

The City Record

Official Publication of the Council of the City of Cleveland



June the First, Two Thousand and Eleven

Frank G. Jackson
Mayor

Martin J. Sweeney
President of Council

Patricia J. Britt
City Clerk, Clerk of Council

Ward Name

- 1 Terrell H. Pruitt
- 2 Zachary Reed
- 3 Joe Cimperman
- 4 Kenneth L. Johnson
- 5 Phyllis E. Cleveland
- 6 Mamie J. Mitchell
- 7 TJ Dow
- 8 Jeffrey D. Johnson
- 9 Kevin Conwell
- 10 Eugene R. Miller
- 11 Michael D. Polensek
- 12 Anthony Brancatelli
- 13 Kevin J. Kelley
- 14 Brian J. Cummins
- 15 Matthew Zone
- 16 Jay Westbrook
- 17 Dona Brady
- 18 Martin J. Sweeney
- 19 Martin J. Keane

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

Ward Name Residence

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

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

First Assistant Clerk – Sandra Franklin

MAYOR – Frank G. Jackson

Ken Silliman, Secretary to the Mayor, Chief of Staff

Darnell Brown, Executive Assistant to the Mayor, Chief Operating Officer

Valarie J. McCall, Executive Assistant to the Mayor, Chief of Government Affairs

Chris Warren, Executive Assistant to the Mayor, Chief of Regional Development

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

Maureen Harper, Executive Assistant to the Mayor, Chief of Communications

Andrea V. Taylor, Executive Assistant to the Mayor, Press Secretary

Andrew Watterson, Executive Assistant to the Mayor, Chief of Sustainability

Natoya J. Walker Minor, Chief of Public Affairs – Interim Director of Equal Opportunity.

OFFICE OF CAPITAL PROJECTS – Jonmarie Wasik, Director

DIVISIONS:

Architecture and Site Development – Robert Vilkas, Chief Architect, Manager

Engineering and Construction – _____, Manager

Real Estate – _____, Commissioner

DEPT. OF LAW – Robert J. Triozzi, Director, Barbara A. Langhenry, Chief Counsel,

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

Room 106; Michael Ruffing, Law Librarian, Room 100

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

Frank Badalamenti, Manager, Internal Audit

DIVISIONS:

Accounts – Richard W. Sensenbrenner, Commissioner, Room 19

Assessments and Licenses – Dedrick Stephens, Commissioner, Room 122

City Treasury – _____, Treasurer, Room 115

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

Information Technology and Services – Douglas Divish, Commissioner, 205 W. St. Clair

Avenue

Purchases and Supplies – James E. Hardy, Commissioner, Room 128

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

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

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

DIVISIONS:

Cleveland Public Power – Ivan Henderson, Commissioner

Street Lighting Bureau – _____, Acting Chief

Utilities Fiscal Control – Dennis Nichols, Commissioner

Water – _____, Commissioner

Water Pollution Control – Ollie Shaw, Commissioner

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

International Airport, 5300 Riverside Drive

DIVISIONS:

Burke Lakefront Airport – Khalid Bahhur, Commissioner

Cleveland Hopkins International Airport – Fred Szabo, Commissioner

DEPT. OF PUBLIC WORKS – Michael Cox, Director

OFFICES:

Administration – John Laird, Manager

Special Events and Marketing – Tangee Johnson, Manager

DIVISIONS:

Motor Vehicle Maintenance – Daniel A. Novak, Commissioner

Park Maintenance and Properties – Richard L. Silva, Commissioner

Parking Facilities – Leigh Stevens, Commissioner

Property Management – Tom Nagle, Commissioner

Recreation – Kim Johnson, Commissioner

Streets – _____, Commissioner

Traffic Engineering – Robert Mavec, Commissioner

Waste Collection and Disposal – Ron Owens, Commissioner

DEPT. OF PUBLIC HEALTH – Karen Butler, Interim Director, Mural Building, 75

Erievue Plaza

DIVISIONS:

Air Quality – Richard L. Nemeth, Commissioner

Environment – Willie Bess, Commissioner, Mural Building, 75 Erievue Plaza

Health – Karen K. Butler, Commissioner, Mural Building, 75 Erievue Plaza

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

DIVISIONS:

Dog Pound – John Baird, Chief Dog Warden, 2690 West 7th Street

Correction – Robert Taskey, Commissioner, Cleveland House of Corrections, 4041 Northfield Rd.

Emergency Medical Service – Edward Eckart, Commissioner, 1708 South Pointe Drive

Fire – Paul A. Stubbs, Chief, 1645 Superior Avenue

Police – Michael C. McGrath, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street

DEPT. OF COMMUNITY DEVELOPMENT – Daryl Rush, Director

DIVISIONS:

Administrative Services – Terrence Ross, Commissioner

Fair Housing and Consumer Affairs Office – _____, Manager

Neighborhood Development – _____, Commissioner

Neighborhood Services – Louise V. Jackson, Commissioner

DEPT. OF BUILDING AND HOUSING – Edward W. Rybka, Director, Room 500

DIVISIONS:

Code Enforcement – Tyrone L. Johnson, Commissioner

Construction Permitting – Timothy R. Wolosz, Commissioner

DEPT. OF HUMAN RESOURCES – Deborah Southerington, Director, Room 121

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

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

COMMUNITY RELATIONS BOARD – Room 11, Blaine Griffin, Director, Mayor Frank

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

Member Brian Cummins, Council Member Eugene R. Miller, Jeff Marks, (Board Lawyer),

Roosevelt E. Coats, Jenice Contreras, Kathryn Hall, Yasir Hamdallah, Evangeline

Hardaway, John O. Horton, Annie Key, Stephanie Morrison-Hrbek, Roland Muhammad,

Gia Hoa Ryan, Ted C. Wammes, Peter Whitt.

CIVIL SERVICE COMMISSION – Room 119, Robert Bennett, President; Michael L.

Nelson, Sr., Vice-President; Lucille Ambroz, Secretary; Members: Pastor Gregory Jordan,

Michael Flickinger.

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

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

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

Myers, Ozell Dobbins, Joan Shaver Washington, Tim Donovan, Jan Huber, Secretary.

BOARD OF BUILDING STANDARDS AND BUILDING APPEALS – Room 516, J. F.

Denk, Chairman; _____, Arthur Saunders, Alternate Members – D. Cox, P.

Frank, E. P. O’Brien, Richard Pace, J.S. Sullivan.

BOARD OF REVISION OF ASSESSMENTS – Law Director Robert J. Triozzi, President;

Finance Director Sharon Dumas, Secretary; Council President Martin J. Sweeney.

BOARD OF SIDEWALK APPEALS – Service Director Jonmarie Wasik, Law Director

Robert J. Triozzi; Council Member Eugene R. Miller.

BOARD OF REVIEW – (Municipal Income Tax) – Law Director Robert J. Triozzi; Utilities

Director Barry A. Withers; Council President Martin J. Sweeney.

CITY PLANNING COMMISSION – Room 501 – Robert N. Brown, Director; Anthony J.

Coyne, Chairman; David H. Bowen, Lillian Kuri, Lawrence A. Lumpkin, Gloria Jean

Pinkney, Norman Krumholz, Council Member Phyllis E. Cleveland.

FAIR HOUSING BOARD – Charles See, Chair; Lisa Camacho, Daniel Conway, Robert L.

Render, Genesis O. Brown.

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

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

David Perkowski, Joan Shaver Washington, Keith Sutton.

CLEVELAND BOXING AND WRESTLING COMMISSION – Robert Jones, Chairman;

Clint Martin, Mark Rivera.

MORAL CLAIMS COMMISSION – Law Director Robert J. Triozzi; Chairman; Finance

Director Sharon Dumas; Council President Martin J. Sweeney; Councilman Kevin

Kelley.

POLICE REVIEW BOARD – Thomas Jones, Board Chair Person; Vernon Collier, Vermel

Whalen, Nancy Cronin, Elvin Vauss.

CLEVELAND LANDMARKS COMMISSION – Room 519 – Jennifer Coleman, Chair;

Laura M. Bala, Council Member Anthony Brancatelli, Robert N. Brown, Thomas Coffey,

Allan Dreyer, William Mason, Michael Rastatter, Jr., John Torres, N. Kurt Wiebusch, Robert

Keiser, Secretary.

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

Downing, Donna Sciarappa, Council President Martin J. Sweeney; Law Director Robert

J. Triozzi.

CLEVELAND MUNICIPAL COURT

JUSTICE CENTER – 1200 ONTARIO STREET

JUDGE COURTROOM ASSIGNMENTS

Judge Courtroom

Presiding and Administrative Judge Ronald B. Adrine – Courtroom 15A

Judge Marilyn B. Cassidy – Courtroom 12B

Judge Michelle Denise Earley – Courtroom 12C

Judge Emanuella Groves – Courtroom 14B

Judge Anita Laster Mays – Courtroom 14C

Judge Lynn McLaughlin-Murray – Courtroom 12A

Judge Lauren C. Moore – Courtroom 14A

Judge Charles L. Patton, Jr. – Courtroom 13D

Judge Raymond L. Pianka (Housing Court Judge) – Courtroom 13B

Judge Michael John Ryan – Courtroom 13A

Judge Angela R. Stokes – Courtroom 15C

Judge Pauline H. Tarver – Courtroom 13C

Judge Joseph J. Zone – Courtroom 14D

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

Mizerak – Bailiff, Jerome M. Krakowski – Chief Probation Officer, Gregory F. Clifford – Chief

Magistrate, Victor Perez – City Prosecutor

The City Record

71 OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 98

WEDNESDAY, JUNE 1, 2011

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CITY COUNCIL

MONDAY, MAY 30, 2011

The City Record
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City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2010-2013

MONDAY — Alternating

9:30 A.M. — **Public Parks, Properties, and Recreation Committee:** K. Johnson, Chair; Conwell, Vice Chair; Brancatelli, Cimperman, Dow, Polensek, Reed.

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

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

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

MONDAY

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

TUESDAY

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

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

WEDNESDAY — Alternating

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

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

WEDNESDAY — Alternating

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

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

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

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

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

NO MEETING

THE CALENDAR

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

NONE

BOARD OF CONTROL

May 25, 2011

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, May 25, 2011, at 10:56 a.m. with Acting Director Langhenry presiding.

Present: Acting Director Langhenry, Directors Dumas, Withers, Acting Director Dangerfield, Directors Cox, Butler, Flask, Rush, Southerington, Nichols, Fumich and Rybka.

Absent: Mayor Jackson.
Others: Deborah Midgett, Acting Commissioner, Purchases and Supplies.

Natoya Walker-Minor, Interim Director, Office of Equal Opportunity.

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

Resolution No. 227-11.

By Director Dumas.
Whereas, under the authority of Ordinance No. 1878-07, passed November 26, 2007, and Board of Control Resolution No. 384-08, adopted August 6, 2008, the City of Cleveland, through the Director of Finance, entered into an agreement with CGI Technologies and Solutions, Inc. ("CGI") City Contract No. 68408, to acquire a financial man-

agement information system ("FMIS") for the Department of Finance; and

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

Whereas, under the authority of Section 181.102 C.O., the City intends to enter into an agreement with CGI to obtain the professional maintenance and technical support services necessary to implement and maintain the FMIS for a one-year period effective upon termination of the warranty period provided under Contract No. 68408, with four options in the City, exercisable by the Director of Finance, to renew the agreement for additional consecutive one-year terms; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Section 181.102 C.O., the compensation to be paid for maintenance and technical support services to be performed under the agreement with CGI Technologies and Solutions, Inc., shall not exceed \$297,847.00 and, for any renewal term, the compensation shall escalate to the amount of the compensation for the immediately preceding term increased by 3%.

Yeas: Acting Director Langhenry, Directors Dumas, Withers, Acting Director Dangerfield, Directors Cox, Butler, Flask, Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson.

Resolution No. 228-11.

By Director Dumas.
Whereas, Section 127.09 of the Codified Ordinances of Cleveland, Ohio 1976, authorizes the Director of Finance, after inquiry and investigation, to employ by contract with the person or firm determined by the Board of Control to be the best qualified to render such service to the City such expert accounting services as may be required under the bond indentures financing municipal utilities; and

Whereas, the Cleveland Public Power bond indenture requires an opinion of an independent consultant before CPP may enter into a contract with American Municipal Power (AMP) to participate in AMP's Fremont Energy Center power plant project; and

Whereas, the Director of Finance has recommended the employment of Black & Veatch Corporation to

issue the certificate required under the CPP bond indenture on the basis of its proposal dated May 16, 2011; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Section 127.09 of the Codified Ordinances of Cleveland, Ohio, 1976, Black & Veatch Corporation is determined by this Board to be the best qualified to provide the certificate of the independent consultant required under the Cleveland Public Power bond indenture to permit CPP to participate in the American Municipal Power Fremont Energy Center project, and the Director of Finance is requested to enter into contract with Black & Veatch Corporation for such services, on the basis of its proposal dated May 16, 2011, in an amount not to exceed \$48,000.00.

Yeas: Acting Director Langhenry, Directors Dumas, Withers, Acting Director Dangerfield, Directors Cox, Butler, Flask, Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson.

Resolution No. 229-11.

By Director Dumas.

Whereas, under the authority of Ordinance No. 1709-09, passed by the Council of the City of Cleveland on November 30, 2009, the City, through its Director of Finance, entered into Contract No. ST2010*004 with Sprint Solutions Inc. ("Engineer") to provide the City's requirements for cellular devices, monthly cellular services, wireless connectivity and equipment including wireless cards, installation of customer premise equipment, paging equipment, including maintenance, and training; and

Whereas, Ordinance No. 1412-10, passed November 8, 2010, amended Ordinance No. 1709-09 by including among the items to be purchased under the authorized requirement contract, the installation on City-owned property of equipment associated with the devices set forth in the ordinance; and

Whereas, the City desires to obtain under Contract No. ST2010*004 signal-boosting equipment associated with the cellular devices purchased, additional engineering design services, and installation of the equipment at certain City facilities; and

Whereas, Engineer has proposed by its January 20, 2011 agreement to provide the above-mentioned equipment and to perform the necessary additional engineering design services for and installation of the equipment at no cost to the City; now, therefore;

Be it resolved by the Board of Control of the City of Cleveland, that the Director of Finance is authorized to enter into a first amendment to City Contract No. ST2010*004 with Sprint Solutions, Inc. on the basis of Sprint's January 20, 2011 agreement, for the above-mentioned signal-boosting equipment, additional necessary engineering design services, and installation of the equipment at designated City facilities at no cost to the City.

Be it further resolved, that the following sub-contractor to Engineer is approved:

Earthcom Inc.

Be it further resolved, that the Director of Finance is authorized to execute all documents and to do all things necessary to effect the first amendment to Contract No. ST2010*004 authorized above.

Yeas: Acting Director Langhenry, Directors Dumas, Withers, Acting Director Dangerfield, Directors Cox, Butler, Flask, Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson.

Resolution No. 230-11.

By Director Dumas.

Resolved, by the Board of Control of the City of Cleveland that the bid of The Sherwin Williams Company, Inc., for an estimated quantity of paint and paint supplies, for Group I, Items 1-83, for various divisions of City government, for a period of two years beginning with the date of execution of the contract, received on March 23, 2011, under the authority of Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$214,892.00, is affirmed and approved as the lowest and best bid, and the Director of Finance is requested to enter into a requirement contract for the goods and/or services, which contract shall provide for an initial order, the cost of which shall be certified to the contract in an amount not less than \$10,744.60.

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

Yeas: Acting Director Langhenry, Directors Dumas, Withers, Acting Director Dangerfield, Directors Cox, Butler, Flask, Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson.

Resolution No. 231-11.

By Director Dumas.

Resolved, by the Board of Control of the City of Cleveland, that all bids received on March 23, 2011 for an estimated quantity of paint and paint supplies, for Group II Items 1-94, for various divisions of City government, under the authority of Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976, are rejected.

Yeas: Acting Director Langhenry, Directors Dumas, Withers, Acting Director Dangerfield, Directors Cox, Butler, Flask, Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson.

Resolution No. 232-11.

By Director Dumas.

Resolved, by the Board of Control of the City of Cleveland that the bid of Lake Erie Winnelson, Inc., for an estimated quantity of various plumbing and plumbing supplies, all items, for various divisions of City government, for a period of two years beginning with the date of execution of the contract, with an option to renew for one additional year, received on March 30, 2011,

under the authority of Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$108,736.45, is affirmed and approved as the lowest and best bid, and the Director of Finance is requested to enter into a requirement contract for the goods and/or services, which contract shall provide for an initial order, the cost of which shall be certified to the contract in an amount not less than \$5,436.82.

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

Yeas: Acting Director Langhenry, Directors Dumas, Withers, Acting Director Dangerfield, Directors Cox, Butler, Flask, Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson.

Resolution No. 233-11.

By Director Withers.

Whereas, under Ordinance No. 1656-08, passed by the Cleveland City Council on December 8, 2008, and Board of Control Resolution No. 163-09, adopted May 13, 2009, the City through the Director of Public Utilities entered into Contract No. 69215 with Middough Inc. for professional electrical engineering and planning services on an as-needed basis, for a period of two years, for the Division of Cleveland Public Power, Department of Public Utilities, and approved Polytech, Inc., among others, as a sub-consultant; and

Whereas, Polytech, Inc. has informed the City, by its memo dated March 29, 2011, that it is no longer in business; and

Whereas, Middough Inc. has proposed by its April 7, 2011 memo, to employ R. Engineering Team, LLC as a sub-consultant under Contract No. 69215 to complete the services to have been performed by Polytech, Inc. under the contract; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the employment of R. Engineering Team, LLC as a sub-consultant by Middough Inc. under City Contract No. 69215 is approved.

Yeas: Acting Director Langhenry, Directors Dumas, Withers, Acting Director Dangerfield, Directors Cox, Butler, Flask, Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson.

Resolution No. 234-11.

By Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that, under the authority of Charter Section 112 and Section 523.21 of the Codified Ordinances of Cleveland, Ohio, 1976 ("C.O."), Resolution No. 140-95, adopted February 27, 1995, as amended by Resolution No. 152-95, adopted March 1, 1995, Resolution No. 79-00, adopted February 16, 2000, Resolution No. 669-05, adopted November 30, 2005, and Resolution No. 308-08, adopted July 2, 2008, fixing rates, rules, and regulations relating to the operation of the Divi-

sion of Cleveland Public Power, Department of Public Utilities, for electric service, is amended by adding a new subsection (e) to the Energy Adjustment Charge, which fixes certain rates, rules, and regulations relating to electric service, subject to the approval of the Council of the City of Cleveland, as follows:

(e) The following charges may be included in the charges calculated under divisions (c)(1) and (c)(2) for customers receiving electric service under Chapter 523 of the Codified Ordinances, excluding lighting and traffic signal accounts, to fund an Energy Efficiency and Conservation program. A customer who receives service under Section 523.195 shall be charged the amount that would be charged if such customer received service under the applicable standard rate schedule.

Residential	\$0.000579 per kWh
Small Commercial and Large Commercial	\$0.001250 per kWh
Industrial, Large Industrial, and Optional Large Industrial	\$0.001096 per kWh

Be it further resolved that all other provisions of Resolution No. 140-95, adopted February 27, 1995, as amended by Resolution No. 152-95, adopted March 1, 1995, Resolution No. 79-00, adopted February 16, 2000, Resolution No. 669-05, adopted November 30, 2005, and Resolution No. 308-08, adopted July 2, 2008 not expressly amended by this resolution shall remain unchanged and in full force and effect.

Yeas: Acting Director Langhenry, Directors Dumas, Withers, Acting Director Dangerfield, Directors Cox, Butler, Flask, Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.
Absent: Mayor Jackson.

Resolution No. 235-11.
By Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the bid of W. W. Williams Midwest, Inc. for an estimated quantity of labor and materials for maintenance of uninterruptible power supply systems, backup generators, components, appurtenances, specialized batteries, fuel testing, fuel conditioning and recycling, Group 5-all items, for the various Divisions of the Department of Public Utilities, for a period of two years starting upon the later of the execution of a contract or the day following expiration of the currently effective contract for the goods or services, received on March 24, 2011 under the authority of Ordinance No. 1600-10, passed December 6, 2010, which on the basis of the estimated quantity would amount to \$210,707.34 (2%, 15 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the goods and/or services, which contract shall provide for an initial order, the cost of which shall be certified to the contract in an amount not less than \$10,535.37.

