conclude by 5:00 p.m.

(f) Net proceeds from fees collected at the Highland Park Golf Course shall be expended for facility improvements therein.

Section 133.32 Rental Fees for Camp George Forbes

(a) The Commissioner of Recreation may allow private parties to rent Camp George Forbes provided that said parties secure a permit from the Director under Section 133.07 and pay the fees specified in division (b) of this section.

(b) The Director of Parks and Recreation shall assess and collect the following fees for the rental of Camp George Forbes:

	City Residents	Non-City Residents
(1) Great Room Rental:		
Monday-Friday: 9:00 a.m. to 3:00 p.m.	\$250.00	\$275.00
Monday-Friday: 5:00 p.m. to 12:00 a.m.	\$400.00	\$440.00
Saturday-Sunday: All Day	\$400.00	\$440.00
(2) Great Room and Class Room A Rental:		
Monday-Friday: 9:00 a.m. to 3:00 p.m.	\$300.00	\$330.00
Monday-Friday: 5:00 p.m. to 12:00 a.m.	\$500.00	\$550.00
Saturday-Sunday: All Day	\$500.00	\$550.00
(3) Class Room A Rental:		
Monday-Friday: 9:00 a.m. to 3:00 p.m.	\$250.00	\$275.00
Monday-Friday: 5:00 p.m. to 12:00 a.m.	\$400.00	\$440.00
Saturday-Sunday: All Day	\$400.00	\$440.00
(4) Class Room B or C Rental:		

Monday-Friday: 9:00 a.m. to 3:00 p.m.	\$250.00	\$275.00
Monday-Friday: 5:00 p.m. to 12:00 a.m.	\$400.00	\$440.00
Saturday-Sunday: All Day	\$400.00	\$440.00
(5)Dining Hall Room Rental:		
Monday-Friday: 9:00 a.m. to 3:00 p.m.	\$300.00	\$330.00
Monday-Friday: 5:00 p.m. to 12:00 a.m.	\$550.00	\$605.00
Saturday-Sunday: All Day	\$550.00	\$605.00
(6)Picnic Shelter Rental	\$220.00	\$265.00
(7)Cabin Rental:		
A. Friday 5:00 p.m. through Saturday 12:00 p.m.		
Minimum of 6 cabins	\$730.00	\$805.00
Each additional cabin	\$100.00	\$100.00
10 cabin package	\$1,000.00	\$1,100.00
B. Saturday 12:00 p.m. through Sunday 12:00 p.m.		
Minimum of 6 cabins	\$880.00	\$970.00
Each additional cabin	\$125.00	\$125.00
10 cabin package	\$1,100.00	\$1210.00
C. Friday 5:00 p.m. through Sunday 12:00 p.m.		

Minimum of 6 cabins	\$1,370.00	\$1,510.00
Each additional cabin	\$125.00	\$125.00
10 cabin package	\$1,700.00	\$1,870.00
D. Weekend package:		
Includes 10 cabins and use of Dining Hall	\$2,000.00	\$2,200.00
(8)Swimming Pool Rental:		
A. Pool only	\$300.00	\$300.00
B. Pool with a room or cabin rental	\$150.00	\$150.00

(c) City of Cleveland certified lifeguards must be provided by the parties renting the pool with minimum of one (1) lifeguard per thirty-five (35) participants. Lifeguard rate is thirty-two dollars (\$32.00) per guard.

(d) Rental of any part of the facility is based on a four (4) hour period including two (2) hours prior to event for set up. There is a charge of fifty dollars (\$50.00) per hour for each additional hour.

(e) In instances where private security services are required, it is the responsibility of the party renting the facility to provide such service. Security guards may be a member of a police department as defined in RC 4117.01(M) or be a person engaged for hire as a watchman, guard, private policeman or other person whose primary duty is to protect persons or property or both and is a class A or C licensee under RC Chapter 4749 or a registered employee of the same and meets all requirements imposed by that chapter, and also meets all requirements that may be imposed by RC Chapter 109 and Chapter 709 of the Codified Ordinances of Highland Hills. It is the responsibility of the party renting the facility to ensure that such requirements are met.

Section 133.33 Rental of Halloran Skating Rink

(a) The Commissioner of Recreation may allow private parties to rent Halloran Skating Rink during any period when Division of Recreation programs are not scheduled or in progress provided that said parties secure a permit from the Director under Section 133.07 and pay the fees specified in division (b) of this section.

(b) The Director of Parks and Recreation shall assess and collect the following fees and charges for the rental of Halloran Skating Rink:

Permit application, under Section 133.07	\$10.00
Fee for rental of rink	N/A
Personnel and operating expenses	\$88.00 per hour
Utility charges	\$32.00 per hour

(c) The Director of Parks and Recreation shall deposit the fees and charges collected for the rental of Halloran Skating Rink into the fund or funds designated to pay the costs of the general operation of the skating rink, the equipment and maintenance costs associated with maintaining the skating rink, and for skating rink facility improvements and that these funds collected may be used for and are appropriated for these purposes.

(d) During any period when Division of Recreation programs are not scheduled or in progress, the Commissioner of Recreation shall allow branches, departments, offices, and groups of the City of Cleveland to use Halloran Skating Rink provided that such groups pay one-half (1/2) of the permit application, personnel and operating expenses, and utility charge fees specified in division (b) of this section. The Director of Parks and Recreation shall not require more than five (5) days prior notice to obtain the permit required by Section 133.07.

Section 133.34 Rental Fees for Recreation Center Use

(a) The Commissioner of Recreation may allow private parties to rent recreation center community or meeting rooms or outdoor pools during regular operational hours provided that the parties pay the fees specified in division (c) of this section. The Commissioner of Recreation may allow the following private groups to rent at no cost recreation center community or meeting rooms or outdoor pools during regular operational hours provided that the room will not be used to raise money for political campaigns or political issues:

(1) Branches, departments or offices of the City of Cleveland if the event furthers the functions or goals of that branch, department or office;

(2) Non-profit organizations and neighborhood organizations, such as block clubs, street clubs and ward clubs, located within the City of Cleveland if the purpose of the event is to address providing or supporting direct health and welfare services to individuals or to address safety, building or housing issues; and

(3) Schools located within the City of Cleveland if the event furthers an educational or recreational purpose.

(b) The Commissioner of Recreation may allow private parties to rent recreation center community or meeting rooms or outdoor pools before or after regular operational hours provided that the parties pay the fees specified in division (c) of this section.

(c) The Director of Parks and Recreation shall assess and collect the following fees for rental of recreation center community or meeting rooms or outdoor pools:

(1) During regular operational hours, sixty-eight dollars (\$68.00) per hour per staff person required.

(2) Before or after regular operational hours, eighty-four dollars (\$84.00) per hour per staff person required.

(d) The Commissioner of Recreation may allow private parties to rent portions of the recreation centers for recreation uses before or after regular operational hours provided that the parties pay the fees specified in division (f) of this section.

(e) The Commissioner of Recreation may allow the groups identified in division (a) of this section to rent portions of the recreation centers for recreation uses before or after regular operational hours provided that the parties pay one-half (1/2) of the fees specified in division (f) of this section.

(f) The Director of Parks and Recreation shall assess and collect a fee of eighty-four dollars (\$84.00) per hour per staff person required fees for the rental of portions of the recreation centers for recreation uses.

(g) The Commissioner of Recreation may allow the Cuyahoga County Board of Elections to rent at no cost recreation center community or meeting rooms or any portions of the recreation centers before, during or after regular operational hours for voting purposes.

(h) Any party renting a portion of a recreation center or outdoor pool under this section shall also secure a permit from the Director under Section 133.07 and shall pay any fee required for that permit.

(i) Net proceeds from fees collected under this section shall be deposited into a fund or funds which are designated for use by the Division of Recreation for its goods, services, activities, and programs.

Section 133.35 Rental of Athletic Complexes; Fee

(a) The Director of Parks and Recreation, or his or her designee, may rent the Collinwood Athletic Complex, the Morgana Athletic Complex, League Park Baseball Field; and any other City of Cleveland athletic complexes, when available, as long as a permit is secured under Section 133.07 and the fees specified in this section are paid.

This section shall not apply to the rental of the League Park Complex which is subject to the provisions of Section 133.37.

(b) The Director, or his or her designee, shall assess and collect the following fees and charges for the rental of athletic complexes:

(1) Athletic complex base rental: one thousand dollars (\$1,000.00);

A. Base rental of the complex is based on a six (6) hour period.

B. The six (6) hour base rental period includes set up, event, dismantle, and the exit of the organizers and their participants and guests, and general clean-up.

C. Each additional hour or fraction thereof exceeding the six (6) hour base rental will cost an additional two hundred dollars (\$200.00) per hour.

D. During the six (6) hour base rental, if lights are required during any portion of the sporting or athletic event, an additional one hundred dollars (\$100.00) per hour or fraction thereof will be charged at the time the permit is issued. The City will bill for any additional lighting costs at one hundred fifty dollars (\$150.00) per hour or fraction thereof.

E. Party renting the complex is responsible for general clean-up of the area.

(2) All fees are due and payable prior to the issuance of a permit.

(3) Rentals not requiring lights are to conclude thirty (30) minutes prior to dusk.

(4) Rentals requiring lights must conclude no later than 11:00 p.m.

(c) In cases where private security services are determined to be necessary by the Director, or his or her designee, it is the responsibility of the party renting the complex to provide the services, using a security service approved by the Director, or his or her designee.

(d) Any party renting the complex is responsible for damages incurred during rental period and will be required to provide one million dollars (\$1,000,000.00) liability and property damage insurance which includes the City of Cleveland as an additional insured.

(e) Any party renting the complex will be required to provide emergency medical personnel for any athletic competition.

(f) All proceeds from gate collections will go to the party renting the facility.

(g) All concessions will be operated by the City of Cleveland or its designated vendor.

(h) The Director shall deposit the fees and charges collected for the rental of the complex into the fund or funds designated to pay the costs of the general operation of the complex, the equipment and maintenance costs associated with maintaining the complex, and for improvements to the complex. The funds collected may be used for and are appropriated for these purposes. Any funds received through the renting of the League Park complex shall be used only for the operation and maintenance of, and equipment and improvements for, the League Park complex.

(i) After securing the necessary permit under Section 133.07 of these Codified Ordinances, the Director, or his or her designee, may allow the Cleveland Muny Football League and the Cleveland Metropolitan School District to rent athletic complexes for games, scrimmages, or practices, without being assessed the fees and charges specified in division (b) of this section.

Section 133.36 Reserved

Section 133.37 Rental of League Park Baseball Field and League Park Visitors Center; Fee

(a) The Director of Parks and Recreation, or his or her designee, may rent the League Park Baseball Field or the Visitors Center, collectively known as the League Park Complex, when available, as long as a permit is secured under Section 133.07 and the fees specified in this section are paid. Rentals secured under this section shall be for a minimum base rental period of four (4) hours and include set-up, event, dismantle, exit of the organizers and their participants and guests, and general clean-up of the rented area.

(b) The Director, or his or her designee, shall assess and collect the following fees and charges for the rental of the following:

(1) League Park Baseball Field rental:

A. Not-for-profit rental:

1. Three hundred dollars (\$300.00) for the base rental period of four (4) hours.
2. Thirty-seven dollars and fifty cents (\$37.50) for each half hour the event extends beyond the four (4) hour base rental period, and any remaining minutes past any half-hour increment shall be prorated using the rate of thirty-seven dollars and fifty cents (\$37.50) per half hour.

B. For-profit rental:

1. Six hundred dollars (\$600.00) for the base rental period of four (4) hours.
2. Seventy-five dollars (\$75.00) for each half hour the event extends beyond the four (4) hour base rental period, and any remaining minutes past any half-hour increment shall be prorated using the rate of seventy-five dollars (\$75.00) per half hour.

(2) League Park Visitors Center rental:

A. Not-for-profit rental:

1. Three hundred forty dollars (\$340.00) for the base rental period of four (4) hours.
2. Forty-two dollars and fifty cents (\$42.50) for each half hour the event extends beyond the base rental period of four (4) hours, and any remaining minutes past a half-hour increment shall be prorated at the rate of forty-two dollars and fifty cents (\$42.50) per half hour.

B. For-profit rental:

1. Four hundred dollars (\$400.00) for the base rental period of four (4) hours.
2. Fifty dollars (\$50.00) for each half hour the event extends beyond the base rental period of four (4) hours, and any remaining minutes past a half-hour increment shall be prorated at the rate of fifty dollars (\$50.00) per half hour.

(c) The party renting either portion of the League Park Complex is responsible for general clean-up of the area.

(d) Rentals are to conclude thirty (30) minutes before dusk.

(e) All fees are due and payable prior to the issuance of a permit.

(f) In cases where off-duty commissioned officers or private security services are determined to be necessary by the Director, or his or her designee, it is the responsibility of the party renting either portion of the League Park Complex to provide the services, using a security service approved by the Director, or his or her designee.

(g) Any party renting either portion of the League Park Complex is responsible for damages incurred during the rental period and will be required to provide one million dollars (\$1,000,000.00) liability and property damage insurance and include the City of Cleveland as an additional insured.

(h) Any party renting either portion of the League Park Complex will be required to provide emergency medical personnel for any athletic competition or other event as determined to be necessary by the Director, or his or her designee.

(i) All proceeds from gate collections will go to the party renting the facility.

(j) All concessions will be operated by the City of Cleveland or its designated vendor.

(k) The Director shall deposit the fees and charges collected for the rental of either portion of the League Park Complex into the fund or funds designated to pay the costs of the general operation of the Complex, the equipment and maintenance costs associated with maintaining the Complex, and for insert improvements to the Complex and for City events held at the Complex. The funds collected may be used for and are appropriated for these purposes.

(l) After securing the necessary permit under Section 133.07 of these Codified Ordinances, the Director, or his or her designee, may allow the Cleveland Metropolitan School District to rent the baseball field for games or practices, without being assessed the fees and charges specified in division (b) of this section.

Section 133.38 Purchase of City-related Merchandise, Souvenirs, Food, and Beverages for Resale at City Parks, Recreational Facilities, and the West Side Market

(a) The Director of Parks and Recreation is authorized to enter into one (1) or more standard purchase or requirement contracts duly let to the lowest and best bidder after competitive bidding for merchandise, souvenirs, food, and beverages for resale at a price set by the Director, at City parks, recreational facilities, and the West Side Market, for a period of time to be determined by the Director.

(b) Any purchase made under this section shall be made by the Commissioner of Purchases and Supplies and paid from the annual appropriations made for that purpose.

(c) 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 Parks and Recreation may sign all documents that are necessary to make the purchases, and may enter into one (1) or more contracts with the vendors selected through that cooperative process.

(d) That the proceeds from the sale of the merchandise, souvenirs, food, and beverages shall be deposited into a fund or funds designated by the Director of Finance to provide support for programs and services to benefit the public in the use of parks,

recreational facilities, and programs and services of the West Side Market, and are appropriated for that purpose.

Section 133.39 Division of Park Maintenance

There is established a Division of Park Maintenance in the Department of Parks and Recreation, which shall be administered and controlled by a Commissioner of Park Maintenance, subject to the provisions of the Charter and ordinances of the City, and to the direction of the Director of Parks and Recreation.

Section 133.40 Duties of the Commissioner of Park Maintenance

The Commissioner of Park Maintenance shall direct and assist managers and assistant managers in the Division of Park Maintenance in scheduling daily operations in all phases of ground maintenance for park and recreational areas and all other properties designated by the Director of Parks and Recreation. The Commissioner shall have charge and management of the City greenhouse, nurseries and cultural gardens, the operation and maintenance of all City cemeteries, and all aspects of grass, shrubs, ground covers and other vegetation, except at the City golf courses.

Section 133.41 Greenhouse, Rockefeller Park and Cultural Gardens; Fees

(a) The Director of Parks and Recreation shall assess and collect fees for the use of the City Greenhouse, Rockefeller Park and Cultural Gardens under the following schedule for City Residents:

Photo shoots (a maximum of 4 hours)	\$75.00
Wedding ceremonies and photo shoots (a maximum of 4 hours)	\$150.00

(b) The Director of Parks and Recreation shall assess and collect fees for the use of the City Greenhouse, Rockefeller Park and Cultural Gardens under the following schedule for non-City Residents:

Photo shoots (a maximum of 4 hours)	\$100.00
Wedding ceremonies and photo shoots (a maximum of 4 hours)	\$175.00

Section 133.42 Cemetery Rates

The Commissioner of Park Maintenance shall collect the following charges for services, space, and supplies at City-owned cemeteries:

	Tues. - Fri.	Sat.
<i>(a) Single Grave Section</i>		
(1) Adult grave	\$501.00	\$501.00
Open & close	\$464.00	\$647.00
Total	\$965.00	\$1,148.00
(2) Infant grave (4 feet or less)	\$116.00	\$116.00
Open & close	\$102.00	\$153.00
Total	\$218.00	\$269.00
(3) Oversized Grave	\$1,002.00	\$1,002.00
Open & close	\$464.00	\$647.00
Total	\$1,466.00	\$1,649.00
<i>(b) Flush Marker Lot Sections</i>		
(1) One grave	\$743.00	\$743.00
Open & close	\$647.00	\$921.00
Total	\$1,390.00	\$1,664.00
(2) Family lot (two graves)	\$1,486.00	\$1,486.00
Open & close	\$647.00	\$921.00
Total	\$2,133.00	\$2,407.00
(3) Oversized grave	\$1,486.00	\$1,486.00
Open & close	\$647.00	\$921.00
Total	\$2,133.00	\$2,407.00
<i>(c) Raised Marker Lot Sections</i>		
(1) One grave	\$873.00	\$873.00
Open & close	\$647.00	\$921.00
Total	\$1,520.00	\$1,794.00
(2) Family lot (two graves)	\$1,746.00	\$1,746.00
Open & close	\$647.00	\$921.00

Total	\$2,393.00	\$2,667.00
(3) Oversized grave	\$1,746.00	\$1,746.00
Open & close	\$647.00	\$921.00
Total	\$2,393.00	\$2,667.00
<i>(d) Open & Closing for Lot Sections</i>		
(1) Adult grave	\$647.00	\$921.00
(2) Extra deep adult grave (depth of 8 feet)	\$872.00	\$1,207.00
(3) On top of extra deep adult grave	\$872.00	\$1,207.00
(4) Infant grave or still born on top	\$102.00	\$153.00
(5) Cremated remains in urn	\$334.00	\$450.00
(6) Cremated remains in vault	\$392.00	\$538.00
<i>(e) Urn Garden Section</i>		
Grave	\$363.00	\$363.00
Open & close (includes marker setting and vault)	\$421.00	\$589.00
Total	\$784.00	\$952.00
<i>(f) Veterans' Sections</i>		
(1) Full body open & close	\$464.00	\$647.00
(2) Cremains in urn	\$334.00	\$450.00
(3) Cremains in vault	\$392.00	\$538.00
<i>(g) Memorial Park Indigent Burial</i>		
(1) Adult	\$464.00	NA
(2) Infant	\$102.00	NA
<i>(h) Additional Services Available.</i>		
<i>(1) Disinterments.</i>		
A. Adult grave	\$2,500.00	NA
B. Adult grave-extra deep	\$2,700.00	NA

C. Infant grave	\$700.00	NA
D. Cremated remains - located in urn garden	\$700.00	NA
E. Cremated remains - located other than urn garden	\$600.00	NA
(2) <i>Setting and Foundation Charges.</i>		
A. Headstones		
1. 18" × 10" (Infant)	\$160.00	\$160.00
2. 2' × 1' (Single)	\$260.00	\$260.00
3. 3' × 1' or 4' × 1' (Double)	\$350.00	\$350.00
4. Resetting	1/2 of price listed above for replacement of same size markers	
5. Foundation (per cubic ft)	\$28.00	\$28.00
6. Veteran stones	\$260.00	\$260.00
7. Veteran stones resetting	\$75.00	NA
B. Flower container		
1. Purchase	\$40.00	\$40.00
2. Installation	\$30.00	\$30.00
3. Purchase & Installation	\$70.00	\$70.00
(3) <i>Miscellaneous Services.</i>		
A. Opening and closing grave for inspection		
1. Identify without disturbing remains	\$1,185.00	NA
2. Remove for autopsy; replace in open grave	\$1,273.00	NA
B. Private mausoleums: receipt and discharge	\$667.00	NA
C. Highland Chapel Park Mausoleum		
1. Crypts: seal or unsealed	\$587.00	\$587.00
2. Niches: seal or unsealed	\$448.00	\$448.00

D. Resale of repurchased niches and crypts		
1. Niches in Highland Park Mausoleum	\$1,415.00	\$1,415.00
2. Crypts In Highland Park Mausoleum	\$3,575.00	\$3,575.00
E. Placement of additional remains in casket at time of burial (recording fee)	\$150.00	\$150.00
(i) <i>Administrative Charges.</i>		
(1)Bad Check Charge	\$30.00	\$30.00
(2) Late Payments		
A. Payments received after interment including checks that cannot be processed because of errors	\$65.00	\$65.00
B. Late/same day interment orders	\$100.00	\$100.00

Section 133.43 Licensing Advertising Space on Public Recreational Property

Upon the approval of the Board of Control, the Director of Parks and Recreation may license space on recreational or real or personal property under the control of said Director to businesses for advertising purposes for fees determined by the Board of Control. Any such license shall not be construed as the conveyance of any right, title or interest in public property but merely as the grant of a privilege, revocable at will.

Section 133.44 Acceptance of Gifts

(a) The Director of Parks and Recreation is authorized to accept gifts of money, material, or services, for the various divisions of the department unconditionally given or limited by conditions as the donor may impose. The Director shall report the acceptance of each gift to the Clerk of the City Council.

(b) All moneys accepted under this section shall be placed to the credit of the Department of Parks and Recreation in a special revenue fund. The moneys deposited in the special revenue fund shall be expended for the benefit of the Department of Parks and Recreation, or in the manner and for the specific purpose named in the gift. If the donor has imposed limitations to their gift, then separate subfunds may be created in the special revenue fund to deposit the gifts.

(c) Expenditures from the fund or subfunds created by this section shall be made on vouchers signed by the Director of Parks and Recreation, or the director's designee, when the amount is less than ten thousand dollars (\$10,000.00); otherwise such expenditure shall first be authorized by ordinance of Council in the manner provided in Charter Section 108.

(d) No part of any funds credited to the accounts shall be paid to or for the benefit of any officer or employee, either as additional compensation or as reimbursement for expenses incurred, or paid for purposes other than those directly benefiting the Department of Parks and Recreation. The funds received under this section shall be expended in the same manner as other public funds, unless specifically provided for in the terms of the gift, or authorized by resolution or ordinance of Council.

Section 133.45 Agreements for the Loan of Statues, Busts, or other Personal Property for Public Display

(a) The Director of Parks and Recreation may enter into one (1) or more agreements to loan statues, busts or other personal property under the control of the Department of Public Works to a person or entity for public display for a period not to exceed five (5) years, with one (1) option to renew for an additional five (5) year term, exercisable by the Director of Parks and Recreation

(b) The agreements shall, among other things, itemize the personal property, specify all conditions of the display, require restoration of any damaged City property, require insurance coverage acceptable to the Director of Parks and Recreation and the Director of Law, and contain additional terms and conditions as required to protect the interests of the City.

Section 133.46 Tree Commission Grants and Contributions

The Director of Parks and Recreation is authorized to apply for and accept from various entities, both public and private, such grants and contributions as the Tree Commission solicits under division (e) of Section 163.03; provided that such contributions may be in the form of money, material or services. The Director is further authorized to file all papers and execute all documents necessary to receive the funds under any grant or contribution, and upon acceptance of any grant or contribution by the Director, the funds shall be appropriated in the case of grants, for the purposes set forth in the grant agreement, and in the case of contributions, for the purposes designated by the donors. The Director shall report the acceptance of any grant or contribution to the Clerk of Council. Funds accepted under this section shall be deposited to Fund No. 20 SF 038 and used solely for the purpose of furthering the case, preservation and enhancement of the urban forest and education of the public with respect thereto.

Section 5. That the following Sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 161.05, as amended by Ordinance No. 1121-18, passed December 3, 2018,

Section 163.04, as amended by Ordinance No. 702-2020, passed June 6, 2020,

Sections 341.05, 341.051, 341.052, 341.053, 352.05 and 352.06, as amended or enacted by Ordinance No. 1121-18, passed December 3, 2018,

Section 411.05, as amended by Ordinance No. 928-2015, passed July 22, 2015,

Section 447.02, as amended by Ordinance No. 1474-13, passed November 25, 2013,

Sections 509.14, 509.99, 510.04 as amended by Ordinance No. 1121-18, passed December 3, 2018,

Sections 557.07, 557.13, 557.25, 557.27 and 557.36, as amended by Ordinance No. 957-2011, passed October 24, 2011, and

Section 559.53, as amended by Ordinance No. 1233-15, passed November 9, 2015,

Sections 559.54 and 559.541, as amended by Ordinance No. 479-2016, passed May 9, 2016,

Section 675.02, as amended by Ordinance No. 164-2018, passed March 5, 2018, and

Section 697A.02, as amended by Ordinance No. 1028-18, passed January 14, 2019,

are amended to read as follows:

Section 161.05 Regulation of Environmental Changes; Certificate of Appropriateness

No person owning, renting or occupying property which has been designated a landmark or which is situated in a designated landmark district shall make any environmental change in such property unless a certificate of appropriateness has been previously issued by the Commission with respect to such environmental change. The following procedures shall apply to all alterations, demolitions, removals or constructions of such property in the City:

(a) Any application to the Department of Building and Housing for a building permit for an environmental change shall also be deemed an application for a certificate of appropriateness, and shall be forwarded to the Commission, together with copies of all

detailed plans, designs, elevations, specifications and documents relating thereto, and, for any environmental change on one (1) or more acres of land, and for any environmental change to an apartment, townhome or condominium of four (4) or more units situated on any size parcel of land, a copy of a Tree Preservation Plan meeting the requirements set forth in Section 341.051, within seven (7) days after receipt of the application. An application for a certificate of appropriateness may be filed by the applicant directly with the Commission at the same time that an application for a building permit is filed or in lieu of filing for a building permit, if no building permit is required for the proposed environmental change. The Commissioner of Urban Forestry or a designee shall review any Tree Preservation Plan and shall notify the Director of Building and Housing of approval or disapproval as set forth in Section 341.051. The general requirements of tree preservation in Section 341.052 shall apply to any person seeking to make an environmental change on one (1) or more acres of land, and to any person seeking to make an environmental change to an apartment, townhome or condominium of four (4) or more units situated on any size parcel of land.

