

The City Record

Official Publication of the Council of the City of Cleveland



February the Eighteenth, Two Thousand and Nine

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	Nathaniel K. Wilkes
3	Zachary Reed
4	Kenneth L. Johnson
5	Phyllis E. Cleveland
6	Mamie J. Mitchell
7	TJ Dow
8	Sabra Pierce Scott
9	Kevin Conwell
10	Roosevelt Coats
11	Michael D. Polensek
12	Anthony Brancatelli
13	Joe Cimperman
14	Joseph Santiago
15	Brian J. Cummins
16	Kevin J. Kelley
17	Matthew Zone
18	Jay Westbrook
19	Dona Brady
20	Martin J. Sweeney
21	Martin J. Keane

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www.clevelandcitycouncil.org

Containing	PAGE
City Council	3
The Calendar	3
Board of Control	3
Civil Service	6
Board of Zoning Appeals	6
Board of Building Standards and Building Appeals	7
Public Notice	7
Public Hearings	7
City of Cleveland Bids	7
Adopted Resolutions and Ordinances	8
Committee Meetings	20
Index	20



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	Nathaniel K. Wilkes	8410 Vineyard Avenue	44105
3	Zachary Reed	3734 East 149th Street	44120
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	8323 Pulaski Avenue	44103
8	Sabra Pierce Scott	1136 East 98th Street	44108
9	Kevin Conwell	10647 Ashbury Avenue	44106
10	Roosevelt Coats	1775 Cliffview Road	44112
11	Michael D. Polensek	17855 Brian Avenue	44119
12	Anthony Brancatelli	6924 Ottawa Road	44105
13	Joe Cimperman	P.O. Box 91688	44101
14	Joseph Santiago	3169 West 14th Street	44109
15	Brian J. Cummins	3104 Mapledale Avenue	44109
16	Kevin J. Kelley	6608 Woodhaven Avenue	44144
17	Matthew Zone	1228 West 69th Street	44102
18	Jay Westbrook	1278 West 103rd Street	44102
19	Dona Brady	1272 West Boulevard	44102
20	Martin J. Sweeney	3632 West 133rd Street	44111
21	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
Valerie 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
Debra Linn Talley, Director, Office of Equal Opportunity

DEPT. OF LAW – Robert J. Triozzi, Director, Richard F. Horvath, Chief Corporate Counsel, Thomas J. Kaiser, Chief Trial Counsel, Barbara A. Langhenry, Chief Counsel, Rm. 106
Karen E. Martinez, 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 – Algeron Walker, 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, Interim Director, 1201 Lakeside Avenue
DIVISIONS – 1201 Lakeside Avenue

Cleveland Public Power – Ivan Henderson, Commissioner
Street Lighting Bureau – _____, Acting Chief
Utilities Fiscal Control – Dennis Nichols, Commissioner
Water – John Christopher Nielson, Commissioner
Water Pollution Control – Ollie Shaw, Commissioner

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

Cleveland Hopkins International Airport, 5300 Riverside Drive
Burke Lakefront Airport – Khalid Bahhur, Commissioner
Cleveland Hopkins International Airport – Fred Szabo, Commissioner

DEPT. OF PUBLIC SERVICE – Jomarie Wasik, Director, Room 113

DIVISIONS: Architecture – Kurt Wiebusch, Commissioner, Room 517
Engineering and Construction – Randall E. DeVaul, Commissioner, Room 518
Motor Vehicle Maintenance, Daniel A. Novak, Commissioner, Harvard Yards Streets – Randall T. Scott, Commissioner, Room 25
Traffic Engineering – Robert Mavec, Commissioner, 4150 East 49th Street, Building #1
Waste Collection and Disposal – Ron Owens, Commissioner, 5600 Carnegie Avenue

DEPT. OF PUBLIC HEALTH – Matt Carroll, Director, Mural Building, 1925 St. Clair Ave.

DIVISIONS: Air Quality – Richard L. Nemeth, Commissioner
Environment – Willie Bess, Commissioner, Mural Building, 1925 St. Clair Ave.
Health – Anjou Parekh, Commissioner, Mural Building, 1925 St. Clair Ave.

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 PARKS, RECREATION & PROPERTIES – Michael Cox, Director

Cleveland Convention Center, Clubroom A, 1220 East 6th Street
DIVISIONS: Convention Center & Stadium – James Glending, Commissioner
Public Auditorium, East 6th Street and Lakeside Avenue
Parking Facilities – Leigh Stevens, Commissioner
Public Auditorium, East 6th Street and Lakeside Avenue
Park Maintenance and Properties – Richard L. Silva, Commissioner
Public Auditorium – East 6th Street and Lakeside Avenue
Property Management – Tom Nagle, Commissioner, East 49th Street & Harvard
Recreation – Kim Johnson, Commissioner, Room 8
Research, Planning & Development – Mark Fallon, Commissioner, 1501 N. Marginal Road
Burke Lakefront Airport

DEPT. OF COMMUNITY DEVELOPMENT – Daryl Rush, Director, 3rd Floor, City Hall
DIVISIONS: Administrative Services – Terrence Ross, Commissioner
Neighborhood Services – Louise V. Jackson, Commissioner
Neighborhood Development – Joseph A. Sidoti, 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 PERSONNEL AND HUMAN RESOURCES – Trudy Hutchinson, Director, Room 121

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

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

DEPT. OF CONSUMER AFFAIRS – Omayra G. Feliciano, Acting Director

COMMUNITY RELATIONS BOARD – Room 11, Blaine Griffin, Director; Mayor Frank G. Jackson, Chairman Ex-Officio; Rev. Charles Lucas, Jr., Vice-Chairman; Councilman Kevin Conwell, Councilman Brian J. Cummins, Councilman Joe Santiago, Councilman Matthew Zone, City Council Representatives; Charles L. Patton, Jr., Paula Castleberry, Emmett Saunders, John Banno, Kathryn M. Hall, Evangeline Hardaway, Janet Jankura, Gia Hoa Ryan, Rev. Jesse Harris, Magda Gomez, Fred J. Livingstone, Margot James Copeland.