The requirement contract shall further provide that the Contractor shall furnish the remainder of the

City's requirement for the goods and/or services, whether more or less than the estimated quantity, as may be ordered under delivery orders separately certified to the contract.

Yeas: Acting Director Langhenry, Directors Dumas, Withers, Acting Director Dangerfield, Directors Cox, Butler, Flask, Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.
Absent: Mayor Jackson.

Resolution No. 236-11.
By Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Warner Diesel Filtration for an estimated quantity of labor and materials for maintenance of uninterruptible power supply systems, backup generators, components, appurtenances, specialized batteries, fuel testing, fuel conditioning and recycling, Group 6-all items, for the various Divisions of the Department of Public Utilities, for a period of two years starting upon the later of the execution of a contract or the day following expiration of the currently effective contract for the goods or services, received on March 24, 2011 under the authority of Ordinance No. 1600-10, passed December 6, 2010, which on the basis of the estimated quantity would amount to \$10,750.00 (0%, 10 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the goods and/or services, which contract shall provide for an initial order, the cost of which shall be certified to the contract in an amount not less than \$537.50.

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

Yeas: Acting Director Langhenry, Directors Dumas, Withers, Acting Director Dangerfield, Directors Cox, Butler, Flask, Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.
Absent: Mayor Jackson.

Resolution No. 237-11.
By Director Withers.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on March 24, 2011 for an estimated quantity of labor and materials for maintenance of uninterruptible power supply systems, backup generators, components, appurtenances, specialized batteries, fuel testing, fuel conditioning and recycling, Group 1, all items and Group 4, all items, for the Divisions of Water, Cleveland Public Power and Water Pollution Control, Department of Public Utilities, under the authority of Ordinance No. 1600-10, passed December 6, 2010, are rejected.

Yeas: Acting Director Langhenry, Directors Dumas, Withers, Acting Director Dangerfield, Directors Cox, Butler, Flask, Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.
Absent: Mayor Jackson.

Resolution No. 238-11.

By Director Withers.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on April 20, 2011 for landscape maintenance at various public utilities facilities, for the Divisions of Water and Water Pollution Control, Department of Public Utilities, under the authority of Ordinance No. 1599-10, passed December 6, 2010, are rejected.

Yeas: Acting Director Langhenry, Directors Dumas, Withers, Acting Director Dangerfield, Directors Cox, Butler, Flask, Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.
Absent: Mayor Jackson.

Resolution No. 239-11.

By Director Smith.

Whereas, under the authority of Section 571.85 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Port Control is authorized to fix fees for parking aircraft on City-owned and operated ramp areas at Cleveland Hopkins International Airport and Burke Lakefront Airport in the amounts as the Director deems appropriate, and as approved by the Board of Control; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland, that under the authority of Section 571.85 of the Codified Ordinances of Cleveland, Ohio 1976, the following fees fixed by the Director of Port Control for parking aircraft at non-leased, City-owned and operated ramp areas adjacent to the terminal building at Cleveland Hopkins International Airport are set and approved:

Public Aircraft:	No Charge
Private Aircraft, Commercial Aircraft, Corporate Aircraft, Scheduled Air Carrier Aircraft, and Private Aircraft transporting persons for business purposes:	\$100.00

Be it further resolved by the Board of Control of the City of Cleveland, that under the authority of Section 139.051 of the Codified Ordinances of Cleveland, Ohio, 1976, the following landing fees at Burke Lakefront Airport, as fixed by the Commissioner of Burke Lakefront Airport, are approved:

Public Aircraft:	No Charge
Private Aircraft, Commercial Aircraft, Corporate Aircraft, Scheduled Air Carrier Aircraft, and Private Aircraft transporting persons for business purposes	
Single Engine Aircraft and Helicopters:	\$5.00
Multi-Engine Aircraft by Gross Weight as follows:	
0-5,000 lbs.	Up to \$7.00
5,001-10,000 lbs.	Up to \$10.00
10,001-12,500 lbs.	Up to \$12.00
12,501-97,999 lbs.	Up to \$1.50 per 1,000 lbs. gross wt.
98,000 lbs. and over	Up to \$2.00 per 1,000 lbs. gross wt.

Be it further resolved that under the authority of Section 571.85 of the Codified Ordinances of Cleveland, Ohio, 1976, the following fees fixed by the Director of Port Control for parking aircraft on City-owned and operated ramp areas at Burke Lakefront Airport are set and approved:

DAILY PARKING/TIE-DOWN FEES ON DESIGNATED CITY RAMPS

Public Aircraft and Mercy Flights No Charge

Private Aircraft, Commercial Aircraft, Corporate Aircraft, Scheduled Air Carrier Aircraft, and Private Aircraft transporting persons for business purposes:

For periods from 0-2 hours: No Charge

For periods from 2-24 hours, and for each additional 24 hour period, or portion thereof as follows:

Single-Engine Aircraft and Helicopters: \$5.00

Multi-Engine Aircraft Weight as follows:

0-10,000 lbs. \$5.00
10,000 lbs.-12,500 lbs. \$10.00
12,501 lbs.-and over \$1.00 per 1,000 lbs. gross wt.

MONTHLY PARKING/TIE-DOWN FEES ON DESIGNATED CITY RAMPS

Single-Engine and Helicopters \$50.00

Multi-Engine Aircraft by Weight as follows:

0-10,000 lbs. \$50.00
10,001 lbs. and over \$100.00

Be it further resolved for the purpose of this Resolution, the following definitions shall apply:

"Commercial Aircraft" shall mean an aircraft carrying persons or property for compensation or hire.

"Corporate Aircraft" shall mean a company owned aircraft transporting persons or property for business purposes.

"Gross Weight" shall mean the maximum allowable certified gross landing weight.

"Mercy Flight" shall mean an air medical transport flight that is operated by a non-profit or a for-profit provider of air medical transport where the flight is provided at no cost.

"Private Aircraft" shall mean an aircraft that is not a Commercial Aircraft, Corporate Aircraft, Public Aircraft, or Scheduled Air Carrier Aircraft.

"Public Aircraft" shall mean an aircraft used in the service of a government entity at the local, state or federal level.

"Scheduled Air Carrier" shall mean an airline that submits schedules in advance and reports landings on a monthly basis to the Department of Port Control.

Be it further resolved that Resolution No. 194-10, adopted May 19, 2010, is rescinded effective March 1, 2011, and that the charges and fees

shall be in force and effect for a period not to exceed one year from March 1, 2011 to February 29, 2012.

Yeas: Acting Director Langhenry, Directors Dumas, Withers, Acting Director Dangerfield, Directors Cox, Butler, Flask, Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.
Absent: Mayor Jackson.

Resolution No. 240-11.

By Director Smith.
Be it resolved by the Board of Control of the City of Cleveland that pursuant to Article 8 of the Agreement and Lease between the City of Cleveland and the Original Scheduled Airlines and the Additional Scheduled Airlines, the 2011 Annual Budget and calculation of the Rentals and Landing Fee Rates are adopted effective January 1, 2011, as follows:

Landing Fee Rates: Not to exceed

Signatory Landing Fee (per 1,000 lbs.) \$5.50
Non-Signatory Scheduled Category A (per 1,000 lbs.) \$6.88
Non-Signatory Scheduled Category B (per 1,000 lbs.) \$8.25

Airline Rental Rates: Not to exceed

Main Terminal Area

Premium Terminal Rental Rate (per square foot) \$450.04
Standard Terminal Rental Rate (75% factor) \$337.53
Bag-Makeup Terminal Rental Rate (50% factor) \$225.02
Baggage Roadway Terminal Rental Rate (30% factor) \$135.01

Concourse A Rental Rates

Premium Terminal Rental Rate (per square foot) \$273.86
Standard Terminal Rental Rate (75% factor) \$205.40
Bag-Makeup Terminal Rental Rate (50% factor) \$136.93
Baggage Roadway Terminal Rental Rate (30% factor) \$82.16

Concourse B Rental Rates

Premium Terminal Rental Rate (per square foot) \$270.79
Standard Terminal Rental Rate (75% factor) \$203.09
Bag-Makeup Terminal Rental Rate (50% factor) \$135.40
Baggage Roadway Terminal Rental Rate (30% factor) \$81.24

Concourse C Rental Rates

Premium Terminal Rental Rate (per square foot) \$224.44
Standard Terminal Rental Rate (75% factor) \$168.33
Bag-Makeup Terminal Rental Rate (50% factor) \$112.22
Baggage Roadway Terminal Rental Rate (30% factor) \$67.33

Concourse D Rental Rates

Premium Terminal Rental Rate (per square foot) \$195.80
Standard Terminal Rental Rate (75% factor) \$146.85

Bag-Makeup Terminal Rental Rate (50% factor) \$97.90
Baggage Roadway Terminal Rental Rate (30% factor) \$58.74

Airline Constructed Concourse Rental Rates

Premium Terminal Rental Rate (per square foot) \$199.27
Standard Terminal Rental Rate (75% factor) \$149.45
Bag-Makeup Terminal Rental Rate (50% factor) \$99.63
Baggage Roadway Terminal Rental Rate (30% factor) \$59.78

Yeas: Acting Director Langhenry, Directors Dumas, Withers, Acting Director Dangerfield, Directors Cox, Butler, Flask, Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.
Absent: Mayor Jackson.

Resolution No. 241-11.

By Director Wasik.
Whereas, under the authority of Ordinance No. 1629-06, passed by the Cleveland City Council December 11, 2006, and Resolution No. 387-08, adopted by the Board of Control on August 6, 2008, the City, through its Director of Public Service, entered into Contract No. 68816 with Wilbur Smith Associates, Inc. ("Engineer") for professional engineering consulting services necessary for the design of CUY-VOINOVICH Park Pedestrian Bridge (the "Project"); and

Whereas, the City desires to obtain additional engineering services to complete the final drawings and specifications of a double bascule moveable bridge; and

Whereas, Engineer has proposed by its March 30, 2011, letter to perform the above-mentioned additional services, for an amount not to exceed \$1,020,300.00; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the Director of the Office of Capital Projects is authorized to enter into a first modification to Contract No. 68816 with Wilbur Smith Associates, Inc. based on its proposal dated March 30, 2011, for additional engineering services necessary to complete the final drawings and specifications of a double bascule moveable bridge, for an additional amount not exceeding \$1,020,300.00, thereby increasing the total compensation under the contract to \$1,386,970.00.

Be it further resolved that the employment of the following sub-consultants for the services to be performed under the above-mentioned first amendment is approved:

Rosales + Partners, Inc. (DBE) \$96,951.00 (9.50%)
Schlaich Bergermann & Partner \$420,067.00 (41.18%)
BBC & M Engineering Inc. \$48,971.00 (4.80%)
So-Deep US, P.C. \$7,296.00 (0.72%)
Transystems Corporation of Ohio \$79,758.00 (7.82%)
Wacker Ingenieure, Wind Engineering Consultants \$104,000.00 (10.20%)

Yeas: Acting Director Langhenry, Directors Dumas, Withers, Acting Director Dangerfield, Directors Cox, Butler, Flask, Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson.

Resolution No. 242-11.

By Director Flask.

Whereas, under the authority of Ordinance No. 610-09, passed by the Cleveland City Council on June 1, 2009, the City of Cleveland, through the Director of Public Safety entered into an agreement with Intergraph Corporation, City Contract No. 2010000000051, for a period of one year, for software, equipment software maintenance and support, project management and implementation, training, and related services for expansion of, the Computer Aided Dispatch System, for the Divisions of Police, Fire, and EMS, Department of Public Safety; and

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

Whereas, under the authority of Section 181.102 C.O., the City intends to enter into an agreement with Intergraph Public Safety Inc. to obtain the professional maintenance and technical support services necessary to maintain the Computer Aided Dispatch System and Mobile System for one year starting January 1, 2011; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under division (e) of Section 181.102 C.O., the compensation to be paid for maintenance and technical support services to be performed under the above-mentioned prospective agreement with Intergraph Corporation is fixed at an amount not to exceed \$102,984.06.

Yeas: Acting Director Langhenry, Directors Dumas, Withers, Acting Director Dangerfield, Directors Cox, Butler, Flask, Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson.

Resolution No. 243-11.

By Director Cox.

Whereas, Board of Control Resolution No. 152-11, adopted April 6, 2011, authorized the Director of Public Works to enter into a requirement contract with Otto Environmental Systems (NC), LLC., for the labor and materials to maintain/repair/refurbish various Automated Waste Collection and Curbside Receptacles-Recycling Program, for the period of one year, with three additional one-year options to renew; and

Whereas, Resolution No. 152-11 incorrectly listed the items recommended for contract and the estimated contract amount of \$8,466,152.00; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 152-11, adopted by this Board on April 6, 2011, approving the bid of Otto Environmental Systems (NC), LLC., as lowest and best for the labor and materials to maintain/repair/refurbish various

Automated Waste Collection and Curbside Receptacles-Recycling Program is amended by substituting the following items and contract amount for the items recommended for contract and amount in the resolution, where appearing: Items 1-A, Option 2, 1-B, Option 2, 3a-1-3, 3b-1&2, which on the basis of the estimated quantity would amount to \$2,156,826.50.

Be it further resolved that all other provisions of Resolution No. 152-11 not expressly amended above shall remain unchanged and in full force and effect.

Yeas: Acting Director Langhenry, Directors Dumas, Withers, Acting Director Dangerfield, Directors Cox, Butler, Flask, Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson.

Resolution No. 244-11.

By Director Cox.

Whereas, Board of Control Resolution No. 153-11, adopted April 6, 2011, authorized the Director of Public Works to enter into a requirement contract with Toter Incorporated, for the labor and materials to maintain/repair/refurbish various Automated Waste Collection and Curbside Receptacles-Recycling Program, for the period of one year, with three additional one-year options to renew; and

Whereas, Resolution No. 153-11 incorrectly listed the items recommended for contract and the estimated contract amount of \$639,200.00; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 153-11, adopted by this Board on April 6, 2011, approving the bid of Toter Incorporated as lowest and best for the labor and materials to maintain/repair/refurbish various Automated Waste Collection and Curbside Receptacles-Recycling Program, is amended by substituting the following items and contract amount for the items recommended for contract and amount in the resolution, where appearing: 1-C, Option 2, 3a-1, which on the basis of the estimated quantity would amount to \$159,800.00.

Be it further resolved that all other provisions of Resolution No. 153-11 not expressly amended above shall remain unchanged and in full force and effect.

Yeas: Acting Director Langhenry, Directors Dumas, Withers, Acting Director Dangerfield, Directors Cox, Butler, Flask, Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson.

Resolution No. 245-11.

By Director Cox.

Be it resolved, by the Board of Control of the City of Cleveland, that the bid of Barber's Chemicals, Inc., for an estimated quantity of Pool Chemicals, all Items, for the Division of Recreation, Department of Public Works, for a period of one (1) year beginning with the date of execution of a contract, received on the 21st day of April 2011, under the authority of Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$159,188.00, is affirmed and approved as the lowest and best bid, and the

Director of Public Works is requested to enter into a requirement contract for such commodities, which contract shall provide for an initial order, the cost of which shall be certified to the contract in an amount not less than \$59,000.00.

The requirement contract shall further provide that the Contractor will furnish the remainder of the requirements for such commodities whether more or less than the estimated quantity, as may be ordered under delivery orders separately certified against the contract.

Yeas: Acting Director Langhenry, Directors Dumas, Withers, Acting Director Dangerfield, Directors Cox, Butler, Flask, Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson.

Resolution No. 246-11.

By Director Cox.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of Gordon Food Service for the purchase of various foods, food products, beverages, condiments and paper products needed for a food service operation at Camp Forbes, all items, for the Division of Recreation, Department of Public Works, for the period of one (1) year beginning with the date of execution of a contract, received on May 4, 2011, under the authority of Ordinance No. 1506-10, passed February 9, 2011, which on the basis of the estimated quantity would amount to \$89,774.41, is affirmed and approved as the lowest and best bid, and the Director of Public Works is requested to enter into requirement contract for the commodities, which contract shall provide for an initial order, cost of which shall be certified to the contract in an amount not less than \$89,774.41.

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

Yeas: Acting Director Langhenry, Directors Dumas, Withers, Acting Director Dangerfield, Directors Cox, Butler, Flask, Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson.

Resolution No. 247-11.

By Director Cox.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Tom Paige Catering Company for an estimated quantity of meals for the 2011 Summer Food Program (all items), for the Division of Recreation, Department of Public Works, for the period of 3 months beginning with the date of execution of a contract, received on May 4, 2011, under the authority of Ordinance No. 1506-10, passed February 9, 2010, which on the basis of the estimated quantity would amount to \$206,688.66, is affirmed and approved as the lowest and best bid, and the Director of Public Works is requested to enter into requirement contract for commodities, which contract shall provide for an initial order, the cost which shall be certified to the contract in an amount not less than \$200,000.00

Be it further resolved that the requirement contract shall further provide that the Contractor will furnish the remainder of the requirement for the commodities, whether more or less than the estimated quantity, as may be ordered under delivery orders separately certified against the contract.

Yeas: Acting Director Langhenry, Directors Dumas, Withers, Acting Director Dangerfield, Directors Cox, Butler, Flask, Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson.

Resolution No. 248-11.

By Director Rush.

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

Whereas, under the Land Reutilization Program, the City has acquired Permanent Parcel No(s), 110-01-002, 110-01-003, located at 11008 and 11016 St. Clair Avenue and 110-01-059 located on Lakeview Avenue under the Land Reutilization Program; and

Whereas, Ordinance No. 256-11 passed May 2, 2011, authorized the sale of the parcels for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, David Ali has proposed to the City to purchase and develop the parcels for a retail plaza; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 256-11, passed by the Cleveland City Council May 2, 2011, the Mayor is authorized to execute an official deed for and on behalf of the City of Cleveland to David Ali for the sale and development of Permanent Parcel No(s), 110-01-002, 110-01-003 and 110-01-059, as described in the Ordinance 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 parcels shall be \$10,300.00, which amount is determined to be not less than the fair market value of the parcels for uses according to the Land Reutilization Program.

Yeas: Acting Director Langhenry, Directors Dumas, Withers, Acting Director Dangerfield, Directors Cox, Butler, Flask, Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson.

Resolution No. 249-11.

By Director Rush.

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. 016-16-075 located at 3407 West 60th Street in Ward 15; 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 to adjacent or abutting landowners; and

Whereas, Carlos Rodriguez and Ingrid Rodriguez, abutting/adjacent landowners, have 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 15 has consented to the proposed sale;

2. The parcel is either less than 4,800 square feet or less than 40 feet frontage;

3. The proposed purchasers of the parcel are 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 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 Carlos Rodriguez and Ingrid Rodriguez for the sale and development of Permanent Parcel No. 016-16-075 located at 3407 West 60th Street, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for said parcel shall be \$1.00, which amount is determined to be not less than the Fair Market value of said parcel for uses according to the Program.

Yeas: Acting Director Langhenry, Directors Dumas, Withers, Acting Director Dangerfield, Directors Cox, Butler, Flask, Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson.

Resolution No. 250-11.

By Director Rush.

Whereas, Board of Control Resolution No. 201-11, adopted May 4, 2011, authorized the sale and development of Permanent Parcel No. 119-32-128 to Alfred Fluker and Barbara Thompson for yard expansion, as part of the Land Reutilization Program and as authorized by Ordinance No. 1186-10 passed by the Cleveland City Council October 25, 2010, and

Whereas, Resolution No. 201-11 incorrectly stated the names of Alfred Fluker and Barbara Thompson; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 201-11, adopted by this Board May 4, 2011, authorizing the sale and development of Permanent Parcel No. 119-32-128 to Alfred Fluker and Barbara Thompson for yard expansion is amended by substituting "Alfred Fluker and Barbara Thompson" for Alfred Fluker and Barbara Thompson where appearing in the resolution.

Be it further resolved that all other provisions of Resolution No. 201-11 not expressly amended above shall remain unchanged and in full force and effect.