(b) The Commission shall evaluate applications to determine whether or not the environmental change proposed by the applicant will adversely affect any significant historical or aesthetic feature of the property and to determine whether or not the environmental change proposed by the applicant is consistent with the spirit and purposes of this chapter.

(1) In evaluating applications for alterations or construction of property, the Commission shall consider the following standards created by the U.S. Department of the Interior:

- A. A property shall be used for its historic purpose or be placed in a new use that requires minimal change to the defining characteristics of the building and its site and environment;
- B. The historic character of a property shall be retained and preserved. The removal of historic materials or alternation of features and spaces that characterize a property shall be avoided;
- C. Each property shall be recognized as a physical record of its time, place, and use. Changes that create a false sense of historical development, such as adding conjectural features or architectural elements from other buildings, shall not be undertaken;
- D. Most properties change over time; those changes that have acquired historic significance in their own right shall be retained and preserved;
- E. Distinctive features, finishes, and construction techniques or examples of craftsmanship that characterize a property shall be preserved;
- F. Deteriorated historic features shall be repaired rather than replaced. Where the severity of deterioration requires replacement of a distinctive

feature, the new feature shall match the old in design, color, texture, and other visual qualities and, where possible, materials. Replacement of missing features shall be substantiated by documentary, physical, or pictorial evidence;

G. Chemical or physical treatments, such as sandblasting, that cause damage to historic materials shall not be used. The surface cleaning of structures, if appropriate, shall be undertaken using the gentlest means possible;

H. Significant archaeological resources affected by a project shall be protected and preserved. If such resources must be disturbed, mitigation measures shall be undertaken;

I. New additions, exterior, alterations, or related new construction shall not destroy historic materials that characterize the property. The new work shall be differentiated from the old and shall be compatible with the massing, size, scale, and architectural features to protect the historic integrity of the property and its environment; and

J. New additions and adjacent or related new construction shall be undertaken in such a manner that if removed in the future, the essential form and integrity of the historic property and its environment would be unimpaired.

(2) In evaluating applications for demolition or removal of property, the Commission shall consider the following standards:

A. The architectural and historic significance of the subject building or structure;

B. The significance of the building or structure in contributing to the architectural or historic character of its environs;

C. In the case of a request to move a building or other structure, the relationship between the location of the subject building or structure and its overall significance;

D. The present and potential economic viability of the subject building or structure, given its physical condition and marketability;

E. If the demolition will remedy conditions imminently dangerous to life, health, or property, as determined in writing by the Department of Building and Housing, the Division of Fire or the Department of Public Health; and

F. The appropriateness of the proposed new structure or use and its impact on the surrounding community.

(c) If the Commission finds that the environmental change proposed by the applicant will not adversely affect any significant historical or aesthetic feature of the property and is appropriate and consistent with the spirit and purposes of this chapter, or will remedy conditions imminently dangerous to life, health or property, as determined in writing by the Department of Building and Housing or the Division of Fire or the Department of Public Health, then the Commission shall issue a certificate of appropriateness.

(d) If the Commission finds that the environmental change proposed by the applicant will adversely affect any significant historical or aesthetic feature of the property or is inappropriate or inconsistent with the spirit and purposes of this chapter, the Commission may either deny the application or delay action on the application. Any decision to delay action on the application shall be by mutual agreement of the Commission and the applicant and shall be for a period not to exceed six (6) months. During the delay period, the Commission shall conduct further investigation with regard to the proposed environmental change, conduct negotiations with the applicant and any other party in an effort to find a means of preserving the property, or explore alternatives to the proposed environmental change. The Commission may also investigate the feasibility of all available ways and means of preserving the improvement, including without limitation, inducing by contract or other consideration the creation of covenants restricting the use of property, leasing and subleasing the property for the purposes of preservation and acquiring by eminent domain or contract or conveyance all or any part of or interest in the property.

(e) At the end of the delay period, the Commission shall either approve or deny the application, or delay action. A decision to delay action, at the end of one (1) delay period, shall be by mutual agreement of the Commission and the applicant and shall be for a period not to exceed six (6) months. The Commission shall only agree to a second and final delay period if the Commission determines that this additional time period may be useful in securing an alternative to the proposed environmental change. At the end of the second and final delay period, the Commission shall either approve or deny the application for a certificate of appropriateness.

(f) Upon the issuance, denial or a delay in the issuance of a certificate of appropriateness, the Commission shall give written notices of the issuance, denial or delay in the issuance to the applicant and the Department of Building and Housing. The Commission shall provide written notice of the issuance, denial or delay in the issuance of a certificate of appropriateness to the applicant and the Department of Building and Housing within forty-five (45) days of the receipt by the Commission of an application from either the applicant or the Department of Building and Housing.

(g) If no action has been taken by the Commission on an application for a certificate of appropriateness to approve, deny or delay action within forty-five (45) days after such application has been received by the Commission, the certificate of appropriateness shall be deemed issued.

Section 163.04 Duties of Commission

The Commission shall:

- (a) Assist with the adoption of an urban forest management plan and assist with updating a comprehensive inventory of trees and tree benefits analysis at regular intervals for the City;
- (b) Provide recommendations on policy, plans, programs, or legislation concerning urban forestry management, sustainability and protection of associated trees on public or private property;
- (c) Review and comment on any program or work undertaken by any City Department, technical or advisory bodies related to the protection or enhancement of the urban forest when so requested by the Mayor or Council;
- (d) Work with the necessary departments to implement recommendations to reduce tree loss and damage;
- (e) Monitor implementation of City plans and policies related to the urban forest and provide review and comment to the Mayor and Council;
- (f) Assist the Director of Parks and Recreation or his or her designee, in preparing educational programming for residents, businesses, and organizations in the community to encourage proper maintenance of trees within the City;
- (g) Solicit grants or contributions to the Tree Preservation Fund set forth in Section 509.21 of the codified ordinances, for the purpose of supporting the preservation, protection, maintenance, purchase and planting and establishment of trees in the City, and educating the public with respect thereto;
- (h) Review and report on whether the penalties collected for unauthorized damage or removal of trees are being paid to the Tree Preservation Fund as set forth in Section 509.99 of the codified ordinances and make recommendations regarding the disbursement of funds from the Tree Preservation Fund;
- (i) Assist the Director of Parks and Recreation, or his or her designee, in preparing an annual report to Council, the Mayor, and the public regarding the activities of the Commission; and
- (j) Any other duty requested by the Mayor or Council.

Section 341.05 Administrative Procedures

The following procedures are established to govern the processing of applications for Building Permits subject to the regulations of this chapter.

(a) *Contents of Application.* In addition to meeting application requirements established in the Building Code and Zoning Code for Building Permit applications, applications governed by the provisions of this chapter shall include the following elements.

(1) Color photographs showing the subject property in the context of adjoining properties within two hundred fifty (250) lineal feet on either side of the subject property.

(2) Architectural drawings including elevation drawings and site plans for the construction or exterior alterations proposed, indicating design materials, colors, illumination, sign placement, and landscaping.

(3) In the case of a proposed demolition, a plan showing the proposed re-use of the property, including both interim and long-term reuse plans, if appropriate.

(4) Information indicating project elements that contribute to an environmentally sustainable development.

(5) A Tree Preservation Plan, if required, pursuant to this chapter.

(6) Other materials listed in guides that may be prepared by the staff of the City Planning Commission and provided to applicants.

(b) *Determination of Applicability and Transmittal to City Planning Director.* Upon receipt of an application for a Building Permit, the Director of Building and Housing shall use the standards of Section 341.02 to determine whether the proposed action is governed by the provisions of this chapter. If it is determined that the action is governed by these provisions, the Director of Building and Housing shall promptly transmit the application to the Director of the City Planning Commission.

(c) *Transmittal to Local Design Review Advisory Committee.* Upon receipt of a complete application, the City Planning Director shall promptly transmit the application for review and recommendation by the Local Design Review Advisory Committee, as established in Section 341.06. Other required City reviews may be conducted concurrently, as appropriate. In the case of an application for an action that the City Planning Director deems to have no significant impact on the design or appearance of the property, the Director may approve the application administratively without referral to the Local Design Review Advisory Committee.

(d) *Standards for Review.* An application received pursuant to the provisions of this chapter shall be reviewed in accordance with the design guidelines of Section 341.07 and any supplemental guidelines adopted by the City Planning Commission for a

particular district. A Tree Preservation Plan received pursuant to this chapter shall be reviewed by the Commissioner of Urban Forestry in accordance with Section 341.051.

(e) *Local Design Review Committee Meeting and Action.*

(1) *Meeting.* The City Planning Director shall inform the applicant of the time and location of the Local Design Review Advisory Committee meeting at which the application will be considered. That consideration shall take place at the next regularly scheduled meeting of the Committee occurring at least five (5) days after acceptance of a complete application by the City Planning Director.

(2) *Action.* The Local Design Review Advisory Committee shall recommend either approval, approval with modifications or conditions, or disapproval of the application. The Committee may choose to postpone action in order to permit the applicant to prepare revisions if the applicant agrees to such postponement. If the applicant does not agree to a postponement, the Committee shall take action on the application at the meeting. The Committee shall provide a written record of its recommendation to the City Planning Commission.

(f) *City Planning Commission Meeting and Action.* After action by the Local Design Review Advisory Committee, or a failure to act at a meeting in accordance with the requirements of this section, the City Planning Director shall inform the applicant of the time and location of the City Planning Commission meeting at which the application will be considered. The City Planning Commission shall either approve or disapprove the application or approve the application with modifications or conditions. The Commission may choose to postpone action in order to permit the applicant to prepare revisions if the applicant agrees to such postponement. The Commission shall take action no later than forty-five (45) days after acceptance of a complete application by the City Planning Director unless the applicant has agreed to one (1) or more postponements, including agreed postponements in the Local Design Review Committee process.

(g) *Administrative Approval.* Pursuant to the “Rules of the City Planning Commission” regarding administrative approvals, the City Planning Director is authorized to act on behalf of the Commission in approving applications recommended for approval by the Local Design Review Advisory Committee and for applications that meet the standard stated in division (c) of this section. Use of the administrative approval procedure is not authorized in the case of applications for demolition or moving of buildings, other than for buildings that are deemed to be minor accessory structures. Generally, applications for development of new commercial or institutional buildings and for residential developments involving six (6) or more units shall not be approved without referral to the Local Design Review Advisory Committee and the City Planning Commission.

(h) *Exemptions.* No referral to the City Planning Commission or a Local Design Review Advisory Committee shall be required for projects approved under the City’s

Storefront Renovation Program. Such projects may be approved by the action of the City Planning Director subsequent to approval under the Storefront Renovation Program.

Section 341.051 Tree Preservation Plan Required

(a) For any development project that meets the criteria of Section 341.02 ("development project") and is situated on one (1) or more acres of land, and for apartment, townhome or condominium projects of four (4) or more units situated on any size parcel of land, a Tree Preservation Plan shall be submitted as part of the Building Permit application. The Tree Preservation Plan shall be approved by the Commissioner of Urban Forestry ("Commissioner") or a designee before a Building Permit is issued. A Tree Preservation Plan is not required for single-family dwellings, two-family dwellings, and three-family dwellings or for any person, firm, or corporation demolishing a building or structure pursuant to a valid demolition permit issued under Chapter 3115 of this Code.

(b) The Tree Preservation Plan shall include: (1) the location, botanical name, dimension at breast height (DBH), and vertical height of all existing trees on the property; (2) the intent to preserve, relocate, or replace each tree; (3) measures to be taken to protect new and mature trees during construction, and to protect roots and soil during construction, following *Best Management Standards and ANSI Standards for Arboriculture*, as may be amended from time to time; and (4) any other information the Commissioner or a designee requires to determine compliance with this chapter. The Tree Preservation Plan shall be adhered to during all phases of construction on any development project for which a Tree Preservation Plan is required.

(c) The Commissioner or designee shall review all Tree Preservation Plans and notify the City Planning Director of approval or disapproval within thirty (30) business days of submittal of the Tree Preservation Plan. When a plan is determined to be inadequate, written notice of disapproval stating the specific reasons for disapproval shall be communicated to the applicant. The notice shall specify the modifications, terms and conditions that are necessary for approval of the plan. The Commissioner or designee may make periodic inspections of trees within the development site to ensure compliance with this chapter. If the Commissioner does not approve or disapprove the Tree Preservation Plan within thirty (30) business days of its submittal, the Tree Preservation Plan is deemed approved.

Section 341.052 Tree Preservation General Requirements

The following are basic provisions for the preservation of private and public trees during construction of development projects on one (1) or more acres of land, for apartment, townhome or condominium projects of four (4) or more units situated on any size parcel of land, and for protecting public trees under Section 509.14.

- (a) All trees with a DBH of over six (6) inches shall be preserved, maintained and protected during construction, a tree's roots shall be protected, and the size of the Tree Protection Zone shall be, in accordance with *Best Management Standards and ANSI Standards for Arboriculture*, as may be amended from time to time.
- (b) Trees on the property shall not be removed without prior written approval from the Commissioner of Urban Forestry ("Commissioner") or a designee and only if one (1) or more of the following situations apply:
- (1) The tree poses a risk. To verify that a risk exists, the City may require a tree risk assessment be performed by the Commissioner or designee or an International Society of Arboriculture (ISA) Certified Arborist with the ISA qualification.
 - (2) The tree is planted too close to an existing structure, such that it is either damaging or has the clear potential to damage the structure.
 - (3) The tree inhibits an infrastructure repair due to its proximity to the needed infrastructure repair. Trees should not be removed simply because a sidewalk is raised or cracked, unless it is determined that removal of the tree is necessary for the sidewalk repair.
 - (4) The tree has structural defects (e.g., split trunk, poor branch attachments), is damaged to the point that it cannot recover and grow properly, or that it will grow in a misshapen or unsightly manner that could result in failure.
 - (5) The tree is infested with an epidemic insect or disease where the recommended control is not applicable and removal is necessary to prevent transmission of the insect or disease to other trees. The City may require this condition to be verified by the Commissioner or designee or an ISA-Certified Arborist.
 - (6) The Commissioner or a designee determines that the removal of the tree is necessary to carry out construction in compliance with approved plans.
- (c) A person, firm or corporation may appeal the decision whether to remove a tree under division (b) to the Commissioner within ten (10) business days of the date of the notice of the decision. The Commissioner shall have jurisdiction to affirm, reverse or modify the decision and shall do so within ten (10) days of the date of the appeal. A person aggrieved by a final decision of the Commissioner may further appeal to the Board of Zoning Appeals within thirty (30) days after the Commissioner's decision.
- (d) A tree that is removed shall be replaced with a tree of appropriate species as selected by the Commissioner or designee and in a location where it will grow to replace the removed tree without posing the risks for which the tree was removed. Instead of replacing a tree removed pursuant to this section, a developer may pay the City the value of the tree as established using the Trunk Formula Method outlined in *The Guide for*

Plant Appraisal by the Council of Tree and Landscape Appraisers, as may be amended from time to time, or other tree replacement analysis provided by similar publication. All funds collected pursuant to this division shall be deposited in the Tree Preservation Fund established under Chapter 509 of the Codified Ordinances.

Section 341.053 Civil Penalties for Damaged Trees or Trees Removed Without Approval

(a) Any person, firm, or corporation required to submit a Tree Preservation Plan that damages a tree located in the development site, due to the failure to properly protect or maintain the tree during construction pursuant to Section 341.052, whether by negligence or otherwise, shall be charged one thousand dollars (\$1,000.00) per area of damage to the above ground portion of the tree. If the damage can be repaired or reduced following *Best Management Standards and ANSI Standards for Arboriculture*, as may be amended from time to time, the party responsible for the damage shall hire an ISA-Certified Arborist to repair or reduce the damage at the cost of the responsible party. If the damage to the tree is adequately repaired by the ISA-Certified Arborist, in the discretion of the Commissioner of Urban Forestry ("Commissioner") or designee, the Commissioner may waive the civil fine.

(b) Any person, firm, or corporation required to submit a Tree Preservation Plan that harms a tree within the development site by failing to properly protect the roots in violation of Section 341.052 or division (e) of Section 352.05, such that an ISA-Certified Arborist believes the tree will fall or decline and die within two (2) calendar years of the date of completion of construction, shall be charged the full value of the tree as established using the Trunk Formula Method outlined in *The Guide for Plant Appraisal* by the Council of Tree and Landscape Appraisers, as may be amended from time to time, or other tree replacement analysis provided by similar publication.

(c) Any person, firm or corporation required to submit a Tree Preservation Plan that removes any tree located in the development site in violation of Section 341.052, shall be charged a civil fine of one thousand dollars (\$1,000.00) for each tree removed in addition to the full cost of any removed tree based on the replacement cost of the tree as established using the Trunk Formula Method outlined in *The Guide for Plant Appraisal* by the Council of Tree and Landscape Appraisers, as may be amended from time to time, or other tree replacement analysis provided by similar publication.

(d) The Commissioner or a designee shall have the authority to charge the civil fines set forth in this section. All civil fines and costs collected pursuant to this section shall be deposited in the Tree Preservation Fund established under Chapter 509 of the Codified Ordinances.

(e) A person, firm or corporation required to submit a Tree Preservation Plan that receives a civil fine under this section may appeal to the Commissioner within ten (10) business days of the date of the notice of the civil fine. The Commissioner shall have jurisdiction to affirm, reverse, or modify the decision and shall do so within ten (10)

days of the date of the appeal. A person aggrieved by a final decision of the Commissioner may further appeal to the Board of Zoning Appeals within thirty (30) days after the Commissioner's decision.

Section 352.05 Requirements for All Landscaped Areas

(a) *Permitted Forms of Screening.* Screening required in item 2 of the table contained in Section 352.11 and the Screen Barrier required in the table contained in Section 352.10 may take the form of:

- (1) A landscaped earthen berm;
- (2) A concrete or masonry wall;
- (3) A wood, wrought iron, tubular steel, or similar decorative fence as approved by the Director of the City Planning Commission as compatible with the character of the area in which the fence is to be placed;
- (4) A compact hedge or other live evergreen vegetative barrier; or
- (5) A combination thereof.

Fences and walls used to meet screening requirements shall display a finished face toward adjacent streets and properties.

(b) *Types of Landscaping Materials.* As determined by the Commissioner of Park Maintenance, or the Commissioner of Urban Forestry, as appropriate, ("Commissioner") or a designee, or in accordance with standards promulgated by the appropriate Commissioner or designee, all varieties of living landscape materials used shall be:

- (1) Healthy, hardy, and drought-resistant consistent with the availability of water for artificial irrigation; and
- (2) Suitable for the climate and environmental influences on the site, such as exposure to sun, wind, water, heat, automobile exhaust fumes, and road salt; and
- (3) Compatible with the slope of the site, with existing vegetation to be preserved and with utility lines above or below ground level; and
- (4) Tree selection shall be based on recommended species in the Cleveland Tree Plan as it may be amended from time to time.

(c) *Ground Cover In Landscaped Strips.* Grass or other ground cover shall be planted over all landscaped strips including earthen faces of berms, except in areas planted in

flowers, shrubs, or trees, so as to present a finished appearance and reasonably complete coverage within three (3) months after planting.

Non-living landscaping materials such as sand, stones, rocks, or barks may be substituted for living cover over a maximum of thirty percent (30%) of the landscaped area. No artificial plants or turf shall be used.

(d) *Preservation of Landscaping.*

(1) *Credit Toward Requirements.* The Director of Building and Housing, in consultation with the Commissioner of Park Maintenance or the Commissioner of Urban Forestry, as appropriate, or designee, shall credit healthy trees or shrubs existing on a site prior to development and proposed to be preserved toward the requirements of the table contained in Section 352.11.

Except as provided herein for bonus credits, each preserved tree or shrub meeting the applicable requirements of the table contained in Section 352.11 shall reduce by one (1) the number of new trees or shrubs required.

(2) *Bonus Credit for Larger Trees.* Larger preserved trees shall reduce the number of new trees required in the table contained in Section 352.11 as follows:

Trunk Caliper of Existing Tree to be Preserved*	Reduction in Number of New Trees Required
8 - 16 inches	2 trees
Over 16 inches	3 trees
* Measured 4.5 feet above grade at base.	

(e) *Tree Protection During Construction.* An applicant may claim a credit for preservation of existing trees and shrubs under division (d) of this section, and shall certify that all trees and shrubs for which a credit is claimed are currently healthy. An applicant shall adhere to the requirements of this section with respect to all trees on the site, including the trees for which the credit is claimed.

(1) Tree protection during construction, including bark and root protection, shall be according to *Best Management Standards and ANSI Standards for Arboriculture* as may be amended from time to time.

(2) *Damage Mitigation.* Despite following *Best Management Standards and ANSI Standards for Arboriculture*, as may be amended from time to time, significant damage has been done to the roots, the tree may need to be removed based on the assessment by the Commissioner of Urban Forestry or a designee. In this case, the owner shall replace the tree with a tree or trees of equal or greater diameter that are approved by the Commissioner of Urban Forestry or a designee, or the owner shall make payment to the City's Tree Preservation Fund for the replacement cost of the tree as established using the Trunk Formula

Method outlined in *The Guide for Plant Appraisal* by the Council of Tree and Landscape Appraisers, as may be amended from time to time, or other tree replacement analysis provided by similar publication.

Tree limbs damaged during construction shall be addressed following *Best Management Standards and ANSI Standards for Arboriculture*, as may be amended from time to time.

(3) *Removal of Barriers*. Protective fences and barriers around trees shall be removed only as the final stage of post-construction cleanup.

(f) *Berming*. Berms used for screening shall be a minimum of two (2) feet high at all points. The interior face of a berm may be retained by a wall, terrace, or other means acceptable to the Director of Building and Housing in lieu of taking the form of an earthen slope.

All earthen berm faces on which ground cover is not yet completely established shall be protected from erosion by a mulch and/or an erosion control net.

Slopes for earthen faces shall not exceed thirty- three percent (33%) if covered with grass and fifty percent (50%) if covered with other vegetative cover.

(g) *Curbing*. All landscaped strips located in or abutting parking areas shall be separated on all sides from the parking surface by curbing consisting of concrete, stone, brick, asphalt, or other material approved by the Director of Building and Housing as having comparable appearance and durability. Curbing shall be in good condition upon installation.

(h) *Other*. Other requirements shall be as specified in the table contained in Sections 352.11.

Section 352.06 Installation and Maintenance

(a) *Assurance of Installation*. Before issuing any Certificate of Occupancy for any application to which the provisions of this chapter apply, the Director of Building and Housing shall determine that either:

(1) Landscaping and screening required in this chapter have been fully installed;
or

(2) If seasonal or weather conditions or other factors preclude such installation at the time of application, that financial sureties have been submitted to guarantee installation within nine (9) months of the date of issuance of the certificate.

Financial sureties shall be in the form of a performance bond, letter of credit, cash or property escrow, or other form approved by the Director of Building and Housing. They shall be in the amount of one hundred ten percent (110%) of the estimated cost of the materials and their installation based on figures approved by the Director of Parks and Recreation or a designee.

(b) *Installation Procedures.* All tree materials shall be installed in conformance with the most current procedures established by *Best Management Standards and ANSI Standards for Arboriculture*, as may be amended from time to time. All other living landscaping materials shall be installed in conformance with the most current procedures established by the American Association of Nurserymen or its successor organization. A permanently-installed underground irrigation system shall be provided for a required landscape area if it is determined by the Commissioner of Urban Forestry or a designee that such irrigation is required for proper maintenance of the type of landscape materials proposed for installation.

(c) *Maintenance and Replacement.* The owner, occupant, tenant, and agent of each, if any, shall be jointly and severally responsible for the maintenance, repair, and replacement of all landscaping, screening, and curbing required under this chapter so as to preserve at least the same quantity, quality, and screening effectiveness as initially installed.

A preserved existing tree that dies or is destroyed shall be replaced by:

- (1) A replacement tree or trees of equal or greater diameter approved by the Commissioner of Urban Forestry or a designee;
- (2) The trees recommended in the Cleveland Tree Plan as it may be amended from time to time; or
- (3) The owner may make payment into the City's Tree Preservation Fund for the replacement cost of the tree as established using the Trunk Formula Method outlined in *The Guide for Plant Appraisal* by the Council of Tree and Landscape Appraisers, as may be amended from time to time, or other tree replacement analysis provided by similar publication.

All living and non-living landscaping, including fences, walls, and ornamental lighting, shall be maintained in a good condition at all times so as to present a healthy, neat, and orderly appearance and shall be kept free from refuse and debris.

Any unhealthy or dead vegetation shall be replaced with healthy living plantings no later than the end of the next applicable planting season.