CIVIL SERVICE COMMISSION – Room 119, Reynaldo Galindo, President; Rev. Earl Preston, Vice President; Lucille Ambroz, Secretary; Members: Diane M. Downing, Michael L. Nelson.

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, _____, 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 Jomarie Wasik, Law Director Robert J. Triozzi; Councilman _____.

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

FAIR CAMPAIGN FINANCE COMMISSION – Chris Warren, C. Ellen Connolly, Hillary S. Taylor.

FAIR EMPLOYMENT WAGE BOARD – Room 210 – Gerald Meyer, Chair; Angela Caldwell, Vice Chair; Patrick Gallagher, Kathryn Jackson, Draydean McCaleb, Council Member _____, Ed Romero.

FAIR HOUSING BOARD – Charles See, Chair; _____, Vice Chair; Daniel Conway, Doris Honsa, Lisa Camacho.

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 – Laura M. Bala, Chair; Jennifer Coleman, Vice Chair; Robert N. Brown, Council Member Joe Cimperman, Thomas Coffey, Robert Jackimowicz; Ari Maron, 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	15A
Judge Marilyn B. Cassidy	12A
Judge Emanuella Groves	13A
Judge Larry A. Jones	14B
Judge Kathleen Ann Keough	13D
Judge Anita Laster Mays	14C
Judge Lauren C. Moore	14A
Judge Charles L. Patton, Jr.	12B
Judge Raymond L. Pianka (Housing Court Judge)	12C
Judge Michael John Ryan	12C
Judge Angela R. Stokes	15C
Judge Pauline H. Tarver	13C
Judge Joseph J. Zone	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

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71 OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 96

WEDNESDAY, FEBRUARY 18, 2009

No. 4967

CITY COUNCIL

MONDAY, FEBRUARY 16, 2009

The City Record

Published weekly by the City Clerk,
Clerk of Council under authority
of the Charter of the
City of Cleveland

The City Record is available
online at

www.clevelandcitycouncil.org

Address all communications to

PATRICIA J. BRITT

City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2006-2009

MONDAY — Alternating

9:30 A.M. — **Public Parks, Property & Recreation Committee:** Johnson, Chair; Wilkes, Vice Chair; Brancatelli, Cummins, Kelley, Polensek, Pruitt.

9:30 A.M. — **Health & Human Services Committee:** Brancatelli, Chair; Cleveland, Vice Chair; Conwell, Kelley, Mitchell, Reed, Santiago.

11:00 A.M. — **Public Service Committee:** Brady, Chair; Pruitt, Vice Chair; Cleveland, Cummins, Johnson, Polensek, Reed, Santiago, Wilkes.

11:00 A.M. — **Legislation Committee:** Cleveland, Chair; Keane, Vice Chair; Cimperman, Dow, Pierce Scott, Reed, Wilkes.

MONDAY

2:00 P.M. — **Finance Committee:** Sweeney, Chair; Cimperman, Vice Chair; Brady, Brancatelli, Cleveland, Coats, Conwell, Keane, Kelley, Pierce Scott, Westbrook.

TUESDAY

9:30 A.M. — **Community and Economic Development Committee:** Pierce Scott, Chair; Brancatelli, Vice Chair; Brady, Cimperman, Cummins, Coats, Dow, Westbrook, Zone.

1:30 P.M. — **Employment, Affirmative Action & Training Committee:** Coats, Chair; Santiago, Vice Chair; Conwell, Cummins, Johnson, Mitchell, Pruitt.

WEDNESDAY — Alternating

10:00 A.M. — **Aviation & Transportation Committee:** Kelley, Chair; Keane, Vice Chair; Brancatelli, Cleveland, Dow, Mitchell, Westbrook.

10:00 A.M. — **Public Safety Committee:** Conwell, Chair; Brady, Vice Chair; Coats, Cummins, Mitchell, Polensek, Pruitt, Santiago, Zone.

WEDNESDAY — Alternating

1:30 P.M. — **Public Utilities Committee:** Zone, Chair; Reed, Vice Chair; Cummins, Keane, Kelley, Polensek, Santiago, Westbrook, Wilkes.

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

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

Rules Committee: Sweeney, Chair; Cleveland, Kelley, Pierce Scott, Polensek.

Personnel and Operations Committee: Westbrook, Chair; Kelley, Mitchell, Pierce Scott, Santiago, Sweeney, Wilkes.

Mayor's Appointment Committee: Coats, Chair; Pierce Scott, Kelley, Sweeney, Westbrook.

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

February 11, 2009

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, February 11, 2009, at 10:30 a.m. with Director Triozzi presiding.

Present: Directors Triozzi, Dumas, Acting Director Withers, Directors R. Smith, Carroll, Acting Director H.

Smith, Director Cox, Acting Director Wilbur, Directors Hutchinson, Fumich, Interim Director Feliciano and Director Rybka.

Absent: Mayor Jackson, Directors Wasik and Nichols.

Others: Jim Hardy, Commissioner, Purchases and Supplies.

Debra Linn Talley, Director, Office of Equal Opportunity.

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

Resolution No. 42-09.

By Director Dumas.

Resolved by the Board of Control of the City of Cleveland, that under Section 101 of the Charter, Section 181.19 of the Codified Ordinances of Cleveland, Ohio, 1976, and Resolution No. 921-52, adopted by the Board of Control on November 26, 1952, the report of the Commissioner of Purchases and Supplies for the sale of scrap, personal property, and by-products during the month of January, 2009 in the amount of \$15,449.10, attached and made a part of this resolution, is received, approved ordered filed.

Yeas: Directors Triozzi, Acting Director Withers, Directors R. Smith, Carroll, Acting Director H. Smith, Director Cox, Acting Director Wilbur, Directors Hutchinson, Fumich, Interim Director Feliciano and Director Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Dumas, Wasik and Nichols.

Resolution No. 43-09.

By Director Dumas.