Yeas: Acting Director Langhenry, Directors Dumas, Withers, Acting

Director Dangerfield, Directors Cox, Butler, Flask, Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

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

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

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

ROBERT BENNETT,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, JUNE 13, 2011

9:30 A.M.

Calendar No. 11-72: 1616 West 25th Street (Ward 3)

Ojala Properties LLC, owner, and Wael Ayyad, tenant, appeal for expansion of an existing restaurant to include live entertainment located on a corner parcel in a General Retail Business District, contrary to Section 349.04(e) 27 off street parking spaces are proposed where 37 are required, and the provisions of Section 347.12(a)(1) state that no such use shall be established within 500 feet of a residential district, a day care center, kindergarten, elementary or secondary school, public library, church, playground, public or nonprofit recreation or community center; nor shall such use for live entertainment be established within 500 feet of another such use according to Section 347.12(a)(2) of the Cleveland Codified Ordinances.

Calendar No. 11-75: 6102 Storer Avenue (Ward 15)

Khalil Ewais, owner, appeals to change use from a restaurant to an ice cream parlor proposed on consolidated parcels in an existing one-story building, located in General Retail and Two-Family zoning dis-

tricts; subject to the limitations of Section 337.03 the proposed use is not permitted and first permitted in a Local Retail District and the expansion of a nonconforming use requires the Board of Zoning Appeals approval in accordance with Section 359.01 of the Cleveland Codified Ordinances.

Calendar No. 11-76: 3800 East 151st Street (Ward 2)

Samuel Smith, owner, appeals to erect a one-story frame garage 33' x 28' on an 80' x 133' lot in an A1 One-Family District; contrary to Section 337.23 a floor area of 2,109 square feet is provided where 1,136.6' is required for the floor area of a private garage erected as an accessory building in a residence district.

Calendar No. 11-77: 16300 South Waterloo Road (Ward 11)

R3 Realty LLC, owner, and HRC&R and Azi Ukshii, tenant, appeal to expand an existing storage, repair and sale of heavy equipment use to include a salvage yard located on acreage in Semi-Industry and General Industry Districts; subject to the limitations of Section 345.03, a salvage yard is not permitted and first allowed in a General Industry District in an area with a minimum of 50,000 square feet and enclosed within a minimum 7 feet high solid, masonry wall or slightly solid, nontransparent, well-maintained substantial fence; and contrary to Section 349.07(a) a gravel parking area is proposed and accessory off-street parking spaces, driveways and maneuvering areas shall be hard surfaced, striped and properly graded for drainage; and pursuant to Section 350.04 a permit is required for signage.

Calendar No. 11-78: 1808 West 38th Street (Ward 3)

Nicholas Graor, owner, appeals to erect a 14' x 20' one-story, frame attached garage to a 10' x 10' second floor room addition on a 31.5' x 66' corner lot in a B1 Two-Family District; and contrary to Section 355.04(b) the maximum gross floor area of 1,680 square feet exceeds 50 percent of the required lot area of 1,040 square feet; and pursuant to Section 357.08 the required rear yard area shall not be less than the main building height of 24 feet and a depth of 6 feet is provided for the attached garage and zero is provided for the second floor room addition; and under the provisions in Section 359.01 changes to an existing nonconforming use structure require the Board of Zoning Appeals approval.

Calendar No. 11-79: 11502 Scottwood Avenue (Ward 9)

Raymond and Romona Hall, owners, appeal to install a wheelchair lift with a 5' x 5' landing that project 5 feet into the front yard setback of a 40' x 96.69' lot in an A1 One-Family District where the proposed lift and landing are not a permitted encroachment according to the provisions in Section 357.13 of the Cleveland Codified Ordinances.

Calendar No. 11-81: 12212 Brighton Avenue (Ward 17)

Walter Worsham, Jr., owner, appeals to install a wheelchair lift

with a 5' x 5' landing that project 5 feet into the front yard setback of a 35' x 105' lot in an A1 One-Family District, where the proposed lift and landing are not a permitted encroachment according to the provisions in Section 357.13 of the Cleveland Codified Ordinances.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

TUESDAY, MAY 31, 2011

At the meeting of the Board of Zoning Appeals on Tuesday, May 31, 2011, the following appeals were heard by the Board.

The following appeals were **Approved:**

Calendar No. 11-61: 12302 Chesterfield Avenue

Gary Werner, owner, and Marcela Simmons, prospective purchaser, appealed to establish an Adult Day Care Center in a General Retail Business District; subject to condition.

Calendar No. 11-65: 3812 West 152nd Street

Clinton McCor appealed to build a front porch 30' x 10' in a Two-Family District.

Calendar No. 11-68: 4501 Spokane Avenue

Donald Prather appealed to install a wood shadowbox fence 6 feet high along the actual side street yard in a Two-Family District; subject to condition.

Calendar No. 11-37: 2247 Professor Avenue

6530 Carnegie Ltd., owner, and Dante Boccuzzi appealed to expand use of a first floor restaurant to include the basement in a two-story building in a General Retail Business District.

Calendar No. 11-48: 4034 West 163rd Street

Mark and Mary Beth Burger appealed to erect a one-story room addition to a single family residence in a One-Family District; subject to condition.

The following appeals were **Withdrawn:**

None.

The following appeals were **Dismissed:**

Calendar No. 11-66: 10601-35 St. Clair Avenue

Shirley Russell appealed to change use from storage to a motor vehicle major repair shop in a Local Retail business District.

Calendar No. 11-36: 2365-73 Professor Street

Mark LaGrange appealed to add live entertainment and an outdoor patio and to expand occupancy of the second floor to 25 people for a bar/restaurant in a General Retail Business District.

The following appeal was **Postponed:**

Calendar No. 11-32: 961 Jefferson Avenue postponed to July 18, 2011.

The following appeals heard by the Board on May 23, 2011 were adopted and approved on May 31, 2011.

The following appeals were **Approved:**

Calendar No. 11-59: 15600 Lorain Avenue

Lakepark Congregation appealed to construct a Kingdom Hall Church on consolidated parcels in a General Retail Business District.

Calendar No. 11-60: 11100 Detroit Avenue

La Cresta Properties LLC, owner, and Eni Sotiri, tenant, appealed to establish use as a coffee shop in a corner portion of a mixed use building in a General Retail business District.

Calendar No. 11-62: 1901 Ford Drive

Case Western Reserve University appealed to extend a temporary tent installation from May 1, 2011 through October 31, 2011.

Calendar No. 11-63: 2149 West 6th Street

Todd Burger and Kristie Beck appealed to erect a three-story frame dwelling and attached garage in a B1 Multi-Family District.

Calendar No. 11-64: 2274 East 73rd Street

East Central Townhomes, LLC and Burten Bell Carr Development Corporation appealed to install a 6 foot high board on board wooden fence in the actual side street yard along Central Avenue in a C2 General Retail Business District.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of May 25, 2011

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

* * *

Docket A-392-10.

RE: Appeal of David Rosen, Owner of the Two Dwelling Units Two-Family Residence Two & One-half Story Frame Property located on the premises known as 15710 Halliday Avenue from a NOTICE OF VIOLATION — NO PERMIT, dated August 30, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to require the Appellant to obtain all permits and to find that the Violation Notice was properly issued, and to grant the Appellant three (3) months in which to complete abatement of all violations. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

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

* * *

Docket A-395-10.

RE: Appeal of Leo Vovk, Owner of the MXD Mixed Uses - Multiple Uses In One Building Two & One/half Story Frame Property located on the premises known as 1191 Norwood Road from a CONDEMNATION ORDER - MAIN STRUCTURE, dated April 16, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-395-10 have been POSTPONED; to be rescheduled for June 8, 2011.

* * *

Docket A-396-10.

RE: Appeal of Mack J. Johnson Jr., Owner of the One Dwelling Unit Single Family Residence Two Story Frame Property located on the premises known as 678 East 107th Street from a CONDEMNATION ORDER - MAIN STRUCTURE, dated April 14, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant sixty (60) days in which to complete abatement of all violations. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Maschke.

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

* * *

Docket A-399-10.

RE: Appeal of Woodrow Garrick, Owner of the M Mercantile - Retail Shops, Carry-out Food Shops One Story Masonry Property located on the premises known as 1795 East 55th Street from a CONDEMNATION ORDER - MAIN STRUCTURE, dated September 9, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that, based upon the evidence presented, and to find that the Condemnation Order was properly issued, and that the appeal request for additional time is DENIED. The property is REMAND-

ED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Maschke.

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

* * *

Docket A-403-10.

RE: Appeal of Robert Wolters, Owner of the Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property located on the premises known as 4371 Warner Road from a CONDEMNATION ORDER - MAIN STRUCTURE dated July 21, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant forty-five (45) days in which to obtain the required permits and sixty (60) days in which to abate the exterior violations and six (6) months in which to complete abatement of all violations. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Gallagher.

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

* * *

Docket A-406-10.

RE: Appeal of Lavonia Brown/L.B.T. Enterprises, LLC, Owner of the Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property located on the premises known as 11213 Mt. Overlook Avenue from a NOTICE OF VIOLATION - INTERIOR/EXTERIOR MAINTENANCE, dated March 9, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-406-10 has been WITHDRAWN at the request of the Appellant.

* * *

Docket A-407-10.

RE: Appeal of Charles Willis, Owner of the One Dwelling Unit Single-Family Residence Two & One/half Story Frame Property located on the premises known as 11906 Beulah Avenue from a CONDEMNATION ORDER - MAIN STRUCTURE, dated May 19, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant sixty (60) days in which to obtain permits and six (6) months in which to complete abatement of the violations, with the exterior work to be done first. The property is REMANDED at this time to the Department of Building and Housing supervision and any required

further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saab.

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

* * *

Docket A-411-10.

RE: Appeal of Spring Hills LLC, Owner of the One Dwelling Unit Single Family Residence Two & One/half Story Frame Property located on the premises known as 2365 East 84th Street from a CONDEMNATION ORDER - MAIN STRUCTURE, dated August 27, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant an extension of thirty (30) days for any work required to be done to complete occupancy of the property. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Maschke.

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

* * *

Docket A-412-10.

RE: Appeal of Shawnee Fox, Owner of the Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property located on the premises known as 9414 Elizabeth Avenue from a CONDEMNATION ORDER - MAIN STRUCTURE, dated October 5, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the Condemnation Order was properly issued. Based on the evidence presented the appeal is DENIED, noting the absence of the Appellant and the lack of any effort by the Appellant to abate the violations. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Maschke.

Yeas: Messrs. Denk, Gallagher, Bradley, Maschke. Nays: None. Not Voting: Mr. Saab.

* * *

Docket A-422-10.

RE: Appeal of Sterling Feaster, Owner of the Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property located on the premises known as 11910 Forest Avenue from a CONDEMNATION ORDER - MAIN STRUCTURE, dated September 24, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the

Appellant six (6) months in which to complete abatement of the violations. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Maschke.

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

* * *

Docket A-423-10.

RE: Appeal of Claude H. & Mary E. Jones, Owners of the Two Dwelling Units Two-Family Residence Two & One/half Story Wood Frame/Siding/Masonry Veneer Property located on the premises known as 1376 East 86th Street from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated July 1, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant six (6) months in which to complete abatement of all violations. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Bradley.

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

* * *

Docket A-424-10.

RE: Appeal of San Scott Investments, LLC, Owner of the One Dwelling Unit Single-Family Residence One/half Story Frame Property located on the premises known as 9522 Elizabeth Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated September 17, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-424-10 has been POSTPONED; to be rescheduled for June 8, 2011.

* * *

Docket A-425-10.

RE: Appeal of Innovation Development LLC, Owner of the Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property located on the premises known as 8114 Platt Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated August 9, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the Condemnation Order was properly issued. Based on the evidence presented, the appeal is DENIED. The property is REMANDED at this time to the Department of Building and Housing for supervision, noting the absence of the Appellant and the

lack of work on the property. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

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

* * *

Docket A-426-10.

RE: Appeal of Woodrow J. Rollins, Owner of the One Dwelling Unit Single-Family Residence Two & One/half Story Frame Property located on the premises known as 10802 Morison Avenue from a 30 DAY CONDEMNATION ORDER — MAIN STRUCTURE, dated September 29, 2008 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant two (2) weeks in which to obtain the required permits and sixty (60) days in which to complete abatement of the violations. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

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

* * *

Docket A-427-10.

RE: Appeal of Donald King, Owner of the R-2 Residential - Non-transient; Apartments (Shared Egress) Two Story Masonry Walls/Wood Floors Property located on the premises known as 935 East 150th Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated July 8, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the Condemnation Order was property issued and to REMAND the property to the Department of Building and Housing for supervision and any required further action, noting that progress is being made on the project and the Building Department is aware of the progress. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Maschke.

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

* * *

Docket A-441-10.

RE: Appeal of Francis Kirby, Owner of the Two Dwelling Units Two-Family Residence Two & One/half Story Masonry Walls/Wood Floors Property located on the premises known as 3524 East 144th Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated May 24, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant fourteen (14) days in

which to complete the cleanup of the demolition to the standards of the City. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Gallagher.

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

* * *

Docket A-455-10.

RE: Appeal of Cash Mischka, Owner of the Property located on the premises known as 1668 East 40th Street from ADJUDICATION ORDERS, dated October 12, 2010 and November 15, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-455-10 has been WITHDRAWN at the request of the Appellant.

* * *

Docket A-145-11.

RE: Appeal of Ariel Ventures, LLC, Owner of the Property located on the premises known as 1163 East 40th Street from an ADJUDICATION ORDER, dated April 21, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance to permit the windows to be installed as proposed with the addition of water wash sprinkler heads on the interior at the windows to protect the adjacent property; and a motion is in order to permit the third floor to be occupied for three (3) months by up to thirteen (13) people with the provision that the first and second floors and the third floor will be sprinkled properly with life-safety systems will be approved and installed. Access will be provided to the adjacent roof as an area of refuge for a temporary second means of egress. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Bradley.

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

* * *

APPROVAL OF RESOLUTIONS FROM APRIL 27, 2011:

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

A-358-10 — Caraman Corp.
 A-397-10 — Thomas Bell
 A-398-10 — Thomas Bell
 A-401-10 — Moise Magda Jr.
 A-402-10 — Thor Real Estate
 A-404-10 — Willie Coleman
 (AMENDED)
 A-409-10 — Calvin Brooks
 A-410-10 — Calvin Brooks

- A-493-10 — Thor Real Estate
- A-27-11 — Bedo LLC
- A-83-11 — Forest Bay Tower City, LLC

Yeas: Messrs. Denk, Bradley, Maschke. Nays: None. Not Voting: Messrs. Gallagher, Saab.

* * *

APPROVAL OF MINUTES FROM APRIL 27, 2011:

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

April 27, 2011

Yeas: Messrs. Denk, Bradley, Maschke. Nays: None. Not Voting: Gallagher, Saab.

* * *

APPROVAL OF RESOLUTIONS FROM MAY 11, 2011:

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

- A-379-10 — Nicholas Gory
- A-381-10 — Larry Crowley
- A-383-10 — Fred d. McKissack
- A-386-10 — Jacqueline Matinez
- A-388-10 — Michelle Ann Heimburger
- A-391-10 — Joseph Johnson
- A-400-10 — Blanch Newton
- A-419-10 — Paul Bures
- A-420-10 — Abe Shehadeh
- A-421-10 — Almon L. Harris
- A-447-10 — Coleman Trucking Inc.
- A-92-11 — Imran Abdul-Adil
- A-132-11 — MMPI Cleveland Dev.
- A-133-11 — University Hospitals
- A-139-11 — Almon L. Harris
- A-140-11 — Almon L. Harris
- A-153-11 — Pearl Development

Yeas: Messrs. Denk, Gallagher, Saab, Bradley. Nays: None. Not Voting: Mr. Maschke.

* * *

APPROVAL OF MINUTES FROM MAY 11, 2011:

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

May 11, 2011

Yeas: Messrs. Denk, Gallagher, Saab, Bradley. Nays: None. Not Voting: Mr. Maschke.

* * *

JOSEPH F. DENK
Chairman

PUBLIC NOTICE

**- TAXICABS-
NOTICE OF RATES OF FARE
ADJUSTMENT DUE TO COST OF
GASOLINE**

Dedrick C. Stephens, Commissioner
Division of Assessments and
Licenses

As of the first Monday of May, 2011, and one month prior thereto, the price per gallon for regular unleaded gasoline for the Cleveland-Lorain-Elyria Metro Area as published by the Automobile Association of America's State-by-State Fuel Price Average Report is equal to or greater than \$3.00 per gallon. Therefore, pursuant to CO § 433.261(a), an increase of \$1.00 to the rates of fare set forth in CO § 443.26 is hereby authorized and shall take effect 30 days from the publication of this notice. No further increases shall be authorized until all prior increases issued pursuant to CO § 443.261 have been repealed under CO § 443.261(b). Pursuant to CO § 443.261(c), each change in the fare amount shall be applied to the meter. A representative of the Bureau of Weights and Measures must remove the current security seal affixed to each taxicab meter prior to the fare being changed on the meter.

Dedrick C. Stephens
Commissioner
Division of Assessments and
Licenses

May 25, 2011 and June 1, 2011

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

Where invitations for bids are advertised, the following notice shall be included in the advertisement: "Pursuant to the MBE/FBE Code, each prime bidder, each minority business enterprise ("MBE") and

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

FRIDAY, JUNE 10, 2011

File No. 90-11 — Cleveland Browns Stadium 2010 and 2011 Capital Improvements, for the Division of Architecture and Site Development, Department of Public Works, as authorized by Ordinance No. 550-10, passed by the Council of the City of Cleveland, August 18, 2010.

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

THERE WILL BE A MANDATORY PRE-BID MEETING FRIDAY, JUNE 3, 2011 AT 10:00 A.M. THE CLEVELAND BROWNS STADIUM, SOUTHWEST ENTRANCE (CLEVELAND CLINIC GATE), CLEVELAND, OHIO 44114.

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

File No. 91-11 — 2011 Safety Surface and Signage Improvements, for the Division of Architecture and Site Development, Department of Public Works, as authorized by Ordinance No. 607-10, passed by the Council of the City of Cleveland, June 7, 2010.

THERE WILL BE A NON-REFUNDABLE FEE FOR PLANS AND SPECIFICATIONS IN THE AMOUNT OF TWENTY-FIVE DOLLARS (\$25.00) IN THE FORM OF A CASHIER'S CHECK AND OR MONEY ORDER ONLY (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED).

THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, JUNE 2, 2011 AT 2:00 P.M. THE CLEVELAND PUBLIC AUDITORIUM, 500 LAKE-SIDE AVENUE, 3RD FLOOR CONFERENCE ROOM, CLEVELAND, OHIO 44114.

May 25, 2011 and June 1, 2011

THURSDAY, JUNE 23, 2011

File No. 88-11 — Labor and Materials needed to Maintain, Test, Install, Replace, Improve,

Restore, and Refurbish Landscaping Various Public Utilities Facilities, for the Divisions of Water and Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 1599-10, passed by the Council of The City of Cleveland, December 6, 2010.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, JUNE 2, 2011 AT 10:00 A.M. THE CARL B. STOKES PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

File No. 89-11 — West Side Market Facility Upgrades (Re-bid), for the Division of Architecture and Site Development, Department of Public Works, as authorized by Ordinance No. 489-07, passed by the Council of the City of Cleveland, June 4, 2007.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, JUNE 9, 2011 AT 1:00 P.M. THE CONVENTION CENTER, 500 LAKESIDE AVENUE, 3RD FLOOR CONFERENCE ROOM, CLEVELAND, OHIO 44114.

THERE WILL BE A TOUR OF THE FACILITY IMMEDIATELY AFTER THE PRE-BID MEETING. THE LOCATION WILL BE THE WEST SIDE MARKET, 1979 WEST 25TH STREET, CLEVELAND, OHIO 44113.

May 25, 2011 and June 1, 2011

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 704-11.

By Council Member Cimperman.

An emergency resolution appointing an assessment equalization board to hear objections to estimated assessments with respect to the Market District — Cleveland Business Improvement District plan to provide additional security for the Market District — Cleveland Business Improvement District, additional cleaning and maintenance of the public rights-of-way within the Market District — Cleveland Business Improvement District, and declaring an emergency.