(d) *Removal.* Installed landscaping and screening may not be removed except temporarily for replacement or maintenance unless the zoning of an abutting parcel is changed to a district that does not require a Transition Strip or unless any other

condition that mandates landscaping or screening hereunder no longer applies to the property.

Section 411.05 Parade Permits and Fee

(a) Definitions. As used in this section:

- (1) "Chief" means the Chief of Police or the Chief's designee.
- (2) "Crosswalk" shall have the same meaning as defined in Section 401.14.
- (3) "Impromptu Demonstration" means a spontaneously-announced parade, whether proposed by a person or group, with little or no advanced planning and usually with the help of social media in response to events of great community or public interest occurring within two (2) days of the parade.
- (4) "Parade" means any formation, march, procession of any kind, or motorcade consisting of persons, animals, or vehicles, or combination thereof traveling in unison for a common purpose upon the streets and public grounds within the City with an intent of attracting public attention that interferes with the normal flow or regulation of vehicular or pedestrian traffic upon the streets, sidewalks, and public grounds within the City.
- (5) "Pedestrian" shall have the same meaning as defined in Section 401.37.
- (6) "Person" shall have the same meaning as defined in Section 401.38.
- (7) "Public Grounds" means property under the control of the City to which the general public has access, including all parks, malls, public lands and any paved areas on such property, but excluding streets, public buildings, and sidewalks.
- (8) "Sidewalk" means the portion of a street adjacent to the curb lines or the lateral lines of a roadway and the adjacent property lines, intended for use of pedestrians.
- (9) "Social Media" means online or electronic communication created by individuals using publicly-accessible technologies through the internet.
- (10) "Special Event" shall have the same meaning as defined in Section 133.07 and a permit as provided in Section 133.07.
- (11) "Street" means any place or way set aside or open to the general public for purposes of vehicular traffic, including any berm or shoulder parkway, right-of-way, or median strip thereof, excluding sidewalks.
- (12) "Vehicle" shall have the same meaning as defined in Section 401.73.

(b) Permit Required. Except as provided in division (f)(2) of this section, no person shall engage in or conduct a parade without first obtaining a permit issued as provided in this section.

(c) Application Filing. A person seeking a parade permit shall file an application with the Office of Special Events and Marketing on the forms and in the manner provided and the application form shall be signed by the applicant.

(1) A permit application for a parade to be held with a special event shall be filed at least fourteen (14) days before the special event is proposed to commence.

(2) A permit application for a parade that will not be held with a special event shall be filed at least four (4) business days before the parade is proposed to commence.

(3) An application for a parade permit shall be considered filed upon receipt of the fully completed application by the Office of Special Events and Marketing.

(d) Application Contents. The application for a parade permit shall set forth the following information:

(1) The name, address, day-time telephone number, and email, if available, of the applicant;

(2) The name, address, and telephone number of the headquarters of the organization for which the parade is to be conducted;

(3) The name and telephone number of the on-site coordinator or person in charge of the parade if different from the applicant;

(4) The date, time and estimated duration of the parade including time to organize before and disperse after the parade, and any possible alternative dates and times;

(5) A description of the route to be traveled, if applicable, including the starting point, the identification of and the directions to be followed on all streets, the termination point, and any areas to be used to set up before and disperse after the parade;

(6) An aerial street map of the route to be traveled clearly delineating all of the affected streets, compass coordinates and any proposed street closures;

(7) A statement of whether the proposed parade is a new or a recurring event;

(8) The approximate number of persons who, and animals and vehicles which, will constitute the parade and the types of animals and vehicles participating in the parade;

(9) The contact information for any private security services to be provided by the organizer for the parade, if applicable; and

(10) A description of any sound amplification equipment to be used in connection with the parade, if applicable.

(e) Application Review. Applications for parade permits shall be reviewed by the Office of Special Events and Marketing and the Division of Police, and approved by the Chief and the Directors of Public Safety and Public Works, or the Director's designees, before a permit is issued. In determining whether to issue a permit, the following factors shall be considered:

(1) Whether the information contained in the permit application is found to be false, misleading, or incomplete in any material detail;

(2) Whether the time, place, or size of the parade including the assembly areas and route of march, will unreasonably interfere with the safe and expeditious movement of pedestrian and vehicular traffic, ingress or egress to or use of adjoining private property, or unreasonably disrupt the use of a street when it is usually subject to significant traffic congestion;

(3) Whether the parade will present an unreasonable danger to the health or safety of the parade participants or other members of the public, or cause damage to public or private property;

(4) Whether the conduct of the parade will require the diversion of so great a number of City police officers to properly police the line of movement and contiguous areas as to prevent normal police protection within the City, including previously permitted parades and special events;

(5) Whether the parade would unreasonably interfere with the movement of police vehicles, fire-fighting equipment, or ambulance service to other areas of the City;

(6) Whether a permit for a parade or special event has been granted or has previously been filed and will be granted, for the same time and approximate location, or would unreasonably interfere with another parade or special event for which a permit has been issued;

(7) Whether the parade will substantially interfere with any construction or maintenance work schedule to take place along the planned route or location; and

(8) Whether the applicant, the organization, or persons represented by the applicant or organization have previously violated the provisions of a similar permit or have violated any City ordinances or state or federal laws in connection with a previous parade in the City.

(f) Policy; Exceptions. It is the policy of the City of Cleveland that persons and groups have the right to organize and participate in peaceful parades and impromptu demonstrations on the streets and public grounds of the City, subject to reasonable restrictions designed to protect public safety, persons and property, and to accommodate the interest of persons not participating in the assemblies to use the streets and sidewalks to travel to their intended destinations, and use public grounds for their intended purposes. For this reason:

(1) Except as provided in division (f)(2) of this section, all parades shall obtain a parade permit under this section and all reasonable efforts shall be taken to expedite the review of any application for a permit for a parade;

(2) A person or group is not required to obtain a permit for a parade before conducting the parade where:

A. The parade is not associated with a special event, will take place on sidewalks and crosswalks and will not prevent pedestrian traffic from using the sidewalks or crosswalks or interfere with vehicular traffic on the streets at the crosswalks, and will not occur on streets; or

B. The event is an impromptu demonstration, provided that a person involved in organizing the event notifies the Chief, by telephone, in writing, or in person, at least eight (8) hours prior to the parade of: 1) the date and time of the parade; 2) the name and telephone number of an on-site coordinator or a person in charge of the parade; and 3) a description of the proposed route to be traveled, including the starting point, the identification of and the directions to be followed on all streets, the termination point, and any areas to be used to set up before and disperse after a parade.

(3) The Chief may impose reasonable time, place, and manner restrictions on parades that have not obtained a permit under division (f)(2) of this section based on the Chief's determination that the parade will substantially interfere with:

A. The safe and expeditious movement of pedestrian and vehicular traffic, ingress or egress to or use of adjoining private property, or unreasonably disrupt the use of a street when it is usually subject to significant traffic congestion;

B. The health or safety of the parade participants or other members of the public, or cause damage to public or private property;

C. The movement of police vehicles, fire-fighting equipment, or ambulance service to other areas of the City;

D. Another parade, special event, or impromptu demonstration; or

E. Any construction or maintenance work schedule to take place along a route or location to be used by the parade.

(g) **Permit Fee.** A fee of twenty-five dollars (\$25.00) to cover the administrative cost of processing the permit shall be paid to the City when the approved permit is obtained from the Division of Assessments and Licenses. This fee is separate from and in addition to any fees or charges paid for special events under Section 133.08.

(h) **Permit Revocation.** Based on the recommendation of the Director of Public Safety or the Director's designee, the Commissioner of Assessments and Licenses may revoke or suspend any permit granted under this section because of any false statement made in the application for the permit.

(i) **Appeals.** If an application for a parade permit is denied or revoked, the applicant or permittee shall be notified in writing by email, if available, or by telephone and regular mail to the address on the application with the reason for the denial or revocation. An applicant or permittee shall have the right to appeal the denial or revocation of a parade permit within three (3) business days of receipt of the notice of denial to the Director of Public Safety. The Director of Public Safety, or his designee, shall hold a hearing on the denial or revocation within three (3) business days of receipt of the notice of appeal. If the Director determines that the permit should be granted, the applicant shall be notified in writing and obtain the permit from the Division of Assessments and Licenses upon payment of the fee. If the Director determines that a revoked permit should be reinstated, the permittee shall be notified in writing and proceed as if the permit was not revoked. If the Director affirms the denial or revocation of the permit, the applicant shall be immediately notified of the decision and shall have the right to appeal the denial within the same time and in the same manner provided in Section 403.09.

Section 447.02 Licenses Required

(a) No person shall operate any carriage upon the public rights of way of the City without a carriage license and a carriage operator's license, each issued pursuant to Section 447.07.

(b) No person shall operate a carriage business in the City without a carriage business license issued pursuant to Section 447.07.

(c) A carriage operator or business that operates, without charging the public a fee, as part of a special event permitted under Section 133.07 that lasts less than three (3) consecutive days shall be exempt from the license requirements of divisions (a) and (b)

of this section but shall comply with all other provisions in this chapter unless specifically exempted.

Section 509.14 Protecting Trees During Construction

(a) No person in charge of the erection, repair, alteration or removal of any building or structure within the City shall fail to properly preserve, maintain, and protect, pursuant to the general requirements of Section 341.052, public trees that are in the vicinity of the building or structure from damage that may be caused by or may be a result of the erection, repair, alteration or removal of the building or structure.

(b) No person in charge of the erection, repair, alteration or removal of any building or structure within the City shall remove any public tree in the vicinity of the building or structure without prior written approval of the Commissioner of Urban Forestry or a designee and then only if one (1) or more of the situations under division (b) of Section 341.052 apply.

Section 509.99 Penalty

(a) Any person, firm or corporation which violates Sections 509.01, 509.05, 509.09, or 509.11 shall be fined not more than one hundred dollars (\$100.00) for each offense.

(b) Any person, firm or corporation which violates Sections 509.03, 509.06, 509.08, 509.12 or 509.13 shall be fined not more than five hundred dollars (\$500.00) for each offense.

(c) Any person, firm or corporation which violates Sections 509.02, 509.04 or 509.10 shall be fined not more than one thousand dollars (\$1,000.00) for each offense.

(d) *Civil Penalties.*

(1) Any person, firm, or corporation that fails to properly preserve, maintain, and protect a public tree during construction as required under division (a) of Section 509.14, shall be charged one thousand dollars (\$1,000.00) per area of damage to the roots or the above ground portion of the tree. If the damage can be repaired or reduced following *Best Management Standards and ANSI Standards for Arboriculture*, as may be amended from time to time, the party responsible for the damage shall hire an ISA-Certified Arborist to repair or reduce the damage at the cost of the responsible party. If the damage to the tree is adequately repaired by the ISA-Certified Arborist, in the discretion of the Commissioner of Urban Forestry ("Commissioner") or designee, the Commissioner may waive the civil fine.

(2) Any person, firm, or corporation that removes any public tree in violation of division (b) of Section 509.14 shall be charged a civil fine of one thousand dollars

(\$1,000.00) for each tree removed in addition to the full cost of the removed tree based on the replacement cost of the tree as established using the Trunk Formula Method outlined in *The Guide for Plant Appraisal* by the Council of Tree and Landscape Appraisers, as may be amended from time to time, or other tree replacement analysis provided by similar publication.

(3) The Commissioner or designee shall have the authority to charge the civil fines set forth in division (d) of this section. All civil fines collected pursuant to this division (d) shall be deposited in the Tree Preservation Fund.

(e) Every violation by the same person, firm or corporation of Sections 509.01 to 509.13 which continues on any day succeeding the first violation, constitutes an additional violation for each of such succeeding days.

(f) In addition to civil liability for the cost of any work performed by the Commissioner or designee, any person who fails to comply with an order of the Commissioner to trim, preserve or remove any dead or diseased tree, or branch or limb of the dead or diseased tree, dangerous to person or property or to prevent the spread of disease to trees upon public property or streets within the time specified in the order shall be fined not more than five hundred dollars (\$500.00) or imprisoned for not more than thirty (30) days, or both.

(g) A person, firm or corporation that receives a civil fine under division (d) of this section may appeal to the Commissioner within ten (10) business days of the date of the notice of the civil fine. The Commissioner shall have jurisdiction to affirm, reverse, or modify the decision and shall do so within ten (10) days of the date of the appeal. A person aggrieved by a final decision of the Commissioner may further appeal to the Board of Zoning Appeals within thirty (30) days after the Commissioner's decision.

Section 510.04 General Public Right-of-Way Use Regulations

(a) Public Right-of-Way Route. A completed initial and annual registration of a Service Provider to Occupy or Use the Public Right-of-Way under Sections 510.02 and 510.03 shall apply to only the types of Facilities and locations along the Public Right-of-Way that were identified by the Service Provider in the registration form.

(b) Nonexclusive Right to Occupy the Public Right-of-Way. Registration of a Service Provider granted under Sections 510.02 and 510.03 shall not confer any exclusive right, privilege, license or franchise to Occupy or Use the Public Right-of-Way of the City to operate a System for delivery of Services or any other purposes.

(c) Rights Permitted. Registration of a Service Provider under Sections 510.02 and 510.03 shall not convey any right, title or interest in the Public Right-of- Way.

(d) Maintenance of Facilities. Each Service Provider shall maintain its System and Facilities in good and safe condition and in a manner that complies with all applicable federal, State and local requirements.

(e) Safety Procedures. A Service Provider or other Person acting on its behalf shall use suitable barricades, flags, flaggers, lights, flares and other measures as necessary and under applicable State and local requirements for the safety of all members of the general public and to prevent injury or damage to any Person, vehicle or property by reason of the work in or affecting such Public Right-of-Way or property.

(f) Interference with the Public Rights-of-Way. No Service Provider may locate or maintain its Facilities so as to unreasonably interfere with the use of the Public Right-of-Way by the City, by the general public or by other Persons authorized to use or be present in or on the Public Right-of-Way. To the extent permitted by law, all Facilities shall be moved by the Service Provider, temporarily or permanently, as determined by the Director.

(g) Damage to Public and Private Property. No Service Provider nor any Person acting on the Service Provider's behalf shall take any action or permit any action to be done which may impair or damage any City Property, including trees, Public Right-of-Way, Other Ways or other public or private property located in, on or adjacent thereto.

(h) Restoration of Public Right-of-Way, Other Ways and City Property.

(1) When a Service Provider, or any Person acting on its behalf, does any work in or affecting any Public Right-of-Way, Other Ways or City Property, it shall, after the work is completed and at its own expense, promptly remove any obstructions and restore such ways or property, within ten (10) to sixty (60) days, at the Director's discretion, to as good a condition as existed before the work was undertaken, unless otherwise directed by the City.

(2) If weather or other conditions do not permit the complete restoration required by this section, the Service Provider shall temporarily restore the affected ways or property as directed by the Director, to the extent practical or feasible. Such temporary restoration shall be at the Service Provider's sole expense and the Service Provider shall promptly undertake and complete the required permanent restoration when the weather or other conditions no longer prevent permanent restoration.

(i) Duty to Provide Information.

(1) Within ten (10) days of a written request from the Director each Service Provider shall furnish the City with documentation sufficient to show that the Service Provider has complied with all requirements of this chapter.

(2) Within ten (10) days of a written request from the Director, each Service Provider shall make available for inspection by the City at reasonable times

all books, records, maps and other documents, maintained by the Service Provider with respect to its Facilities in the Public Right-of-Way.

(3) A Service Provider operating under a tariff issued by the PUCO shall cooperate with the City upon request of the Director for assistance with the “design ticket” process of the Ohio Utility Protection Service.

(j) Assignments or Transfers. Registration to Occupy or Use the Public Right-of-Way may be, directly or indirectly, transferred, assigned or disposed of by sale, lease, merger, consolidation or other act of the Service Provider, by operation of law or otherwise, without consent of the City, so long as:

(1) The City is notified of the proposed transfer on or before the date of transfer or upon approval of any jurisdictional agency, including the PUCO; and

(2) The transferee shall fully comply with this chapter within sixty (60) days of the transfer, including, but not limited to, providing:

A. All information required by the Registration to Occupy or Use the Public Right-of-Way under Sections 510.02 and 510.03; and

B. Any other information reasonably required by the Director.

(k) Transactions Affecting Assignments or Transfers. Any transactions that singularly or collectively result in a change of twenty-five percent (25%) or more of the ownership or ultimate working control of a Service Provider, of the ownership or working control of the Service Provider’s Facility, or of control of the capacity or bandwidth of the Service Provider’s System, Facilities or substantial parts of the Facility shall be considered an assignment or transfer under division (j) of this section. Transactions between Affiliated entities are not exempt from division (j) of this section.

(l) Revocation of Registration. To the extent permitted by law, a Service Provider’s registration to Occupy or Use the Public Right-of-Way of the City may be revoked for any one (1) of the following reasons:

(1) Construction, Reconstruction, installation, location, operation or Excavation at an unauthorized location;

(2) Construction, Reconstruction, installation, location, operation or Excavation in violation of City safety and/or Construction requirements;

(3) Material misrepresentation or lack of candor by or on behalf of a Service Provider in any permit application or registration required by the City;

(4) Failure to relocate or remove Facilities, or failure to restore the Public Right-of-Way, as required by this chapter;

- (5) Failure to pay fees, costs, taxes or compensation when and as due the City;
- (6) Insolvency or bankruptcy of the Service Provider;
- (7) Violation of material provisions of this chapter.

(m) Notice and Duty to Cure. In the event that the Director believes that grounds exist for revocation of a Service Provider's registration to Occupy or Use the Public Right-of-Way, the Director shall give the Service Provider written notice of the apparent violation or noncompliance, providing a short and concise statement of the nature and general facts of the violation or noncompliance, and providing the Service Provider a reasonable period of time not exceeding thirty (30) days to furnish evidence:

- (1) That corrective action has been, or is being actively and expeditiously pursued, to remedy the violation or noncompliance;
- (2) That rebuts the alleged violation or noncompliance; and/or
- (3) That it would be in the public interest to impose some penalty or sanction less than revocation.

(n) It is within the Director's reasonable discretion to waive a portion or portions of this chapter where the requirements, in the Director's judgment, are not necessary or appropriate to protect the City's interests and the purposes and intent of this chapter.

(o) Record Drawings. Within sixty (60) days after completion of Construction, registered Service Providers shall furnish the City with the following information for Facilities Constructed for the Service Provider in detail acceptable to the Director based on consultation with the Service Provider:

- (1) The location, size, depth, grade, and route of any Underground Facilities, including proximity to other existing Facilities within the area excavated for the Construction;
- (2) The location, height and route of any Overhead Facilities, including pole attachments;
- (3) The location and position of any Above Ground Facilities and evidence of an AGF Installation Permit issued under Section 510.06 for the Facilities.

Information supplied under division (o) of this section shall be submitted in an electronic format which is available to the Service Provider and acceptable to the Director, or, if an acceptable electronic format is not available, on paper.

(p) Field Identification. Commencing on January 1, 2008, Service Providers shall field identify in a readily available location by means of a mark or tag in a manner, form and at such time as is acceptable to the Director in accordance with national and state

standards and regulations, all new or replacement Facilities constructed or installed at the surface of the Public Right-of-Way and, in conjunction with Public Right-of-Way improvements constructed by the City, all existing Facilities owned by a Service Provider and located on the surface of the portion of the Public Right-of-Way to be improved by the City.

(q) Restoration of Improvements. On completion of any Construction work, registered Service Providers shall promptly repair any and all Public Rights-of-Way and provide property improvements, fixtures, structures and Facilities which were damaged during the course of Construction, restoring the same as nearly as practicable to its condition before the start of Construction.

(r) Trees in Public Right-of-Way; Cost of Replacement.

(1) In performing any Construction work that may impact trees with roots, trunk or branches within the Public Right-of-Way, the Service Provider shall follow Best Management Standards and ANSI Standards for Arboriculture as may be amended from time to time.

(2) When tree roots must be affected by any Construction work within the Public Right-of-Way, the Service Provider shall submit specifications with the permit or construction plans and shall follow guidelines in Best Management Standards and ANSI Standards for Arboriculture as may be amended from time to time. The Commissioner of Urban Forestry ("Commissioner") or a designee shall review and approve the specifications prior to commencement of Construction work.

(3) A Service Provider that damages a tree located in Public Right-of-Way, due to the failure to properly protect or maintain the tree during Construction as required under division (r)(1), whether by negligence or otherwise, shall be charged one thousand dollars (\$1,000.00) per area of damage to the roots or the above ground portion of the tree. If the damage can be repaired or reduced following Best Management Standards and ANSI Standards for Arboriculture, as may be amended from time to time, the Service Provider shall hire an ISA-Certified Arborist to repair or reduce the damage at the Service Provider's cost. If the damage to the tree is adequately repaired by the ISA-Certified Arborist, in the discretion of the Commissioner or designee, the Commissioner may waive the civil fine. The civil fines shall be deposited into the City's Tree Preservation Fund.

(4) Trees within the Public Right-of-Way may not be removed without prior consultation with the Commissioner or a designee. Best Management Standards and ANSI Standards for Arboriculture, as may be amended from time to time, shall be utilized when removing trees from the Public Right-of-Way. Compensation for trees removed in connection with Construction work performed by a Service Provider, based upon the replacement cost of the tree as established using the Trunk Formula Method outlined in The Guide for Plant Appraisal by the Council of Tree and Landscape Appraisers, as may be amended from time to time, or other tree replacement analysis provided by similar

publication, shall be paid to the City's Tree Preservation Fund prior to completion of Construction work. A Service Provider shall not be required to compensate the City for trees removed at the City's request.

(5) The Commissioner or designee shall have the authority to charge the civil fines and replacement costs as set forth in this division. Civil fines under this section may be appealed to the Commissioner within ten (10) business days of the date of the notice of the civil fine. The Commissioner shall have jurisdiction to affirm, reverse or modify the decision and shall do so within ten (10) days of the date of the appeal. A Service Provider aggrieved by a final decision of the Commissioner may further appeal to the Board of Zoning Appeals within thirty (30) days after the Commissioner's decision.

(s)Landscape Restoration.

(1) All trees, landscaping and grounds removed, damaged or disturbed as a result of the Construction, Reconstruction, installation, maintenance, repair, replacement, or removal of Facilities must be replaced or restored as nearly as may be practicable, to the condition existing prior to performance of work as determined by the Commissioner or a designee, except to the extent that tree trimming is necessary to prevent the interference of tree branches with Overhead Facilities. Except in the case of emergency, trees within the Public Right-of-Way shall not be pruned without prior notice to the Commissioner or a designee. Best Management Standards and ANSI Standards for Arboriculture, as may be amended from time to time, shall be utilized when pruning trees in the Public Right-of-Way. Any Service Provider that fails to prune a tree using Best Management Standards and ANSI Standards for Arboriculture, as may be amended from time to time, such that the tree is damaged, as determined by the Commissioner or designee, shall be fined the full replacement cost of the tree as established using the Trunk Formula Method outlined in The Guide for Plant Appraisal by the Council of Tree and Landscape Appraisers, as may be amended from time to time, or other tree replacement analysis provided by similar publication, which shall be paid to the City's Tree Preservation Fund. If trees are damaged during Construction, Reconstruction, installation, maintenance, repair, replacement, or removal of Facilities, such that an ISA-Certified Arborist determines that the tree will fall or decline and die as a result of the damage, the Service Provider shall pay compensation to the City's Tree Preservation Fund based upon the replacement cost of the tree as established using the Trunk Formula Method outlined in The Guide for Plant Appraisal by the Council of Tree and Landscape Appraisers, as may be amended from time to time, or other tree replacement analysis provided by similar publication. If, in the opinion of the Commissioner or a designee, any trees cannot be replaced or restored in the same location, then either: (A) an equal number of trees, the type(s) of which shall be approved by the Commissioner or a designee, shall be planted in the Public Right-of-Way at a location or locations determined by the Commissioner or a designee; or (B) the Service Provider shall pay to the City's Tree Preservation Fund the replacement cost based on the Trunk Formula Method outlined in The

Guide for Plant Appraisal by the Council of Tree and Landscape Appraisers, as may be amended from time to time, or other tree replacement analysis provided by similar publication, for an equal number of trees. The Commissioner or designee shall have the authority to charge the replacement cost as set forth in this division.

(2) All restoration work within the Public Right-of-Way shall be done under landscape plans approved by the Director.

(t) Responsibility of Owner. The owner of the Facilities to be Constructed, Reconstructed, installed, located, operated, maintained or repaired and, if different, the Service Provider, are responsible for performance of and compliance with all provisions of this section.

Section 557.07 Lot Prices

Prices at which cemetery lots, or parts thereof, may be sold shall be fixed by the Commissioner of Park Maintenance, at the time of platting any cemetery or part of any cemetery hereinafter acquired by the City, or not previously platted. The prices so fixed for all the lots shown on any plat shall be included in a single schedule, which shall clearly identify each lot shown on the plat, and the price. No schedule or amendment thereto shall be valid until the approval of the Director of Parks and Recreation and the Director of Finance are endorsed thereon, and until it is filed as a public record in the office of the Commissioner. Whenever any prices so fixed are to be changed, it shall be done only by amending the schedule, or by adopting a new schedule, which shall supersede all prior schedules applicable to the plat.