Resolved, by the Board of Control of the City of Cleveland that all bids received on December 10, 2008 for the purchase of an estimated quantity of fasteners, for the various divisions of City government, for all items under the authority of Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976, are rejected.

Yeas: Directors Triozzi, Acting Director Withers, Directors R. Smith, Carroll, Acting Director H. Smith, Director Cox, Acting Director Wilbur, Directors Hutchinson, Fumich, Interim Director Feliciano and Director Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Dumas, Wasik and Nichols.

Resolution No. 44-09.

By Director Dumas.

Resolved, by the Board of Control of the City of Cleveland that the bid of Stark Metal Sales, Inc., for an estimated quantity of miscellaneous sized steel plates, for the various divisions of City government, for all items, for the period of six months beginning with the date of execu-

tion of a contract or the day following expiration of the currently effective contract, received on January 7, 2009, 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 \$100,866.00, 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 shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 189723 which shall be certified against the contract in the sum of \$10,000.00.

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 subsequent requisitions separately certified against the contract.

Yeas: Directors Triozzi, Acting Director Withers, Directors R. Smith, Carroll, Acting Director H. Smith, Director Cox, Acting Director Wilbur, Directors Hutchinson, Fumich, Interim Director Feliciano and Director Rybka.

Nays: None.
Absent: Mayor Jackson, Directors Dumas, Wasik and Nichols.

Resolution No. 45-09.

By Interim Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 1716-06, passed by the Council of the City of Cleveland on November 20, 2006, Middough Inc. is selected from a list of firms determined after a full and complete canvass by the Director of Public Utilities as the firm to be employed by contract to supplement the regularly employed staff of Public Utilities Department of the City of Cleveland to perform the professional services necessary to evaluate whether Cleveland Public Power should participate in the proposed AMP-Ohio generating facility or other generating projects and to provide any opinions and certifications required by the CPP bond indenture, for the Division of Cleveland Public Power, Department of Public Utilities.

Be it further resolved that the Director of Public Utilities is authorized to enter into contract with Middough Inc., based on its proposal dated December 10, 2008, which contract shall be prepared by the Director of Law, shall provide for the furnishing of professional services as described in the proposal for an aggregate fee of \$194,494.00, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved that the employment of the following sub-consultants is approved:

<u>SUB-CONSULTANTS</u>	<u>AMOUNT PERCENTAGE</u>
DLZ Ohio, Inc. (MBE/CSB)	\$29,290.00 15.05 %

RNR Consulting (MBE/CSB)	\$25,390.00 13.05 %
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GT Environmental, Inc.	\$27,650.00 14.21 %
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Yeas: Directors Triozzi, Acting Director Withers, Directors R. Smith, Carroll, Acting Director H. Smith, Director Cox, Acting Director Wilbur, Directors Hutchinson, Fumich, Interim Director Feliciano and Director Rybka.

Nays: None.
Absent: Mayor Jackson, Directors Dumas, Wasik and Nichols.

Resolution No. 46-09.

By Interim Director Withers.

Whereas, under the authority of Ordinance No. 891-07, passed by the Council of the City of Cleveland on July 11, 2007, and Resolution No. 622-07, adopted by this Board of Control on November 11, 2007, the City through its Director of Public Utilities, entered into Contract No. 67645 with Middough, Inc. ("Consultant"), to perform professional engineering services, on an as-needed basis, for a period of two years for the Division of Cleveland Public Power, Department of Public Utilities, for an amount not to exceed \$2,000,000.00; and

Whereas, Ordinance No. 897-07 authorizes this Board of Control to fix the compensation paid to Consultant at an amount not to exceed \$3,000,000.00; and

Whereas, the total compensation to be paid to Consultant under Contract No. 67645 has been exhausted and the Division of Cleveland Public Power requires continued engineering services; and

Whereas, the City desires to have Consultant perform continued engineering services and to increase the total compensation paid under City Contract No. 67645 for the engineering services; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the Director of Public Utilities is authorized to enter into a fifth modification to Contract No. 67645 with Middough, Inc. to increase the total compensation paid under the agreement from \$2,000,000.00 to \$2,300,000.00 and receive continued services under the agreement. The modification authorized shall be prepared by the Director of Law and shall include such additional provisions as that Director deems necessary to benefit and protect the public interest.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following sub-consultants for the above-mentioned fifth modification is approved:

<u>SUB-CONSULTANTS</u>	<u>WORK PERCENTAGE</u>
Polytech, Inc. (CSB/M)	\$230,000.00 10.00 %
KS Associates, Inc. (CSB/F)	\$ 57,500.00 2.50 %
DLZ Ohio Inc. (CSB/M)	\$115,000.00 5.00 %

CAD Concepts, Inc. (CSB/F)	\$ 57,500.00 2.50 %
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Siemens Power Technologies International	\$100,000.00 4.34 %
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Laramore Douglass and Popham	\$200,000.00 8.69 %
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Yeas: Directors Triozzi, Acting Director Withers, Directors R. Smith, Carroll, Acting Director H. Smith, Director Cox, Acting Director Wilbur, Directors Hutchinson, Fumich, Interim Director Feliciano and Director Rybka.

Nays: None.
Absent: Mayor Jackson, Directors Dumas, Wasik and Nichols.

Resolution No. 47-09.

By Interim Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Emerald Environmental Services, Inc. for an estimated quantity of hauling and disposing of water treatment plant residuals, items 1A-1C, for the Division of Water, Department of Public Utilities, for a period of one year starting upon the later of execution of the contract or the day following expiration of the currently effective contract for the goods or services, received on December 18, 2008 under the authority of Ordinance No. 1868-07, passed December 10, 2007, which on the basis of the estimated quantity would amount to \$99,080.00 (0.25%, 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 commodities, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 189730 which shall be certified against such contract in the sum of \$25,000.00.