Whereas, by Resolution No. 590-11 adopted on May 9, 2011, this Council approved the formation of the Market District - Cleveland Business Improvement District (the "District") and the Articles of Incorporation of the Market District Improvement Corporation, accepted the petition of the property owners in the District, approved an initial plan for public services benefitting the District, determined and

declared it necessary and conducive to the public health, convenience and welfare of the City of Cleveland to provide additional cleaning and maintenance of the public rights-of-way within the District and additional safety and security services for the District, and provided for the assessment of the cost and expenses of such work upon benefited property in the District; 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 Council as File No. 590-11-A; and

Whereas, notice of the adoption of the resolution and of the filing of the estimated assessments will be duly served on all property owners to be assessed in the manner provided by law; and

Whereas, under Section 727.16 of the Revised Code, in the event the owner of any lot or parcel of land to be assessed in the District objects to the amount or apportionment of the estimated assessment or to the assessment against such lot or parcel, this Council is to appoint an assessment equalization board, consisting of three disinterested freeholders of the City, and shall fix the time and place for the hearing by such board of such objections, and the Clerk of Council shall notify, by certified mail, the persons so objecting of the time and place of such hearing; and

Whereas, written objections 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;

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

Section 1. That Fran DiDonato, Ellen Evans, and Karen Moss, three disinterested freeholders of the City, and Angela Lowery and John Gest, two alternate disinterested freeholders of the City, are appointed as an assessment equalization board to hear and determine all written objections filed under the law to the estimated assessments heretofore filed with the Clerk of Council under Resolution No. 590-11, adopted May 9, 2011.

Section 2. That the assessment equalization board shall meet at 2:00 p.m. on Wednesday, June 29, 2011, in Room 220, Cleveland City Hall, for the purpose 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, to this Council.

Section 3. That the Clerk of Council is authorized and directed to notify, certified mail, each person who has filed timely written objection to the estimated assessments of the time, date and place of the hearing of the assessment equalization board. Such notice shall be mailed at least five days before the date of such hearing.

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 May 23, 2011.

Effective May 28, 2011.

Res. No. 763-11.

By Council Member Sweeney.

An emergency resolution fixing the 2011 summer schedule of meetings of the Council of the City of Cleveland.

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

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

Section 1. That the schedule of meetings during the 2011 summer months of the Council of the City of Cleveland is hereby fixed as follows:

July 20, 2011

August 17, 2011

A notice identifying the time of the meeting as well as a schedule of committee meetings, if any, to be held prior to the meeting shall be prepared by the Clerk prior to each of the above meeting dates. The Council will resume regular session at 7:00 p.m. on Monday, September 12, 2011.

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 May 23, 2011.

Effective May 28, 2011.

Res. No. 767-11.

By Council Member Cimperman.

An emergency resolution withdrawing objections to the renewal of a D5 and D6 Liquor Permit at 2325 Elm Street, and repealing Resolution Nos. 956-10 and 1111-10, objecting to said renewal.

Whereas, this Council objected to a D5 Liquor Permit to 2325 Elm Street, Bar 3 & 4 by Resolution No. 956-10 adopted by the Council on July 14, 2010 and Resolution No. 1111-10 adopted by the Council on August 18, 2010; and

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

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

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

Section 1. That objections to a D5 Liquor Permit to Metropolis Night Club, Inc., 2325 Elm Street, Bar 3 and 4, Cleveland, Ohio 44113, Permanent Numbers 5870816, 58708160003 and 58708160004 be and the same is hereby withdrawn and Resolution Nos. 956-10 and 1111-10, containing such objections, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted May 23, 2011.

Effective May 28, 2011.

Res. No. 768-11.**By Council Member Cummins.**

An emergency resolution withdrawing objection to the renewal of a D2, D2X, D3 and D3A Liquor Permit at 3180-84 West 25th Street, 1st floor and basement, and repealing Resolution No. 1122-10, objecting to said renewal.

Whereas, this Council objected to a D2, D2X, D3 and D3A Liquor Permit to 3180-84 West 25th Street, 1st floor and basement by Resolution No. 1122-10 adopted by the Council on August 18, 2010; and

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

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

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

Section 1. That objection to a D2, D2X, D3 and D3A Liquor Permit to Speakeasy Management, Inc., 3180-84 West 25th Street, 1st floor and basement, Cleveland, Ohio 44109, Permanent Number 8412882 be and the same is hereby withdrawn and Resolution No. 1122-10, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted May 23, 2011.

Effective May 28, 2011.

Res. No. 769-11.**By Council Member Kelley.**

An emergency resolution objecting to the transfer of ownership of a C1 Liquor Permit to 3179 Scranton Road, 1st floor front.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D5 Liquor Permit from Cal Ger, LLC, DBA Memphis Station, 6101 Memphis Avenue, Cleveland, Ohio 44144, Permanent Number 1184084 to Memphis Station, LLC, DBA Memphis Station, 6101 Memphis Avenue, Cleveland, Ohio 44144, Permanent Number 5830264; and

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

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

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

Whereas, the place for which the permit is sought is so arranged or constructed that law enforcement officers or agents of the Department of Liquor Control are prevented rea-

sonable access to the establishment; and

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D5 Liquor Permit from Cal Ger, LLC, DBA Memphis Station, 6101 Memphis Avenue, Cleveland, Ohio 44144, Permanent Number 1184084 to Memphis Station, LLC, DBA Memphis Station, 6101 Memphis Avenue, Cleveland, Ohio 44144, Permanent Number 5830264; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted May 23, 2011.

Effective May 28, 2011.

Res. No. 770-11.**By Council Member Cimperman.**

An emergency resolution objecting to the transfer of ownership of a C1 Liquor Permit to 2101 Denison Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C1 Liquor Permit from Ridas Deli, Inc., 2101 Denison Avenue, 1st floor, Cleveland, Ohio 44109, Permanent Number 7363142 to Denison, LLC, 2101 Denison Avenue, 1st floor, Cleveland, Ohio 44109, Permanent Number 2166600; and

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

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

Whereas, the place for which the permit is sought has not conformed

to the building, safety or health requirements of the governing body of this County or City; and

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1 Liquor Permit from Ridas Deli, Inc., 2101 Denison Avenue, 1st floor, Cleveland, Ohio 44109, Permanent Number 7363142 to Denison, LLC, 2101 Denison Avenue, 1st floor, Cleveland, Ohio 44109, Permanent Number 2166600; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted May 23, 2011.

Effective May 28, 2011.

Res. No. 772-11.**By Council Members Zone, Brancatelli, Cleveland, Cummins, Westbrook and Cimperman.**

An emergency resolution supporting the Safe and Complete Streets Act of 2011, H.R. 1760.

Whereas, last week, Congressional Representatives Steve LaTourette and Doris Matsui introduced the Safe and Complete Streets Act of 2011, H.R. 1780, a bill requiring that new street and transportation projects undertaken by state departments of transportation and metropolitan planning organizations ("MPOs") be designed with "pedestrians, bicyclists, public transit users, children, older individuals, individuals with disabilities, motorists, and freight vehicles" in mind; and

Whereas, H.R. 1780 calls for consideration of the "safety and convenience" of all users in "all phases of

project planning and development"; and

Whereas, currently, 23 states, the District of Columbia, Puerto Rico and more than 2,000 regional and local communities have adopted some form of Complete Streets policies to enhance public safety, lower transportation costs and promote walking, bicycling and public transit as sustainable alternatives; and

Whereas, this legislation would require that states and MPOs craft and adhere to a Complete Streets policy, under the guidance of the U.S. DOT, which would apply to all federally funded projects; and

Whereas, the Complete Streets effort requires communities to plan roadways and transportation corridors to accommodate all potential uses and transportation modes and plan for the elderly, handicapped and children, in addition to public transit, cars and trucks; and

Whereas, the City of Cleveland is researching and will soon introduce Complete Streets legislation to improve Bike and pedestrian access and improve mobility on street, streetscape and bridge improvement projects; and

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

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

Section 1. That this Council supports the Safe and Complete Streets Act of 2011, H.R. 1780.

Section 2. That the Clerk of Council is hereby directed to transmit certified copies of this resolution to all members Congress representing northeast Ohio and Cuyahoga County.

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

Adopted May 23, 2011.

Effective May 28, 2011.

Res. No. 773-11.

By Council Member Cummins.

An emergency resolution objecting to a New C1 Liquor Permit at 3474 West 25th Street.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at West 25th Gas & Go, Inc., 3474 West 25th Street, Cleveland, Ohio 44109, Permanent Number 9526240; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a New C1 Liquor Permit at West 25th Gas & Go, Inc., 3474 West 25th Street, Cleveland, Ohio 44109, Permanent Number 9526440, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted May 23, 2011.

Effective May 28, 2011.

Ord. No. 1630-10.

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

An emergency ordinance authorizing the Director of Public Safety to enter into an agreement with MetroHealth System for contributions by the City regarding the use by the Division of Emergency Medical Service of all or part of two bases located at MetroHealth Medical Center to provide emergency medical services for the City of Cleveland, for a period of two years, with five two-year options to renew, the first, third, and fifth of which are exercisable through additional legislative authority.

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

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

Section 1. That the Director of Public Safety is authorized to enter into an agreement with MetroHealth System for contributions by the City for all or part of certain utilities and for some maintenance and upkeep in regard to use by the Division of Emergency Medical Service of all or part of two bases located at MetroHealth

Medical Center being used by the Division of Emergency Medical Services for the public purpose of better providing emergency medical services for the City of Cleveland, for a period of two years, with five two-year options to renew. The first of the two-year options to renew may not be exercised without additional legislative authority. If such additional legislative authority is granted and the first of the two-year options to renew is exercised, then the second of the two-year options to renew may be exercisable at the option of the Director of Public Safety, without the necessity of obtaining additional authority of this Council. The third of the two-year options to renew may not be exercised without additional legislative authority. If such additional legislative authority is granted and the third of the two-year options to renew is exercised, then the fourth of the two-year options to renew may be exercisable at the option of the Director of Public Safety, without the necessity of obtaining additional authority of this Council. The fifth two-year option to renew may not be exercised without additional legislative authority.

Section 2. That the contribution to be made by the City for use of the bases will be fair consideration for value and benefit to be derived by the City under the agreement and the agreement will promote the public purpose stated in Revised code Section 140.02.

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

Passed May 23, 2011.

Effective May 28, 2011.

Ord. No. 215-11.

By Council Member Cummins.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 4200 Poe Avenue to Carlos Caraballo and Rosario Caraballo.

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

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed by the City of Cleveland through its Department of Community Development under the terms of Chapter 5722 of the Ohio Revised Code and Section 183.021 of Codified Ordinances of the City of Cleveland, 1976; and

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

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

Section 1. That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to Carlos Caraballo and Rosario Caraballo.

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

P. P. No. 015-11-088

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio; and known as being Sublot No. 16 in G. H. Taylors Subdivision of part of Original Brooklyn Township Lot No. 55, as shown by the recorded plat in Volume 16 of Maps, Page 22 of Cuyahoga County Records; and being 40 feet front on the Northeasterly side of Poe Avenue and extending back 115.11 feet on the Northwesterly line, 127.38 feet on the Southeasterly line, and having a rear line of 41.83 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

Section 5. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

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

Passed May 23, 2011.
Effective May 28, 2011.

Ord. No. 216-11.

By Council Member Cummins.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 3198 West 48th Street to Zuleyka Luciano.

Whereas, the City of Cleveland has elected to adopt and implement the

procedures under Chapter 5722 of the Ohio Revised Code to facilitate reutilization of nonproductive lands situated within the City of Cleveland; and

Whereas, real property acquired under the City's Land Reutilization Program is acquired, held, administered and disposed by the City of Cleveland through its Department of Community Development under the terms of Chapter 5722 of the Ohio Revised Code and Section 183.021 of Codified Ordinances of the City of Cleveland, 1976; and

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

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

Section 1. That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to Zuleyka Luciano.

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

P. P. No. 016-13-025

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio; and known as being Sublot No. 157 in James M. Hoyt's Subdivision of part of Original Brooklyn Township Lot No. 47, as shown by the recorded plat in Volume 3 of Maps, Page 16 of Cuyahoga County Records, and being 40.00 feet front on the Westerly side of West 48th Street (formerly Hartford Street) and extending back 125.00 feet on the Northerly line, 125.00 feet on the Southerly line and having rear line of 40 feet, which as also the Easterly line of an alley, 14 feet wide, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

Section 5. That the conveyance authorized hereby shall be made by official deed prepared by the Director

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

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

Passed May 23, 2011.
Effective May 28, 2011.

Ord. No. 455-11.

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

An emergency ordinance authorizing the Director of Public Works to enter into an agreement with the Neighborhood Leadership Institute to implement educational, recreational and cultural programs in various school buildings and recreation centers, provide leadership training and conduct citywide tennis programs.

Whereas, based on recommendations made by the Cleveland Summit on Education, certain pilot programs were created; and

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

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

Section 1. That the Director of Public Works is authorized to enter into an agreement with Neighborhood Leadership Institute to implement educational, recreational and cultural programs in various school buildings and recreation centers, provide leadership training and conduct citywide summer tennis programs, in an amount not to exceed \$289,511, payable from Fund Nos. 01-7004-6380, Request No. RQS 7004, RL 2011-24.

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

Passed May 23, 2011.
Effective May 28, 2011.

Ord. No. 462-11.

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

An emergency ordinance to approve rates and charges for water service, and to amend various Sections of Chapters 531, 533, and 535 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances; and to repeal Sections 535.07 and 535.32, as amended by Ordinance No. 1092-59, passed April 27, 1959 and Ordinance No. 99566, passed May 22, 1933, relating to rates, fees, and charges for water and water-related services.

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

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

Section 1. That the rates, rules, and regulations of the Division of Water, Department of Public Utilities, for water service, fixed by the Board of Control by Resolution No. _____, adopted _____, are approved.

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

Section 531.81, as amended by Ordinance No. 778-06, passed June 5, 2006,

Section 533.01, as amended by Ordinance No. 778-06, passed June 5, 2006,

Section 533.16, as enacted by Ordinance No. 778-06, passed June 5, 2006,
 Section 535.04, as amended by Ordinance No. 1567-07, passed October 29, 2007,
 Section 535.05, as amended by Ordinance No. 1271-07, passed August 8, 2007,
 Section 535.06, as amended by Ordinance No. 347-08, passed June 2, 2008,
 Section 535.10, as enacted by Ordinance No. 1240-51, passed June 18, 1951,
 Section 535.12, as enacted by Ordinance No. 778-06, passed June 5, 2006,
 Section 535.15, as enacted by Ordinance No. 284-A-88, passed February 6, 1989, and
 Section 535.21, as amended by Ordinance No. 778-06, passed June 5, 2006,
 are amended to read as follows:

Section 531.81 Fees for Engineering Services

The Division of Water shall charge for engineering services it performs, such as plan reviews, hydraulic calculations, provision of copies of engineering drawings, processing of backflow device test and maintenance forms, conducting testing to certify contractors to perform backflow device testing and processing as-built drawings. A deposit for as-built drawings shall be collected prior to construction and shall be refunded, less the processing fee, when as-built drawings have been approved by the Division of Water. The deposit will not be refunded when the as-built drawings are incomplete or have not been submitted. Fees for processing as-built drawings shall be charged based upon the submittal format. All charges shall be under Section 535.06 of the Codified Ordinances.

Section 533.01 General Provisions

(a) *All Connections.*

- (1) All water service connections and service pipes from water distribution mains supplied with water by the City shall be metered by a water meter, except connections for construction purposes or fire protection.
- (2) Metering devices shall be supplied by the Division of Water, and shall remain the property of the City.
- (3) Charges for metering devices and their installation and/or replacement shall be under Section 535.06 of the Codified Ordinances.
- (4) Charges for metering devices supplied by the City and for their installation by the City shall be borne by the owner of or the person applying for water service to the premises.
- (5) Excepting private re-registering and sewer-exempt meters, metering devices shall be replaced and/or repaired by and at the expense of the Division.

(b) *New Connections.*

- (1) All new service connections and service pipes from all water distribution mains supplied with water by the City shall be metered by a water meter pursuant to the rules and regulations of the Division of Water.
- (2) When vaults are required, they shall be furnished by the owner or customer and approved by the Commissioner. Vaults shall be installed by the owner or customer in strict conformity with the rules and regulations of the Department of Public Utilities.
- (3) Once access to domestic water is established, but prior to a meter being installed, water consumption shall be estimated and billed at the amounts shown in the table below, at the applicable service district rates where the premise is located.

Connection (Size)	Daily MCF to be Billed
5/8"	0.04
3/4"	0.04
1"	0.05
1 1/2"	0.25
2"	0.43
3"	1.15
4"	2.45
6"	7.36
8"	13.13
10"	20.00
12"	25.65

(c) *Existing Connections.*

- (1) Meters on existing service connections and service pipes shall be replaced on request of the owner or when deemed necessary by the Commissioner, subject to approval by the Director, to prevent waste or to protect the integrity of the water system or to continue the policy of metering all consumers, pursuant to rules and regulations by the Commissioner, subject to approval by the Director.
- (2) Replacement, repair and maintenance of metering devices shall be performed only by authorized employees of the Division or by other authorized representatives of the Division.
- (3) Charges for installation and/or replacement of metering devices may be prorated on the water bill for a period of not more than four years or may be paid in a lump sum.
- (d) *Rules and Regulations.* The Director shall make and amend written rules and regulations necessary to effectuate the provisions of this chapter. The rules and regulations shall not conflict with nor waive any provisions of these Codified Ordinances.

Section 533.16 Charges for Reading Registering Meters

The charge for reading each private re-registering meter shall be under Section 535.06 of the Codified Ordinances. This charge shall be added to and made a part of the monthly or quarterly charge for water furnished through the main meter.

Section 535.04 Water Rates

(a) *Water Rates*

(1) Quarterly Water Rate Schedule for Direct Service Accounts**Fixed Charge***

(Expressed in Dollars per quarter)

Description	2011	2012	2013	2014	2015
Homestead	\$12.50	\$12.50	\$14.00	\$15.50	\$17.00
5/8" to 1" Meter	\$18.00	\$18.00	\$21.00	\$24.00	\$27.00
1 1/2" to 2" Meter	\$36.00	\$36.00	\$41.00	\$47.00	\$53.00
3" to 4" Meter	\$120.00	\$120.00	\$140.00	\$160.00	\$180.00
6" Meter	\$220.00	\$220.00	\$250.00	\$290.00	\$320.00
8" Meter	\$330.00	\$330.00	\$380.00	\$430.00	\$480.00
10" Meter	\$410.00	\$410.00	\$480.00	\$540.00	\$610.00
12" Meter	\$500.00	\$500.00	\$570.00	\$650.00	\$730.00

* Fixed Charge for Compound Meters is based upon the larger size.

Also, Fixed Charges are not prorated but apply to all quarterly bills generated in a specific calendar year.