Section 557.13 Purchase of Lots on Deferred Payments

The Commissioner of Park Maintenance may at his or her discretion accept an initial payment on the price of the lot in an amount not less than half the total price, nor in any case less than the land cost apportioned to the lot. Payment of the remainder of the price shall be secured by agreement as the Commissioner, with the approval of the Director of Parks and Recreation, deems reasonable. The agreement shall be in form prescribed and approved by the Director of Law, and shall require the payment to the City for the benefit of the Cemetery Operating Fund of interest at the rate of six percent (6%) per annum on the deferred portion of the price, and for the reduction from time to time of the deferred portion by payments not less frequent than semi-annually, nor shall the payment of any portion be deferred longer than five (5) years. The entire amount unpaid shall become due and payable before any interment is permitted in the lot, but the payment may be waived, and the agreement continued upon terms approved by the Directors named in this section.

Section 557.25 Plan of Mausoleums

The Commissioner of Park Maintenance shall at all times keep in his or her office as a public record a plan of every City mausoleum, which plan shall show and clearly identify every crypt and niche intended for use as a repository of human remains. The plan shall not be of any force or effect for the purposes of this chapter until and unless it is approved by the Director of Parks and Recreation. The plan may be altered, amended, supplemented or superseded by only a like plan similarly approved, which shall specifically state the plan or particular items of the plan intended to be altered, amended, supplemented or superseded.

Section 557.27 Schedule of Mausoleum Prices

Prices at which crypts and niches of City mausoleums shall be sold shall be fixed by the Commissioner of Park Maintenance not later than the first offering of any crypt or niche for sale, in the case of mausoleums hereafter erected. The prices so fixed for all of the crypts and niches shown on any plan shall be included in a single schedule, which shall clearly identify each crypt or niche and the price. No schedule or amendment thereto shall be valid until the approval of the Director of Parks and Recreation and the Director of Finance are endorsed thereon, and until it is filed as a public record in the office of the Commissioner. Whenever any prices so fixed are to be changed, it shall be done only by amending the schedule, or by adopting a new schedule which shall supersede all prior schedules applicable to the plan.

Section 557.36 Power to Decrease Prices

Wherever the Commissioner of Park Maintenance determines that cemetery lots, mausoleum crypts or niches cannot be sold at prices determined as provided in the foregoing sections of this chapter, he or she shall have power, with the approval of the Director of Parks and Recreation, to fix such less price as shall represent the highest price reasonably obtainable, not less than the endowment cost fixed as determined in this chapter, and to diminish the land cost or the land and capital cost in proportion as may be required. No sale shall be made for less than the determined endowment cost, and the full amount of the endowment cost shall in every case be paid into the respective endowment funds as in cases where the price is the full sum required by this chapter.

Section 559.53 Trespass on City Facilities

(a) No person shall trespass, loiter, or remain in or upon the grounds of any park or recreational facility under the supervision and control of the Director of Parks and Recreation during any hour when the public is not permitted in such park or recreational facility as determined by the Director pursuant to Section 559.52, unless such person has been authorized to be present in the park or recreational facility by the Director of Public Works.

(b) No person shall trespass, loiter, enter or remain in or upon the grounds of any park or recreational facility under the supervision and control of the Director of Parks and Recreation after being lawfully ordered to leave such park or recreational facility by an authorized official or agent of the City.

(c) Whoever violates this section shall be guilty of a minor misdemeanor for a first offense. In addition to any other method of enforcement provided for on this chapter, this minor misdemeanor may be enforced by the issuance of a citation in compliance with Rule 4.1 of the Ohio Rules of Criminal Procedure. For each subsequent offense, whoever violates this section shall be guilty of a misdemeanor of the fourth degree.

Section 559.54 Prohibited Hours in the Mall Area

No unauthorized person shall be or remain on or in any portion of the area known as the Mall area between the hours of 12:00 a.m. to 5:00 a.m. Persons may be authorized to remain on the Mall by obtaining a permit from the Director of Parks and Recreation.

Such permits shall be issued when the Director finds:

- (a) That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare and safety;
- (b) That the proposed activity or use is not reasonably anticipated to incite violence, crime or disorderly conduct;
- (c) That the proposed activity will not entail unusual, extraordinary or burdensome expense or police operation by the City;
- (d) That the facilities desired have not been reserved for other use at the day and hour required in the application.

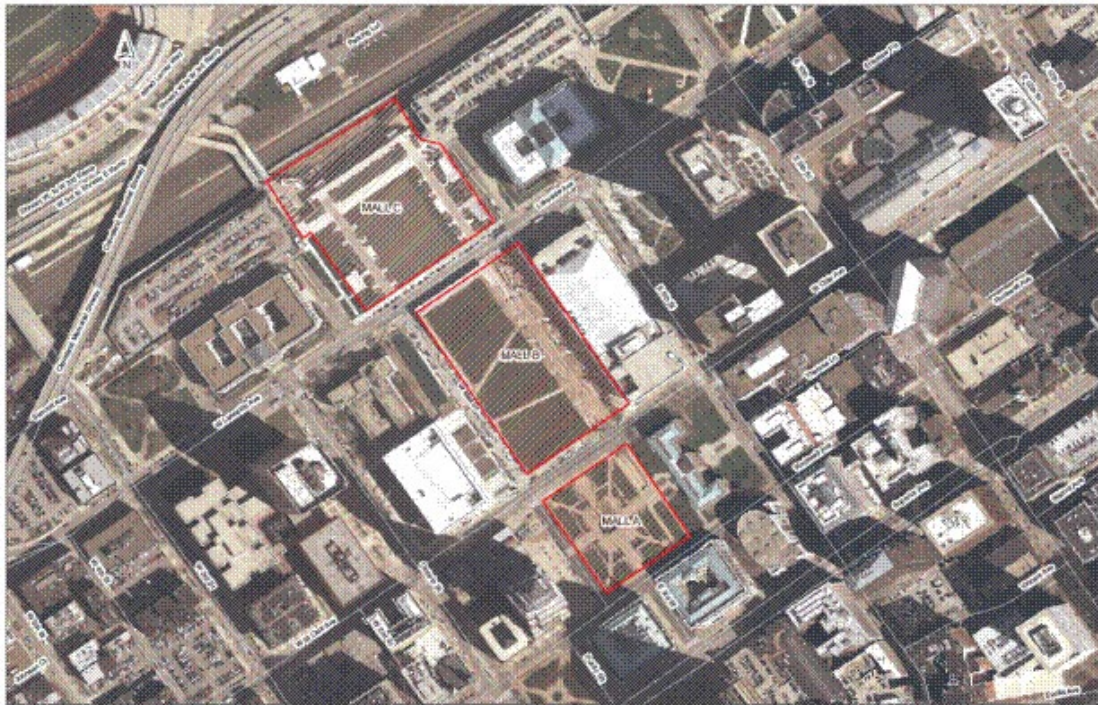
For the purpose of this section, the Mall area includes these areas specifically designated as Memorial Plaza (Mall A), Mall B, including the Leonard C. Hanna, Jr. Plaza and Mall C. It excludes therefrom all dedicated streets.

Memorial Plaza is that portion of the Mall A bounded by Rockwell Avenue on the south, St. Clair Avenue on the north, the east curb line, and its southeasterly prolongation, of the Memorial Plaza parking garage ramp extending southeasterly to Rockwell Avenue on the east, and by West Mall Drive on the west.

Mall B is that portion of the Mall bounded by the Convention Center on the east, St. Clair Avenue on the south, Lakeside Avenue on the north, and West Mall Drive on the west.

Mall C is that portion of the Mall bounded by Lakeside Avenue on the south, City Hall on the east, and property lines on the north and west of parcel B2 in the Survey,

Partition and Consolidation Plat as shown volume 365, page 0 of the Cuyahoga County Map Records, including all City Hall and City Garage property.



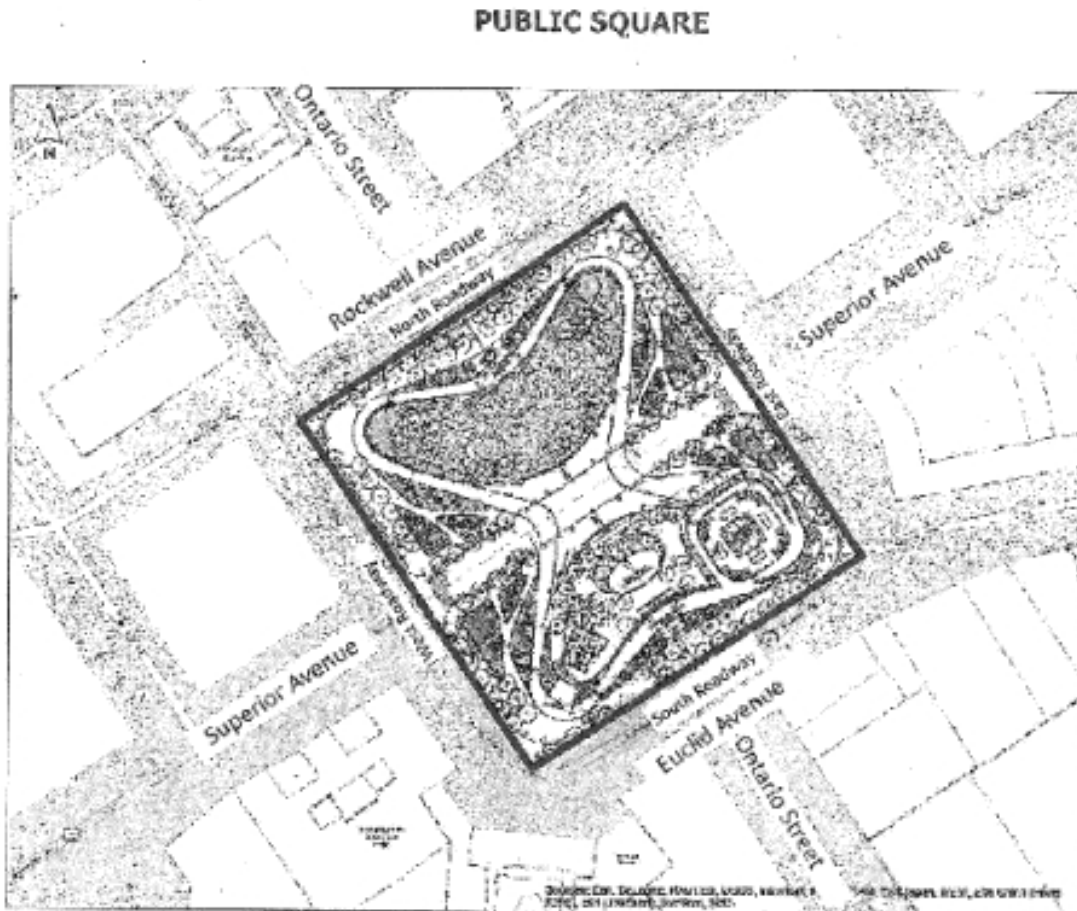
Section 559.541 Prohibited Hours in Public Square

No unauthorized person shall remain on or in any portion of the area known as the Public Square area between the hours of 12:00 a.m. to 5:00 a.m. Persons may be authorized to remain in Public Square by obtaining a permit from the Director of Parks and Recreation.

Such permits shall be issued when the Director finds:

- (a) That the proposed activity and use will not unreasonably interfere with or detract from the promotion of public health, welfare and safety;
- (b) That the proposed activity or use is not reasonably anticipated to incite violence, crime or disorderly conduct;
- (c) That the proposed activity will not entail unusual, extraordinary or burdensome expense or police operation by the City;
- (d) That the facilities desired have not been reserved for other use at the day and hour required in the application.

For purposes of this section, the "Public Square area" includes all structures (including but not limited to walls, fountains, and flower planters) located within Public Square and shown on the map below, but excludes all dedicated streets, public sidewalks adjacent to dedicated streets and RTA bus shelters within this area.



Section 675.02 Street Vendor's License Required; Application; Fee

(a) No person shall engage in vending anywhere in the City without a vendor's license issued under Section 675.03. The issuance of a vendor's license to a person shall not be deemed to authorize agents or employees of the person to vend without a license.

(b) The application for the license required by division (a) of this section shall be made to the Commissioner on forms prescribed by the Commissioner. The application shall include the following information:

(1) The name and address of the applicant;

(2) A detailed description of the goods, wares, commercially prepackaged food or beverages, or merchandise that the applicant intends to sell; and

(3) Such other information as the Commissioner deems necessary to ensure compliance with this chapter.

(c) In addition to the application required by division (a) of this section, each applicant for a vendor's license shall furnish two (2) photographs of the applicant taken within thirty (30) days before the date of application and of a size designated by the Commissioner.

(d) The annual license fee shall be sixty dollars (\$60.00) which shall cover the period beginning August 1 and ending July 31 of the following year.

(e) This section shall not apply to any special event as defined under and governed by Section 133.07 of the Codified Ordinances, or to any vendor associated with that special event.

Section 697A.02 Major Qualifying Event Permits

(a) Notwithstanding any Code provision or ordinance to the contrary, the Directors of Public Works, Parks and Recreation, Public Safety, Building and Housing, Capital Projects, and the Commissioner of Assessments and Licenses, as applicable to the duties of their respective departments or divisions, are authorized to issue appropriate permits and authorizations related to activities associated with Major Qualifying Event.

(b) Notwithstanding any Code provisions or ordinances to the contrary, the various City directors are authorized to develop and implement policies and practices for consolidating applications for and expediting review and issuance of City licenses, permits, approvals, reviews and inspections as required by the laws of the City as needed for the Major Qualifying Event and related activities and to issue a comprehensive permit that incorporates various City permits for the Major Qualifying Event, including review and approval of a comprehensive signage plan in the Central Business District and the major routes into the City as proposed by the Local Organizing Committee or Sponsor, in a form acceptable to the Director of Law. The consolidated application process and issuance of a comprehensive City permit as described in this section shall be coordinated by the Director of Public Works or the Director's designee.

Section 6. That the following Sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 161.05, as amended by Ordinance No. 1121-18, passed December 3, 2018,

Section 163.04, as amended by Ordinance No. 702-2020, passed June 6, 2020,

Sections 341.05, 341.051, 341.052, 341.053, 352.05 and 352.06, as amended or enacted by Ordinance No. 1121-18, passed December 3, 2018,

Section 411.05, as amended by Ordinance No. 928-2015, passed July 22, 2015,

Section 447.02, as amended by Ordinance No. 1474-13, passed November 25, 2013,

Sections 509.14, 509.99, and 510.04, as amended by Ordinance No. 1121-18, passed December 3, 2018,

Sections 557.07, 557.13, 557.25, 557.27 and 557.36, as amended by Ordinance No. 957-2011, passed October 24, 2011, and

Section 559.53, as amended by Ordinance No. 1233-15, passed November 9, 2015,

Sections 559.54 and 559.541, as amended by Ordinance No. 479-2016, passed May 9, 2016,

Section 675.02, as amended by Ordinance No. 164-2018, passed March 5, 2018, and

Section 697A.02, as amended by Ordinance No. 1028-18, passed January 14, 2019,

are repealed.

Section 7. That, upon the concurrence of the Board of Control, as required by Sections 77 and 79 of the Charter of the City of Cleveland, the Department of Parks and Recreation, Office of Administration, Office of Special Events and the Divisions of Urban Forestry, Public Auditorium, Recreation, and Park Maintenance are established.

Section 8. That concurrence of the Board of Control shall be evidenced by a certified copy of the resolution of the Board of Control duly filed with the Clerk of Council by the Secretary of the Board of Control immediately upon the adoption of the concurring resolution, which resolution shall be attached by the Clerk of Council to this ordinance.

Section 9. That any references contained in the Codified Ordinances of Cleveland, Ohio, 1976, to the “Division of Park Maintenance and Properties” and the “Commissioner of Park Maintenance and Properties” shall be amended to read “Division of Park Maintenance” and “Commissioner of Park Maintenance” consistent with this ordinance.

Section 10. That the Clerk of Council is authorized when publishing the Codified Ordinances of Cleveland, Ohio, 1976, and amendments thereto, to change all references from the “Division of Park Maintenance and Properties” and “Commissioner of Park Maintenance and Properties” to the “Division of Park Maintenance” and “Commissioner of Park Maintenance” consistent with this ordinance.

Section 11. That the Director of Parks and Recreation is authorized to enter into contracts or perform any acts under an ordinance passed by this Council that gives such authority to the Director of Public Works, when appropriate.

Section 12. 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 July 10, 2024.

Effective July 16, 2024.

Ordinance No. 580-2024

By Council Members: Hairston and Griffin (by departmental request)

An emergency ordinance to amend Section 1 of Ordinance No. 671-2023, passed June 5, 2023, as amended, relating to authorizing the Director of Community Development to provide financial assistance to projects providing housing in the City of Cleveland.

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

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That Section 1 of Ordinance No. 671-2023, passed June 5, 2023, as amended by Ordinance No. 1254-2023, passed December 4, 2023, is amended to read as follows:

Section 1. That the Director of the Department of Community Development is authorized to enter into one or more contracts with various entities for the Projects, not to exceed \$5,000,000 per Project, described in File No. 671-2023-E following the appropriate state, local, and/or federal requirements governing the use of Strategic Priority Subfund, General Fund, Residential Neighborhoods Improvement Bond Funds, and/or HOME-ARPA funds. Additional legislative authority is required to authorize the Director to enter into one or more contracts with an entity included in the yellow-coded Projects in the file.

Section 2. That existing Section 1 of Ordinance No. 671-2023, passed June 5, 2023, as amended by Ordinance No. 1254-2023, passed December 4, 2023, is repealed.

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

Passed July 10, 2024.

Effective July 16, 2024.

Ordinance No. 582-2024

By Council Members: McCormack, Bishop and Hairston (by departmental request)

An emergency ordinance authorizing the Director of Capital Projects to issue a permit to BERGES, LLC to encroach into the public right-of-way of Follett Court by installing, using and maintaining a private sanitary sewer line and a private storm sewer line.

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

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That the Director of Capital Projects is authorized to issue a permit to BERGES, LLC to encroach into the public right-of-way of Follett Court by installing, using and maintaining a private 6" sanitary sewer line and a private 6" storm sewer line at the following described location:

ENCROACHMENT

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Follett Court in the in the Susan K. and Samuel Follett's Re-Subdivision of part of Original Brooklyn Township Lot 69 as shown by the recorded plat in Volume 7 of Page 10 of Cuyahoga County Map Records and further bounded and described as follows:

Beginning at a 5/8" iron pin found at the intersection of the southerly right of way of Follett Court (14 feet wide) and the westerly right of way of said court, also being the northwesterly most corner of the Follett Homes Subdivision Phase 2 as shown on the plat recorded in AFN. 201904040083 of Cuyahoga County Records and the Principal Place of Beginning of the encroachment area herein described;

Course 1: Thence North 00°00'16" West along the westerly right of way of Follett Court, 14.00 feet to a 5/8" iron pin found on the northerly right of way of said Court at the southwesterly most corner of land conveyed to Kenneth Kovash by the deed recorded in AFN. 202304270242 of Cuyahoga County Deed Records;

Course 2: Thence South 89°59'57" East along the northerly right of way of Follett Court and the southerly line of land so conveyed to Kenneth Kovah, 7.00 feet to a point;

Course 3: Thence South 00°00'16" East, 14.00 feet to the southerly right of way of Follett Court;

Course 4: Thence North 89°59'57" West along the southerly right of way of Follett Court, 7.00 feet to the Principal Place of Beginning and containing 98 square feet of land, as described by Peter John Gauriloff, P.S. No. 8646 of The Riverstone Company in April 2024, subject to all legal highways, restrictions, reservations and easements of record.

Legal Descriptions approved by Eric B. Westfall, Section Chief, Plats, Surveys and House Numbering Section.

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

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

Section 4. That the permit shall reserve to the City reasonable right of entry to the encroachment locations.

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

Passed July 10, 2024.

Effective July 16, 2024.

Ordinance No. 584-2024

By Council Members: Bishop and Griffin (by departmental request)

An emergency ordinance authorizing the Director of Capital Projects to employ one or more professional consultants or one or more firms of consultants to perform various construction activities for roads, bridges and City facilities, not to exceed a total term of thirty months.

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 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 perform various construction activities for roads, bridges and City facilities, including but not limited to, services for construction engineering, construction oversight, construction management, material testing, and environmental testing, not to exceed a total term of thirty months.

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 Capital Projects from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Capital Projects 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 Capital Projects, and certified by the Director of Finance.

Section 2. That under Section 108(b) of the Charter, the services authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Capital Projects may sign all documents that are necessary to obtain such services and may enter into one or more contracts with the consultants selected through that cooperative process.

Section 3. That the cost of the contract or contracts authorized shall be paid from Fund Nos. 20 SF 568, 20 SF 574, 20 SF 579, 20 SF 586, 20 SF 592, 20 SF 597, 20 SF 702, 20 SF 712, 20 SF 718, and from the fund or funds to which are credited the proceeds from the sale of future bonds, if issued for this purpose. (RQS 0103, RLA 2024-49)

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 July 10, 2024.

Effective July 16, 2024.

Ordinance No. 594-2024

By Council Members: Bishop and Griffin (by departmental request)

An emergency ordinance authorizing the Director of Capital Projects to apply for and accept a grant from the United States Department of Transportation for the 2024 Safe Streets and Roads for All Grant; authorizing the Director of Capital Projects, or appropriate Director, to enter into contracts to implement the grant; determining the method of making the public improvement of constructing safety improvements on Lee Road, Lorain Avenue and East 93rd Street and through quick-build demonstration projects on Kinsman Road, Superior Avenue and Denison Avenue; authorizing contracts to make the improvement; to apply for and accept any gifts or grants from any public or private entity; authorizing the Commissioner of Purchases and Supplies to acquire, accept and record real property and easements that are necessary for the improvement; and authorizing other agreements.

WHEREAS, the City Planning Commission adopted the Cleveland Vision Zero Action Plan on September 2, 2022, containing recommendations for reaching zero roadway deaths and serious injuries by 2032, and as directed by that plan, the City of Cleveland is seeking additional resources for its implementation; 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 Capital Projects is authorized to apply for and accept a grant in the approximate amount of \$10,000,000.00 from the United States Department of Transportation, and any other funds from public or private entities that may become available during the grant term, to conduct the 2024 Safe Streets and Roads for All Grant; that the director is authorized to file all papers and execute all documents necessary to receive the funds; and that the funds are appropriated for the purposes described in the legislative summary for the grant contained in the file described below.

Section 2. That the legislative summary for the grant, **File No. 594-2024-A**, made a part of this ordinance as if fully rewritten, including the obligation of the City of Cleveland to provide \$2,500,000.00 in cash matching funds payable from Fund Nos. 20 SF 568, 20 SF 574, 20 SF 579, 20 SF 586, 20 SF 592, 20 SF 597 20 SF 701, 20 SF 712, 20 SF 718, from the fund or fund to which are credited any other grant and gift proceeds accepted under this ordinance and other funds approved by the Director of Finance, is approved in all respects and shall not be changed without additional legislative authority. (RQS 0103, RLA 2024-58)

Section 3. That the Director of Capital Projects is authorized to extend the term of the grant during the grant term.

Section 4. That the Director of Capital Projects, City Planning and/or Public Works, are 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, including but not limited to, design, engineering, supplemental planning, and other services necessary for project management, Vision Zero Action Plan implementation, and the Improvement described below.

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 Capital Projects, or appropriate Director, from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the appropriate Director 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 appropriate Director, and certified by the Director of Finance.

Section 5. That under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of constructing safety improvements on Lee Road, Lorain Avenue and East 93rd Street and quick-build demonstration projects on Kinsman Road, Superior Avenue and Denison Avenue (the "Improvement"), for the Director of Capital Projects by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Improvement.

Section 6. That the Director of Capital Projects is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder after competitive bidding on a unit basis for the Improvement, provided, however, that each separate trade and each distinct component part of the improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 7. That the Director of Capital Projects, or appropriate Director, is authorized to apply and pay for permits, licenses, or other authorizations required by any regulatory agency or public authority to permit performance of the work authorized by this ordinance.

Section 8. That the Director of Capital Projects, City Planning and/or Public Works, are authorized to make one or more written standard purchase contracts and written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, the period of requirements to be determined by the appropriate Director, for the necessary items of materials, equipment, supplies, and services needed to implement the grant, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Office of Capital Projects, or appropriate department. Bids shall be taken in a manner that permits an award to be made for all items as a single contract,

or by separate contract for each or any combination of the items as the Board of Control determines.

Section 9. That under Section 108(b) of the Charter, the purchases and/or services authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Capital Projects, City Planning and/or Public Works may sign all documents that are necessary to make the purchases and/or obtain such services, and may enter into one or more contracts with the vendors and/or consultants selected through that cooperative process.

Section 10. That the Director of Capital Projects is authorized to accept right-of-entries from private property owners within the Improvement locations where access to private property is necessary for the Improvement.

Section 11. That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Commissioner of Purchases and Supplies is authorized to acquire, accept, and record for right-of-way purposes any real property and easements necessary to make the Improvement, including but not limited to gift, fee simple acquisitions, temporary and permanent easements, and work agreements. The consideration to be paid for the property and easements shall not exceed fair market value to be determined by the Board of Control.

Section 12. That the Director of Capital Projects is authorized to execute, on behalf of the City, all documents necessary to acquire, accept, and record the property and easements and to employ and pay all fees for title companies, surveys, escrows, appraisers, and all other costs necessary for the acquisition of the property and easements.

Section 13. That the Director of Capital Projects is authorized to file all papers and execute all documents necessary to receive the funds under this ordinance; and that the funds are appropriated for the purposes described in the ordinance.

Section 14. That the Director of Capital Projects is authorized to apply for and accept any gifts or grants for the Improvement from any public or private entity; and that the Director is authorized to file all papers and execute all documents necessary to receive the funds; and that the funds are appropriated for the purposes described in this ordinance.

Section 15. That the Director of Capital Projects is authorized to enter into any agreements necessary to implement this ordinance.