The requirement contract shall further provide that the Contractor will furnish the remainder of the requirement for the labor and materials, whether more or less than the estimated quantity, as may be ordered under subsequent requisitions separately certified against the contract.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Emerald Environmental Services, Inc. for the above-mentioned service is approved:

<u>SUBCONTRACTOR</u>	<u>WORK PERCENTAGE</u>
Riley's Transportation of OH, Inc.	\$21,000.00 21.19 %

Yeas: Directors Triozzi, Acting Director Withers, Directors R. Smith, Carroll, Acting Director H. Smith, Director Cox, Acting Director Wilbur, Directors Hutchinson, Fumich, Interim Director Feliciano and Director Rybka.

Nays: None.
Absent: Mayor Jackson, Directors Dumas, Wasik and Nichols.

Resolution No. 48-09.

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. 66-08, adopted January 30, 2008, is rescinded effective on March

1, 2009, and that the charges and fees shall be in force and effect for a period not to exceed one year from March 1, 2009 to February 28, 2010.

Yeas: Directors Triozzi, Dumas, Acting Director Withers, Directors R. Smith, Carroll, Acting Director H. Smith, Director Cox, Acting Director Wilbur, Directors Hutchinson, Fumich, Interim Director Feliciano and Director Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Wasik and Nichols.

Resolution No. 49-09.

By Director Smith.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of MC Building Services, LLC d/b/a The Awning Company, for the public improvement of installing two canopies at Cleveland Hopkins International Airport, all items, for the Department of Port Control, received on October 31, 2008 under the authority of Ordinance No. 1533-07, passed December 10, 2007, upon a unit basis for the improvement, in the aggregate amount of \$27,651.00, is affirmed and approved as the lowest responsible bid, and the Director of Port Control is authorized to enter into a contract for the improvement with the bidder.

Yeas: Directors Triozzi, Dumas, Acting Director Withers, Directors R. Smith, Carroll, Acting Director H. Smith, Director Cox, Acting Director Wilbur, Directors Hutchinson, Fumich, Interim Director Feliciano and Director Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Wasik and Nichols.

Resolution No. 50-09.

By Director Flask.

Resolved by the Board of Control of the City of Cleveland that the bid of Samsel Rope & Marine Supply Company dba Samsel Supply Company, for an estimated quantity of Police Boat, item no. 1, Division of Police, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on May 1, 2008, under the authority of Ordinance No. 1873-06, passed by Cleveland City Council on March 12, 2007, which on the basis of the estimated quantity would amount to \$200,876.00, is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for the goods and/or services, which shall provide for the immediate purchase as the initial amount of the contract of the following:

Requisition No. 188087 as specified, which shall be certified against the contract in the sum of \$200,876.00.

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 subsequent requisitions separately certified against the contract.

Yeas: Directors Triozzi, Dumas, Acting Director Withers, Directors R. Smith, Carroll, Acting Director H. Smith, Director Cox, Acting Director Wilbur, Directors Hutchinson, Fumich, Interim Director Feliciano and Director Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Wasik and Nichols.

Resolution No. 51-09.

By Director Cox.

Whereas, by Resolution No. 177-03, adopted on February 26, 2003, under the authority of Section 133.14(a) of the Codified Ordinances of Cleveland, Ohio 1976, this Board of Control established the rental rates for the Cleveland Public Auditorium and Convention Center its various rooms, halls, and portions thereof; and

Whereas, the City of Cleveland will sponsor Senior Day 2009 to be held on May 21, 2009; and

Whereas, Senior Day 2009 is open to the public free of charge; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that notwithstanding and as an exception to the terms of Resolution No. 117-03, adopted by this Board of Control on February 26, 2003, the use of the space at the Cleveland Convention Center for Senior Day 2009, shall be provided at no charge.

Be it further resolved that any labor, materials and equipment supplied to Senior Day 2009 by the Cleveland Convention Center be charged at the prevailing rate to the Department of Aging.

Yeas: Directors Triozzi, Dumas, Acting Director Withers, Directors R. Smith, Carroll, Acting Director H. Smith, Director Cox, Acting Director Wilbur, Directors Hutchinson, Fumich, Interim Director Feliciano and Director Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Wasik and Nichols.

Resolution No. 52-09.

By Director Fumich.

Whereas, Ordinance No. 1184-08, passed by the Cleveland City Council on October 6, 2008, authorizes the Director of Aging to charge a fee, established by the Board of Control, to agencies to reserve space to provide information and resources to benefit older adults at Department of Aging events; and

Whereas, Ordinance No. 1184-08 also requires the Director to establish a protocol, with the approval of the Board of Control for the allocation of space; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 1184-08, passed by the Cleveland City Council on October 6, 2008, the following protocol for the allocation of space at and fee schedule for Department of Aging events are respectively approved and established:

PROTOCOL

Every agency requesting to use space at a Department of Aging event shall submit a request in writ-

ing to the Director. The Director shall determine availability and the allocation of space at the event for the purpose of allowing the agency to set-up a display, table, or stand to provide information and resources to benefit older adults.

The agency or organization seeking to reserve space at a Department of Aging event must demonstrate that its purpose is to provide information that will educate and support the health, welfare, quality of life, and best interest of older persons and complement the stated purpose of the event being held. The Director may refuse to provide space to any agency or organization that does not meet these criteria or when there is a lack of available space.

The fee charged for use of space shall be according to the following schedule and based upon the estimated attendance at the event, as determined by the Director:

FEE SCHEDULE

Estimated Attendance

Under 100 -	\$ 25.00
100-500	\$ 50.00
500-1000	\$100.00
1000 or more	\$200.00

Non-profit organizations will not be charged a fee for the use of space.

The Board of Control may, from time to time, establish an adjustment to the fee schedule stated above in order to encourage participation by agencies or organizations at events where a low attendance is anticipated, as the Director of Aging may recommend.

An agency or organization that sponsors a portion of an event where the value of the sponsorship meets or exceeds the fee schedule may reserve space at the event at no additional charge.

Yeas: Directors Triozzi, Dumas, Acting Director Withers, Directors R. Smith, Carroll, Acting Director H. Smith, Director Cox, Acting Director Wilbur, Directors Hutchinson, Fumich, Interim Director Feliciano and Director Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Wasik and Nichols.

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 Lake-side Avenue.