Water Consumption Charges **

(Expressed in Dollars per MCF)

Description	2011	2012	2013	2014	2015
City of Cleveland					
Regular Rates					
0 to 1 MCF	\$12.58				
0 to .6 MCF	N/A	\$13.76	\$15.51	\$17.34	\$19.26
Additional MCFs	\$26.90	\$27.52	\$29.48	\$31.22	\$32.74
Homestead - All MCFs	\$5.59	\$6.88	\$8.53	\$10.41	\$12.52
Low and 1st High Service Suburbs					
Regular Rates					
0 to 1 MCF	\$19.50				
0 to .6 MCF	N/A	\$20.47	\$22.11	\$23.63	\$25.04
Additional MCFs	\$41.70	\$41.70	\$42.01	\$42.53	\$42.56
Homestead - All MCFs	\$8.66	\$10.23	\$12.16	\$14.18	\$16.27
2nd High Service Suburbs					
Regular Rates					
0 to 1 MCF	\$22.64				
0 to .6 MCF	N/A	\$24.08	\$26.38	\$28.62	\$30.82
Additional MCFs	\$48.42	\$48.42	\$50.11	\$51.51	\$52.39
Homestead - All MCFs	\$10.06	\$12.04	\$14.51	\$17.17	\$20.03
3rd High Service Suburbs***					
Regular Rates					
0 to 1 MCF	\$25.91				
0 to .6 MCF	N/A	\$27.62	\$30.33	\$33.00	\$35.63
Additional MCFs	\$55.41	\$55.41	\$57.63	\$59.39	\$60.57
Homestead - All MCFs	\$11.52	\$13.81	\$16.68	\$19.80	\$23.16

** Water Consumption Charges are prorated if a billing cycle covers a multi-year period.

*** including all direct service communities in Medina, Summit and Geauga Counties

(2) Monthly Water Rate Schedule for Direct Service Accounts**Fixed Charge***

(Expressed in Dollars per month)

Description	2011	2012	2013	2014	2015
All Accounts					
5/8"to 1" Meter	\$6.00	\$6.00	\$7.00	\$8.00	\$9.00
1 1/2" to 2" Meter	\$12.00	\$12.00	\$14.00	\$16.00	\$18.00
3" to 4" Meter	\$40.00	\$40.00	\$47.00	\$53.00	\$60.00
6" Meter	\$73.00	\$73.00	\$83.00	\$97.00	\$107.00
8" Meter	\$110.00	\$110.00	\$127.00	\$143.00	\$160.00
10" Meter	\$137.00	\$137.00	\$160.00	\$180.00	\$203.00
12" Meter	\$167.00	\$167.00	\$190.00	\$217.00	\$243.00

* Fixed Charge for Compound Meters is based upon the larger size

Also, Fixed Charges are not prorated but apply to all monthly bills generated in a specific calendar year.

Water Consumption Charges**

(Expressed in Dollars per MCF)

Description	2011	2012	2013	2014	2015
City of Cleveland					
Regular Rates					
0 to .33 MCF	\$12.58				
0 to .2 MCF	N/A	\$13.76	\$15.51	\$17.34	\$19.26
Additional MCFs	\$26.90	\$27.52	\$29.48	\$31.22	\$32.74
Homestead - All MCFs	\$5.59	\$6.88	\$8.53	\$10.41	\$12.52
Low and 1st High Service Suburbs					
Regular Rates					
0 to .33 MCF	\$19.50				
0 to .2 MCF	N/A	\$20.47	\$22.11	\$23.63	\$25.04
Additional MCFs	\$41.70	\$41.70	\$42.01	\$42.53	\$42.56
Homestead - All MCFs	\$8.66	\$10.23	\$12.16	\$14.18	\$16.27
2nd High Service Suburbs					
Regular Rates					
0 to .33 MCF	\$22.64				
0 to .2 MCF	N/A	\$24.08	\$26.38	\$28.62	\$30.82
Additional MCFs	\$48.42	\$48.42	\$50.11	\$51.51	\$52.39
Homestead - All MCFs	\$10.06	\$12.04	\$14.51	\$17.17	\$20.03
3rd High Service Suburbs***					
Regular Rates					
0 to .33 MCF	\$25.91				
0 to .2 MCF	N/A	\$27.62	\$30.33	\$33.00	\$35.63
Additional MCFs	\$55.41	\$55.41	\$57.63	\$59.39	\$60.57
Homestead - All MCFs	\$11.52	\$13.81	\$16.68	\$19.80	\$23.16

** Water consumption charges are prorated if a billing cycle covers a multi year period.

*** including all direct service communities in Medina, Summit and Geauga Counties

(3) Monthly Master Meter Water Rate Schedule**Water Consumption Charges**

(Expressed in Dollars per MCF)

Community	2011	2012	2013	2014	2015
Bedford	\$31.54	\$31.54	\$31.54	\$32.53	\$33.35
Chagrin Falls	\$35.76	\$35.76	\$36.14	\$37.51	\$38.56
Cleveland Heights	\$31.50	\$31.50	\$31.50	\$32.53	\$33.35
Lakewood	\$27.10	\$27.10	\$27.10	\$27.10	\$27.10
Geauga County	\$38.72	\$38.72	\$38.72	\$38.72	\$38.72

(4) Emergency Stand By Water Rate Schedule**Water Consumption Charges**

(Expressed in Dollars per MCF)

Community	2011	2012	2013	2014	2015
Berea	\$39.44	\$39.44	\$39.44	\$39.44	\$39.44
Lake County	\$38.36	\$38.36	\$38.36	\$38.36	\$38.36
Lorain County	\$39.44	\$39.44	\$39.44	\$39.44	\$39.44
North Ridgeville	\$31.41	\$31.41	\$31.41	\$31.41	\$31.41
Medina County	\$45.72	\$45.72	\$45.72	\$45.72	\$45.72
Summit County	\$45.72	\$45.72	\$45.72	\$45.72	\$45.72
Hudson	\$45.72	\$45.72	\$45.72	\$45.72	\$45.72
Portage County	\$45.72	\$45.72	\$45.72	\$45.72	\$45.72

1 MCF = approximately 7,500 gallons

(b) *For Master Meter communities.* All bills for water furnished shall be rendered monthly to the municipality or district to which water is so furnished, and if not paid within fifteen (15) days after the date of billing by the City of Cleveland, such bills shall be subject to a penalty of five percent added thereto. In the event that

any monthly bill is not paid within four (4) months after written notice is given by the City of Cleveland, the City of Cleveland may, at its option, cease to furnish water to such municipality or district pending payment of any overdue amount.

(c) *Rates for Standby Emergency Water Service.* The rates to be charged for standby emergency water service shall consist of an annual standby fee of \$3600.00 per year in addition to the charge for consumption provided in division (a) of this section. Standby fees for standby emergency water service shall be payable in advance. All bills for water furnished under this section shall be rendered upon the termination of customer's emergency period or, if the duration of the emergency is longer than thirty days, in thirty day intervals. In the event that any standby fee is not paid in advance or any consumption bill is not paid within four months after written notice is given by the City of Cleveland, the City of Cleveland may at its option, cease to furnish standby emergency water service to such customer pending payment of any overdue amount.

(d) *Large Industrial Customers.* All water used in excess of 62,500,000 cubic feet during a three month billing period shall be charged at a rate of seventy-five percent (75%) of the rate prescribed in this section for water used in excess of one thousand (1,000) cubic feet.

(e) *Customers supplied from more than one service district.* Customers with premises supplied with water from more than one service district shall be billed at the rate for the service district from which the predominant quantity of water is supplied.

(f) Water rates shall be charged based on the location of the water meter when determining whether a water account is located within City of Cleveland or a suburban community, or whether it is located within Cuyahoga County.

(g) All rates shall be effective on January 1 of each year, except for 2011 which shall be effective July 16, 2011.

Section 535.05 Affordability Programs

(a) *Special Homestead Rate.* Homesteads that are single family residential property owned and occupied by a person sixty-five years of age or older whose total annual income does not exceed the limits listed below or homesteads that are single family residential property owned and occupied by a person permanently and totally disabled whose total annual income does not exceed the limits listed below may be eligible for the special homestead rate established for the service district in which the homestead is located under Section 535.04 of these Codified Ordinances. The Director of Public Utilities shall prescribe the application form for the homestead rates and have final approval of all applications.

Income Limits:	
Year	Total Annual Income
2011	\$30,000
2012	\$30,500
2013	\$31,000
2014	\$31,500
2015	\$32,000

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

Section 535.06 Fees and Charges

(a) *New Connections (taps, fire supply) (ductile iron pipes)*

	2011	2012	2013	2014	2015
1"	\$299	\$310	\$320	\$332	\$342
1 1/2"	\$1,430	\$1,479	\$1,527	\$1,587	\$1,636
2"	\$1,551	\$1,604	\$1,656	\$1,721	\$1,775
3"	\$1,560	\$1,614	\$1,666	\$1,732	\$1,785
4"	\$1,990	\$2,059	\$2,126	\$2,209	\$2,277
6"	\$2,094	\$2,165	\$2,236	\$2,323	\$2,396
8"	\$2,355	\$2,436	\$2,515	\$2,613	\$2,695
10"	\$2,804	\$2,900	\$2,994	\$3,111	\$3,208
12"	\$3,925	\$4,060	\$4,191	\$4,355	\$4,491
for concrete pipe add 55% surcharge					

(b) *Curb Valves (Flat Rate Labor only)*

	2011	2012	2013	2014	2015
1 1/2"	\$144	\$149	\$153	\$159	\$164
2"	\$144	\$149	\$153	\$159	\$164
3"	\$287	\$297	\$307	\$319	\$329
4"	\$287	\$297	\$307	\$319	\$329
6"	\$287	\$297	\$307	\$319	\$329
8"	\$287	\$297	\$307	\$319	\$329
10"	\$431	\$446	\$460	\$478	\$493
12"	\$431	\$446	\$460	\$478	\$493

(c) *Tapping Sleeve and Valve (for tying new main to existing main)*

	2011	2012	2013	2014	2015
8" or less	\$2,355	\$2,436	\$2,515	\$2,613	\$2,695
10"	\$2,804	\$2,900	\$2,994	\$3,111	\$3,208
12"	\$3,925	\$4,060	\$4,191	\$4,355	\$4,491
16" or greater (deposit + cost)	\$5,011	\$5,243	\$5,484	\$5,745	\$6,008

for concrete pipe add 55% surcharge

(d) *Plugging Connections (fee only includes actual plugging of connection; excavation and restoration will be invoiced at cost)*

	2011	2012	2013	2014	2015
<2"	\$1,599	\$1,675	\$1,753	\$1,837	\$1,923
2" - 12"	\$2,132	\$2,232	\$2,337	\$2,449	\$2,563
>12"	\$2,665	\$2,790	\$2,921	\$3,061	\$3,203

(e) *Meter Settings*

	2011	2012	2013	2014	2015
1" or smaller	\$157	\$162	\$167	\$174	\$179
1 1/2"	\$470	\$486	\$502	\$522	\$538
2"	\$470	\$486	\$502	\$522	\$538
3"	\$470	\$486	\$502	\$522	\$538
4"	\$618	\$639	\$660	\$686	\$707
6"	\$812	\$840	\$868	\$902	\$930
8"	\$1,027	\$1,063	\$1,097	\$1,140	\$1,176
10"	\$1,293	\$1,338	\$1,381	\$1,435	\$1,480
12"	\$1,582	\$1,636	\$1,689	\$1,755	\$1,810

(f) *Install/Replace Meters*

	2011	2012	2013	2014	2015
1" or smaller - vault setting	\$191	\$251	\$258	\$296	\$307
1" or smaller - inside setting w/ remote reading device	\$235	\$297	\$305	\$344	\$358
1" vault setting	\$224	\$286	\$293	\$333	\$345
1" - inside setting w/ remote reading device	\$275	\$339	\$348	\$390	\$404
2"	\$281	\$366	\$376	\$417	\$432
3"	\$780	\$883	\$909	\$972	\$1,004
4"	\$1,387	\$1,511	\$1,558	\$1,645	\$1,698
6"	\$2,983	\$3,162	\$3,262	\$3,416	\$3,524
8"	\$5,005	\$5,253	\$5,421	\$5,659	\$5,838
10"	\$5,959	\$6,239	\$6,439	\$6,718	\$6,929
12"	\$8,341	\$8,704	\$8,984	\$9,362	\$9,655
2" compound	\$1,779	\$1,948	\$2,007	\$2,141	\$2,213
3" compound	\$2,171	\$2,375	\$2,448	\$2,599	\$2,684
4" compound	\$2,562	\$2,780	\$2,866	\$3,033	\$3,131
6" compound	\$4,413	\$4,695	\$4,843	\$5,087	\$5,250
8" compound	\$7,017	\$7,388	\$7,623	\$7,976	\$8,229
10" compound	\$8,355	\$8,771	\$9,052	\$9,460	\$9,759
12" compound	\$11,695	\$12,226	\$12,619	\$13,167	\$13,581

(g) *Regulators*

	2011	2012	2013	2014	2015
8" (cost plus)	\$2,478	\$2,566	\$2,655	\$2,748	\$2,845
12" (cost plus)	\$4,131	\$4,275	\$4,425	\$4,580	\$4,740

(h) *Water Use From Hydrants and Other Unmetered Sources*

	2011	2012	2013	2014	2015
Permit	\$40	\$42	\$44	\$46	\$48
Volume Charge (\$/MCF/service area)	Charged at additional MCF rate in applicable rate district where hydrant is located				
Meter/Valve/BF Assembly Refundable Deposit	\$1,125	\$1,150	\$1,175	\$1,200	\$1,225
Meter Rental Fee	\$35 1st wk; \$25/wk after	\$35 1st wk; \$25/wk after	\$35 1st wk; \$25/wk after	\$35 1st wk; \$25/wk after	\$35 1st wk; \$25/wk after

(i) *Miscellaneous Engineering Services*

	2011	2012	2013	2014	2015
Copy fee for roll maps, engineering dwgs. - per sq. ft	\$0.30	\$0.32	\$0.34	\$0.36	\$0.38
Plan reviews - per plan & profile dwg.* containing water work	\$500	\$510	\$520	\$530	\$540
As-Built Creation - refundable deposit - per plan & profile dwg.* containing water work	\$500	\$500	\$500	\$500	\$500
As-built processing fee - per plan profile dwg.* containing water work					
Hard or paper copier - per dwg.	\$250	\$250	\$250	\$250	\$250
AutoCad format - per dwg.	\$100	\$100	\$100	\$100	\$100
GIS format per CWD stds. - per dwg.	\$25	\$25	\$25	\$25	\$25
Plumber Certification	\$44	\$46	\$47	\$49	\$51
Backflow Prevention testing fee - CWD professing fee	\$5	\$6	\$7	\$8	\$9
Backflow Prevention testing vendor processing fee * D-size drawing	\$9.95	\$9.95	\$9.95	\$9.95	\$9.95

(j) *Disinfection of Water Mains*

charges for services:	2011		2012		2013		2014		2015	
	min. charges	per ft. charge*	min. charges	per ft. charge*	min. charges	per ft. charge*	min. charges	per ft. charge*	min. charges	per ft. charge*
4" diameter	\$660	\$0.55	\$684	\$0.57	\$720	\$0.60	\$756	\$0.63	\$792	\$0.66
6"	\$660	\$0.55	\$684	\$0.57	\$720	\$0.60	\$756	\$0.63	\$792	\$0.66
8"	\$840	\$0.70	\$888	\$0.74	\$936	\$0.78	\$972	\$0.81	\$1,032	\$0.86
10"	\$840	\$0.70	\$888	\$0.74	\$936	\$0.78	\$972	\$0.81	\$1,032	\$0.86
12"	\$1,032	\$0.86	\$1,080	\$0.90	\$1,140	\$0.95	\$1,200	\$1.00	\$1,260	\$1.05
16"	\$1,140	\$0.95	\$1,188	\$0.99	\$1,248	\$1.04	\$1,308	\$1.09	\$1,380	\$1.15
20" or greater (deposit + cost) invoiced at actual cost	\$3,200 deposit, invoiced at actual cost		\$3,300 deposit, invoiced at actual cost		\$3,400 deposit, invoiced at actual cost		\$3,500 deposit, invoiced at actual cost		\$3,600 deposit, invoiced at actual cost	
* per ft. charge applies only when the minimum is exceeded										
Come Back Fee	\$350		\$360		\$370		\$380		\$390	

(k) *Meter Test at Customer's Request (red tag, flow test)*

	2011	2012	2013	2014	2015
1" or less	\$52	\$54	\$56	\$58	\$60
1" to 4"	\$106	\$110	\$113	\$118	\$121
Over 4"	\$210	\$218	\$225	\$234	\$241

(l) *Reading Re-registering Meters*

	2011	2012	2013	2014	2015
(\$/read)	\$1.47	\$1.54	\$1.62	\$1.70	\$1.79

(m) *Special Service Calls by Customer Request*

	2011	2012	2013	2014	2015
	\$18	\$19	\$20	\$21	\$22

(n) Charge for Appointment Broken by Customer

	2011	2012	2013	2014	2015
	\$29	\$30	\$31	\$32	\$33

(o) Returned Checks

	2011	2012	2013	2014	2015
	\$30	\$31	\$32	\$33	\$34

(p) (1) Quarterly Flat Rate for Unmetered Fire Line Service

Connection Size	2011	2012	2013	2014	2015
1 1/2"	\$41.57	\$43.45	\$43.93	\$44.56	\$46.27
2"	\$41.57	\$43.45	\$43.93	\$44.56	\$46.27
3"	\$41.57	\$43.45	\$43.93	\$44.56	\$46.27
4"	\$113.08	\$118.20	\$119.51	\$121.23	\$125.87
6"	\$162.96	\$170.34	\$172.23	\$174.70	\$181.39
8"	\$291.00	\$304.17	\$307.55	\$311.96	\$323.91
10"	\$455.62	\$476.24	\$481.53	\$488.44	\$507.15
12"	\$621.91	\$650.06	\$657.28	\$666.71	\$692.25

(2) Monthly Flat Rate for Unmetered Fire Line Service

Connection Size	2011	2012	2013	2014	2015
1 1/2"	\$13.86	\$14.48	\$14.64	\$14.85	\$15.42
2"	\$13.86	\$14.48	\$14.64	\$14.85	\$15.42
3"	\$13.86	\$14.48	\$14.64	\$14.85	\$15.42
4"	\$37.69	\$39.40	\$39.84	\$40.41	\$41.96
6"	\$54.32	\$56.78	\$57.41	\$58.23	\$60.46
8"	\$97.00	\$101.39	\$102.52	\$103.99	\$107.97
10"	\$151.87	\$158.75	\$160.51	\$162.81	\$169.05
12"	\$207.30	\$216.69	\$219.09	\$222.24	\$230.75

(q) All fees and charges shall be effective on January 1 of each year, except for 2011 which shall be effective July 16, 2011.

(r) The Commissioner may enter into payment arrangements for installment payments of the fees and charges contained in this section or in Section 535.23 when determined to be reasonable by the Commissioner. Failure to make any payment under an arranged payment plan when due shall cause the total unpaid amount to become payable on demand and may lead to termination of water service.

Section 535.10 Water Billing Cycle

Water accounts shall be billable and payable at intervals of one or three months, as determined by the Director of Public Utilities.

Section 535.12 Extension of Time for Payment

Water bills shall be paid on or before the date stated on the bill but the Director of Public Utilities may after investigation, grant an extension of time in cases of indigency, emergency, relief and similar conditions. Partial payments may be accepted, properly approved, but bills must be paid in full pursuant to the rules and regulations of the Division of Water.

Section 535.15 New Applications for Water Service; Owner Liability; Deposits

(a) Applications for the use of water shall be made and accepted in a manner prescribed by the Director of Public Utilities. All accounts for water service shall be established and maintained in the name of the record title owner of the premises served thereby. Any owner of real estate premises to which water is supplied shall be deemed primarily liable for all water and service charges for such premises, whether or not the premises is occupied by the owner, tenant or other persons, and whether or not the account has been established in the name of some other person or entity. In addition, any user and/or occupant of the premises where water service is provided shall be liable for payment for such services.

(b) The Director of Public Utilities may require a deposit to be placed on an account whenever the account holder:

- (1) Does not have an established credit history with the Division of Water.
- (2) Has received delinquency or termination of service notices and wishes to avoid such termination.
- (3) Has had service terminated for nonpayment.
- (4) Is a debtor in a pending case in U.S. Bankruptcy Court.
- (5) Refuses to allow employees of the Division of Water to enter upon the premises served for the purposes of meter reading, repairs and/or testing.

The deposit amount shall equal six average monthly bills or two average quarterly bills on that account which shall be calculated based on the previous twelve (12) months' consumption at the premises served.

(c) Deposits held by the Division of Water shall not be applied to current water or sewer bills. However, a deposit held on an account shall be returned to the depositor if, subsequent to the date of the deposit, 12 consecutive monthly bills or four consecutive quarterly bills are timely paid. If a deposit is held on an account at

the time it is closed, the deposit shall be applied to any final amount outstanding, and the balance, if any, shall be returned to the depositor.