Section 16. That the cost of the contract or contracts authorized in this ordinance shall be paid from the fund or funds to which are credited the grant proceeds accepted under this ordinance, the cash match, Fund Nos. 20 SF 568, 20 SF 574, 20 SF 579, 20 SF 586, 20 SF 592, 20 SF 597 20 SF 701, 20 SF 712, 20 SF 718, from the fund or fund to which are credited any other grants received and gift proceeds accepted under this ordinance, and other funds approved by the Director of Finance.

Section 17. 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 July 10, 2024.

Effective July 16, 2024.

Ordinance No. 612-2024

By Council Members: Bishop and Griffin (by departmental request)

An emergency ordinance authorizing the Director of Public Works to execute one deed of permanent easement and two deeds of temporary easement granting to the Northeast Ohio Regional Sewer District certain easement rights at several City-owned properties located along Belvoir Boulevard within NEORSD's Nine Mile Creek Debris Rack Project area and declaring the easement rights not needed for the City's public use.

WHEREAS, the Northeast Ohio Regional Sewer District ("NEORSD") is conducting its Nine Mile Creek Rack Debris Rack Project to install a debris rack along Nine Mile Creek within land owned by the City adjacent to Belvoir Boulevard which will help protect the existing culvert that runs under Belvoir Boulevard from damage and clogging caused by large woody debris and from possible flooding downstream (the "Nine Mile Creek Project"); and

WHEREAS, NEORSD has requested the Director of Public Works to convey one deed of permanent easement and two deeds of temporary easement at City-owned properties which are located along Belvoir Boulevard to allow NEORSD to construct and maintain the Nine Mile Creek 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 an easement interest in the following described property is not needed for the City's public use:

Permanent Easement

117-08-001-P1

0.1405 Acres

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Euclid Township Lot No. 51, Tract 10. Also being part of the lands conveyed to the City of Cleveland, as recorded in Volume 7054, Page 128 of the Cuyahoga County Records, being more definitely described as follows:

Beginning at a point on the southerly line of Original Lot No. 51, said point being distant, North 88° 55' 11" East, 16.96 feet from the intersection of said northerly line of Original Lot No. 51 and the easterly right of way of Belvoir Boulevard (100 feet

wide), said point also being on the southerly outline of said land conveyed to the City of Cleveland;

Thence, leaving said southerly line of Original Lot No. 51 and said southerly outline of City of Cleveland lands, North 33° 59' 22" East, 72.62 feet;

Thence, North 41° 26' 39" East, 38.36 feet;

Thence, North 47° 13' 33" East, 37.79 feet;

Thence, North 51° 26' 39" West, 26.21 feet;

Thence, South 75° 15' 37" West, 42.95 feet to said easterly right of way of Belvoir Boulevard;

Thence, binding on said easterly right of way of Belvoir Boulevard, North 22° 00' 21" East, 35.82 feet;

Thence, leaving said easterly right of way of Belvoir Boulevard, North 71° 11' 21" East, 28.97 feet;

Thence, North 39° 36' 50" East, 24.80 feet;

Thence, North 54° 29' 24" East, 29.11 feet;

Thence, South 13° 09' 48" East, 43.12 feet;

Thence, South 15° 34' 39" West, 45.62 feet;

Thence, South 30° 39' 23" West, 7.58 feet;

Thence, South 47° 44' 54" West, 40.01 feet;

Thence, South 41° 37' 31" West, 36.58 feet;

Thence, South 30° 43' 24" West, 51.37 feet;

Thence, South 42° 10' 15" West, 9.99 feet to said southerly line of Original Lot No. 51 and said southerly outline of City of Cleveland lands;

Thence, binding on said southerly line of Original Lot No. 51 and said southerly outline of City of Cleveland lands, South 88° 55' 11" West, 18.89 feet to the point of beginning.

Containing within said bounds 0.1405 acres (6,120 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Mark A. Yeager, Professional Surveyor, No. 7289 in February, 2024.

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 temporary easement interests in the following described properties are not needed for the City's public use:

Temporary Easement

117-18-001-T-1

0.0603 Acres

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Euclid Township Lot No. 51, Tract 10. Also being part of the lands conveyed to the City of Cleveland, as recorded in Volume 7054, Page 128 of the Cuyahoga County Records, being more definitely described as follows;

Beginning at a point at the intersection of the southerly line of Original Lot No. 51 and the easterly right of way of Belvoir Boulevard (100 feet wide), said point also being on the southerly outline of said land conveyed to the City of Cleveland;

Thence, binding on said easterly right of way of Belvoir Boulevard, North 22° 00' 21" East, 37.82 feet;

Thence, leaving said easterly right of way of Belvoir Boulevard, North 54° 44' 39" East, 47.05 feet;

Thence, North 21° 58' 36" East, 71.38 feet;

Thence, North 75° 15' 37" East, 11.24 feet;

Thence, South 51° 26' 39" East, 26.21 feet;

Thence, South 47° 13' 33" West, 37.79 feet;

Thence, South 41° 26' 39" West, 38.36 feet;

Thence, South 33° 59' 22" West, 72.62 feet to said southerly line of Original Lot No. 51 and said southerly outline of City of Cleveland lands;

Thence, binding on said southerly line of said Original Lot No. 51 and said southerly outline of City of Cleveland lands, South 88° 55' 11" West, 16.96 feet to the point of beginning.

Containing within said bounds 0.0603 acres (2,627 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Mark A. Yeager, Professional Surveyor, No. 7289 in February, 2024.

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

Temporary Easement
117-18-001-T-2
0.0869 Acres

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Euclid Township Lot No. 51, Tract 10. Also being part of the lands conveyed to the City of Cleveland, as recorded in Volume 7054, Page 128 of the Cuyahoga County Records, being more definitely described as follows;

Beginning at a point on the southerly line of Original Lot No. 51, said point being distant, North 88° 55' 11" East, 35.85 feet from the intersection of said southerly line of Original Lot No. 51 and the easterly right of way of Belvoir Boulevard (100 feet wide), said point also being on the outline of said land conveyed to the City of Cleveland;

Thence, leaving said southerly line of Original Lot No. 51 and said outline of City of Cleveland lands, North 42° 10' 15" East, 9.99 feet;

Thence, North 30° 43' 24" East, 51.37 feet;

Thence, North 41° 37' 31" East, 36.58 feet;

Thence, North 47° 44' 54" East, 40.01 feet;

Thence, North 30° 39' 23" East, 7.58 feet;

Thence, North 15° 34' 39" East, 45.62 feet;

Thence, North 13° 09' 48" West, 43.12 feet;

Thence, South 54° 29' 24" West, 29.11 feet;

Thence, South 39° 36' 50" West, 24.80 feet;

Thence, South 71° 11' 21" West, 28.97 feet to said easterly right of way of Belvoir Boulevard;

Thence, binding on said easterly right of way of Belvoir Boulevard, North 22° 00' 21" East, 13.08 feet;

Thence, leaving said easterly right of way of Belvoir Boulevard, North 53° 00' 20" East, 39.39 feet;

Thence, North 54° 25' 57" East, 43.98 feet;

Thence, South 16° 44' 57" East, 69.53 feet;

Thence, South 85° 56' 14" East, 28.52 feet;

Thence, South 58° 36' 07" East, 10.07 feet;

Thence, South 59° 39' 50" West, 74.93 feet;

Thence, South 47° 44' 52" West, 40.50 feet;

Thence, South 41° 37' 31" West, 35.83 feet;

Thence, South 30° 43' 24" West, 51.39 feet;

Thence, South 42° 10' 15" West, 5.79 feet to said southerly line of Original Lot No. 51 and said outline of City of Cleveland lands;

Thence, binding on the said southerly line of Original Lot No. 51 and said outline of City of Cleveland lands, South 88° 55' 11" West, 6.86 feet to the point of beginning.

Containing within said bounds 0.0869 acres (3,786 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Mark A. Yeager, Professional Surveyor, No. 7289 in February, 2024.

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 easement interests to the NEORSD subject to any conditions stated in this ordinance at an appraised price of \$1.00 and other valuable consideration, which is determined to be fair market value.

Section 4. That the purpose of the permanent easement is to construct and maintain the Nine Mile Creek Project and the purpose of the temporary easement is for construction access to Nine Mile Creek Project site and staging.

Section 5. That the duration of the permanent easement shall be perpetual; that the duration of the temporary easements shall be until construction of the Nine Mile Creek Project is completed, that the permanent easement and temporary easements may include reasonable right-of-entry rights to the City; that the permanent easement and temporary easements shall be assignable without the consent of the Director of Public Works; that the permanent easement and temporary easements shall require that the

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 easements prepared by the Director of Law and executed by the Director of Public Works on behalf of the City of Cleveland. The deed of permanent 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 July 10, 2024.

Effective July 16, 2024.

Ordinance No. 613-2024

By Council Members: Hairston and Griffin (by departmental request)

An emergency ordinance authorizing the Director of Community Development and the Commissioner of Purchases and Supplies to enter into one or more agreements with Land Assembly for Neighborhood Development, Ltd., or its designee, providing for the option to purchase and sale of City owned property and to enter into one or more agreements with STA Realty, Inc., and Land Assembly for Neighborhood Development, Ltd., or their successors and assigns, providing for the purchase of certain real properties located primarily in the Upper Chester area of the Hough neighborhood.

WHEREAS, the Department of Community Development desires to enter into one or more agreements with Land Assembly for Neighborhood Development, Ltd., or its designee ("LAND"), a subsidiary of Cleveland Neighborhood Progress, providing for the option to purchase and sale of seventeen real properties owned by, or under the control of, the Department of Community Development located in the Jefferson and Collinwood neighborhoods and the purchase of eight properties owned by STA Realty, Inc., or its successors and assigns ("STA"), and one property owned by LAND in the Upper Chester area of the Hough neighborhood; and

WHEREAS, the City properties are no longer needed for the City's public use; and

WHEREAS, sixteen of the City properties to be transferred to LAND, Permanent Parcel Nos. 021-26-059, 021-27-143, 021-29-013, 021-29-017, 113-04-015, 113-04-016, 113-04-021, 113-04-078, 113-04-079, 113-04-080, 113-25-007, 114-03-135, 114-09-052, 114-11-073, 114-20-099, and 114-21-134, are components of the City of Cleveland's land reutilization program and, as such, can be sold under Section 5722.07 of the Revised Code for not less than fair market value under the policies of the Land Reutilization Program subject to such restrictions and covenants as appropriate to assure the land's effective reutilization; and

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

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Community Development and the Commissioner of Purchases and Supplies are authorized to enter into a five-year Option to Purchase Agreement for and on behalf of the City of Cleveland with LAND providing for the sale of real property, including transfer of fee title to LAND of the following described properties: Permanent Parcel Nos. 021-26-059, 021-27-143, 021-29-013, 021-29-017, 113-04-015, 113-04-016, 113-04-

021, 113-04-078, 113-04-079, 113-04-080, 113-25-007, 114-03-135, 114-09-052, 114-11-073, 114-20-099, and 114-21-134.

Section 2. That by and at the direction of the Board of Control, the Mayor and the Commissioner of Purchases and Supplies are authorized to convey, under the five-year Option Agreement, Permanent Parcel No. 113-025-008 to LAND at a price not less than \$145,700.00, which is determined to be fair market value and the sixteen Permanent Parcel Nos. 021-26-059, 021-27-143, 021-29-013, 021-29-017, 113-04-015, 113-04-016, 113-04-021, 113-04-078, 113-04-079, 113-04-080, 113-25-007, 114-03-135, 114-09-052, 114-11-073, 114-20-099, and 114-21-134 currently in the Land Bank at a gross price of \$151,310.00, which is determined to be fair market value. The cost of the five-year Option Agreement and the City parcels are determined to be the same as the acquisition price in Section 4 below.

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 agreement shall also provide that the Mayor and Commissioner of Purchases and Supplies are authorized to acquire the following eight Permanent Parcels from STA and one Permanent Parcel from LAND for purposes of future development in the Upper Chester area of the Hough neighborhood:

STA Permanent Parcel Numbers	Address
119-09-002	1819 East 89th Street
119-09-073	9277 Amesbury Avenue
119-12-026	10012 Lamont Avenue
119-12-078	9726 Woodward Avenue
119-12-079	9728 Woodward Avenue
119-12-080	9732 Woodward Avenue
119-12-081	9802 Woodward Avenue
119-12-098	Woodward Avenue

LAND Permanent Parcel Number	Address
119-09-057	1755 East 90th Street

Section 4. That the consideration to be paid for the properties described in Section 3 above shall not exceed fair market value of \$297,010.00 and is determined to be the same as the cost of the five-year Option Agreement and parcels to be sold in Section 2 above.

Section 5. That all costs of acquiring, accepting, and recording the land shall be paid from funds approved by the Director of Finance.

Section 6. That the agreements authorized shall be prepared by the Director of Law and shall include assurances that the exchanges were conducted using fair market

values, as determined by the Board of Control; and that the City properties being transferred to LAND are subject to restrictions and covenants as the Director of Community Development deems necessary or appropriate to assure the land's effective reutilization.

Section 7. That the conveyances referred to above shall be made by official deeds prepared by the Director of Law and executed by the Mayor and the Commissioner of Purchases and Supplies on behalf of the City of Cleveland. The deeds shall contain provisions necessary to protect the parties and their respective interests, including restrictive reversionary interests as may be specified by the Board of Control or Director of Law, which shall protect the City's interests and shall specifically contain provisions against the erection of any advertising signs or billboards, excepting permitted identification signs.

Section 8. That the Director of Community Development is authorized to execute on behalf of the City of Cleveland all necessary documents to exchange the properties identified in this ordinance and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits and all other costs necessary for the transfer of the properties.

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

Passed July 10, 2024.

Effective July 16, 2024.

Ordinance No. 614-2024**By Council Members:** Kelly

An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with Variety Properties, LLC or designee to provide economic development assistance to partially finance costs associated with renovating the vacant Variety Theater building.

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 Economic Development is authorized to enter into a grant agreement with Variety Properties, LLC or designee to provide economic development assistance to partially finance costs associated with renovating the vacant Variety Theater building located at 11801-11825 Lorain Avenue in Ward 11. Costs include but are not limited to construction and renovation, acquisition of equipment, furniture, fixtures, EV Charging Stations, soft costs, consulting fees, environmental assessments and remediation, landscaping, signage and other eligible costs associated with redevelopment of the vacant building.

Section 2. That the costs of the grant shall not exceed \$100,000 and shall be paid from Fund No. 10 SF 400. (RQS 9501, RL 2024-72)

Section 3. That the agreement and other appropriate documents needed to complete the transaction authorized by this legislation shall be prepared by the Director of Law.

Section 4. That the contract authorized in this legislation will require the recipient of financial assistance to work with The Workforce Investment Board for Workforce Area No. 3 to identify and solicit qualified candidates for job opportunities related to the City's contracts, and place special emphasis on the hard to employ, including but not limited to the disabled and persons who have been convicted of or have pled guilty to a criminal offense, unless the criminal conviction or circumstances relate to the duties for the particular job sought.

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

Passed July 10, 2024.

Effective July 16, 2024.

Ordinance No. 623-2024

By Council Members: Conwell and Griffin (by departmental request)

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the United States Department of Homeland Security for BioWatch Program; and authorizing the Director to enter into various written standard purchase and requirement contracts for courier services needed to transport BioWatch samples to the Ohio Department of Health for testing.

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

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$392,667 and any other funds that become available during the grant term, from the United States Department of Homeland Security to conduct the BioWatch Program in accordance with the purposes set forth in the executive summary; that the Director of Public Health is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes in the executive summary for the grant.

Section 2. That the executive summary for the grant, **File No. 623-2024-A**, made a part of this ordinance as if fully rewritten, is approved in all respects and shall not be changed without additional legislative authority.

Section 3. That the Director of Public Health shall have the authority to extend the term of the grant during the grant term.

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

Section 5. That the Director of Public Health is authorized to make one or more written standard purchase contracts and written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, the period of requirements to be determined by the director, for the necessary items of courier services needed to transport BioWatch samples to the Ohio Department of Health for testing, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Air Quality, Department of Public Health. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines.

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

Section 7. That the costs of the standard and 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 contracts, 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. (RQS 5007, RLA 2024-62)

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 July 10, 2024.

Effective July 16, 2024.

Ordinance No. 625-2024

By Council Members: McCormack and Griffin (by departmental request)

An emergency ordinance authorizing the Director of Port Control to exercise the first option to renew Contract No. CT 3001 NF2014-005 with Aircraft Services International Inc., dba Menzies Aviation, for professional services to manage and operate an Airport-owned fuel storage and distribution facility known as the South Fuel Farm located at Cleveland Hopkins International Airport.

WHEREAS, under the authority of Ordinance No. 742-12, passed August 8, 2012, the Director of Port Control entered into Contract No. CT 3001 NF2014-005 with Aircraft Services International Inc., dba Menzies Aviation, for professional services to manage and operate an Airport-owned fuel storage and distribution facility known as the South Fuel Farm located at Cleveland Hopkins International Airport; and

WHEREAS, Ordinance No. 742-12 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 Port Control is authorized to exercise the first option to renew Contract No. CT 3001 NF2014-005 with Aircraft Services International Inc., dba Menzies Aviation, for professional services to manage and operate an Airport-owned fuel storage and distribution facility known as the South Fuel Farm located at Cleveland Hopkins International Airport. This ordinance constitutes the additional legislative authority required by Ordinance No. 742-12 to exercise this option.

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

Passed July 10, 2024.

Effective July 16, 2024.

Ordinance No. 627-2024

By Council Members: McCormack and Griffin (by departmental request)

An emergency ordinance authorizing the Director of Port Control to lease certain office space located at Burke Lakefront Airport to conduct business as an architectural and engineering firm, for a term of one year, with three one-year options to renew, exercisable by the Director of Port Control.

WHEREAS, the City of Cleveland owns certain office space located at Burke Lakefront Airport which is not needed for the City's public use; and

WHEREAS, CHA Consulting, Inc. ("the Lessee") has proposed to lease the property from the City for the purpose of conducting business as an architectural and engineering firm; 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, and at the direction of the Board of Control, the Director of Port Control is authorized to lease to Lessee, for the use and occupancy of approximately 4,350 square feet of office space located at Suite 221 on the second floor of the passenger terminal building at Burke Lakefront Airport to conduct business as an architectural and engineering firm.

Section 2. That the term of the lease authorized by this ordinance shall be for a one-year period, with three one-year options to renew, exercisable by the Director of Port Control.

Section 3. That the per annum rental rate shall be at an initial rental rate based on an independent third-party appraisal and for each year after the initial term on the effective date of the Lease, the rental rate shall be adjusted based on the United States Department of Labor, Consumer Price Index: "All Urban Wage Earners and Clerical Workers; however, never lower than the rate during the initial term.

Section 4. That the lease may authorize the Lessee to make improvements to, and maintain, the leased premises at its cost subject to the approval of appropriate City agencies and officials.

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

Section 6. That the Director of Port Control, the Director of Law, and other appropriate City officials are authorized to execute any other documents and

certificates, and take any other actions which may be necessary or appropriate to effect the lease authorized by this ordinance.

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

Passed July 10, 2024.

Effective July 16, 2024.

Ordinance No. 629-2024

By Council Members: McCormack and Griffin (by departmental request)

An emergency ordinance authorizing the Director of Port Control to make alterations and modifications in Contract No. PS 2023-71 with AvAir Pros Services, Inc. for improving the in-line baggage handling system at Cleveland Hopkins International Airport.

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 make the following alterations and modifications in Contract No. PS 2023-71 with AvAirPros Services, Inc. for improving the in-line baggage handling system at Cleveland Hopkins International Airport:

Subsidiary Additions

AvAirPros Services, Inc. submitted a proposal in early 2022 to perform upgrades to the in-line baggage handling system at Cleveland Hopkins International Airport. After entering into an agreement with the Department of Port Control in mid-2023, AvAirPros Services, Inc. conducted a competitive bid process for the aforementioned services. Due to high inflation, the competitive bid resulted in construction estimates that were well above what was proposed in 2022.

Subsidiary Additions		\$1,000,000
Original Contract Amount	\$	2,500,000
Total Subsidiary Additions	<u>+</u>	<u>1,000,000</u>
New Contract Amount	\$	3,500,000

This alteration has been recommended in writing by the Director of Port Control, countersigned by the Mayor, and consented to by the surety on the Contract. The price to be paid for the alterations and modifications to the contract have been agreed upon in writing and signed by the Director of Port Control and the Contractor.

Section 2. That this alteration will cause an increase in the amount of the original contract in the sum of \$1,000,000 to be paid from Fund No. 60 SF 001, 60 SF 104, 60 SF 106, 60 SF 141, 60 SF 167, and 60 SF 170. (RQS 3001, RL 2022-78)

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

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

Passed July 10, 2024.

Effective July 16, 2024.

Ordinance No. 632-2024

By Council Members: Griffin (by departmental request)

An emergency ordinance to make additional appropriations of Twenty Four Million Two Hundred Thousand Dollars (\$24,200,000) to the General Fund.

WHEREAS, it is necessary to appropriate balances in various funds, the sum of Twenty Four Million Two Hundred Thousand Dollars (\$24,200,000) to the General Fund which is available for additional appropriation; 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 there is hereby appropriated the additional revenue as set forth in the Amended Official Certificate of Estimated Resources previously unappropriated as follows:

GENERAL FUND

\$ 24,200,000

GENERAL FUND

DEPARTMENT OF FINANCE

Finance Administration

II Other Expenses

\$ 150,000

TOTAL DEPARTMENT OF FINANCE

\$ 150,000

DEPARTMENT OF PUBLIC HEALTH

Division of Environment

I Personnel and Related Expenses

\$ 150,000

TOTAL DEPARTMENT OF PUBLIC HEALTH

\$ 150,000

DEPARTMENT OF PUBLIC SAFETY

Division of Police

II Other Expenses

\$ 5,900,000

TOTAL DEPARTMENT OF PUBLIC SAFETY

\$ 5,900,000

NONDEPARTMENTAL

Transfers to Other Funds

II Other Expenses

\$ 18,000,000

TOTAL NONDEPARTMENTAL

\$ 18,000,000

TOTAL GENERAL FUND

\$ 24,200,000

Section 2. That additional legislative authority is necessary for any professional services contract entered into using the funds appropriated in this ordinance for the purposes of entering into contract with a Tax Incremental Financing (“TIF”) consultant and shall be a direct award with the consultant being named in the additional legislation.

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 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 July 10, 2024.

Effective July 16, 2024.

Ordinance No. 634-2024

By Council Members: Griffin (by departmental request)

An emergency ordinance authorizing the Director of Human Resources to employ one or more professional consultants to provide the professional services necessary to design, develop, and deliver a comprehensive training program for departmental staff performing Human Resources functions, for a term of one year with two one-year options to renew, exercisable by the Director of Human Resources.

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 Human Resources 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 design, develop, and deliver a comprehensive training program for departmental staff performing Human Resources functions, including but not limited to, providing human resource competency-based curriculum, adult learning aids, post-training skill development evaluations and facilitating on-site and virtual training, for a term of one year with two one-year options to renew, exercisable by the Director of Human Resources.

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 Human Resources from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Human Resources 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 Human Resources, and certified by the Director of Finance.

Section 2. That under Section 108(b) of the Charter, the services authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Human Resources may sign all documents that are necessary to obtain such services and may enter into one or more contracts with the consultants selected through that cooperative process.

Section 3. That the cost of the contract or contracts authorized shall not exceed \$75,000 and shall be paid from Fund No. 01-0402-6320. (RQS 0402, RL 2024-69)

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 July 10, 2024.

Effective July 16, 2024.

Ordinance No. 640-2024

By Council Members: Polensek and Griffin (by departmental request)

An emergency ordinance authorizing the Director of Finance enter into various contracts for the Law Enforcement Records Management System, the Computer Aided Dispatch System, the Officer Intervention Program and to enter into various other contracts to implement this ordinance.

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

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That the Director of Finance is authorized to enter into one or more contracts with Chagrin Valley Dispatch Council to acquire one or more licenses and services for the Premier One Motorola Software Solution for the Law Enforcement Records Management System and the Computer Aided Dispatch System, for the Department of Finance, for a period or period not to exceed a total of seven years.

Section 2. That the Director of Finance is authorized to enter into one or more contracts with Motorola Solutions for professional services relating to implementing the Law Enforcement Records Management System and the Computer Aided Dispatch System, including but not limited to, project management, business analysis, software implementation and configuration, training, system design, data conversion, installation, testing, technical administration, upgrades, technical support, network administration, programming, integration, data exchange, system migration, interfacing, repair upgrades and enhancements, for the Department of Finance, for a period or period not to exceed a total of four years.

Section 3. That the Director of Finance is authorized to enter into one or more contracts with Benchmark Analytics for professional services necessary for the acquisition of one or more licenses and services to implement an Officer Intervention Program and to provide professional services including but not limited to, implementation and project management services to implement the Officer Intervention Program, for the Department of Finance, for a period or periods not to exceed a total of four years.

Section 4. That the Director of Finance is authorized to enter into one or more contracts with Motorola Solutions for professional services relating to implementing the 800 MHz Project 25 radio system, including but not limited to, providing professional services to program, update and install radio template to support the 800 MHz Project 25 radio system for the Department of Public Safety and to provide equipment and proprietary services necessary for the implementation, for the Department of Finance, for a period or period not to exceed a total of four years.

Section 5. That the Director of Finance is authorized to enter into one or more contracts with B4 Health Management for professional services necessary for any business analysis and project management services needed to implement this ordinance, for the Department of Finance, for a period or period not to exceed a total of four years.