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

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

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

REYNALDO GALINDO,
President

**SCHEDULE OF THE BOARD
OF ZONING APPEALS**

MONDAY, MARCH 2, 2009

9:30 A.M.

Calendar No. 09-14: 12010 Bellaire Road (Ward 19)

Dolores Wagner, owner, appeals to change use from a service station to an auto repair garage a one-story masonry building on a 138' x 133' irregular shaped corner parcel in a General Retail Business District; subject to the limitations of Section 343.11(b), the proposed auto repair is not permitted and is located between 5 to 10 feet from a residential district, contrary to a distance of at least 100 feet as required under Section 345.03(c)(2); and nonconforming parking areas must be hard-surfaced according to the provisions of Section 349.07 with asphalt, concrete or with a permeable paving, engineered system that is approved by the Director of Building and Housing. A 6 foot wide landscaped frontage strip providing 50 percent year-round opacity is required where any parking areas abut the street, and a 10 foot width of landscaping that provides 75 percent year-round opacity is required, where the proposed use abuts either a court or an alley way to the rear, as stated in Sections 352.08 to 352.12 of the Codified Ordinances.

Calendar No. 09-16: 4724 West 130th Street (Ward 20)

Vietnamese Buddhist Association of Cleveland, owner, appeals for a change of use and to build an addition to an existing one family dwelling, proposed to be on consolidated parcels in a General Retail Business District; and by reference the use is regulated under Section 337.02(e)(1) for a One-Family District, where churches, temples and other places of worship and accessory uses are permitted if located not less than 15 feet from a residential lot; and nonconforming to the provisions in Sections 352.08-352.11, for a 10 foot wide landscaping transition strip along the rear of the property where the lot abuts a One-Family District.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

TUESDAY, FEBRUARY 17, 2009

At the meeting of the Board of Zoning Appeals on Tuesday, February 17, 2009, the following appeals were heard by the Board.

The following appeals were **Approved:**

Calendar No. 09-6: 2239 East 95th Street
Cleveland Green Homes East LPI, owner, appealed to erect a one-story detached garage in a Two-Family District.

Calendar No. 08-236: 4120 Lee Road
Sherry Wingfield, owner, and Eddie Adya, prospective purchaser, appealed to construct a restaurant in a General Retail Business District; subject to conditions.

Calendar No. 08-214: 2012 West 25th Street
United Twenty-Fifth Building LLC appealed to change use from office to office and apartments a 9-story building in a General Retail Business District.

The following appeal was **Denied:**
None

The following appeal was **Withdrawn:**
None

The following appeal was **Dismissed:**
None

The following appeals were **Postponed:**

Calendar No. 09-7: 2122-24 West 73rd Street postponed to April 6, 2009.

Calendar No. 09-8: 7026 Kinsman Road postponed to March 9, 2009.

Calendar No. 09-9: 12222 Soika Avenue postponed to March 9, 2009.

Calendar No. 08-205: Violation Notice, 4965 Broadview Road postponed pending update on zoning regulations.

Calendar No. 08-220: 4965 Broadview Road postponed pending update on zoning regulations.

The following appeals heard by the Board on February 9, 2009 were adopted and approved on February 17, 2009.

The following appeals were **Approved:**

Calendar No. 09-1: 4060 East 116th Street
Number 1 Grace LLC appealed to install pre-manufactured three-tier vehicle racks on an acreage parcel in a General Industry District.

Calendar No. 09-2: 15411 Marlene Avenue
Mary Catherine O'Meara appealed to construct a wolmanized wooden

wheelchair ramp at the front of a one family dwelling in a One-Family District; subject to condition.

Calendar No. 09-5: 10412 Elk Avenue, a.k.a. 510-540 East 105th Street
ShoreBank Enterprise Group, owner, and Evergreen Cooperative Laundry, lessee, appealed for a change of use from a storm door assembling plant and retail store to a commercial laundry in Local Retail Business and Multi-Family Districts.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

NO MEETING

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

**Notice of Public Hearing
By the Council Committee
On City Planning**

**Mercedes Cotner
Committee Room 217
City Hall, Cleveland, Ohio
On Wednesday, March 4, 2009
1:00 p.m.**

Notice is hereby given to all interested property owners that the Council Committee on City Planning will hold a public hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on Wednesday, March 4, 2009, at 1:00 p.m., to consider the following ordinances now pending in the Council:

Ord. No. 1671-08.

By Council Member Keane.
An ordinance to change the zoning of lands on the east and west sides of Rocky River Drive between Larchwood Avenue and Woodbury Avenue as shown on the attached map (Map Change No. 2269 Sheet No. 12).

Ord. No. 1851-08.

By Council Members Brady and Westbrook.
An ordinance expanding the West 117th Street/Berea Road Business Revitalization District by designating a portion of West 117th Street and land between West 117th Street and West 121st Street north of Triskett Road as shown on the attached map (Map Change No. 2270, Pages 1, 2 & 12).

All interested persons are urged to be present or to be represented at the above time and place.

Joseph C. Cimperman
Chairman
Committee on City Planning

February 18, 2009 and February 25, 2009

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."

THURSDAY, FEBRUARY 26, 2009

File No. 19-09 — Bellaire Road Rehabilitation West 130th Street to West 117th Street, for the Division of Engineering and Construction, Department of Public Service, as authorized by Ordinance No. 686-08, passed by the Council of the City of Cleveland, June 9, 2008.

THERE WILL BE A REFUNDABLE FEE FOR PLANS/SPECIFICATIONS IN THE AMOUNT OF A FIFTY DOLLARS (\$50.00) IN THE FORM OF A CASHIER'S CHECK AND/OR MONEY ORDER. (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED). THERE WILL BE A NON-MANDATORY PRE-BID MEETING, THURSDAY, FEBRUARY 19, 2009 AT 10:00 A.M., THE CLEVELAND CITY HALL, ENGINEERING AND CONSTRUCTION, ROOM 518, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

February 11, 2009 and February 18, 2009

FRIDAY, FEBRUARY 27, 2009

File No. 18-09 — Constructing and Repairing Catch Basins and Manholes at Various Locations Throughout the City, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 996-03, passed by the Council of the City of Cleveland, July 16, 2003.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, FEBRUARY 20, 2009 AT 10:00 A.M., THE DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, RED CONFERENCE ROOM, CLEVELAND, OHIO 44108.