Section 535.21 Charges for Unmetered Fire Protection Service within the City and Direct Service Metropolitan Area

Water shall be furnished to an unmetered fire protection service connection only for fire protection, testing and maintenance purposes. A charge shall be made for each unmetered fire supply connection within the limits of the City and direct service suburbs. The charge shall be determined by the size of the fire supply connection through which water passes for use on the premises so supplied at the rate for unmetered fire line service under Section 535.06 (p) of the Codified Ordinances. Unauthorized water use through unmetered fire protection service connections shall be billed and charged at the additional MCF rate in the applicable service district. Additional penalties and charges based on consumption may be charged for unauthorized uses of an unmetered fire protection service connection.

Charges shall be collected monthly or quarterly for each fire supply connection to cover inspection, testing, sealing and resealing of such service connections, stand-by pumpage capacity, and replacement or cleaning of distribution or trunk water mains to improve the water supply for fire protection purposes.

Section 535.24 Charges for Water from Fire Hydrants

(a) In addition to other charges, if water is used from a public fire hydrant, upon special permit only, a charge for the permit and a hydrant rental must be paid in advance under Section 535.06 of the Codified Ordinances. A separate permit shall be issued for each hydrant which shall identify its location.

(b) Water may be furnished from a fire hydrant for any special purpose authorized by the Commissioner of the Division of Water. The charge for water so furnished shall be at the additional MCF rate under Section 535.04 for the service district in which the fire hydrant is located. The quantity of water used may be estimated by the Commissioner based on information provided by the user as to the user's purpose and needs, or the Commissioner may require the installation of a meter at the connection to the hydrant to be used, in which event the user shall pay the cost of installing the meter and the cost of all water measured.

Section 3. That the following existing sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 531.81, as amended by Ordinance No. 778-06, passed June 5, 2006,
 Section 533.01, as amended by Ordinance No. 778-06, passed June 5, 2006,
 Section 533.16, as enacted by Ordinance No. 778-06, passed June 5, 2006,
 Section 535.04, as amended by Ordinance No. 1567-07, passed October 29, 2007,
 Section 535.05, as amended by Ordinance No. 1271-07, passed August 8, 2007,
 Section 535.06, as amended by Ordinance No. 347-08, passed June 2, 2008,
 Section 535.07, as enacted by Ordinance No. 1092-59, passed April 27, 1959,
 Section 535.10, as enacted by Ordinance No. 1240-51, passed June 18, 1951,
 Section 535.12, as enacted by Ordinance No. 778-06, passed June 5, 2006,
 Section 535.15, as enacted by Ordinance No. 284-A-88, passed February 6, 1989,
 Section 535.21, as amended by Ordinance No. 778-06, passed June 5, 2006, and
 Section 535.32, as amended by Ord. No. 99566, passed May 22, 1933,
 are repealed.

Section 4. That Council waives the notice requirements contained in division (b) of Section 111.072 of the Codified Ordinances of Cleveland, Ohio, 1976.

Section 5. That the Director of Public Utilities shall provide reports to the Chair of the Public Utilities Committee and the Clerk of Council upon each meeting of the Administration's oversight committee reviewing the progress of the management consulting firm selected under Ordinance No. 138-11, passed January 31, 2011. The management consulting firm shall meet with the Public Utilities Committee at least once during the Spring and twice during the Fall session of Council throughout the entire term of their agreement.

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

Passed May 23, 2011.

Effective May 28, 2011.

**Ord. No. 501-11.
 By Council Members Kelley and Sweeney (by departmental request).**

An emergency ordinance authorizing Cleveland Public Power to participate in the Efficiency Smart Power Plant energy efficiency program through American Municipal Power and approving customer charges to fund the program.

Whereas, the City of Cleveland, Ohio ("Municipality") owns and operates an electric utility system for the sale of electric power and associated energy for the benefit of its citizens and taxpayers; and

Whereas, American Municipal Power, Inc. ("AMP") formerly known as AMP-Ohio is an Ohio non-profit corporation, organized to own and operate facilities, or to provide otherwise, for the generation, transmission or distribution of electric power and energy, or any combination thereof, and to furnish techni-

cal services on a cooperative, non-profit basis, for the mutual benefit of AMP members ("Members"), such Members, including Municipality, being, as of the date hereof, political subdivisions that operate municipal electric utility systems in Ohio, Kentucky, Michigan, Pennsylvania, Virginia and West Virginia; and

Whereas, AMP and Municipality have entered into a Master Services Agreement, AMP Contract No. C-11-2005-4520, pursuant to which AMP provides certain services to Municipality as set forth in various schedules to the Master Services Agreement (the "Schedules"); and

Whereas, AMP and the Vermont Energy Investment Corporation ("VEIC") have negotiated a relationship regarding the implementation of an energy efficiency program for AMP Members to be known as the Efficiency Smart Power Plant ("ESPP") and in fur-

therance thereof have entered into an agreement ("ESPP Agreement"), a copy of which has been provided to the Municipality, for AMP to pay VEIC to provide a comprehensive set of energy efficiency services ("ESPP Services") to Municipality for the benefit of Municipality and its customers designed to lower the total need for higher cost electric generation facilities and/or purchased power and thereby reduce Municipality's customers' bills; and

Whereas, AMP and Municipality desire to enter into a Schedule ("ESPP Schedule"), under the MSA, which provides that AMP will obtain and sell to Municipality, and Municipality will agree to take and pay for, a share of the ESPP Services which AMP has contracted to acquire in the ESPP Agreement; and

Whereas, Municipality has the option to defer payments under the ESPP Schedule to better match the

expenditures with the energy and cost savings thereunder; 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 ESPP Schedule between Municipality and AMP, substantially in the form placed in File No. 501-11-A, including Appendices thereto, are approved, and the Director of Public Utilities is hereby authorized to execute and deliver the ESPP Schedule with a term of up to three (3) years and a program budget not to exceed \$5,000,000, and with such changes as the Director of Public Utilities may approve as neither inconsistent with this Ordinance nor materially detrimental to the Municipality, his execution of the ESPP Schedule to be conclusive evidence of such approval.

Section 2. That the Director of Public Utilities is hereby authorized to take any action necessary for Municipality to fulfill its obligations under the ESPP Schedule to be a Participant.

Section 3. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in conformance with applicable open meetings laws and that all deliberations of this Council and of any committees that resulted in those formal actions were in compliance with all legal requirements including any applicable open meetings requirements.

Section 4. That, if any section, subsection, paragraph, clause or provision or any part thereof of this Ordinance shall be finally adjudicated by a court of competent jurisdiction to be invalid, the remainder of this Ordinance shall be unaffected by such adjudication and all the remaining provisions of this Ordinance shall remain in full force and effect as though such section, subsection, paragraph, clause or provision or any part thereof so adjudicated to be invalid had not, to the extent of such invalidity, been included herein.

Section 5. That the amount of \$500,000 from CPP's operating fund shall be allocated to increase the benefits available under the residential ESPP program.

Section 6. That the costs of the ESPP for the duration of the program may be included in the Energy Adjustment Charge for customers receiving service under Chapter 523 of the Codified Ordinances, excluding lighting and traffic signal accounts. A customer who receives service under Section 523.195 shall be charged the amount that would be charged if such customer received service under the applicable standard rate schedule. The following charges to fund the ESPP fixed by the Board of Control by the adoption of Resolution No. _____, on _____, are approved:

Residential	\$0.000579 per kWh
Small Commercial and Large Commercial	\$0.001250 per kWh
Industrial, Large Industrial, and Optional Large Industrial	\$0.001096 per kWh

Section 7. That the cost of the three-year program shall not exceed \$5,000,000 and shall be paid from Fund No. 58 SF 001, from funds appropriated in 2012 and 2013 for this purpose, and from the Energy Adjustment Charge as authorized in Section 6 of this ordinance collected in 2011, 2012, and 2013 for this purpose. (RQS 2004, RL 2011-67)

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

Passed May 23, 2011.
Effective May 28, 2011.

Ord. No. 504-11.
By Council Members Polensek, K. Johnson and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Public Works to enter into contract with the Salvation Army for administrating and facilitating recreational services in Ward 11, for the Division of Recreation, Department of Public Works.

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

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

Section 1. That the Director of Public Works is authorized to enter into contract with the Salvation Army, Cleveland Temple Corps, 17625 Groveswood Avenue, Cleveland, Ohio, 44119, or its designee, to administer and facilitate recreational services in the Collinwood Community in Ward 11, for the Division of Recreation, Department of Parks, Recreation and Properties, in the total sum of \$70,000, payable from Fund No. 01-7004-6380, Request No. RQS 7004, RL 2011-22.

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

Passed May 23, 2011.
Effective May 28, 2011.

Ord. No. 528-11.
By Council Members Kelley and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to perform a rate study for the Division of Cleveland Public Power, Department of Public Utilities.

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

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

Section 1. That the Director of Public Utilities is authorized to employ by contract or contracts one or more 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 a rate study for the Division of Cleveland Public Power.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Public Utilities from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Public Utilities for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Public Utilities, and certified by the Director of Finance. That upon completion of the rate study, the Director of Public Utilities shall submit copies of the study to the Clerk of Council and to the Chair of Public Utilities Committee within thirty days of receipt.

Section 2. That the cost of contract or contracts authorized shall be paid from Fund No. 58 SF 001, Request No. RQS 2004, RL 2011-38.

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

Passed May 23, 2011.
Effective May 28, 2011.

Ord. No. 557-11.
By Council Members Kelley and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts with Kubra Data Transfer Ltd. for professional services necessary to provide online bill payment and bill presentation services, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of one year.

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

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

Section 1. That the Director of Public Utilities is authorized to enter into one or more contracts with Kubra Data Transfer Ltd. for professional services necessary to provide online bill payment and bill presentation services, for the Division of Cleveland Public Power, in the total sum of \$75,000, for the Department of Public Utilities, for a period of one year. The contract or contracts shall be paid from Fund No. 58 SF 001, Request No. RQS 2004, RL 2011-35.

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

Passed May 23, 2011.

Effective May 28, 2011.

Ord. No. 559-11.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into an amendment to Contract No. 69292 with Brown and Caldwell, Inc. to perform additional energy management services to help reduce energy consumption of the municipal water plants and pumping stations, for the Division of Water, Department of Public Utilities, for a one year period.

Whereas, under Ordinance No. 1966-07, passed March 10, 2008, this Council authorized the Director of Public Utilities to enter into Contract No. 69292 with Brown and Caldwell, Inc. to perform energy management services to help reduce energy consumption of the municipal water plants and pumping stations, for the Division of Water, Department of Public Utilities, for a period of two years; and

Whereas, additional services are necessary; and

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

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

Section 1. That the Director of Public Utilities is authorized to enter into an amendment to Contract No. 69292 with Brown and Caldwell, Inc. to perform additional energy management services to help reduce energy consumption of the municipal water plants and pumping stations, for the Division of Water, Department of Public Utilities, for a one year period.

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

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

Passed May 23, 2011.

Effective May 28, 2011.

Ord. No. 562-11.

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

An emergency ordinance authorizing the Directors of Public Works and Finance to enter into one or more contracts with the Cleveland Metropolitan School District to conduct recre-

ational, cultural, and extracurricular programs for the benefit of school children during the 2010-11 school year.

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

Whereas, the Joint Board established by Ordinance No. 1025-A-95 has recommended that a portion of the tax proceeds be used to fund a number of recreational, cultural, and extracurricular programs for City school children during the 2010-11 school year, including dance, drama, instrumental, vocal, cheerleading, aquatic, sports, and academic enrichment programs; and

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

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

Section 1. That the Directors of Public Works and Finance are authorized to enter into one or more contracts with the Cleveland Metropolitan School District to conduct various recreational, cultural and extracurricular programs for the benefit of City school children during the 2010-11 school year, under the program description contained in File No. 562-11-A. The cost of the contract or contracts shall not exceed \$1,000,000 and shall be paid from Fund No. 11 SF 035, Request No. RQS 7001, RL 2011-76.

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

Passed May 23, 2011.

Effective May 23, 2011.

Ord. No. 596-11.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts with Kronos Incorporated for professional services necessary to maintain the current time and attendance workforce system and software and hardware support, including training and upgrades, for a period of one year with two one year options to renew, the second of which is exercisable through additional legislative authority.

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

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

Section 1. That the Director of Public Utilities is authorized to enter into one or more contracts with Kronos Incorporated for pro-

fessional services necessary to maintain the current time and attendance workforce system and software and hardware support, including training and upgrades on the basis of its proposals dated January 27, 2011 and May 4, 2011, in the total sum of \$81,266.62, for the Department of Public Utilities, for a period of one year with two one year options to renew, the second of which is exercisable through additional legislative authority. The contract or contracts shall be paid from Fund No. 52 SF 001, Request No. RQS 2002, RL 2011-31.

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

Passed May 23, 2011.

Effective May 28, 2011.

Ord. No. 600-11.

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

An emergency ordinance authorizing the Director of Public Works to enter into an agreement with the Greater Cleveland Regional Transit Authority to accept a cash contribution for the purchase and installation of bus shelters to be located on Lorain Avenue and West 25th Street, in connection with the Market Square Park redevelopment.

Whereas, under Ordinance No. 607-10, passed June 7, 2010, the Director of Public Works is authorized to enter into contracts necessary to improve Market Square Park; and

Whereas, the Greater Cleveland Regional Transit Authority wishes to contribute up to \$92,000 towards the purchase and installation of bus shelters in connection with that improvement; and

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

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

Section 1. That the Director of Public Works is authorized to enter into an agreement with the Greater Cleveland Regional Transit Authority to accept up to \$92,000 for the purchase and installation of bus shelters to be located on Lorain Avenue and West 25th Street, in connection with the Market Square Park redevelopment and the cash contribution accepted are appropriated for this purpose and shall be deposited into a fund to be determined by the Director of Finance.

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

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

and be in force from and after the earliest period allowed by law.

Passed May 23, 2011.

Effective May 28, 2011.

Ord. No. 602-11.

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

An emergency ordinance authorizing the Director of Human Resources to employ one or more professional consultants to provide workers' compensation and actuarial services, for a period of one year, with a one-year option to renew, exercisable by the Director of Human Resources; and to extend Contract No. 69201 with Associated Compensation Resources, Inc. for a period up to three 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 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 for a comprehensive workers compensation program, including but not limited to, actuarial and auditing services, disability and account management, preparing reports, scheduling and payment of medical exams, claims settlement, handicap reimbursement, investigations, and filing claims appeals and other duties for a one year period, with a one-year option to renew, exercisable by the Director of Human Resources.

The selection of the 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 the Director of Human Resources is authorized to extend Contract No. 69201 with Associated Compensation Resources, Inc., with the same terms and conditions for a period up to three months or until such time as the City enters into a new contract under Section 1 of this ordinance.

Section 3. That the cost of contract, contracts, and the extensions authorized shall be paid from Fund No. 01-0402-6320, Request No. RQS 0402, RL 2011-69.

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 May 23, 2011.

Effective May 28, 2011.

Ord. No. 632-11.

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

An emergency ordinance appropriating Community Development Block Grant funds for administrative expenses of the Code Enforcement Program.

Whereas, the City of Cleveland has received a Community Development Block Grant, Year 37 from the United States Government; 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 Community Development Block Grant funds in the amount of \$419,000, from Fund No. 14 SF 037, RQS 8006 RL 2011-0094, are appropriated for the reimbursement of administrative expenses of the Code Enforcement Program following the appropriate federal regulations for the Department of Building and Housing, in conjunction with the Community Development Block Grant Program.

Section 2. That prior to expending funds under this ordinance, the Director of Building and Housing and the Director of Community Development shall enter into a memorandum of understanding for this program.

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

Passed May 23, 2011.

Effective May 28, 2011.

Ord. No. 633-11.

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

An emergency ordinance appropriating Community Development Block Grant funds for administrative expenses of the Department of Community Development.

Whereas, the City of Cleveland has received Community Development Block Grant, Year 37 funds from the United States Government; 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 Community Development Block Grant funds in the amount of \$4,035,000 from Fund No. 14 SF 037 are appropriated for the

administrative expenses of the Department of Community Development under the following schedule:

Personnel	\$3,640,000
Other	395,000

Section 2. That the Director of Community Development is authorized to expend funds and enter into contracts for reimbursement of non-profit sub-recipients for the cost of audit and other professional services.

Section 3. That the costs of the contracts authorized in this ordinance shall be paid from Fund No. 14 SF 037.

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

Passed May 23, 2011.

Effective May 28, 2011.

Ord. No. 634-11.

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

An emergency ordinance appropriating Community Development Block Grant funds for anti-predatory lending and foreclosure prevention assistance, financial literacy programs, fair housing, and administrative costs to implement the programs.

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 CDBG and Federal Home Grant funds in the amount of \$315,733 are appropriated for anti-predatory lending and foreclosure prevention assistance, financial literacy programs, fair housing, and administrative costs to implement the programs.

Section 2. That the Director of Community Development is authorized to enter into one or more contracts with various organizations to provide counseling, training, marketing, program evaluation and other services required for anti-predatory lending and foreclosure prevention assistance, financial literacy, fair housing activities and to expend funds for administrative costs to implement the programs.

Section 3. That the aggregate cost of the contracts and administrative costs shall not exceed \$315,733 and shall be paid from Fund 14 SF 037, Request No. RQS 8006 RL 2011-0102.

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

Passed May 23, 2011.

Effective May 28, 2011.

Ord. No. 635-11.

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

An emergency ordinance appropriating Community Development Block Grant funds for expenses for the Demolition Program and emergency contracts under the Board-up Program; authorizing the Director of Building and Housing to enter into one or more contracts with various agencies to implement these programs; and authorizing the purchase by one or more requirement contracts for the items of labor and materials necessary to implement the Board-up Program.

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

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

Section 1. That Community Development Block Grant funds in the amount of \$845,000 from Fund Nos. 14 SF 037, RQS 8006-RL 2011-0091, are appropriated for costs of the Department of Building and Housing associated with conducting the Demolition and Board-up Programs incurred in Fund 19 following the appropriate federal regulations in conjunction with the Community Development Block Grant Program.

Section 2. That the Director of Building and Housing is authorized to enter into one or more contracts with various non-profit and for-profit agencies and entities for services necessary to implement the Demolition Program and emergency contracts under the Board-up Program.

Section 3. That the Director of Building and Housing is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one or two year period for the items of labor and materials necessary to implement the Board-up Program, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Building and Housing. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Building and Housing is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Building and Housing by comparing the bids received for both terms.

Section 4. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of

Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance.

Section 5. That prior to expending funds under this ordinance, the Director of Building and Housing and the Director of Community Development shall enter into a memorandum of understanding for this program.

Section 6. That the Director of Building and Housing is authorized to accept monies in repayment under the program and to utilize the repayments and other program income in a revolving fund for making additional expenditures under this program, and the funds are appropriated for that purpose.

Section 7. That the Director of Building and Housing is authorized to collect from persons or entities from whom the City is collecting demolition costs an amount equal to any amount spent for services related to collection of demolition cost, such as title searches, credit bureau reports, and document filing fees. Any funds collected shall be deposited into Fund No. 14.

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

Passed May 23, 2011.

Effective May 28, 2011.

Ord. No. 637-11.

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

An emergency ordinance appropriating Community Development Block Grant funds for expenses of the Senior Homeowners Assistance Program (SHAP) and the CHORE Program.

Whereas, the City of Cleveland has received a Community Development Block Grant, Year 37, from the United States Government; 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 Community Development Block Grant funds in the amount of Two Hundred Sixty Thousand Dollars (\$260,000) from Fund No. 14 SF 037, RQS 8006-RL2011-0095, are appropriated for costs of the Department of Aging incurred in Fund 19 associated with conducting the Senior Homeowners Assistance Program ("SHAP") and the CHORE Program in conjunction with the Community Development Block Grant Program.

Section 2. That prior to expending funds under this ordinance, the Director of Aging and the Director of Community Development shall enter into a memorandum of understanding for this program.

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the affirma-

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

Passed May 23, 2011.

Effective May 28, 2011.

Ord. No. 638-11.

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

An emergency ordinance appropriating CDBG and Federal HOME Program funds for the administration of the Housing Rehabilitation Programs; and authorizing the Director of Community Development to employ one or more professional consultants to provide property inspections in compliance with Section 8 Housing Quality Standards.

Whereas, the City of Cleveland has received Community Development Block Grant ("CDBG") Year 37 and Year 2011 Federal HOME Program grants from the United States Government; 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 CDBG and Federal HOME Program funds are appropriated for the administration of the Housing Rehabilitation Programs.