Section 6. That the Director of Finance is authorized to enter into any third-party software licenses agreements necessary to effectuate the purposes of this ordinance.

Section 7. That, if required any agreement authorized in this ordinance, the Director of Finance will include the City's obligation to pay a one-time subscription fee and also ongoing subscription and service fees for the term of any agreement authorized in this ordinance, if necessary.

Section 8. That the Director of Finance is authorized to make one or more written standard purchase or lease contracts and one or more written requirement purchase or lease contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, the period of requirements to be determined by the Director, for the necessary items of the materials, equipment, supplies, and services necessary to implement this ordinance, which are not obtained under a professional services contract authorized above, including labor and materials; training and training materials; maintenance; and installation if necessary; to be purchased or procured by the Commissioner of Purchases and Supplies on a unit basis for the Division of Information Technology and Services, Department of Finance. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines.

Section 9. 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 or procurement under the contract or contracts, each of which purchases or procurements shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance.

Section 10. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Finance may sign all documents that are necessary to make the purchases and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 11. That the total cost of the contracts and other expenditures authorized in this ordinance shall be paid from Fund No. 01-9997-6985 and any funds approved by the Director of Finance. (RQS 1511, RLA 2024-65)

Section 12. 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 July 10, 2024.

Effective July 16, 2024.

Ordinance No. 641-2024

By Council Members: Bishop and Griffin (by departmental request)

An emergency ordinance determining the method of making the public improvement of designing and constructing or constructing, rehabilitating, renovating, replacing or otherwise improving cemeteries, including site improvements and appurtenances, and the West Park Cemetery Gate House; and authorizing the Director of Public Works or Capital Projects, as appropriate, to enter into one or more public improvement contracts for the making of the improvements; enter into one or more professional services and other contracts needed to implement the improvement; to apply for and accept grants and gifts; and authorizing the direct employment of the necessary labor, for the Department of Public Works or the Office of Capital Projects.

WHEREAS, the unique design, time, budgetary, or other material elements may benefit from the special care, coordination, and expeditiousness possible by combining the performance of both the professional design services and the construction under one or more design-build contract with a single entity; and

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

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing, rehabilitating, renovating, replacing or otherwise improving cemeteries, including site improvements and appurtenances (the “Cemetery Improvement” or “Cemetery Improvements”), for the Department of Public Works or the Office of Capital Projects, as appropriate by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for each Cemetery Improvement.

The Director of Public Works or Director of Capital Projects, as appropriate, is authorized to enter into one or more contracts for the making of the Cemetery Improvements with the lowest responsible bidder or bidders after competitive bidding on a unit basis for each Cemetery Improvement, provided, however, that each separate trade and each distinct component part of the Cemetery Improvements may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 2. That under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing, rehabilitating, renovating, replacing or otherwise improving the West Park Cemetery Gate House, including site improvements and appurtenances (the “Gate House Improvement”), for the

Department of Public Works or the Office of Capital Projects, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a gross price for the Gate House Improvement.

The Director of Public Works or Director of Capital Projects, as appropriate, is authorized to enter into one or more contracts for the making of the Gate House Improvement with the lowest responsible bidder or bidders after competitive bidding on for a gross price for the Gate House Improvement, provided, however, that each separate trade and each distinct component part of the Gate House Improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract for a gross price. On request of the director, the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the Gate House Improvement.

Section 3. That the Director of Public Works or Director of Capital Projects, as appropriate, 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 for the Cemetery Improvements and/or the Gate House Improvement.

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

Section 4. That, alternatively to Sections 1, 2 and 3 of this ordinance, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the Cemetery Improvements and/or the Gate House Improvement, for the Department of Public Works or the Office of Capital Projects, by one or more design-build or engineer-procure-construct contracts duly let to the person, firm, or corporation or combination of them submitting the best proposal, taking into consideration the engineering and design, the construction method, the proposed design and construction costs, the total life-cycle costs, the qualifications of the proposed design professional and construction firm, the community benefits offered, and the objectives of the Cemetery Improvement and/or the Gate House Improvement.

The selection of the person, firm, or corporation to design and construct each Cemetery Improvement and/or the Gate House Improvement shall be made by the Board of Control on the nomination of the Director of Public Works or Director of Capital Projects, as appropriate, from a list of qualified and available persons, firms, or corporations, as may be determined by the Director of Public Works or Director of

Capital Projects, as appropriate, after making a full and complete canvass for the purpose of compiling the list. The Board of Control shall fix the total compensation to be paid for all design and construction and procurement necessary for each Cemetery Improvement and for the Gate House Improvement. The contract or contracts shall be prepared by the Director of Law, approved by the Director of Public Works or Director of Capital Projects, as appropriate, and certified by the Director of Finance.

Section 5. That the Director of Public Works or Director of Capital Projects, as appropriate, is authorized to apply and pay for permits, licenses, or other authorizations required by any regulatory agency or public authority to permit performance of the work authorized by this ordinance.

Section 6. That the Director of Public Works or Director of Capital Projects, as appropriate, is authorized to make one or more written standard purchase and/or written requirement purchase contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for a term to be determined by the Director of Public Works or Director of Capital Projects, as appropriate, to procure each or all of the items comprising the necessary supplies and materials, equipment and services for the Cemetery Improvements and/or the Gate House Improvement, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public Works or the Office of Capital Projects, as appropriate. 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 entire term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. In lieu of utilizing the authority contained in this ordinance, and notwithstanding the provisions of Sections 131.67 and 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, nothing shall prohibit purchases described in this section from being procured under an existing or future requirements contract authorized under Codified Ordinances Sections 131.67 or 181.101, payable from the funds identified in this ordinance.

Section 7. That under Section 167 of the Charter of the City of Cleveland, it is determined to make the Cemetery Improvements and/or the Gate House Improvement, including all site improvements and appurtenances necessary and incidental, which are not covered by the contract or contracts authorized otherwise in this ordinance, by the direct employment of the necessary labor, and the purchase or rental of the necessary supplies and materials for the making of the Cemetery Improvements and/or the Gate House Improvement which supplies and materials are not covered by the contract or contracts authorized otherwise in this ordinance, with a separate accounting for each Cemetery Improvement made and/or the Gate House Improvement.

Section 8. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements with other governmental agencies. The Director of Public Works or Director of Capital Projects, as appropriate, 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 9. That the Director of Public Works or Director of Capital Projects, as appropriate, is authorized to apply for and accept any gifts or grants for this purpose from any public or private entity; and that the appropriate director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in this ordinance.

Section 10. That the cost of any requirement contract or contracts shall be paid from the fund or funds to which are credited the proceeds from the sale of future bonds, if issued for this purpose, and shall also be charged against the proper appropriation accounts, and the Director of Finance shall certify the amount of any purchase under the requirement contracts, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued under the requirement contract and certified by the Director of Finance. The costs of any other contract or eligible expenditure shall be paid from the fund or funds to which are credited the proceeds from the sale of future bonds, if issued for this purpose, the fund or funds to which are credited grant funds or cash gifts received, and any other funds deemed appropriate by the Director of Finance. (RQS 0103, RLA 2024-56)

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 July 10, 2024.

Effective July 16, 2024.

Ordinance No. 642-2024

By Council Members: Bishop and Griffin (by departmental request)

An emergency ordinance determining the method of making the public improvement of designing and constructing or constructing, rehabilitating, renovating, replacing or otherwise improving public facilities, buildings, and other similar structures, including site improvements and appurtenances; and authorizing the Director of Public Works or Capital Projects, as appropriate, to enter into one or more public improvement contracts for the making of the improvements; enter into one or more professional services and other contracts needed to implement the improvement; to apply for and accept grants and gifts; and authorizing the direct employment of the necessary labor, for the Department of Public Works or the Office of Capital Projects.

WHEREAS, the unique design, time, budgetary, or other material elements may benefit from the special care, coordination, and expeditiousness possible by combining the performance of both the professional design services and the construction under one or more design-build contract with a single entity; and

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

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing, rehabilitating, renovating, replacing or otherwise improving public facilities, buildings, and other similar structures, including site improvements and appurtenances (the “Improvement” or “Improvements”), for the Department of Public Works or the Office of Capital Projects, as appropriate, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a gross price for each Improvement. The Director of Public Works or Director of Capital Projects, as appropriate, is authorized to enter into one or more contracts for the making of the Improvements with the lowest responsible bidder or bidders after competitive bidding for a gross price for each Improvement, provided, however, that each separate trade and each distinct component part of the Improvements may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract for a gross price. On request of the director, the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the Improvement.

Section 2. That the Director of Public Works or Director of Capital Projects, as appropriate, 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 for the Improvements.

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

Section 3. That, alternatively to Sections 1 and 2 of this ordinance, under Section 167 of the Charter of the City of Cleveland, this Council determines to make one or more of the Improvements, for the Department of Public Works or the Office of Capital Projects, as appropriate by one or more design-build or engineer-procure-construct contracts duly let to the person, firm, or corporation or combination of them submitting the best proposal, taking into consideration the engineering and design, the construction method, the proposed design and construction costs, the total life-cycle costs, the qualifications of the proposed design professional and construction firm, the community benefits offered, and the objectives of the Improvement.

The selection of the person, firm, or corporation to design and construct each Improvement shall be made by the Board of Control on the nomination of the Director of Public Works or Director of Capital Projects, as appropriate, from a list of qualified and available persons, firms, or corporations, as may be determined by the Director of Public Works or Director of Capital Projects, as appropriate, after making a full and complete canvass for the purpose of compiling the list. The Board of Control shall fix the total compensation to be paid for all design and construction and procurement necessary for each Improvement. The contract or contracts shall be prepared by the Director of Law, approved by the Director of Public Works or Director of Capital Projects, as appropriate, and certified by the Director of Finance.

Section 4. That the Director of Public Works or Director of Capital Projects, as appropriate, is authorized to apply and pay for permits, licenses, or other authorizations required by any regulatory agency or public authority to permit performance of the work authorized by this ordinance.

Section 5. That the Director of Public Works or Director of Capital Projects, as appropriate, is authorized to make one or more written standard purchase and/or written requirement purchase contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for a term to be determined by the Director of Public Works or Director of Capital Projects, as appropriate, to procure each or all of the items comprising the necessary supplies and materials, equipment and services for the Improvements, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public Works or Office of Capital Projects, as

appropriate. 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 entire term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. In lieu of utilizing the authority contained in this ordinance, and notwithstanding the provisions of Sections 131.67 or 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, nothing shall prohibit purchases described in this section from being procured under an existing or future requirements contract authorized under Codified Ordinances Sections 131.67 or 181.101 payable from the funds identified in this ordinance.

Section 6. That under Section 167 of the Charter of the City of Cleveland, it is determined to make the Improvements, including all site improvements and appurtenances necessary and incidental, which are not covered by the contract or contracts authorized otherwise in this ordinance, by the direct employment of the necessary labor, and the purchase or rental of the necessary supplies and materials for the making of the Improvements which supplies and materials are not covered by the contract or contracts authorized otherwise in this ordinance, with a separate accounting for each Improvement made.

Section 7. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements with other governmental agencies. The Director of Public Works or Director of Capital Projects, as appropriate, may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 8. That the Director of Public Works or Director of Capital Projects, as appropriate, is authorized to apply for and accept any gifts or grants for this purpose from any public or private entity; and that the appropriate director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in this ordinance.

Section 9. That the cost of any requirement contract or contracts shall be paid from Fund Nos. 20 SF 566, 20 SF 573, 20 SF 578, 20 SF 585, 20 SF 588, 20 SF 591, 20 SF 596, 20 SF 701, 20 SF 705, 20 SF 709, 20 SF 710, 20 SF 711, 20 SF 715, 20 SF 716, 20 SF 717, from the fund or funds to which are credited the proceeds from the sale of future bonds, if issued for this purpose, and shall also be charged against the proper appropriation accounts, and the Director of Finance shall certify the amount of any purchase under the requirement contracts, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued under the requirement contract and certified by the Director of Finance. The costs of any other contract or eligible expenditure shall be paid from Fund No. 20 SF 566, 20 SF 573, 20 SF 578, 20 SF 585, 20 SF 588, 20 SF 591, 20 SF 596, 20 SF 701, 20 SF 705, 20 SF 709, 20 SF 710, 20 SF 711, 20 SF 715, 20 SF 716, 20 SF 717, from the fund or funds to which are credited the proceeds from the sale of future bonds, if issued for this purpose, the fund or funds to which are credited grant funds or cash gifts received, and any other funds deemed appropriate by the Director of Finance. (RQS 0103, RLA 2024-54)

Section 10. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed July 10, 2024.

Effective July 16, 2024.

Ordinance No. 643-2024

By Council Members: Bishop and Griffin (by departmental request)

An emergency ordinance determining the method of making the public improvement of designing and constructing, rehabilitating, renovating, replacing or otherwise improving recreation facilities, ancillary recreation buildings, parks and playgrounds, and other similar structures or amenities, on City-owned and City-leased park property, including site improvements and appurtenances; and authorizing the Director of Public Works or Capital Projects, as appropriate, to enter into one or more public improvement contracts for the making of the improvements; enter into one or more professional services and other contracts needed to implement the improvement; to apply for and accept grants and gifts; and authorizing the direct employment of the necessary labor, for the Department of Public Works or the Office of Capital Projects.

WHEREAS, the unique design, time, budgetary, or other material elements may benefit from the special care, coordination, and expeditiousness possible by combining the performance of both the professional design services and the construction under one or more design-build contract with a single entity; and

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

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing, rehabilitating, renovating, replacing or otherwise improving recreation facilities, ancillary recreation buildings, and other similar structures, on City-owned and City-leased park property, including site improvements and appurtenances (the “Facility Improvement” or “Facility Improvements”), for the Department of Public Works or the Office of Capital Projects, as appropriate, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a gross price for each Facility Improvement. The Director of Public Works or Director of Capital Projects, as appropriate, is authorized to enter into one or more contracts for the making of the Facility Improvements with the lowest responsible bidder or bidders after competitive bidding for a gross price for each Facility Improvement, provided, however, that each separate trade and each distinct component part of a Facility Improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract for a gross price. On request of the director, the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the Facility Improvement.

Section 2. That under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing, rehabilitating, renovating, replacing or otherwise improving parks and playgrounds on City-owned and City-leased park property, including all site improvements and appurtenances (the “Park Improvement” or “Park Improvements”), for the Department of Public Works or the Office of Capital Projects by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for each Park Improvement. The Director of Public Works or Director of Capital Projects, as appropriate, is authorized to enter into one or more contracts for the making of the Park Improvements with the lowest responsible bidder or bidders after competitive bidding on a unit price basis for each Park Improvement, provided, however, that each separate trade and each distinct component part of a Park Improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit price basis.

Section 3. That the Director of Public Works or Director of Capital Projects, as appropriate, 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 for the Facility Improvements and/or the Park Improvements.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Public Works or Director of Capital Projects, as appropriate, from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Public Works or Director of Capital Projects, as appropriate, for the purpose of compiling a list. The compensation to be paid for the professional 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 Works or Director of Capital Projects, as appropriate, and certified by the Director of Finance.

Section 4. That, alternatively to Sections 1, 2 and 3 of this ordinance, under Section 167 of the Charter of the City of Cleveland, this Council determines to make one or more Facility Improvements and/or Park Improvements, for the Department of Public Works or the Office of Capital Projects, by one or more design-build or engineer-procure-construct contracts duly let to the person, firm, or corporation or combination of them submitting the best proposal, taking into consideration the engineering and design, the construction method, the proposed design and construction costs, the total life-cycle costs, the qualifications of the proposed design professional and construction firm, the community benefits offered, and the objectives of the Facility Improvement and/or Park Improvement.

The selection of the person, firm, or corporation to design and construct each Improvement shall be made by the Board of Control on the nomination of the Director of Public Works or Director of Capital Projects, as appropriate, from a list of qualified and available persons, firms, or corporations, as may be determined by the Director of Public Works or Director of Capital Projects, as appropriate, after making a full and

complete canvass for the purpose of compiling the list. The Board of Control shall fix the total compensation to be paid for all design and construction and procurement necessary for each Facility Improvement and/or Park Improvement. The contract or contracts shall be prepared by the Director of Law, approved by the Director of Public Works or Director of Capital Projects, as appropriate, and certified by the Director of Finance.

Section 5. That the Director of Public Works or Director of Capital Projects, as appropriate, is authorized to apply and pay for permits, licenses, or other authorizations required by any regulatory agency or public authority to permit performance of the work authorized by this ordinance.

Section 6. That the Director of Public Works or Director of Capital Projects, as appropriate, is authorized to make one or more written standard purchase and/or written requirement purchase contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for a term to be determined by the Director of Public Works or Director of Capital Projects, as appropriate, to procure each or all of the items comprising the necessary supplies and materials, equipment and services for the Improvements, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public Works or Office of Capital Projects, as appropriate. 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 entire term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. In lieu of utilizing the authority contained in this ordinance, and notwithstanding the provisions of Sections 131.67 and 181.101 of the Codified Ordinances to Cleveland, Ohio, 1976, to the contrary, nothing shall prohibit purchases described in this section from being procured under an existing or future requirements contract authorized under Codified Ordinances Sections 131.67 or 181.101, payable from the funds identified in this ordinance.

Section 7. That under Section 167 of the Charter of the City of Cleveland, it is determined to make the Facility Improvements and/or Park Improvements, including all site improvements and appurtenances necessary and incidental, which are not covered by the contract or contracts authorized otherwise in this ordinance, by the direct employment of the necessary labor, and the purchase or rental of the necessary supplies and materials for the making of the Facility Improvements and/or Park Improvements which supplies and materials are not covered by the contract or contracts authorized otherwise in this ordinance, with a separate accounting for each Facility Improvement and/or Park Improvement made.

Section 8. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements with other governmental agencies. The Director of Public Works or Director of Capital Projects, as appropriate, 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 9. That the Director of Public Works or Director of Capital Projects, as appropriate, is authorized to apply for and accept any gifts or grants for this purpose from any public or private entity; and that the appropriate director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in this ordinance.

Section 10. That the cost of any requirement contract or contracts shall be paid from Fund Nos. 20 SF 552, 20 SF 558, 20 SF 561, 20 SF 565, 20 SF 577, 20 SF 584, 20 SF 590, 20 SF 595, 20 SF 700, 20 SF 708, 20 SF 71, from the fund or funds to which are credited the proceeds from the sale of future bonds, if issued for this purpose, and shall also be charged against the proper appropriation accounts, and the Director of Finance shall certify the amount of any purchase under the requirement contracts, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued under the requirement contract and certified by the Director of Finance. The costs of any other contract or eligible expenditure shall be paid from Fund No. 20 SF 552, 20 SF 558, 20 SF 561, 20 SF 565, 20 SF 577, 20 SF 584, 20 SF 590, 20 SF 595, 20 SF 700, 20 SF 708, 20 SF 714, from the fund or funds to which are credited the proceeds from the sale of future bonds, if issued for this purpose, the fund or funds to which are credited grant funds or cash gifts received, and any other funds deemed appropriate by the Director of Finance. (RQS 0103, RLA 2024-53)

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 July 10, 2024.

Effective July 16, 2024.

Ordinance No. 644-2024

By Council Members: Bishop and Griffin (by departmental request)

An emergency ordinance determining the method of making the public improvement of designing and constructing or constructing, rehabilitating, renovating, replacing or otherwise improving roadways, streets, bridges, sidewalks, and other similar projects, including site improvements and appurtenances; and authorizing the Director of Public Works or Capital Projects, as appropriate, to enter into one or more public improvement contracts for the making of the improvements; enter into one or more professional services and other contracts needed to implement the improvement; to apply for and accept grants and gifts; and authorizing the direct employment of the necessary labor, for the Department of Public Works or the Office of Capital Projects.

WHEREAS, the unique design, time, budgetary, or other material elements may benefit from the special care, coordination, and expeditiousness possible by combining the performance of both the professional design services and the construction under one or more design-build contract with a single entity; and

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

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing, rehabilitating, renovating, replacing or otherwise improving roads and bridges roadways, streets, bridges, sidewalks, and other similar projects, including site improvements and appurtenances (the “Improvement” or “Improvements”), for the Department of Public Works or the Office of Capital Projects, as appropriate, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a gross price for each Improvement.

The Director of Public Works or Director of Capital Projects, as appropriate, is authorized to enter into one or more contracts for the making of the Improvements with the lowest responsible bidder or bidders after competitive bidding for a gross price for each Improvement, provided, however, that each separate trade and each distinct component part of the Improvements may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract for a gross price. On request of the director, the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the Improvement.

Section 2. That the Director of Public Works or Director of Capital Projects, as appropriate, 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 for the Improvements.

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

Section 3. That, alternatively to Sections 1 and 2 of this ordinance, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the Improvements, for the Department of Public Works and Office of Capital Projects, by one or more design-build or engineer-procure-construct contracts duly let to the person, firm, or corporation or combination of them submitting the best proposal, taking into consideration the engineering and design, the construction method, the proposed design and construction costs, the total life-cycle costs, the qualifications of the proposed design professional and construction firm, the community benefits offered, and the objectives of the Improvement.

The selection of the person, firm, or corporation to design and construct each Improvement shall be made by the Board of Control on the nomination of the Director of Public Works or Director of Capital Projects, as appropriate, from a list of qualified and available persons, firms, or corporations, as may be determined by the Director of Public Works or Director of Capital Projects, as appropriate, after making a full and complete canvass for the purpose of compiling the list. The Board of Control shall fix the total compensation to be paid for all design and construction and procurement necessary for each Improvement. The contract or contracts shall be prepared by the Director of Law, approved by the Director of Public Works or Director of Capital Projects, as appropriate, and certified by the Director of Finance.

Section 4. That the Director of Public Works or Director of Capital Projects, as appropriate, is authorized to apply and pay for permits, licenses, or other authorizations required by any regulatory agency or public authority to permit performance of the work authorized by this ordinance.

Section 5. That the Director of Public Works or Director of Capital Projects, as appropriate, is authorized to make one or more written standard purchase and/or written requirement purchase contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for a term to be determined by the Director of Public Works or Director of Capital Projects, as appropriate, to procure each or all of the items

comprising the necessary supplies and materials, equipment and services for the Improvements, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public Works or Office of Capital Projects, as appropriate. 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 entire term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. In lieu of utilizing the authority contained in this ordinance, and notwithstanding the provisions of Sections 131.67 and 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, nothing shall prohibit purchases described in this section from being procured under an existing or future requirements contract authorized under Codified Ordinance Sections 131.67 or 181.101, payable from the funds identified in this ordinance.

Section 6. That under Section 167 of the Charter of the City of Cleveland, it is determined to make the Improvements, including all site improvements and appurtenances necessary and incidental, which are not covered by the contract or contracts authorized otherwise in this ordinance, by the direct employment of the necessary labor, and the purchase or rental of the necessary supplies and materials for the making of the Improvements which supplies and materials are not covered by the contract or contracts authorized otherwise in this ordinance, with a separate accounting for each Improvement made.

Section 7. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements with other governmental agencies. The Director of Public Works or Director of Capital Projects, as appropriate, may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 8. That the Director of Public Works or Director of Capital Projects, as appropriate, is authorized to apply for and accept any gifts or grants for this purpose from any public or private entity; and that the appropriate director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in this ordinance.

Section 9. That the cost of any requirement contract or contracts shall be paid from Fund Nos. 20 SF 568, 20 SF 574, 20 SF 579, 20 SF 586, 20 SF 592, 20 SF 597, 20 SF 702, 20 SF 712, 20 SF 718, from the fund or funds to which are credited the proceeds from the sale of future bonds, if issued for this purpose, and shall also be charged against the proper appropriation accounts, and the Director of Finance shall certify the amount of any purchase under the requirement contracts, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued under the requirement contract and certified by the Director of Finance. The costs of any other contract or eligible expenditure shall be paid from Fund 20 SF 568, 20 SF 574, 20 SF 579, 20 SF 586, 20 SF 592, 20 SF 597, 20 SF 702, 20 SF 712, 20 SF 718, from the fund or funds to which are credited the proceeds from the sale of future bonds, if issued for this purpose, the fund or funds to which are credited grant funds or

cash gifts received, and any other funds deemed appropriate by the Director of Finance.
(RQS 0103, RLA 2024-55)

Section 10. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed July 10, 2024.

Effective July 16, 2024.

Ordinance No. 645-2024

By Council Members: Bishop and Griffin (by departmental request)

An emergency ordinance authorizing the Director of Capital Projects to employ one or more professional consultants necessary for the Dominion East Ohio Gas Pipeline Infrastructure Replacement Program, for a period of one year with four one-year options to renew, exercisable by the Director of Capital Projects.

WHEREAS, Dominion East Ohio Gas Dominion is currently in year 15 of a 20-year Pipeline Infrastructure Replacement Program in which aged pipes are being replaced with new pipes in various City rights-of-way and disturbed sidewalks, tree lawns, and pavements are being restored; and

WHEREAS, additional professional services are required in order to ensure City requirements are adhered to; 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 Capital Projects is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary for the Dominion East Ohio Gas Pipeline Infrastructure Replacement Program, including but not limited to, construction inspectors, certified arborists, and engineers to serve as permit coordinators, for a period of one year with four one-year options to renew, exercisable by the Director of Capital Projects.

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 Capital Projects from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Capital Projects 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 Capital Projects, and certified by the Director of Finance.

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund Nos. 10 SF 966, the Dominion Pipeline Infrastructure Fund, 01-0103-6930, and from the fund or funds approved by the Director of Finance. (RQS 0103, RLA 2024-60)

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

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

Passed July 10, 2024.