February 11, 2009 and February 18, 2009

THURSDAY, MARCH 5, 2009

File No. 17-09 — Various Generator Maintenance and Repair, for the Division of Motor Vehicle Maintenance, Department of Public Service, as authorized by Ordinance No. 686-07, passed by the Council of the City of Cleveland, June 11, 2007.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** MONDAY, FEBRUARY 23, 2009 AT 11:00 A.M., THE DIVISION OF MOTOR VEHICLE MAINTENANCE, BUILDING #1, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

File No. 22-09 — Sodium Hypochlorite, for the Division of Water, Department of Public Utilities, as authorized by Section No. 129.24 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, FEBRUARY 20, 2009 AT 2:30 P.M., THE PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

February 11, 2009 and February 18, 2009

WEDNESDAY, MARCH 11, 2009

File No. 21-09 — Fiber Splicing Equipment/Test Gear, for the Division of Information Technology and Services, Department of Finance, as authorized by Ordinance No. 1880-07, passed by the Council of the City of Cleveland, November 26, 2007.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, TUESDAY, FEBRUARY 24, 2009 AT 1:00 P.M., THE INFORMATION TECHNOLOGY AND SERVICES, 4TH FLOOR, 205 WEST SAINT CLAIR AVENUE, CLEVELAND, OHIO 44114.

February 11, 2009 and February 18, 2009

WEDNESDAY, MARCH 4, 2009

File No. 25-09 — Material Storage Racking at 1735 Lakeside Avenue (Re-Bid), for the Division of Printing and Reproduction, Department of Finance, as authorized by Ordinance No. 858-08, passed by the Council of the City of Cleveland, June 2, 2008.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, FEBRUARY 26, 2009 AT 10:00 A.M., THE DIVISION OF PRINTING AND REPRODUCTION, 1735 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

February 18, 2009 and February 25, 2009

WEDNESDAY, MARCH 11, 2009

File No. 26-09 — Digital Video Archiving Playout System (Re-Bid), for the Division of Cable TV-23, Department of Public Utilities, as authorized by Ordinance No. 1799-07, passed by the Council of the City of Cleveland, December 10, 2007.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, FRIDAY, FEBRUARY 27, 2009 AT 11:00 A.M., THE CONVENTION CENTER, 3RD FLOOR, 500 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

February 18, 2009 and February 25, 2009

FRIDAY, MARCH 13, 2009

File No. 20-09 — Adjustable Valve Boxes and Appurtenances, for the Division of Water, Department of Public Utilities, as authorized by Section No. 129.25 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, FEBRUARY 26, 2009 AT 10:00 A.M., THE DIVISION OF WATER, DISTRIBUTION AND MAINTENANCE, PIPE REPAIR CONFERENCE ROOM, 4600 HARVARD AVENUE, CLEVELAND, OHIO 44105.

February 18, 2009 and February 25, 2009

THURSDAY, MARCH 19, 2009

File No. 23-09 — Repair and Replace Fire Extinguishers, for the Various Divisions of City Government, Department of Finance, as authorized by Section No. 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, WEDNESDAY, MARCH 4, 2009 AT 10:00 A.M., THE CLEVELAND CITY HALL, DIVISION OF PURCHASES AND SUPPLIES, ROOM 128, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

File No. 24-09 — Fasteners (Re-Bid), for the Various Divisions of City Government, Department of Finance, as authorized by Section No. 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING**, THURSDAY, MARCH 5, 2009 AT 10:00 A.M., THE CLEVELAND CITY HALL, DIVISION OF PUR-

CHASES AND SUPPLIES, ROOM 128, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

February 18, 2009 and February 25, 2009

ADOPTED RESOLUTIONS AND ORDINANCES**Res. No. 165-09.**

By Council Member Cimperman.
An emergency resolution withdrawing objection to the transfer of liquor license of a D1, D2, D3 and D3A Liquor Permit at 815 Superior Avenue and repealing Resolution No. 90-09, objecting to said transfer.

Whereas, this Council objected to a D1, D2, D3 and D3A Liquor Permit to 815 Superior Avenue by Resolution No. 90-09 adopted by the Council on January 26, 2009; and

Whereas, this Council wishes to withdraw its objection to the above transfer of liquor license and consents to said transfer; 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 D1, D2, D3 and D3A Liquor Permit to M2K & Family, Inc., 815 Superior Avenue, Cleveland, Ohio 44114, Permanent Number 6212901 be and the same is hereby withdrawn and Resolution No. 90-09, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer 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 February 9, 2009.

Effective February 11, 2009.

Res. No. 166-09.

By Council Member Johnson.
An emergency resolution withdrawing objection to the renewal of a C1 and C2 Liquor Permit at 11618 Buckeye Road, and repealing Resolution No. 1237-08, objecting to said renewal.

Whereas, this Council objected to a C1 and C2 Liquor Permit to 11618 Buckeye Road by Resolution No. 1237-08 adopted by the Council on August 6, 2008; 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 C1 and C2 Liquor Permit to A1 Stop Liquor & Beverage, LLC, DBA A1 Stop Liquor and Beverage, 11618

Buckeye Road, Cleveland, Ohio 44120, Permanent Number 0003632 be and the same is hereby withdrawn and Resolution No. 1237-08, 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 February 9, 2009.
Effective February 11, 2009.

Ord. No. 1557-08.
By Council Members Cimperman, Johnson and Sweeney (by departmental request).

An emergency ordinance to amend the title, Section 1, Section 4, and Section 7 of Ordinance No. 649-08, passed July 2, 2008, relating to authorizing the Director of Parks, Recreation and Properties to apply for and accept grants from the State of Ohio to assist with the acquisition of real property needed for the Flats East Bank Project; and authorizing various agreements with the Wolstein Group, Inc. and The Flats East Development LLC to implement the project.