Section 2. That the Director of Community Development 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 property inspections to comply with Section 8 Housing Quality Standards.

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

Section 3. That the costs incurred in Sections 1 and 2 of this ordinance may not exceed \$1,573,000 and shall be paid from Fund Nos. 14 SF 037 and 19 SF 650.

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

Passed May 23, 2011.

Effective May 28, 2011.

**Ord. No. 639-11.
By Council Members Brancatelli
and Sweeney (by departmental
request).**

An emergency ordinance appropriating Community Development Block Grant funds and Federal HOME funds for the operation of the Low Interest Loan and Grant Programs; and to enter into one or more contracts with various agencies to implement these programs.

Whereas, the City of Cleveland has received a Community Development Block Grant, Year 37 and 2011 Federal HOME grant funds, from the United States Government; and

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

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

Section 1. That the Director of Community Development is authorized to expend funds from Fund No. 14 SF 037 in the amount of \$1,041,661, and Federal HOME Program funds from Fund 19 SF 650 in the amount of \$1,130,000, and prior years unspent balances for the operation of the Low Interest Loan and Grant Programs, including all related services. The Low Interest Loan and Grant Programs include Repair-A-Home (RAH), Corrective Action Grant, Afford-A-Home (AAH), Senior Home Owners Assistance Program (SHAP), Paint Refund Program, Housewarming, Furnace Repair, and Home Maintenance Assistance Program (HMAP). Request No. RQS 8006, RL 2011-105

Section 2. That the Director of Community Development is authorized to enter into one or more contracts with various non-profit agencies, rehabilitation service providers, tenants, homeowners, and entities providing services necessary to process loans and grants to implement the Low Interest Loan and Grant Programs in the City of Cleveland.

Section 3. That the Director of Community Development is authorized to accept monies in repayment under the programs and to utilize the repayments, and other program income in a revolving fund for additional expenditures under these programs and administrative expenses, which repayments and program income are appropriated for those purposes.

Section 4. That the City is authorized to accept promissory notes, naming the City of Cleveland as payee, and mortgages, naming the City of Cleveland as mortgagee, and any other security instrument executed to evidence and secure repayment of loans made under this program.

Section 5. That the Director of Community Development is authorized to enter into forbearance agreements with any recipient of a validly existing loan administered by the City, and to charge and accept fees to cover costs incurred in the preparation of loan documents, closing, and servicing costs. Such fees shall be deposited into Fund No. 14 and are hereby appropriated for the purposes of the Low Interest Loan and Grant Program.

Section 6. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take

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

Passed May 23, 2011.

Effective May 28, 2011.

**Ord. No. 640-11.
By Council Members Brancatelli
and Sweeney (by departmental
request).**

An emergency ordinance authorizing the Director of Community Development to enter into one or more contracts with Cleveland Action to Support Housing, Inc. (CASH) for administrative costs to implement housing rehabilitation, new housing construction and commercial redevelopment loan programs.

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

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

Section 1. That the Director of Community Development is authorized to enter into one or more contracts with Cleveland Action to Support Housing, Inc. (CASH) for administrative costs to implement housing rehabilitation, new housing construction and commercial redevelopment loan programs in the City of Cleveland.

Section 2. That the aggregate cost of the contracts shall not exceed \$91,000.00, and shall be paid from Fund No. 14 SF 037, RQS 8006, RL 2011-0097.

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

Passed May 23, 2011.

Effective May 28, 2011.

**Ord. No. 641-11.
By Council Members Brancatelli
and Sweeney (by departmental
request).**

An emergency ordinance authorizing the Director of Community Development to enter into contracts for Commercial Revitalization and rebate, grant, and/or loan agreements with Storefront Renovation Program applicants, and to enter into agreements for eligible costs to community development corporations for implementation of the Storefront Renovation and Commercial Revitalization Programs.

Whereas, the City has created a Storefront Renovation Program to encourage exterior rehabilitation of buildings in targeted areas in the City of Cleveland; and

Whereas, the City is creating a Commercial Revitalization Program to further encourage rehabilitation, increase the availability of goods and services for low and moderate income residents, and create employment in the City; and

Whereas, this ordinance constitutes an emergency measure provid-

ing for the usual daily operation of a municipal department; now, therefore,

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

Section 1. That the Director of Community Development is authorized to enter into rebate, grant, and/or loan agreements with Storefront Renovation Program applicants, and contracts for eligible administrative costs, consulting, or professional services, and expenses to community development corporations for implementation of the Commercial Revitalization and Storefront Renovation Programs. The Director is also authorized to provide compensating balance deposits to a designated lender(s) via Cleveland Action to Support Housing (CASH) or other designee in return for below market interest rate commercial loans to be used in the Storefront Renovation Program.

Section 2. That the Director of Community Development is authorized to enter into contracts with Commercial Revitalization Program applicants.

Section 3. That the Director of Community Development is authorized to accept program income monies in repayment from community development corporations under the Storefront Renovation Program and to utilize this program income, other Community Development Block Grant program income and Kiosk program income in a revolving fund for additional Commercial Revitalization and Storefront Renovation Program expenditures, and such program income is appropriated for that purpose.

Section 4. That the City is authorized to accept promissory notes, naming the City of Cleveland as payee, and mortgages, naming the City of Cleveland as mortgagee, and any other security instrument executed to evidence and secure repayment of loans, costs, and fees under the City's Storefront Renovation Program and Commercial Revitalization Program.

Section 5. That the Director of Community Development is authorized to enter into forbearance agreements with any recipient of a validly existing loan, administered by the City for Commercial Revitalization or Storefront Renovation.

Section 6. That the Director of Community Development is authorized to collect from persons or entities with whom the City is entering into loan agreements or forbearance agreements an amount equal to any amount spent for services related to such agreements, such as title searches, credit bureau reports and document filing fees. Such fees shall be deposited into Fund No. 14.

Section 7. That the total of the contracts and rebate agreements authorized may not exceed \$50,000 and will be paid from Fund No. 14 SF 037, Request No. RQS 8006 RL 2011-0098.

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 the after the earliest period allowed by law.

Passed May 23, 2011.

Effective May 28, 2011.

Ord. No. 642-11.
By Council Members Brancatelli and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into contracts with one or more non-profit agencies to operate a community garden program.

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

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

Section 1. That the Director of Community Development is authorized to enter into contracts with one or more non-profit agencies to operate a community gardening program.

Section 2. That the cost of the contract or contracts shall not exceed \$141,000.00, and shall be paid from Fund Nos. 14 SF 037, Request No. RQS 8006 RL 2011-0096.

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

Passed May 23, 2011.

Effective May 28, 2011.

Ord. No. 643-11.
By Council Members Brancatelli and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into or amend contracts with various social service agencies, community development or local development corporations and private for profit entities; to enter into or amend memorandums of understanding with various City of Cleveland departments to implement the City's community development programs; and to expend funds for the operation of programs administered by the Department of Community Development.

Whereas, the City of Cleveland has received a Community Development Block Grant ("CDBG"), Year 37 from the United States Government; and

Whereas, the Council of the City of Cleveland has approved the Year 37 Community Development Block Grant Plan which committed funds to Neighborhood Development Activities ("NDA"), which are CDBG eligible activities proposed by the various Council members; and

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

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

Section 1. That the Director of Community Development, after receiving the approval stated in Section 4 below, is authorized to enter into or amend contracts with various social service agencies, community development or local development corporations, private for-profit

entities, State of Ohio, Cuyahoga County, Cuyahoga Metropolitan Housing Authority, Cleveland Municipal School District, Regional Transit Authority, Northeast Ohio Regional Sewer District, Cleveland Metroparks, and such other governmental entities as defined under the Ohio Revised Code to implement activities and programs that are eligible under the Community Development Block Grant CDBG Program and are consistent with the City's Community Development objectives and policies.

Section 2. That the Director of Community Development, after receiving the approval stated in Section 4 below, is authorized to enter into or amend memorandums of understanding with various City departments to implement activities and programs that are eligible under the CDBG Program and are consistent with the City's Community Development objectives and policies.

Section 3. That the Director of Community Development, after receiving the approval stated in Section 4 below, is authorized to expend NDA funds for any CDBG eligible Programs administered by the Department of Community Development including entering into contract with rehabilitation service providers, tenants, homeowners, and entities providing services necessary to process loans and grants to implement the Low Interest Loan and Grant Programs, Paint Refund Program and other programs administered by the Department of Community Development.

Section 4. That prior to entering into or amending those contracts or memorandums of understanding, or expending any funds, the Director of Community Development shall receive written approval from the Council member whose ward line item is to fund the activity or program, provided that the amount for such activity or program does not exceed the amount allocated for the Council member's ward pursuant to the relevant Community Development Block Grant plan.

Section 5. That the cost of the contracts, memorandums of understanding and expenditures for the programs administered by the Department of Community Development shall not exceed \$7,600,000.00 and any prior years NDA balances and shall be paid from Fund Nos. 14 SF 030, 14 SF 031, 14 SF 032, 14 SF 033, 14 SF 034, 14 SF 035, 14 SF 036 and 14 SF 037.

Section 6. That the Director of the Department of Community Development is authorized to enter into or amend contracts with the entities administering the NDA program that generated program income in an amount not to exceed that generated program income and to expend funds for the programs administered by the Department of Community Development that generated program income in an amount not to exceed that generated program income all to be paid from the revolving fund in Fund 14.

Section 7. That the City is authorized to accept promissory notes naming the City of Cleveland as payee, and mortgages, naming the City of Cleveland as mortgagee, and any other security instrument executed to evidence and secure repayment of loans made under this program.

Section 8. That the Director of Community Development is authorized to enter into forbearance agreements with any recipient of a validly existing loan administered by the City, and to charge and accept fees and to expend such fees to cover costs incurred in the preparation of loan documents, closing, and servicing costs. Such fees shall be deposited to and expended from Fund No. 14.

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

Passed May 23, 2011.

Effective May 28, 2011.

Ord. No. 644-11.
By Council Members Brancatelli and Sweeney (by departmental request).

An emergency ordinance to amend Sections 1 and 5 of Ordinance No. 2567-A-88, passed January 30, 1989, as amended by various ordinances, relating to administration of the Neighborhood Development Program.

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

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

Section 1. That Sections 1 and 5 of Ordinance No. 2567-A-88, passed January 30, 1989, as amended by Ordinance No. 1336-89, passed June 5, 1989, Ordinance No. 1743-90, passed July 23, 1990, Ordinance no. 1671-91, passed September 30, 1991, Ordinance No. 1297-93, passed June 14, 1993, and Ordinance No. 299-94, passed March 28, 1994, are amended to read as follows:

Section 1. That the Director of Economic Development is authorized to administer the Neighborhood Development Program by making loans and grants, the aggregate of which shall not exceed \$2,400,000, with eligible community based neighborhood organizations or for-profit entities sponsored by or subsidiaries of such neighborhood organizations to provide economic development assistance to partially finance the acquisition, construction, renovation and/or pre-development costs of real estate located in the City's neighborhoods.

Section 5. That the Director of Economic Development is authorized to accept monies in repayment of the loans ("repayment funds") and to deposit the monies in Fund No. 17 SF 635 and to enter into loans with eligible neighborhood groups utilizing the repayment funds from Fund No. 17 SF 634.

Section 2. That existing Sections 1 and 5 of Ordinance No. 2567-A-88, passed January 30, 1989, as amended by Ordinance No. 1336-89, passed June 5, 1989, Ordinance No. 1743-90, passed July 23, 1990, Ordinance no. 1671-91, passed September 30, 1991, Ordinance No. 1297-93, passed June 14, 1993, and Ordinance No. 299-94, passed March 28, 1994, are repealed.

Section 3. That this ordinance is declared to be an emergency measure

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

Passed May 23, 2011.
Effective May 28, 2011.

Ord. No. 645-11.
By Council Members Conwell, Brancatelli and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Market Redevelopment, LLC, or its designee, to provide for a ten-year, sixty percent tax abatement of the increase in the assessed valuation of certain real property improvements located at 11905 Superior Avenue in the Cleveland Area Enterprise Zone.

Whereas, by letter dated February 11, 2011, the City provided the Cleveland Metropolitan School District ("CMSD") with a notice of proposed tax exemptions required by Section 5709.83 of the Revised Code. That notice was provided to the CMSD not later than fourteen days prior to passage of this ordinance; and

Whereas, under Ordinance No. 948-95, passed June 19, 1995, this Council designated an area, which is in the City of Cleveland and described in File No. 948-95-A, as the Cleveland Area Enterprise Zone (the "Zone") under Chapter 5709 of the Revised Code; and

Whereas, in August, 1995, the Director of Development of the State of Ohio determined that the Zone contains the characteristics described in division (A) of Section 5709.61 of the Revised Code and certified the area as an "Urban Jobs and Enterprise Zone" under Chapter 5709 of the Revised Code; and

Whereas, Market Redevelopment, LLC, or its designee (the "Enterprise") has proposed to redevelop the vacant Tops Supermarket property at 11905 Superior Avenue by subdividing the building into separate retail units and two outlots in the Cleveland Area Enterprise Zone; and

Whereas, the Enterprise has certified to the City that it would be at a competitive disadvantage operating at this location if taxes on certain real property improvements located at 11905 Superior Avenue in the Cleveland Area Enterprise Zone were not abated; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, safety, property, and welfare and that its enactment is a necessary prerequisite to providing immediate assistance to create and preserve job opportunities and advance and promote commercial and economic development in the City of Cleveland, and the assistance is immediately necessary or jobs will be lost; now, therefore,

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

Section 1. That this Council approves the application of the Enterprise for enterprise zone incentives on the basis that the Enter-

prise is qualified by financial responsibility and business experience to create and preserve employment opportunities in the Cleveland Area Enterprise Zone and to improve the economic climate of the City of Cleveland.

Section 2. That the Director of Economic Development is authorized to enter into an Enterprise Zone Agreement with the Enterprise to provide for a ten-year, sixty percent (60%) tax abatement of the increase in the assessed valuation of certain real property improvements located at 11905 Superior Avenue in the Cleveland Area Enterprise Zone; the abatement shall be subject to annual review of the Tax Incentive Review Council.

Section 3. That the terms of the tax abatement shall be in accordance with the terms in the Summary contained in File No. 645-11-A. These terms shall not be amended, nor shall the tax abatement be assignable or transferable to any entity, without the prior legislative authorization by Cleveland City Council.

Section 4. That the Director of Economic Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable under Chapter 5709 of the Revised Code and the funds are appropriated for the purposes listed in Chapter 5709 of the Revised Code. The fees shall be deposited to and expended from Fund No. 17 SF 305.

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 any contract authorized by this legislation must require the recipient of financial assistance to work with, and/or cause their Tenants 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. The identification process shall place special emphasis on the hard to employ, including people who are disabled and people who have been convicted of or who have pled guilty to a criminal offense which is unrelated to the duties of the job opportunity.

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

Passed May 23, 2011.
Effective May 28, 2011.

Ord. No. 683-11.
By Council Members Cimperman, K. Johnson and Sweeney (by departmental request).

An emergency ordinance to amend the title and Section 5 of Ordinance No. 808-09, passed June 8, 2009, as amended by Ordinance No. 617-10, passed May 10, 2010, and Ordinance No. 306-10 June 7, 2010; and to supplement the ordinance by adding new Section 10a, relating to constructing a bike station in Gateway North Garage to include the adjacent Plaza and to set fees.

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

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

Section 1. That the title and Sections 5 of Ordinance No. 808-09, passed June 8, 2009, as amended by Ordinance No. 617-10, passed May 10, 2010, and Ordinance No. 306-10, passed June 7, 2010 are amended to read as follows:

An Emergency Ordinance determining the method of making the public improvement of constructing a bike station in Gateway North Garage and constructing other improvements to the Gateway North and Gateway East Garages; authorizing the Director of Public Works to enter into one or more public improvement contracts to construct the improvement and employ one or more professional consultants necessary to design the improvement; authorizing the Director to enter into a Lease By Way of Concession for the operation of the bike station with Downtown Cleveland Alliance, for a period of one year, with two three-year options to renew, authorizing the Director to enter into any other agreements necessary to complete the Improvement; and to set user registration and pass fees for the Bike Station.

Section 5. That, provided Downtown Cleveland Alliance submits documents required by the City's bond counsel, and notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Public Works is authorized to enter a Lease By Way of Concession ("Lease") with Downtown Cleveland Alliance for the operation of the bike station in Gateway North Garage. The Lease shall be for the use and occupancy of approximately 1,300 square feet of space located on the first floor in the Gateway North Garage and the adjacent Plaza outdoor area of approximately 677 square feet, on the corner of 4th and High Street, including the two entry vestibules, as further illustrated on the map attached in File A.

Section 2. That the existing title and Section 5 of Ordinance No. 808-09, passed June 8, 2009, as amended by Ordinance No. 617-10, passed May 10, 2010, and Ordinance No. 306-10 passed June 7, 2010, are repealed.

Section 3. That Ordinance No. 808-09, passed June 8, 2009, as amended by Ordinance No. 617-10, passed May 10, 2010, and Ordinance No. 306-10, passed June 7, 2010, is supplemented by adding new Section 10a. to read as follows:

Section 10a. That the Board of Control shall fix the maximum rates for user registration and passes.

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

Passed May 23, 2011.
Effective May 28, 2011.

Ord. No. 710-11.**By Council Member J. Johnson.****An ordinance changing the Use and Area Districts of land located on the northeast corner of Parkgate Avenue and East Boulevard to a Multi-Family Residential Use District and a 'D' Area District (Map Change No. 2364; Sheet No.4).**

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

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

Beginning in the centerline of East Boulevard at its intersection with the westerly prolongation of the centerline of Parkgate Avenue;

Thence northerly along said centerline of East Boulevard to its intersection with the westerly prolongation of the northerly line of a parcel of land conveyed to Famicos Foundation by deed dated July 23rd, 2008 and recorded in Auditor's File Number 200807290274, said parcel also being known as Cuyahoga County's Permanent Parcel Number 109-01-008;

Thence easterly along said westerly prolongation of said northerly line to its intersection with the easterly most line thereof;

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

Thence westerly along said centerline of Parkgate Avenue and along its westerly prolongation to its intersection with the centerline of East Boulevard and the principal place of beginning.

and as shaded on the attached map is changed to a Multi-Family Residential Use District and a 'D' Area District.

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2364, Sheet No. 4 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.**Section 3.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.Passed May 23, 2011.
Effective June 22, 2011.

Ord. No. 738-11.

By Council Member Pruitt and Sweeney (by departmental request).

An emergency ordinance approving the collective bargaining agreement with the IBEW, Local 39; and to amend Section 24 of Ordinance No. 947-08, passed June 9, 2008, 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 IBEW, Local 39, under the terms contained in File No. 738-11-A, for the period from April 1, 2010 through March 31, 2013, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit under the following schedule:

Increase	Approximate Date of Increase*
0%	April 1, 2010
0%	April 1, 2011
3%	April 1, 2012

* Wage increases shall be effective as follows:

(a) If April 1st falls in the first week of a pay period, then the wage increase shall be effective commencing at the beginning of that pay period; or

(b) If April 1st falls in the second week of a pay period, then the wage increase shall be effective commencing at the beginning of the next pay period.