Effective July 16, 2024.

Ordinance No. 662-2024

By Council Members: Griffin (by departmental request)

An emergency ordinance authorizing the issuance and sale of bonds in the maximum principal amount of \$1,250,000 for the purpose of providing funds to improve municipal cemetery facilities, buildings, structures and grounds and authorizing related matters.

WHEREAS, this Council desires to issue bonds in an aggregate principal amount not to exceed \$1,250,000 (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 20 years, as evidenced by the certificate contained in **File No. 662-2024-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 \$1,250,000 for the purpose of providing funds to improve municipal cemetery facilities, buildings, structures and grounds by constructing, reconstructing, installing, enlarging, renovating, and rehabilitating buildings, structures and grounds, including clearing, grading and excavating land, reconstructing, installing, renovating, and rehabilitating septic system, drainage and sewer facilities, renovating gatehouse facilities, installing access roadways including any necessary bridges and culverts, installing utility lines, laying out and numbering burial

plots, constructing and reconstructing retaining walls, gates and fences, acquiring and installing fences, gates, signage, waste receptacles and other fixtures, and planting and landscaping, together with all necessary and incidental appurtenances and the acquisition of any required real estate and interests in real estate, and to pay any capitalized interest and all expenses incurred in connection with the issuance of the securities, including all financing costs within the meaning of Section 133.01(K) of the 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 “Cemeteries 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, 2024 (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 municipal 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, 2026, (iii) the final maturity date of the Bonds shall be no later than 20 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 municipal advisor, the Director of Finance may determine in the Certificate of Award that it is in the best interests of the City for some or all of the Bonds not to be callable prior to their stated maturity.

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

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

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

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

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

(f) Payment of Redeemed Bonds. Notice having been mailed in the manner provided in the preceding paragraph, and moneys having been deposited by the City with the Escrow Agent or Registrar, as paying agent, in an amount sufficient to pay the

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

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

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

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

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

U.S. Bank Trust Company, 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 municipal 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 2024" 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.

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 nonpresentment 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 \$1,250,000 (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 municipal 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 “Cemeteries 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 Trust Company, 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 his official capacity each Official Statement and any supplements approved by him. The Director of Finance is authorized to sign and deliver on behalf of the City and in his 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 municipal 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 statistical rating organization registered with the U.S. Securities and Exchange Commission, 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. Municipal Advisor. The Director of Finance may obtain the services of one or more municipal 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. Any such municipal advisor shall be registered with the SEC and the Municipal Securities Rulemaking Board as a municipal advisor. The Director of Finance may rely on the written advice of any municipal advisor so retained. Any

municipal advisor employed under the authority of this Ordinance shall have a fiduciary duty to the City, be disinterested in the transaction, and be independent of the Original Purchasers and any other party interested in the transaction. Any references to “financial advisor” in any transaction documents related to the issuance of general obligations (including any general obligations issued prior to the Bonds authorized in this Ordinance) shall have the same meaning as “municipal advisor” as used in this Ordinance.

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 July 10, 2024.

Effective July 16, 2024.

Ordinance No. 663-2024

By Council Members: Griffin (by departmental request)

An emergency ordinance authorizing the issuance and sale of bonds in the maximum principal amount of \$11,000,000 for the purpose of providing funds to acquire heavy duty trucks and equipment for performing functions of the city's department of public works and department of public safety, including the division of fire, and authorizing related matters.

WHEREAS, this Council desires to issue bonds in an aggregate principal amount not to exceed \$11,000,000 (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 10 years, as evidenced by the certificate contained in **File No. 663-2024-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 \$11,000,000 for the purpose of providing funds to acquire heavy duty trucks and equipment, including rear-loader sanitation trucks, dump trucks, street sweepers, a leaf machine, asphalt equipment, a backhoe, a street flusher, an asphalt patcher truck, a loader, an aerial platform, an ambulance and a pumper truck for performing functions of the City's Department of Public Works and Department of Public Safety, including the Division of Fire, 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 “Heavy Vehicle Acquisition 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, 2024 (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 municipal 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, 2026, (iii) the final maturity date of the Bonds shall be no later than 10 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 municipal 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 Trust Company, 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 municipal 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 2024" 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.

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 nonpresentment 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 \$11,000,000 (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 municipal 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 “Heavy Vehicle Acquisition 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 Trust Company, 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 his official capacity each Official Statement and any supplements approved by him. The Director of Finance is authorized to sign and deliver on behalf of the City and in his 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 municipal 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 statistical rating organization registered with the U.S. Securities and Exchange Commission, 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. Municipal Advisor. The Director of Finance may obtain the services of one or more municipal 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. Any such municipal advisor shall be registered with the SEC and the Municipal Securities Rulemaking Board as a municipal advisor. The Director of Finance may rely on the written advice of any municipal advisor so retained. Any

municipal advisor employed under the authority of this Ordinance shall have a fiduciary duty to the City, be disinterested in the transaction, and be independent of the Original Purchasers and any other party interested in the transaction. Any references to “financial advisor” in any transaction documents related to the issuance of general obligations (including any general obligations issued prior to the Bonds authorized in this Ordinance) shall have the same meaning as “municipal advisor” as used in this Ordinance.

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 July 10, 2024.

Effective July 16, 2024.

Ordinance No. 664-2024

By Council Members: Griffin (by departmental request)

An emergency ordinance authorizing the issuance and sale of bonds in the maximum principal amount of \$5,000,000 for the purpose of providing funds to acquire vehicles and equipment for performing functions of the city's departments, including the department of public works and department of public safety, and authorizing related matters.

WHEREAS, this Council desires to issue bonds in an aggregate principal amount not to exceed \$5,000,000 (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 5 years, as evidenced by the certificate contained in **File No. 664-2024-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 \$5,000,000 for the purpose of providing funds to acquire vehicles and equipment for performing functions of the City's departments, including the Department of Public Works and Department of Public Safety, 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 “Vehicle Acquisition 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, 2024 (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 municipal 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, 2026, (iii) the final maturity date of the Bonds shall be no later than 5 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 municipal 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 Trust Company, 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 municipal 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 2024" 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.

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 nonpresentment 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 \$5,000,000 (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 municipal 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 “Vehicle Acquisition 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 Trust Company, 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 his official capacity each Official Statement and any supplements approved by him. The Director of Finance is authorized to sign and deliver on behalf of the City and in his 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 municipal 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 statistical rating organization registered with the U.S. Securities and Exchange Commission, 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. Municipal Advisor. The Director of Finance may obtain the services of one or more municipal 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. Any such municipal advisor shall be registered with the SEC and the Municipal Securities Rulemaking Board as a municipal advisor. The Director of Finance may rely on the written advice of any municipal advisor so retained. Any municipal advisor employed under the authority of this Ordinance shall have a fiduciary duty to the City, be disinterested in the transaction, and be independent of the Original Purchasers and any other party interested in the transaction. Any references to “financial advisor” in any transaction documents related to the issuance of general obligations (including any general obligations issued prior to the Bonds authorized in

this Ordinance) shall have the same meaning as “municipal advisor” as used in this Ordinance.

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 July 10, 2024.

Effective July 16, 2024.

Ordinance No. 665-2024

By Council Members: Griffin (by departmental request)

An emergency ordinance authorizing the issuance and sale of bonds in the maximum principal amount of \$9,250,000 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 \$9,250,000 (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. 665-2024-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 \$9,250,000 for the purpose of providing funds to improve municipal parks and recreation facilities by acquiring, constructing, reconstructing, installing, renovating, enlarging, redeveloping and otherwise improving parks and recreation centers and areas, pools, playgrounds, playfields, tracks, fields, stadiums, locker rooms and related buildings, structures, walkways, safety surfaces, pavement, landscaping, irrigation systems and facilities, and providing necessary water systems, solar power systems, drainage, lighting, signage, fixtures, furnishings,

equipment, demolition, 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 related 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, 2024 (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 municipal 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, 2026, (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 municipal 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 Trust Company, 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 municipal 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 2024" 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.

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 nonpresentment 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 \$9,250,000 (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 municipal 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 Trust Company, 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 his official capacity each Official Statement and any supplements approved by him. The Director of Finance is authorized to sign and deliver on behalf of the City and in his 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 municipal 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 statistical rating organization registered with the U.S. Securities and Exchange Commission, 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. Municipal Advisor. The Director of Finance may obtain the services of one or more municipal 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. Any such municipal advisor shall be registered with the SEC and the Municipal Securities Rulemaking Board as a municipal advisor. The Director of Finance may rely on the written advice of any municipal advisor so retained. Any municipal advisor employed under the authority of this Ordinance shall have a fiduciary duty to the City, be disinterested in the transaction, and be independent of the Original Purchasers and any other party interested in the transaction. Any references to “financial advisor” in any transaction documents related to the issuance of general obligations (including any general obligations issued prior to the Bonds authorized in this Ordinance) shall have the same meaning as “municipal advisor” as used in this Ordinance.

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 July 10, 2024.

Effective July 16, 2024.

Ordinance No. 666-2024

By Council Members: Griffin (by departmental request)

An emergency ordinance authorizing the issuance and sale of bonds in the maximum principal amount of \$15,000,000 for the purpose of providing funds to improve buildings and structures, 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 \$15,000,000 (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. 666-2024-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 \$15,000,000 for the purpose of providing funds for constructing, reconstructing, installing, renovating, enlarging and otherwise improving buildings and structures and providing for the discharge of governmental functions and services otherwise benefiting the public safety, health and welfare, including facilities in,

of and for fire stations, police facilities, service stations, centers and facilities, waste collection, the Public Auditorium and other facilities, to provide for certain architectural, engineering and other professional services related to such facilities, to provide equipment to be used by the Division of Fire and the Division of Police, and for the provision of necessary fixtures, furnishings, equipment, technology, appurtenances, utilities 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, 2024 (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 municipal 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, 2026, (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 municipal 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 Trust Company, 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 municipal 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 2024" 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.

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 nonpresentment 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 \$15,000,000 (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 municipal 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 Trust Company, 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 his official capacity each Official Statement and any supplements approved by him. The Director of Finance is authorized to sign and deliver on behalf of the City and in his 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 municipal 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 statistical rating organization registered with the U.S. Securities and Exchange Commission, 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. Municipal Advisor. The Director of Finance may obtain the services of one or more municipal 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. Any such municipal advisor shall be registered with the SEC and the Municipal Securities Rulemaking Board as a municipal advisor. The Director of Finance may rely on the written advice of any municipal advisor so retained. Any municipal advisor employed under the authority of this Ordinance shall have a fiduciary duty to the City, be disinterested in the transaction, and be independent of the Original Purchasers and any other party interested in the transaction. Any references to “financial advisor” in any transaction documents related to the issuance of general obligations (including any general obligations issued prior to the Bonds authorized in this Ordinance) shall have the same meaning as “municipal advisor” as used in this Ordinance.

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 July 10, 2024.

Effective July 16, 2024.

Ordinance No. 667-2024

By Council Members: Griffin (by departmental request)

An emergency ordinance authorizing the issuance and sale of bonds in the maximum principal amount of \$26,000,000 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 \$26,000,000 (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. 667-2024-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 \$26,000,000 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, 2024 (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 municipal 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, 2026, (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 municipal 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 Trust Company, 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 municipal 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 2024" 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.

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 nonpresentment 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 \$26,000,000 (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 municipal 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 Trust Company, 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 his official capacity each Official Statement and any supplements approved by him. The Director of Finance is authorized to sign and deliver on behalf of the City and in his 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 municipal 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 statistical rating organization registered with the U.S. Securities and Exchange Commission, 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. Municipal Advisor. The Director of Finance may obtain the services of one or more municipal 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. Any such municipal advisor shall be registered with the SEC and the Municipal Securities Rulemaking Board as a municipal advisor. The Director of Finance may rely on the written advice of any municipal advisor so retained. Any municipal advisor employed under the authority of this Ordinance shall have a fiduciary duty to the City, be disinterested in the transaction, and be independent of the Original Purchasers and any other party interested in the transaction. Any references to “financial advisor” in any transaction documents related to the issuance of general obligations (including any general obligations issued prior to the Bonds authorized in this Ordinance) shall have the same meaning as “municipal advisor” as used in this Ordinance.

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 July 10, 2024.

Effective July 16, 2024.

Ordinance No. 699-2024**By Council Members:** McCormack

An emergency ordinance consenting and approving the issuance of a permit for the ASAE Convention 5K on August 11, 2024, 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 ASAE Convention 5K on August 11, 2024, managed by Hermes Sports & Events; START on Lakeside Avenue at Mall C; head west on Lakeside Avenue; turn right on West 3rd Street; turn right on Al Lerner Way; continue over East 9th Street, onto North Marginal Road; TURNAROUND; continue over East 9th Street, onto Al Lerner Way; turn left on West 3rd Street; turn left on Lakeside Avenue; FINISH on Lakeside Avenue at Mall C; 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 July 10, 2024.

Effective July 16, 2024.

Ordinance No. 700-2024**By Council Members:** McCormack

An emergency ordinance consenting and approving the issuance of a permit for the Santos in Tremont 1 mile run, December 14, 2024, 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 Santos in Tremont 1 mile run, December 14, 2024, managed by Hermes Sports & Events; START at The SouthSide, 2207 West 11th Street; head south on West 11th Street; turn left on Starkweather Avenue; turn left on Professor Avenue; FINISH at The SouthSide, 2207 West 11th 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 July 10, 2024.**Effective July 16, 2024.**

Ordinance No. 720-2024

By Council Members: Griffin (by departmental request)

An emergency ordinance to amend Section 5 of Ordinance No. 194-2021, passed March 29, 2021, as amended, relating to salaries for various classifications.

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 5 of Ordinance No. 194-2021, passed March 29, 2021, as amended by Ordinance No. 1281-2022, passed December 5, 2022, and Ordinance No. 338-2024, passed March 25, 2024, is amended to read as follows:

Section 5. Special Assistants to the Mayor, Secretaries to Directors of Departments, Secretary of the Civil Service Commission, Secretary to Director of Department of Port Control, Assistant Directors. That salaries in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Classification	Minimum	Maximum
1	Special Assistant to the Mayor	31,866.00	147,183.39
2	Secretary to Directors of Departments	36,590.39	180,754.88
3	Secretary of the Civil Service Commission	31,866.00	126,147.04
4	Secretary to Director of Department of Port Control	41,312.22	220,000.00
5	Assistant Director	36,590.39	181,854.88
6	Assistant Director of Port Control	31,866.00	215,000.00

Section 2. That existing Section 5 of Ordinance No. 194-2021, passed March 29, 2021, as amended by Ordinance No. 1281-2022, passed December 5, 2022, and Ordinance No. 338-2024, passed March 25, 2024, is repealed.

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

Passed July 10, 2024.

Effective July 16, 2024.

Ordinance No. 721-2024

By Council Members: Gray, Hairston and Griffin (by departmental request)

An emergency ordinance authorizing the Director of Economic Development to enter into a forgivable loan agreement with SH SQ, LLC, or its designee, to provide economic development assistance to partially finance tenant improvements and equipment costs associated with retaining Dave's Supermarket in Shaker Square, and other associated costs necessary to redevelop the property.

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 Economic Development is authorized to enter a forgivable loan agreement with SH SQ, LLC, or its designee, to partially finance tenant improvements and equipment costs associated with retaining Dave's Supermarket in Shaker Square, and other associated costs necessary to redevelop the property.

Section 2. That the summary for the loan, **File No. 721-2024-A**, made a part of this ordinance as if fully rewritten, is approved in all respects and shall not be materially changed without additional legislative authority.

Section 3. That the Director of Economic Development is authorized to accept such collateral as the director determines is sufficient in order to secure repayment of the loan.

Section 4. That the Director of Economic Development is authorized to accept monies in repayment of the loan, if not forgiven, and to deposit the monies in Fund No. 17 SF 006.

Section 5. That the contract and other appropriate documents needed to complete the transaction authorized by this legislation shall be prepared by the Director of Law.

Section 6. That the cost of any funding made under this ordinance shall not exceed \$250,000 and shall be paid from Fund Nos. 01-001-9997 and other funds approved by the Director of Finance. (RQS 9501, RL 2024-73).

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 July 10, 2024.

Effective July 16, 2024.

Ordinance No. 722-2024

By Council Members: Griffin (by departmental request)

An emergency ordinance approving the collective bargaining agreement with the Cleveland Police Patrolmen's Association (C.P.P.A.) Investigative Research Unit; and to supplement Ordinance No. 194-2021, passed March 29, 2021, as amended, by adding new Section 59, relating to compensation for various classifications.

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

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That under division (B) of Section 4117.10 of the Revised Code, this Council approves the collective bargaining agreement with the Cleveland Police Patrolmen's Association (C.P.P.A.) Investigative Research Unit, under the terms contained in File No. 722-2024-A ("Agreement") for the period from April 1, 2024 through March 31, 2025, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit to be implemented pursuant to the terms of the Agreement.

Section 2. That Ordinance No. 194-2021, passed March 29, 2021, as amended by Ordinance No. 248-2021, passed April 19, 2021, is supplemented by adding new Section 59 to read as follows:

Section 59. Cleveland Police Patrolmen's Association (C.P.P.A.) Investigative Research Unit. That salaries in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1 Investigative Research Specialist	26.27	33.64

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

Passed July 10, 2024.

Effective July 16, 2024.

Ordinance No. 747-2024

By Council Members: McCormack, Hairston and Griffin (by departmental request)

An emergency ordinance approving the addition of property located at 1301 East 9th Street to the Northeast Ohio Advanced Energy District; accepting and approving a petition and plan from a property owner in the District identifying a special energy improvement project; declaring it necessary to conduct the special energy improvement project; providing for the assessment of the cost of such special energy improvement project; authorizing the Director of Economic Development to enter into an Energy Project Cooperative Agreement and a Special Assessment Agreement to implement the project; and declaring an emergency.

WHEREAS, this Council adopted Resolution No. 1078-10 and passed Ordinance No. 1551-13, which authorized the City of Cleveland to establish and participate in the Northeast Ohio Advanced Energy District, formerly known as the Cleveland First-Suburbs Development Council Advanced Energy Special Improvement District (the “District”); and

WHEREAS, the District is an energy special improvement district formed under Chapter 1710 of the Ohio Revised Code (the “Revised Code”) and is authorized to levy assessments to pay costs for developing and implementing plans for public improvements and public services that benefit the special improvement district, including special energy improvement projects as defined in Chapter 1710 of the Revised Code; and

WHEREAS, Chapter 1710 of the Revised Code authorizes property owners to petition the City to add their property to the District and request the imposition of a special assessment on their property to support a special energy improvement project; and

WHEREAS, Erieview Tower Residential LLC (the “Owner”) is the owner of Permanent Parcel Nos. 101-34-324, 101-34-325, 101-34-326, 101-34-327, 101-34-328, 101-34-329, 101-34-330, 101-34-331, 101-34-332, 101-34-333, 101-34-334, 101-34-335, located at 1301 East 9th Street, Cleveland Ohio 44114 (the “Property”); and

WHEREAS, the Property constitutes one hundred percent of the property now proposed to be added to the District and the Owner has submitted a petition (the “Project Petition”) to the City and the District requesting that the Property be added to the District and that special assessments be placed upon the Property (the “Special Assessments”) to secure the Project Advance, as that term is defined in the Energy Project Cooperative Agreement (the “Cooperative Agreement”), from Peachtree Group (together with its affiliates, successors, or assigns, the “Lender”) to fund the special energy improvement project (the “Project”) further described in the plans and specifications (the “Project Plan”) attached to the Project Petition; and

WHEREAS, the District has reviewed and approved the Project Petition and the Project Plan and, under Section 1710.02(E) of the Revised Code, the Project Petition and the Project Plan are to be approved or disapproved by ordinance of this Council within sixty days of filing of the Project Petition with the City in accordance with Section 1710.02(E) of the Revised Code; 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 Project Petition and the Project Plan placed in **File No. 747-2024-A** are approved, and this Council consents to the addition of the Property to the District.

Section 2. That it is determined and declared necessary and conducive to the public health, convenience, and welfare of the City to conduct the Project as defined in the Project Plan for a 25-year period and that the Property will be specifically benefited by the Project and shall be assessed to pay for the costs of the Project, calculated according to the Cooperative Agreement.

Section 3. That the Project Plan placed in the above-mentioned file is approved with a maximum amount of Special Assessments of \$41,781,686.50 which is sufficient to pay the costs of the Project, including other related financing costs in connection with the issuance, sale, and servicing of securities, nonprofit corporate obligations, or other obligations issued to pay costs of the Project in anticipation of the receipt of the Special Assessments, capitalized interest on, and financing reserve funds for, such securities, nonprofit corporate obligations, or other obligations so issued, including any credit enhancement fees, trustee fees, and District administrative fees and expenses, which costs were set forth in the Petition and previously reported to Council and are now on file in the offices of the Clerk of Council and the Director of Finance and that the maximum Special Assessments are levied and assessed on the Property. The maximum interest portion of the Special Assessments, together with amounts used to pay administrative expenses, has been determined by the District to be substantially equivalent to the fair market rate that would have been borne by notes or bonds issued by the District.

The Special Assessments are to be assessed against the Property commencing in tax year 2026 for collection in 2027 and shall continue through tax year 2050 for collection in 2051; provided, however, if the proceedings relating to the Special Assessments are completed at such time that the County Fiscal Officer of Cuyahoga County, Ohio determines that collections shall not commence in 2027, then the collection schedule may be deferred by one year. The semi-annual installment of the Special Assessments shall be collected in each calendar year equal to a maximum semi-annual amount of Special Assessments as shown in the Project Petition.

As requested in the Petition, the final aggregate amount of the Special Assessments may be in an amount less than the aggregate amount of \$41,781,686.50 if the final rate of interest for the financing for the Project is less than the assumed maximum rate of interest. If the rate of interest is less than the assumed maximum rate of interest such that the aggregate amount of Special Assessments necessary to repay the financing for the Project is less than the aggregate amount of \$41,781,686.50, the Owner and the provider of the financing shall certify a final schedule of Special Assessments to the City, which final schedule shall be certified to the County Fiscal Officer of Cuyahoga County, Ohio for collection.

All Special Assessments shall be certified by the Clerk of Council to the County Fiscal Officer pursuant to the Petition and Chapter 727.33 of the Revised Code to be placed on the tax list and duplicate and collected with and in the same manner as real property taxes are collected and as set forth in the Project Petition.

The Special Assessments shall be allocated among the parcels constituting the Property as set forth in the Project Petition and the List of Special Assessments attached to the Project Petition.

Section 4. That no notes or bonds of the City of Cleveland shall be issued in anticipation of the levy or collection of the special assessments.

Section 5. That the Commissioner of Assessments and Licenses is authorized to prepare and file in the Office of the Clerk of Council a list of Special Assessments under the provisions of this ordinance showing the amount of the Special Assessments against each lot or parcel of land to be assessed in accordance with the Project Petition and the Project Plan. When the Special Assessments have been filed, the Clerk of Council shall cause notice of the adoption of this ordinance and the filing of the estimated Special Assessments to be served in the manner provided by law on the owners of all lots and parcels to be assessed. The Commissioner of Assessments and Licenses and the Director of Finance are authorized and directed to deliver to the Cuyahoga County Fiscal Officer a certified copy of this Ordinance and any related certificate or cover page required by the Cuyahoga County Fiscal Officer for the certification of special assessments within 15 days after the passage of this Ordinance.

Section 6. That the Director of Economic Development is authorized, on behalf of the City, to negotiate and enter into the Cooperative Agreement and a Special Assessment Agreement to provide for the calculation, imposition, and payment of the Special Assessments.

Section 7. That any such agreements shall be prepared by the Director of Law.

Section 8. That the Director of Economic Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable fees and the fees are appropriated to cover costs incurred in processing the Project Petition and servicing the Special Assessments. The fees shall be deposited to and expended from 17 SF 305, Loan Fees Fund.

Section 9. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this ordinance were passed in an open meeting of this Council and that all deliberations of this Council and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 10. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed July 10, 2024.

Effective July 16, 2024.

Ordinance No. 787-2024**By Council Members:** Spencer

An emergency ordinance authorizing the Director of the Department of Public Safety to enter into agreement with Northwest Neighborhoods Community Development Corporation for the Summer Safety Film Series 2024 through the use of Ward 15 Casino Revenue Funds.

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

BE IT ORDAINED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That the Director of the Department of Public Safety is hereby authorized to enter into agreement with the Northwest Neighborhoods Community Development Corporation for the Summer Safety Film Series for a community expo promoting public safety in Ward 15 through the use of Ward 15 Casino Revenue Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$4,700.00 and shall be paid from Fund No. 10 SF 188 using the fund and project number from the following Ward:

<u>Ward</u>	<u>Amount</u>	<u>Project Number</u>
Ward 15	\$4,700.00	G24668

Section 3. That the Law Department has reviewed and approved this proposal on July 9, 2024. The Department has reviewed and approved the proposal on July 8, 2024. Project shall begin as August 1, 2024.

Section 4. 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 5. 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 July 10, 2024.**Effective July 16, 2024.**

Ordinance No. 788-2024**By Council Members:** Gray

An emergency ordinance authorizing the Director of the Department of Economic Development to enter into agreement with Thynk Liquidation LLC and or designee for the Thynk Liquidation Bin Store renovation through the use of Ward 4 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 Economic Development is hereby authorized to enter into agreement with the Thynk Liquidation LLC and or designee for the Thynk Liquidation Bin Store for the public purpose of economic development and business renovation through the use of Wards 4 Casino Revenue Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$5,000.00 and shall be paid from Fund No. 10 SF 188 using the fund and project number from the following Ward:

<u>Ward</u>	<u>Amount</u>	<u>Project Number</u>
Ward 4	\$5,000.00	G24666

Section 3. That the Law Department has reviewed and approved this proposal on July 9, 2024. The Department has reviewed and approved the proposal on June 3, 2024. Project shall begin as of July 1, 2024.