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

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

Section 1. That the title, Section 1, Section 4, and Section 7 of Ordinance No. 649-08, passed July 2, 2008, are amended to read as follows:

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to apply for and accept grants from the State of Ohio to assist with the acquisition of real property needed for the Flats East Bank Project; authorizing a project agreement with The Wolstein Group, Inc. and The Flats East Development LLC relating to the acquisition of property; authorizing a cooperative agreement with the State of Ohio, The Wolstein Group, Inc. and The Flats East Development LLC relating to the project; and authorizing the Commissioner of Purchases and Supplies to purchase the subject property.

Section 1. That the Director of Parks, Recreation and Properties is authorized to apply for and accept grants in the amount up to \$1,733,333, from the State of Ohio to assist with the acquisition of property needed for the Flats East Bank Project; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in this ordinance.

Section 4. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to purchase the following described property for future redevelopment of the Flats East Bank:

0.4647 ACRE PARCEL OF LAND (PARK AREA)

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being a part of Alfred Kelley's Subdivision of Original Two Acre Lot Numbers 191-193 inclusive, as recorded in Volume M, page 484 of Cuyahoga County Records;

Beginning at a one inch iron pin monument found in at the center line intersection of Main Avenue, 40 feet wide, and Old River Road, 66 feet wide, of which said monument bears South 55° 38' 38" West, 404.06 feet from a one inch iron pin monument found at the center line intersection of said Main Avenue, 40 feet wide, and the traveled roadway of West 10th Street;

Thence North 71° 42' 36" West along the center line of Old River Road, 66 feet wide, a distance of 109.40 feet to a point therein;

Thence South 18° 09' 34" West, a distance of 110.81 feet to a point on the westerly line of land now or formerly owned by Flats East Development LLC, Permanent Parcel Number 101-11-021, as recorded by AFN 200009180713 of Cuyahoga County Deed Records, and the Principal Place of Beginning of the land intended to be described herein;

Thence continuing South 18° 09' 34" West along said westerly line of Flats East Development LLC, a distance of 43.62 feet to the northerly dock line of the Cuyahoga River, as established by Ordinance Number 31,283, passed March 4, 1901, and the southwestly corner thereof;

Thence North 76° 24' 14" West along said northerly dock line of the Cuyahoga River, a distance of 295.03 feet to an angle point;

Thence North 73° 32' 38" West continuing along said northerly dock line of the Cuyahoga River, a distance of 104.05 feet to an angle point;

Thence North 73° 00' 12" West continuing along said northerly dock line of the Cuyahoga River, a distance of 137.34 feet to an angle point;

Thence North 66° 02' 17" West continuing along said northerly dock line of the Cuyahoga River, a distance of 88.63 feet to an angle point;

Thence North 55° 19' 17" West continuing along said northerly dock line of the Cuyahoga River, a distance of 0.88 feet to the south-easterly corner of land now or formerly owned by the Flats East Development LLC, Permanent Parcel Number 101-11-014;

Thence North 18° 11' 54" East along the easterly line of said Flats East Development LLC, Permanent Parcel Number 101-11-014, a distance of 25.56 feet to a point therein;

Thence South 71° 54' 03" East, a distance of 357.97 feet to a point on the southerly line of land now or formerly owned by Flats East Development LLC, Permanent Parcel Number 101-11-017;

Thence along the arc of a curve deflecting to the right, and having a radius of 265.34 feet, a central angle of 06° 36' 34", a tangent of 15.32 feet, a chord of 30.59 feet which bears North 57° 12' 28" East, a distance of 30.61 feet to a point of curve;

Thence along the arc of a curve deflecting to the left, and having a radius of 400.00 feet, a central angle of 36° 03' 14", a tangent of 130.18 feet, a chord of 247.57 feet which bears South 75° 05' 58" East, a distance of 251.70 feet to the Principal Place of Beginning, and containing 0.4647 acre (20,244 Square Feet) of land, be the same more or less, but subject to all legal highways and easements of record.

Prepared By: GPD ASSOCIATES
Project No. 2008002.00
June 24, 2008

LEGAL DESCRIPTION OF A

0.1499 ACRE PARCEL OF LAND (PARK AREA)

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being a part of the Bath Street Tract and vacated Front Avenue (formerly Bath Street) by Ordinance No. 84601, dated September 17, 1928, and a part of Front Avenue vacated by Ordinance No. 2736-33, dated February 9, 1954, and a part of Original Lot No. 191 in Alfred Kelley's Subdivision of part of Original Two Acre Lot Numbers 191-193 inclusive, as recorded in Volume "M", page 484 of Cuyahoga County Deed Records, and also being further bounded and described as follows:

Beginning at a one inch iron pin monument found at the center line intersection of Main Avenue, 40 feet wide, and Old River Road, 66 feet wide, of which said monument bears South 55° 39' 06" West, 404.06 feet from a one inch iron pin monument found at the center line intersection of said Main Avenue, 40 feet wide, and the traveled center line of West 10th Street;

Thence North 71° 42' 07" West along the center line of Old River Road, 66 feet wide, a distance of 733.12 feet to a point therein;

Thence South 18° 12' 23" West, and passing over an iron pin set on the southerly line of Old River Road, 33.00 feet therefrom, per survey by Norman Hoovler, Registered Ohio Surveyor No. 8259, dated Feb. 27, 2008, a total distance of 150.44 feet to a point in the easterly line of land now or formerly owned by Flats East Development LLC, Permanent Parcel Number 101-11-014, as recorded by AFN 200710010843 of Cuyahoga County Deed Records, said point also being the TRUE POINT OF BEGINNING for the land hereinafter described, thence clockwise along the following twelve courses and distances;

1. Thence South 18° 12' 23" West continuing along said easterly line of Flats East Development LLC, a distance of 25.56 feet to an iron pin per survey, as aforementioned, on the northeasterly dock line of the Cuyahoga River as established by Ordinance Number 31,283 passed Mardi 04, 1901, and the southeasterly corner of said Permanent Parcel Number 101-11-014;