Section 2. That Section 24 of Ordinance No. 947-08, passed June 9, 2008, as amended by Ordinance No. 1009-08, passed July 2, 2008, Ordinance No. 316-09, passed March 16, 2009, Ordinance No. 408-09, passed March 30, 2009, and Ordinance No. 1041-10, passed August 18, 2010, is amended to read as follows:

Section 24. International Brotherhood of Electrical Workers, AFL-CIO, Local 39. That the salaries and the compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Apprentice Cable Splicer.....	22.22	24.89
2. Apprentice Lineman.....	22.39	25.07
3. Cable Foreman.....	31.45	33.25
4. Cable Splicer.....	17.46	27.87
5. Cable Splicer Helper.....	20.44	24.24
6. Cable Splicer I.....	28.15	29.82
7. Cable Splicer II.....	17.14	27.35
8. Dispatcher Electric System Operator.....	26.52	28.91
9. Electric Meter Industrial Installer.....	28.05	29.71
10. Electric Meter Instrument Specialist and General Tester.....	28.37	30.04
11. Electric Meter Service Foremen.....	31.45	33.25
12. Electric Meter Service Installer I.....	26.12	28.24
13. Electric Meter Service Installer II.....	24.35	25.86
14. Electric Meterman Apprentice.....	21.91	24.52
15. Electric Motor and Transformer Repairman.....	17.38	27.70
16. Electric Switchboard Operator Foreman.....	31.45	33.25
17. Electric Transmission and Distribution Inspector.....	28.15	31.38
18. Foreman Low Tension.....	30.91	32.68
19. Gas Turbine Mechanic.....	17.38	28.23
20. Gas Turbine Mechanic Apprentice.....	22.22	24.89
21. Intern Apprentice.....	10.00	31.38
22. Junior Electric Switchboard Operator.....	22.36	23.80
23. Line Clearance Man.....	22.00	24.72
24. Line Foreman.....	31.45	34.03
25. Line Helper Driver.....	17.73	24.25
26. Line Switchman.....	30.16	32.69
27. Leader Lineman Low-Tension.....	29.99	31.73
28. Lineman.....	28.15	29.82
29. Lineman Leader.....	26.27	27.86
30. Low Tension Lineman.....	29.99	31.73
31. Low Tension Lineman Apprentice.....	21.95	24.19
32. Low Tension Trouble Lineman.....	29.40	31.11
33. Police Division Trouble Lineman.....	19.19	30.56
34. Safety Signal Trouble Lineman.....	19.19	30.56
35. Senior Cable Splicer.....	29.65	31.38
36. Senior Electric Switchboard Operator.....	24.63	26.16
37. Senior Lineman.....	29.65	31.38
38. Signal System Powerman.....	19.54	31.12
39. Telecommunications Technician.....	29.40	31.11
40. Traffic Signal Control Technician.....	31.11	32.90
41. Traffic Signal Control Technician 2.....	30.60	32.36
42. Transformer Repairman Foreman.....	31.45	33.25
43. Trouble Lineman.....	29.65	32.42
44. Underground Conduit Foreman.....	31.45	33.25

Section 3. That Section 24 of Ordinance No. 947-08, passed June 9, 2008, as amended by Ordinance No. 1009-08, passed July 2, 2008, Ordinance No. 316-09, passed March 16, 2009, Ordinance No. 408-09, passed March 30, 2009, and Ordinance No. 1041-10, passed August 18, 2010, is amended to read as follows:

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

Passed May 23, 2011.
Effective May 28, 2011.

**Ord. No. 739-11.
By Council Member Pruitt and Sweeney (by departmental request).
An emergency ordinance approving the collective bargaining agreement with the Local 100, AFSCME Ohio Council 8.**

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 Local 100, AFSCME Ohio Council 8, under the terms contained in File No. 739-11-A, for the period from April 1, 2010 through March 31, 2013, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit under the following schedule:

<u>Increase</u>	<u>Approximate Date of Increase*</u>
0%	April 1, 2010
0%	April 1, 2011
3%	April 1, 2012

* Wage increases shall be effective as follows:

(a) If April 1st falls in the first week of a pay period, then the wage increase shall be effective commencing at the beginning of that pay period; or

(b) If April 1st falls in the second week of a pay period, then the wage increase shall be effective commencing at the beginning of the next pay period.

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

Passed May 23, 2011.
Effective May 28, 2011.

**Ord. No. 740-11.
By Council Member Pruitt and Sweeney (by departmental request).
An emergency ordinance approving the collective bargaining agreement with the Service Equipment Employee Union (SEME), Local 1.**

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 Service Equipment Employee Union (SEME), Local 1, under the terms contained in File No. 740-11-A, for the period from April 1, 2010 through March 31, 2013, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit under the following schedule:

<u>Increase</u>	<u>Approximate Date of Increase*</u>
0%	April 1, 2010
0%	April 1, 2011
3%	April 1, 2012

* Wage increases shall be effective as follows:

(a) If April 1st falls in the first week of a pay period, then the wage increase shall be effective commencing at the beginning of that pay period; or

(b) If April 1st falls in the second week of a pay period, then the wage increase shall be effective commencing at the beginning of the next pay period.

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

Passed May 23, 2011.
Effective May 28, 2011.

**Ord. No. 741-11.
By Council Members Conwell, Brancatelli, Cleveland and Sweeney (by departmental request).**

An emergency ordinance to amend Section 1 of Ordinance No. 189-11, passed March 21, 2011, relating to the acquisition and re-conveyance of property presently owned by SDC University Circle Developer LLC, or its designee, located at 2021 Cornell Road for the purpose of entering into the chain-of-title prior to the adoption of tax increment financing legislation and authorizing an agreement with SDC University Circle Developer LLC, or its designee.

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. 189-11, passed March 21, 2011, is amended to read as follows:

1.4924 ACRE PARCEL OF LAND

Situated in the City of Cleveland, County of Cuyahoga and State of

Ohio, and known as being part of Sublot Numbers 189 through 192, 194, and 195, and all of Sublot Numbers 193, 196, and 197 in Knight and Richardson's Subdivision of part of Original One Hundred Acre Lot Number 403, as shown on the recorded plat in Volume 24 of Maps, Page 17 of Cuyahoga County Records, and a part of Permanent Parcel Number 121-01-008;

Commencing at a stone monument with double drill holes found, (southerly drill hole used), at the center line intersection of Cornell Road, 60 feet wide, and Euclid Avenue, 100 feet wide, of which said monument bears South 42°52' 23" West, and passing over a drill hole in monument found, 0.07 feet (East), at the center line intersection of said Euclid Avenue and Mayfield Road, 84 feet wide and varies, a distance of 202.85 feet therefrom, a total distance of 324.08 feet to a one inch iron pin monument found at the center line intersection of Euclid Avenue, 100 feet wide, and Ford Drive, 55 feet wide; thence South 47°03' 17" East along the center line of Cornell Road, a distance of 49.96 feet to a point therein; thence North 42°52' 43" East, a distance of 30.00 feet to the northeasterly line of Cornell Road, 60 feet wide at its intersection with the southeasterly line of Euclid Avenue, 100 feet wide, and the southwesterly corner of land now or formerly owned by University Circle East LLC, an Ohio limited liability company, Permanent Parcel Number 121-01-001, as recorded by AFN 200309181629 of Cuyahoga County Deed Records, said point also being the TRUE POINT OF BEGINNING for the land hereinafter described, thence clockwise along the following thirteen courses and distances:

1. Thence North 42°52' 23" East along the southeasterly line of Euclid Avenue, as widened and recorded in Volume 4855, Pages 482-485 of Cuyahoga County Records, a distance of 93.22 feet to a point of curvature;
2. Thence continuing along the southeasterly line of Euclid Avenue, and along the arc of a curve deflecting to the right and having a radius of 170.55 feet, a central angle of 45°59' 23", a tangent of 72.38 feet, a chord of 133.25 feet which bears North 65°52' 06" East, a distance of 136.90 feet to a point of tangency on the southerly line of Mayfield Road, 84 feet wide and varies, as widened and recorded in Volume 4855, Pages 482-485 of Cuyahoga County Records;
3. Thence North 88°51' 48" East along the southerly line of Mayfield Road, a distance of 26.19 feet to an angle point;
4. Thence North 01°08' 12" West continuing along the southerly line of Mayfield Road, a distance of 10.00 feet to an angle point;
5. Thence North 88°51' 48" East continuing along the southerly line of Mayfield Road, a distance of 60.73 feet to a point of curve;

6. Thence continuing along the southerly line of Mayfield Road, as widened and recorded in Volume 227, Page 87 of Cuyahoga County Records, and along the arc of a curve deflecting to the left and having a radius of 202.00 feet, a central angle of 19°50'57", a tangent of 35.34 feet, a chord of 69.63 feet which bears South 81°12'45" East, a distance of 69.98 feet to a point of tangency;

7. Thence North 88°51'48" East continuing along the southerly line of Mayfield Road, a distance of 19.45 feet to a point therein, and the northwesterly corner of Block "A", as recorded in Volume 264, Page 56 of Cuyahoga county Records;

8. Thence South 01°08'12" East along the westerly line of said Block "A", a distance of 138.00 feet to an angle point, and the northeasterly corner of land now or formerly owned by University Hospitals of Cleveland, Permanent Parcel Number 121-01-031, as recorded in Volume 577, Page 32 of Cuyahoga County Deed Records;

9. Thence South 88°51'48" West along the northerly line of Permanent Parcel Number 121-01-031, a distance of 41.96 feet to an angle point;

10. Thence North 01°08'12" West continuing along the northerly line of Permanent Parcel Number 121-01-031, a distance of 0.48 feet to an angle point;

11. Thence South 72°23'29" West continuing along the northerly line of Permanent Parcel Number 121-01-031, a distance of 9.47 feet to an angle point, and the northwesterly corner thereof;

12. Thence South 42°52'23" West along the westerly line of Permanent Parcel Number 121-01-031, a distance of 200.00 feet to the northeasterly line of aforementioned Cornell Road, 60 feet wide;

13. Thence North 47°03'17" West along the northeasterly line of Cornell Road, 60 feet wide, a distance of 239.98 feet to the True Point of Beginning, and containing 1.4924 acres

(65,011 square feet) of land, more or less, as surveyed under the supervision of Joseph R. Ciuni, P.S. Number 7394, for Glaus, Pyle, Schomer, Burns & DeHaven, Inc., dba GPD Group, in May of 2011. Basis of Bearing : State Plane Grid North NAD83 (NSRS2007), Ohio North Zone.

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

Section 2. That existing Section 1 of Ordinance No. 189-11, passed March 21, 2011, is repealed.

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

Passed May 23, 2011.
Effective May 28, 2011.

Ord. No. 742-11.

By Council Member Sweeney.

An emergency ordinance to amend Section 113.12 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 908-10, passed July 14, 2010, relating to fees for publications and services.

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

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

Section 1. That Section 113.12 of the Codified Ordinances of the City of Cleveland, 1976, as amended by Ordinance No. 908-10, passed July 14, 2010, is hereby amended to read as follows:

Section 113.12 Fees for Publications and Services

(a) The Clerk of Council is hereby authorized to collect the following fees for Codified Ordinance parts reflecting certain code sections passed by Cleveland City Council complete through June 10, 2003, an edition of the City Charter complete through December 31, 2008, and editions of Parts I, V, and VI, complete through December 31, 2009:

<u>Unit</u>	<u>Cost</u>
Charter	\$ 6.02
Part I. Administrative Code	\$ 11.17
Part II. Health Code	\$ 17.04
Part IIIA. Land Use Code, Planning and Housing	\$ 14.94
Part IIIB. Zoning Code	\$ 10.40
Part IIIC. Land Use Code, Housing Code	\$ 14.25
Part IIID. Land Use Code, Fire Prevention Code	\$ 19.60
Part IIIE. Building Code	\$ 10.40
Part IV. Traffic Code	\$ 14.37
Part V. Municipal Utilities and Services Code	\$ 9.85
Part VI. Offenses and Business Activities Code	\$ 11.05
Complete Set	\$139.10

A complete set of the Codified Ordinances includes the Charter and all Parts noted above. The General Index, User's Guide, tabbed dividers and binder, can be made available at an additional cost.

(b) The Clerk of Council shall annually publish a supplement to the Codified Ordinances, which shall incorporate all legislative changes enacted by Cleveland City Council during the previous 12 months.

(c) The Clerk of Council is hereby authorized to collect the following fees for the supplement to the Codified Ordinances containing amendments passed by City Council from January 1, 2010 through December 31, 2010:

Supplement Unit	Cost
Part I.	\$ 24.37
Part IIIB.	\$ 24.67
Part VI.	\$ 24.36
Complete Bound cumulative supplement (Charter & all parts)	\$278.00

(d) The Clerk of Council shall charge one dollar (\$1.00) for each certification and five cents (\$0.05) per page for copies of ordinances, resolutions, reports, communications and other documents.

(e) All fees specified herein are net and any sales tax or postage, if applicable, shall be in addition to the fees set forth herein.

(f) All fees collected in accordance with divisions (a) and (c) of this Section shall be deposited into a special revenue fund and such funds shall be used only for costs associated with reviewing, compiling, updating, indexing, printing, and/or codifying the Codified Ordinances and any supplements to the Codified Ordinances, including any costs associated with alternative formats and internet accessibility.

Section 2. That existing Section 113.12 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 908-10, passed July 14, 2010, is hereby repealed.

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

Passed May 23, 2011.

Effective May 28, 2011.

Ord. No. 743-11.

By Council Member Sweeney.

An emergency ordinance authorizing the Clerk of Council to enter into an agreement with Thunder Tech for the professional services necessary to provide a software solution to update, customize and implement a Cleveland City Council website and to create a Council Intranet site.

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

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

Section 1. That the Clerk of Council is authorized to enter into an agreement with Thunder Tech for the professional services necessary to provide a software solution to update, customize and implement a Cleveland City Council website and to create a Council Intranet site.

The cost of all services under this agreement shall not exceed \$30,000 and shall be paid for from fund 11-006.

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

Passed May 23, 2011.

Effective May 28, 2011.

Ord. No. 744-11.

By Council Member Mitchell.

An emergency ordinance authorizing the issuance of a Temporary Sidewalk Occupancy Permit to Hattie Tindall to engage in peddling in Ward 6.

Whereas, pursuant to Section 675.07 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council expressed by ordinance is a prerequisite to peddling upon public rights of way outside of the Central Business District; and

Whereas, this Council has considered the request of Hattie Tindall to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow Hattie Tindall peddle in Ward 6; and

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

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

Section 1. That this Council consents, as required by, Section 675.07 of the Codified Ordinances to allow to Hattie Tindall to engage in mobile peddling in the public rights of way of Ward 6 at 3300-3308 East 93rd Street.

Section 2. That all of the requirements of Chapter 675 of the Codified

Ordinances shall apply to the persons named in Section 1 of this ordinance.

Section 3. That the privilege granted may be revoked at any time by this Council.

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

Passed May 23, 2011.

Effective May 28, 2011.

Ord. No. 759-11.

By Council Member Polensek.

An emergency ordinance designating the intersection of East 174th Street and Nottingham Road by St. John's Lutheran Church with a secondary and honorary designation of "Pastor Walther Marcis Way."

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 intersection of East 174th Street and Nottingham Road by St. John's Lutheran Church is designated with a secondary and honorary designation of "Pastor Walther Marcis Way."

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

Passed May 23, 2011.

Effective May 28, 2011.

Ord. No. 760-11.

By Council Member Polensek.

An emergency ordinance designating the intersection of Waterloo Road and East 156th Street with a secondary and honorary designation of "Miles Kennedy Square."

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 intersection of Waterloo Road and East 156th Street is designated with a secondary and honorary designation of "Miles Kennedy Square."

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

Passed May 23, 2011.

Effective May 28, 2011.

Ord. No. 761-11.

By Council Member Zone.

An emergency ordinance authorizing the Director of the Department of Community Development to enter into an agreement with the Detroit Shoreway Community Development Organization for the Gordon Square Arts District Community Event through the use of Ward 15 Neighborhood Equity Funds.

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

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

Section 1. That the Director of the Department of Community Development be authorized to enter into an agreement with the Detroit Shoreway Community Development Organization for the Discover Gordon Square Arts District Community Event for the public purpose of providing arts education, urban gardening programs and housing rehabilitation information for city of Cleveland residents through the use of Ward 15 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$10,000 and shall be paid from Fund No. 10 SF 166.

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

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

Passed May 23, 2011.

Effective May 28, 2011.

Ord. No. 762-11.

By Council Member Dow.

An emergency ordinance authorizing the Director of the Department of Community Development to enter into an agreement with the Famicos Foundation for the Fatherhood Action Initiative and Training Haven Project through the use of Ward 7 Neighborhood Equity Funds.

Whereas, this ordinance constitutes an emergency measure provid-

ing for the usual daily operation of a municipal department; now, therefore,

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

Section 1. That the Director of the Department of Community Development be authorized to enter into an agreement with the Famicos Foundation for the Fatherhood Action Initiative and Training Haven Project for the public purpose of providing instructional programming and education on the development of fatherhood skills and healthy father and child interaction for residents residing in the city of Cleveland through the use of Ward 7 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$15,000 and shall be paid from Fund No. 10 SF 166.

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

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

Passed May 23, 2011.
Effective May 28, 2011.

Ord. No. 764-11.

By Council Member Keane.

An emergency ordinance authorizing the Director of Port Control to enter into a lease with the USS Cod or its designee for use of parking Lots 9 and 10.

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 a lease with the USS Cod or its designee for use of parking Lots 9 and 10 for a period of 6 months beginning June 1, 2011. That the lease shall contain all such other provisions that the Director of Law deems appropriate.

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

Passed May 23, 2011.
Effective May 28, 2011.

Ord. No. 765-11.

By Council Member Sweeney.

An emergency ordinance authorizing the Director of Finance to enter into an agreement with Cleveland Community Access Corporation for management of public access channels.

Whereas, this ordinance constitutes an emergency measure provid-

ing 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 an agreement with Cleveland Community Access Corporation ("CCAC") for CCAC's management of public access channels.

Section 2. That the agreement shall not exceed \$200,000 and shall be paid from the fund or funds designated by the Director of Finance and appropriated for this purpose.

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

Passed May 23, 2011.
Effective May 28, 2011.

Ord. No. 771-11.

By Council Member Sweeney.

An emergency ordinance authorizing the Clerk of Council to enter into a professional services agreement with Francesca Piccirillo to provide assistance to the Office of the Clerk and the members of Cleveland City Council in any and all matters related to official Council business.

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

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

Section 1. That the Clerk of Council is authorized to enter into a professional services agreement with Francesca Piccirillo to provide assistance to the Office of the Clerk and the members of Cleveland City Council in any and all matters related to official Council business, as may be directed by the Clerk or her designees. The agreements shall begin June 1, 2011 and terminate August 31, 2011. The individuals shall be paid on an hourly basis in an amount not to exceed 10.00 per hour and shall be certified from fund numbers 632000-01-010100 and/or Fund No. 10 SF 166.

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

Passed May 23, 2011.
Effective May 28, 2011.

Ord. No. 781-11.

By Council Member Brady.

An emergency ordinance authorizing and directing the director of Public Service to issue a permit to the Halloran Park Summer Concert Club to stretch banners at West 117th (westside); 5 poles at Halloran Park, W. 117th (eastside); 3 poles at corner of Thrush & W. 117th; 3575 W. 117th; and corner of Dale & West 117th; for the period of time from July 4, 2011 to

August 2, 2011, inclusive, publicizing the Summer Concert at Halloran Park.

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 the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Service is hereby authorized and directed to issue a permit to the Halloran Park Summer Concert Club to stretch banners at West 117th (westside); 5 poles at Halloran Park, W. 117th (eastside); 3 poles at corner of Thrush & W. 117th; 3575 W. 117th; and corner of Dale & West 117th; for the period of time from July 4, 2011 to August 2, 2011, inclusive, publicizing the Summer Concert at Halloran Park; inclusive. Said banners shall be approved by the Director of Public Safety, as to type, method of affixing and location so as to not interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banners shall be removed promptly upon the expiration of said permit.

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

Passed May 23, 2011.
Effective May 28, 2011.

COUNCIL COMMITTEE MEETINGS

**Tuesday, May 31, 2011
9:30 a.m.**

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

1:30 p.m.

Employment, Affirmative Action and Training Committee: Present: Pruitt, Chair; Miller, Vice Chair; Cummins, Mitchell. *Authorized Absence:* J. Johnson, K. Johnson, Westbrook.

**Wednesday, June 1, 2011
9:00 a.m.**

Public Safety Committee: Present: Conwell, Chair; Polensek, Vice Chair; Brady, Cummins, Dow, Mitchell, Zone. *Authorized Absence:* Cleveland, Miller.

1:30 p.m.

Public Utilities Committee: Present: Kelley, Chair; Brady, Vice Chair; Conwell, Cummins, Dow, Polensek, Pruitt, Westbrook. *Authorized Absence:* Miller. Pro tempore: Sweeney.

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