Section 4. 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 5. 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 July 10, 2024.**Effective July 16, 2024.**

Ordinance No. 790-2024**By Council Members:** Spencer

An emergency ordinance authorizing the Director of the Department of City Planning to enter into agreement with Northwest Neighborhoods Community Development Corporation for the West 65th Street Public Art Project through the use of Ward 15 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 City Planning is hereby authorized to enter into agreement with the Northwest Neighborhoods Community Development Corporation for West 65th Street Public Art Project for the public purpose of reimagining an art mural through the use of Ward 15 Casino Revenue Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$19,000.00 and shall be paid from Fund No. 10 SF 188 using the fund and project number from the following Ward:

<u>Ward</u>	<u>Amount</u>	<u>Project Number</u>
Ward 15	\$19,000.00	G24669

Section 3. That the Law Department has reviewed and approved this proposal on July 9, 2024. The Department has reviewed and approved the proposal on July 9, 2024. Project shall begin as of June 1, 2024.

Section 4. 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 5. 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 July 10, 2024.**Effective July 16, 2024.**

Resolution No. 483-2024

By Council Members: McCormack, Hairston and Griffin (by departmental request)

An emergency resolution providing for the reassessment of the cost of the services of the Ohio City – Cleveland Business Improvement District to correct an error in the benefitted parcel numbers; and declaring an emergency.

WHEREAS, Chapter 1710 of the Ohio Revised Code (“Revised Code”) authorizes the formation of special improvement districts within the boundaries of a municipality by petition of property owners in a district and approval by the municipality for the purpose of developing and implementing plans for public improvements and public services that benefit a district; and

WHEREAS, owners of at least sixty percent of the front footage of all real property located in the Ohio City - Cleveland Business Improvement District (“District”) (formerly known as The Market District – Cleveland Business Improvement District) that abuts upon any street, alley, public road, place, boulevard, parkway, park entrance, easement, or other existing public improvement within the District, excluding certain property as provided in Section 1710.02(E) of the Revised Code, have signed petitions (“Petitions”) requesting that the City of Cleveland (“City”) establish the District; and

WHEREAS, during the last renewal and expansion of the District, a typo occurred in one of the permanent parcel numbers in the final list of assessments included in the Files to the legislation; and

WHEREAS, a reassessment is necessary to correct the error; 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 it is determined that a reassessment is required pursuant to Section 727.39 of the Revised Code in order to remove Permanent Parcel No. 003-33-002 from the assessment lists located in the File documents contain in Resolution No. 711-2019 and Ordinance No. 109-2020 and to replace it with Permanent Parcel No. 003-33-003. A copy of the corrected files have been placed in **File No. 483-2024-A**.

Section 2. That the City Commissioner of Assessments and Licenses is authorized to prepare and separately file with the Clerk of Council revised assessment amounts for parcels of land assessed. After the revised estimated special assessments has been filed, the Clerk of Council shall cause notice of the adoption of this resolution and the reassessment of estimated special assessments to be served in the manner provided by law on the owners of any affected parcels.

Section 3. That except for the revised assessments provided for in this Resolution, all other terms of Resolution No. 711-2019 and Ordinance No. 109-2020 shall remain in effect.

Section 4. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this resolution were adopted in an open meeting of the Council and that all deliberations of the Council and of any of its committees that resulted in those formal actions were in meetings open to the public in compliance with the law.

Section 5. 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 July 10, 2024.

Effective July 16, 2024.

Resolution No. 619-2024

By Council Members: Polensek, Bishop, Hairston and Griffin (by departmental request)

An emergency resolution appointing an assessment equalization board to hear objections to estimated assessments with respect to improving Euclid Beach Boulevard (entire street) and E. 159th Street (from Euclid Beach Boulevard to Lakeside Avenue) by design, inspection, reconstructing, repairing and/or installing of roadways, sidewalks, driveway aprons, curbs (including adjustments of castings and landscaping, if necessary), storm sewer, storm sewer structures, and other necessary appurtenances, if necessary, encroaching upon the public right-of-way.

WHEREAS, under Resolution No. 1301-2023, adopted January 22, 2024, this Council declared the necessity of improving Euclid Beach Boulevard (entire street) and E. 159th Street (from Euclid Beach Boulevard to Lakeside Avenue) by design, inspection, reconstructing, repairing and/or installing of roadways, sidewalks, driveway aprons, curbs (including adjustments of castings and landscaping, if necessary), storm sewer, storm sewer structures, and other necessary appurtenances, if necessary, encroaching upon the public right-of-way; and

WHEREAS, under the above resolution the estimated assessments for the improvement have been prepared and placed on file in the office of the Clerk of this Council; and

WHEREAS, notice of the passage of the resolution and of the filing of the estimated assessments have been duly served on all property owners to be assessed in the manner provided by law; and

WHEREAS, written objection to the estimated assessments may be filed by one or more property owners; 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 Robert E. Cahill, Michelle Felder, and Chris Garland, three disinterested freeholders of the City, are appointed as assessment equalization board members for the assessment and Paula Morrison and Theresa Sutton, both disinterested freeholders, are appointed alternate members, to hear and determine all written objections filed under the law to the estimated assessments for each of the respective assessment areas heretofore filed with the Clerk of this Council under Resolution No. 1302-2023, adopted January 22, 2024, by this Council.

Section 2. That the assessment equalization board shall meet beginning at 3:00 p.m. on Tuesday, August 13, 2024, at Cleveland City Hall, 601 Lakeside Avenue, Room 518, for the purposes mentioned above, and on completion of the hearing and any adjournments, shall report its recommendations, including any changes which should be made in the estimated assessments for each assessment area, to this Council.

Section 3. That the Clerk of Council is authorized and directed to notify, by certified mail, each person who has filed timely written objection to the estimated assessments of the time and place of the hearing of the assessment equalization boards.

Section 4. 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 July 10, 2024.

Effective July 16, 2024.

Resolution No. 701-2024**By Council Members:** Polensek**An emergency resolution objecting to the renewal of a C1, C2 and D6 Liquor Permit at 15521 St. Clair Avenue.**

WHEREAS, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

WHEREAS, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

WHEREAS, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that 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 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That Council does hereby record its objection to the renewal of a C1, C2, and D6 Liquor Permit, Permit No. 0259640 owned by Aroosh, Inc. 15521 St. Clair Avenue, Cleveland, Ohio 44110, and requests the Superintendent of the Division of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 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, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Superintendent of the Division of Liquor Control.

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 July 10, 2024.

Effective July 16, 2024.

Resolution No. 702-2024**By Council Members:** Harsh**An emergency resolution objecting to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit at 4818-22 Memphis Avenue and patio.**

WHEREAS, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

WHEREAS, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

WHEREAS, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that 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 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That Council does hereby record its objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit, Permit No. 3845983 owned by H I M, Inc., DBA Memphis Tavern, 4818-22 Memphis Avenue and patio, Cleveland, Ohio 44144, and requests the Superintendent of the Division of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 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, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Superintendent of the Division of Liquor Control.

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 July 10, 2024.

Effective July 16, 2024.

Resolution No. 703-2024**By Council Members:** Harsh**An emergency resolution objecting to the renewal of a D5 and D6 Liquor Permit at 5200 Memphis Avenue.**

WHEREAS, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

WHEREAS, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

WHEREAS, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that 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 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That Council does hereby record its objection to the renewal of a D5 and D6 Liquor Permit, Permit No. 88362900005 owned by Telstar, Inc., DBA Cameo Lounge, 5200 Memphis Avenue, Cleveland, Ohio 44144, and requests the Superintendent of the Division of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 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, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Superintendent of the Division of Liquor Control.

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 July 10, 2024.

Effective July 16, 2024.

Resolution No. 704-2024**By Council Members:** Polensek**An emergency resolution objecting to the renewal of a D1, D2, D3 and D3A Liquor Permit at 13933 St. Clair Avenue, 1st floor.**

WHEREAS, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

WHEREAS, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

WHEREAS, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that 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 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That Council does hereby record its objection to the renewal of a D1, D2, D3 and D3A Liquor Permit, Permit No. 9606930 owned by Wilchris, Inc., DBA Christina's Lounge, 13933 St. Clair Avenue, 1st floor, Cleveland, Ohio 44110, and requests the Superintendent of the Division of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 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, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Superintendent of the Division of Liquor Control.

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 July 10, 2024.

Effective July 16, 2024.

Resolution No. 705-2024**By Council Members:** Gray

An emergency resolution withdrawing objection to a New C1 Liquor Permit at 13709 Bartlett Avenue, and repealing Resolution No. 444-2024, objecting to said permit.

WHEREAS, this Council objected to a New C1 Liquor Permit at Bartlett Convenient, LLC, 13709 Bartlett Avenue, Cleveland, Ohio 44128, Permit No. 0491421, by Resolution No. 4444-2024 adopted by the Council on April 22, 2024; 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 at Bartlett Convenient, LLC, 13709 Bartlett Avenue, Cleveland, Ohio 44128, Permit No. 0491421, by Resolution No. 444-2024 adopted by the Council on April 22, 2024; and containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

Adopted July 10, 2024.**Effective July 16, 2024.**

Resolution No. 706-2024**By Council Members:** Kazy

An emergency resolution withdrawing objection to the transfer of ownership of a C1 and C2 Liquor Permit at 14606 Puritas Avenue, and repealing Resolution No. 1096-2023 objecting to said permit.

WHEREAS, this Council objected to a transfer of ownership of a C1 and C2 Liquor Permit to Joe 14606 Corp., DBA N & N Beverage, 14606 Puritas Avenue, Cleveland, Ohio 44135, Permit No. 4317007 by Resolution No. 1096-2023 adopted by the Council on September 25, 2023; and

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

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

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That objection to the transfer of ownership of a C1 and C2 Liquor Permit to Joe 14606 Corp., DBA N & N Beverage, 14606 Puritas Avenue, Cleveland, Ohio 44135, Permit No. 4317007 by Resolution No. 37-2020, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

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

Adopted July 10, 2024.**Effective July 16, 2024.**

Resolution No. 749-2024**By Council Members:** McCormack

An emergency resolution withdrawing objection to the renewal of a D1, D2, D3 and D3A Liquor Permit at 4310-12 Clark Avenue, 1st floor and basement, and repealing Resolution No. 865-2023 objecting to said permit.

WHEREAS, this Council objected to the renewal of the D1, D2, D3 and D3A Liquor Permit, owned by E J Tavern, Inc., DBA Romeos, 4310-12 Clark Avenue, 1st floor and basement, Cleveland, Ohio, Permit No. 2389493, by Resolution No. 865-2023 adopted by the Council on August 16, 2023; and

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

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

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That objection to the renewal of the D1, D2, D3 and D3A Liquor Permit, owned by E J Tavern, Inc., DBA Romeos, 4310-12 Clark Avenue, 1st floor and basement, Cleveland, Ohio, Permit No. 2389493, by Resolution No. 865-2023 containing such objection, be and the same is hereby repealed.

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

Adopted July 10, 2024.**Effective July 16, 2024.**

Resolution No. 789-2024**By Council Members:** Griffin**An emergency resolution appointing one member to the Civilian Police Review Board.**

WHEREAS, Section 115-2 of the Charter of the City of Cleveland, effective November 8, 2016, requires that Council appoint four members to the nine-member Civilian Police Review Board; and

WHEREAS, pursuant to Charter Section 115-2, Council requested and has reviewed applications to fill a recently vacated seat for a term ending August 8, 2024, and has selected from the applicants a member to the Board whose term begins immediately upon adoption of this Resolution; and

WHEREAS, this resolution constitutes an emergency measure for the immediate preservation of public peace, property, health or safety, in that Council must fill one recently vacated seat on the Civilian Police Review Board so that it complies with its obligations under the Charter, now, therefore,

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF CLEVELAND:

Section 1. That this Council hereby appoints Glenn Parker III to the Civilian Police Review Board for a term beginning on July 10, 2024, and ending on August 8, 2024.

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

Adopted July 10, 2024.**Effective July 16, 2024.**

Directory of City Officials

City Council

Cleveland City Hall
601 Lakeside Avenue, Room 220
Cleveland, Ohio, 44114
Phone: 216-664-2840
www.clevelandcitycouncil.org

President of Council – Blaine A. Griffin

City Clerk, Clerk of Council – Patricia J. Britt

<i>Council Member</i>	<i>Ward</i>
Joseph T. Jones	1
Kevin L. Bishop	2
Kerry McCormack	3
Deborah A. Gray	4
Richard A. Starr	5
Blaine A. Griffin	6
Stephanie D. Howse-Jones	7
Michael D. Polensek	8
Kevin Conwell	9
Anthony T. Hairston	10
Danny Kelly	11
Rebecca Maurer	12
Kris Harsh	13
Jasmin Santana	14
Jenny Spencer	15
Brian Kazy	16
Charles Slife	17

Permanent Schedule – Standing Committees of the Council 2022-2025

MONDAY – Alternating

9:30 a.m. – **Health, Human Services and the Arts Committee:** Conwell (CHAIR), Maurer (VICE-CHAIR), Gray, Harsh, Howse-Jones, Slife, Starr.

9:30 a.m. – **Municipal Services and Properties Committee:** Bishop (CHAIR), Starr (VICE-CHAIR), Hairston, Jones, Kazy, Kelly, Maurer.

MONDAY

2:00 p.m. – **Finance, Diversity, Equity and Inclusion Committee:** Griffin (CHAIR), McCormack (VICE-CHAIR), Bishop, Conwell, Hairston, Kazy, Polensek, Santana, Spencer.

TUESDAY

1:30 p.m. – **Workforce, Education, Training and Youth Development Committee:** Santana (CHAIR), Howse-Jones (VICE-CHAIR), Gray, Jones, Slife, Spencer, Starr.

TUESDAY – Alternating

9:30 a.m. – **Development, Planning and Sustainability Committee:** Hairston (CHAIR), Santana (VICE-CHAIR), Harsh, Howse-Jones, Jones, McCormack, Spencer.

WEDNESDAY – Alternating

10:00 a.m. – **Safety Committee:** Polensek (CHAIR), Jones (VICE-CHAIR), Gray, Howse-Jones, Kelly, Slife, Starr.

10:00 a.m. – **Transportation and Mobility Committee:** McCormack (CHAIR), Slife (VICE-CHAIR), Bishop, Gray, Kazy, Maurer, Santana.

THURSDAY

10:00 a.m. – **Utilities Committee:** Kazy (CHAIR), Spencer (VICE-CHAIR), Bishop, Gray, Harsh, Kelly, Polensek.

The following Committees meet at the Call of the Chair:

Mayor's Appointments Committee: Jones (CHAIR), Griffin, Hairston, Harsh, Starr.

Operations Committee: McCormack (CHAIR), Bishop, Conwell, Griffin, Maurer.

Rules Committee: Griffin (CHAIR), Conwell, Maurer, McCormack, Polensek.

City Departments

City Hall
601 Lakeside Avenue
Cleveland, OH 44114

MAYOR – Justin M. Bibb

Bradford J. Davy, Chief of Staff

Jeff Epstein, Chief of Integrated Development

Sarah N. Johnson, Chief Communications Officer

Sonya Pryor-Jones, Chief of Youth and Family Success

Ryan M. Puente, Deputy Chief of Staff and Chief Government Affairs Officer

Bonnie Teeuwen, Chief Operating Officer

Michele Pomerantz, Chief of Education

AGING – Mary McNamara, Director

BOARD OF BUILDING STANDARDS AND BUILDING APPEALS –

Carmella Davis, Secretary

Patrick M. Gallagher (Labor), Chair

Howard Bradley (Builder)

(Engineer)

Robert Maschke, Architect

Peggy Lipscomb, Alternate

BOARD OF ZONING APPEALS –

Elizabeth Kukla, Secretary

Members: Alanna Faith, Nina Holzer, Priscilla Rocha, Arleesha Wilson

BUILDING AND HOUSING –

Sally Martin O'Toole, Director

Divisions:

Navid Hussain, Commissioner, Construction Permitting

Richard Riccardi, Assistant Commissioner, Construction Permitting
Thomas E. Vanover, Commissioner, Code Enforcement

CITY AUDIT COMMITTEE –

Members: Laura Armstrong, Chair; Council President Blaine A. Griffin; Law Director Mark D. Griffin; Diane Downing; Sharon Dumas; Thomas Raguz.

CITY PLANNING COMMISSION – Joyce Pan Huang, Director

Members: Lillian Kuri, Chair, Gloria Jean Pinkney, Council Member Charles Slife, August Fluker, Denise McCray, Isabella McKnight, Andrew Sargeant.

CIVIL SERVICE COMMISSION – Rachon Long, Assistant Director

Gregory E. Jordan, President; Michael Flickinger, Vice President; India Pierce Lee, Secretary; Daniel J. Brennan, Member; Cyrus L. Patton, Member

COMMUNITY DEVELOPMENT – Alyssa Hernandez, Director

Divisions:

Administrative Service – Joy Anderson, Commissioner

Office of Fair Housing and Consumer Affairs – John Mahoney, Manager

Neighborhood Development – James Greene, Commissioner

Neighborhood Services – Louise Jackson, Commissioner

COMMUNITY POLICE COMMISSION – Jason Goodrick, Interim Executive

Director

Members: John Adams, Shandra Benito, James M. Chura, Charles Donaldson, Jr., Kyle Earley, Alana Garrett-Ferguson, Cait Kennedy, Gregory Reaves, Janice Ridgeway, Piet van Lier, Audrianna Rodriguez, Teri Wang, Sharena Zayed.

COMMUNITY RELATIONS BOARD – Angela Shute-Woodson, Executive Director;

Members: Mayor Justin M. Bibb, Chairman Ex-Officio; Rev. Dr. Charles P. Lucas, Jr., Vice-Chairman; Council Member Kevin L. Bishop, Daniel McNea, Stephanie

Morrison-Hrbek, Roland Muhammad, Luz Pellot, Robert Render, III, Gia Hoa Ryan, Council Member Richard Starr, Jay Westbrook, Peter Whitt.

ECONOMIC DEVELOPMENT – Thomas S. McNair, Director

FINANCE – Ahmed Abonamah, Director

Divisions:

Accounts – Lonya Moss-Walker, Commissioner

Assessments and Licenses – Dedrick Stephens, Commissioner

City Treasury – James Hartley, Treasurer

Financial Reporting and Control – James Gentile, Controller

Information Technology and Services –

Kimberly Roy Wilson, Commissioner

Internal Audit – Natasha Brandt, Manager

Printing and Reproduction – Michael Hewett, Commissioner

Purchases and Supplies – Tiffany White Johnson, Commissioner

Sinking Fund Commission – Betsy Hruby, Manager

Taxation – Kevin Preslan, Commissioner and Income Tax Administrator

Treasury – James Hartley, Treasurer

HUMAN RESOURCES – Matthew J. Cole, Director

Rachon N. Long, Assistant Director

LANDMARKS COMMISSION –

Members: Julie Trott-Heisey, Chair; Robert S. Strickland, Vice Chair; Michele Anderson; Allan Dreyer; Mark Duluk, City of Cleveland Architecture and Site Development; Councilwoman Deborah A. Gray; Cleveland City Planning Commission Director Joyce Huang; Christopher Loeser; Michael R. Sanbury; Raymond Tarasuck, Jr.; Dr. Regennia Williams.

LAW – Mark D. Griffin, Director

Michele Comer, Chief Counsel

Ronda Curtis, Chief Corporate Counsel
Elena Boop, Chief Trial Counsel
Aqueelah Jordan, Chief Prosecutor
Delanté Spencer Thomas, Chief Ethics Officer
John Skrtic, Law Librarian

MAYOR’S OFFICE OF CAPITAL PROJECTS – James D. DeRosa, Director

Divisions:

Architecture and Site Development – _____, Manager
Engineering and Construction – Richard J. Switalski, Manager
Real Estate – Susanne Degennaro, Commissioner

MAYOR’S OFFICE OF EQUAL OPPORTUNITY – Tyson Mitchell, Director

MAYOR’S OFFICE OF URBAN ANALYTICS AND INNOVATION – Elizabeth Crowe, Director

MAYOR’S OFFICE OF SUSTAINABILITY – Sarah O’Keeffe, Director

PORT CONTROL – Bryant L. Francis, Director

Divisions:

Cleveland Hopkins International Airport & Burke Lakefront Airport – Khalid Bahhur, Commissioner of Airports
Burke Lakefront Airport – Tony Campofredano, Airport Leader

PUBLIC HEALTH – David Margolius, M.D., Director

Divisions:

Air Quality – David Hearne, Commissioner
Environment – Wallace L. Chambers, Jr., Commissioner
Health – Frances Mills, Commissioner
Health Equity and Social Justice – Lita Marie Wills, Commissioner
Vital Statistics – Andrea Kacinari, City Registrar

PUBLIC SAFETY – Dornat A. Drummond, Director**Divisions:**

Animal Control Services – Cory Keller, Chief Animal Control Officer

Emergency Medical Service – Orlando Wheeler, Commissioner

Emergency Operations Center – Nicole Carlton, Assistant Director

Fire – Anthony P. Luke, Chief

Police – Dorothy A. Todd, Chief

Professional Standards – Roger C. Smith, Administrator

PUBLIC UTILITIES – Martin J. Keane, Director**Divisions:**

Cleveland Public Power – Ammon Danielson, Commissioner

Radio Communications – Brad Handke, Manager

TV 20 – Kathy Allen, General Manager

Utilities Fiscal Control – Catherine Troy, Chief Financial Officer

Water – Alex Margevicius, Commissioner

Water Pollution Control – Ramona Lowery-Ferrell, Commissioner

PUBLIC WORKS – Frank D. Williams, Director**Administration:**

Administration – John Laird, Manager

Susie Claytor, Executive Commissioner, Public Auditorium

Kim Johnson, Interim Executive Commissioner, Prevention, Intervention and
Opportunity for Youth and Young Adults

Divisions:

Motor Vehicle Maintenance – Jeffrey Brown, Commissioner

Neighborhood Resource and Recreation Centers – Samuel Gissentaner,
Commissioner

Park Maintenance and Properties – Toi Porch, Interim Commissioner

Parking Facilities – Kim Johnson, Commissioner

Property Management – Tom Nagle, Commissioner

Streets – Randell Scott, Commissioner

Traffic Engineering – Robert Mavec, Commissioner

Waste Collection and Disposal – Terrell H. Pruitt, Commissioner

WORKFORCE DEVELOPMENT & OHIO MEANS JOBS –

CLEVELAND/CUYAHOGA COUNTY – Michelle Rose, Executive Director

Cleveland Municipal Court

Justice Center

1200 Ontario Street

Cleveland, Ohio, 44113

www.clevelandmunicipalcourt.org

<i>Judge</i>	<i>Courtroom</i>
Presiding and Administrative Judge Michelle D. Earley	14-C
Judge Marilyn B. Cassidy	13-A
Judge Mark R. Majer	12-B
Judge Lauren C. Moore	15-A
Judge Andrea Nelson Moore	12-A
Judge Michael L. Nelson, Sr.	15-C
Judge Ann Clare Oakar	14-A
Judge Charles L. Patton, Jr.	14-B
Housing Court Judge W. Moná Scott	13-B
Judge Suzan M. Sweeney	12-C
Judge Jazmin Torres-Lugo	13-C
Judge Shiela Turner McCall	13-D
Judge Joseph J. Zone	14-D

Earle B. Turner – Clerk of Courts

Russell R. Brown, III – Court Administrator

Belinda Gest – Housing Court Administrator

Robert J. Furda – Chief Bailiff

Dean Jenkins – Chief Probation Officer

Gregory F. Clifford – Chief Magistrate

City Links

Board of Building Standards and Building Appeals

<http://planning.city.cleveland.oh.us/bza/bbs.html>

Board of Zoning Appeals

<http://planning.city.cleveland.oh.us/bza/cpc.html>

City Bids

Invitations to Bid

<http://www.city.cleveland.oh.us/CityofCleveland/Home/Government/CityAgencies/Finance/BID>

Requests for Proposals/Requests for Qualifications

<http://www.city.cleveland.oh.us/CityofCleveland/Home/Government/CityAgencies/Finance/RFP>

Cleveland Water

<http://www.clevelandwater.com/work-with-us/invitations-to-bid>

Water Pollution Control

http://wpc.clevelandwater.com/?page_id=3342

Cleveland Airports

<https://www.clevelandairport.com/about-us/business-cle/bids-rfps>

City Jobs

<http://www.city.cleveland.oh.us/CityofCleveland/Home/Government/CityAgencies/HumanResources>

<https://www.governmentjobs.com/careers/cleveland>

City of Cleveland

<http://www.city.cleveland.oh.us/>

City of Cleveland Charter and Codified Ordinances

<https://codelibrary.amlegal.com/codes/cleveland/latest/overview>

Civil Service Commission

<http://www.city.cleveland.oh.us/CityofCleveland/Home/Government/CityAgencies/CivilServiceCommission>

Cleveland City Council

<http://www.clevelandcitycouncil.org/>

Cleveland Courts

Cleveland Municipal Court

<http://clevelandmunicipalcourt.org/home.html>

Clerk of Courts – Cleveland Municipal Court

<https://clevelandmunicipalcourt.org/clerk-of-courts>

Cleveland Housing Court

<http://clevelandhousingcourt.org/>