2. Thence North 55° 18' 42" West along said northeasterly dock line of the Cuyahoga River, and along the southerly line of said Flats East Development LLC, a distance of 71.57 feet to an angle point;

3. Thence Northerly 47° 35' 14" West continuing along said northeasterly dock line of the Cuyahoga River, and along said southerly line of said Flats East Development LLC, a distance of 62.30 feet to a point on the easterly line of land owned by Flats East Development LLC, Permanent Parcel Number 101-01-010 as recorded by AFN 200806110605 of Cuyahoga County Deed Record;

4. Thence South 65° 41' 41" West continuing along said northeasterly dock line of the Cuyahoga River, and along said easterly line of said Flats East Development LLC, a distance of 2.29 feet to an angle point, and the southeasterly corner of said Permanent Parcel Number 101-01-010;

5. Thence North 50° 26' 21" West continuing along said northeasterly dock line of the Cuyahoga River and along said southerly line of said Flats East Development LLC, a distance of 35.65 feet to an angle point;

6. Thence North 30° 03' 14" West continuing along said northeasterly dock line of the Cuyahoga River, and along said southerly line of said Flats East Development LLC and its northwesterly prolongation, a distance of 100.10 feet to the northwesterly corner of land now or formerly owned by Flats East Development LLC, Permanent Parcel Numbers 101-01-007 and 009, as recorded by AFN 200710010843 of Cuyahoga County Deed Records;

7. Thence North 62° 05' 48" East along the northerly line of said Flats East Development LLC, a distance of 25.02 feet to a 5/8 inch iron pin to be set with cap, "GPD", at an angle point;

8. Thence South 30° 03' 14" East, a distance of 94.67 feet to a 5/8 inch iron pin to be set with cap, "GPD", at an angle point;

9. Thence South 50° 26' 21" East, a distance of 15.57 feet to a 5/8 inch iron pin to be set with cap, "GPD", at an angle point;

10. Thence North 65° 41' 41" East a distance of 3.17 feet to a 5/8 inch iron pin to be set with cap, "GPD", at an angle point;

11. Thence South 47° 35' 14" East, a distance of 80.74 feet to a 5/8 inch iron pin to be set with cap "GPD", at an angle point;

12. Thence South 55° 18' 42" East, a distance of 59.00 feet to the True point of Beginning and containing 0.1499 acre (6,531 Square Feet) of land, more or less, and subject to all easements, restrictions, and covenants of record.

Basis of Bearing is the Ohio State Plane Coordinate System Grid North, North Zone, NAD 83.

LEGAL DESCRIPTION
OF A

0.1611 ACRE PARCEL OF LAND
(PARK AREA)

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being a part Original Lot Number 193 of part of Alfred Kelley's Subdivision of Original Two Acre Lot Numbers 191-193 inclusive, as recorded in Volume M, page 484 of Cuyahoga County Records, and a part of Original Lot Number 194, and also being further bounded and described as follows:

Beginning at a one inch iron pin monument found at the center line intersection of Main Avenue, 40 feet wide, and Old River Road, 66 feet wide, of which said monument bears South 55° 39' 06" West, 404.06 feet from a one inch iron pin monument found at the center line intersection of said Main Avenue, 40 feet wide, and the traveled center line of West 10th Street;

Thence North 71° 42' 07" West along the center line of Old River Road, 66 feet wide, a distance of 109.40 feet to a point therein;

Thence South 18° 10' 03" West, and passing over an iron pin found on the southerly line of said Old River Road, 33.00 feet therefrom, a total distance of 110.81 feet to a 5/8 inch iron pin to be set with cap, "GPD", on the easterly line of land now or formerly owned by Flats East Development LLC, Permanent Parcel Number 101-11-020, said point also being the TRUE POINT OF BEGINNING for the area of land hereinafter described, thence clockwise along the following six courses and distances:

1. Thence along the arc of a curve deflecting to the left and having a radius of 400.00 feet, a central angle of 13° 51' 11", a tangent of 48.59 feet, a chord of 96.48 feet which bears North 79° 57' 19" East, a distance of 96.71 feet to a 5/8 inch iron pin to be set with cap, "GPD", at a point of curve;

2. Thence along the arc of a curve deflecting to the right and having a radius of 275.00 feet, a central angle of 07° 35' 09", a tangent of 18.23 feet, a chord of 36.38 feet which bears South 32° 47' 11" East, a distance of 36.41 feet to a 5/8 inch iron pin to be set with cap, "GPD" on the westerly line of land owned by Flats East Development LLC, Permanent Parcel Number 101-13-036, as recorded by AFN 200804290435 of Cuyahoga County Deed Records;

3. Thence South 18° 23' 03" West along said westerly line of Flats East Development LLC, a distance of 56.59 feet to the northeasterly dock line of the Cuyahoga River, as established by Ordinance Number 31,283 passed March 04, 1901, and the southeasterly corner of Flats East Development LLC, (formerly thirty feet wide Main Avenue parcel, as recorded by AFN 200806110605 of Cuyahoga County Deed Records;

4. Thence North 73° 28' 39" West along said northeasterly dock line of the Cuyahoga River, and along said southerly line of Flats East Development LLC, a distance of 30.02 feet to the southeasterly corner of land owned by Flats East Development LLC, Permanent Parcel Number 101-11-021, as recorded by AFN 200710010853 of Cuyahoga County Deed Records;

5. Thence North 77° 55' 19" West continuing along said northeasterly dock line of the Cuyahoga River, and along said southerly line of Flats East Development LLC, Permanent Parcel Number 101-11-021, a distance of 83.53 feet to an iron pin set at an angle point per a survey dated Feb. 27, 2008, by Norman Hoovler, Registered Ohio Surveyor No. 8259, of U.R.S. Corporation;

6. Thence North 18° 10' 03" East, a distance of 43.62 feet to the True Point of Beginning, and containing 0.1611 acre (7,017 Square Feet) of land, more or less, and subject to all easements, restrictions, and covenants of record.

Basis of Bearing is the Ohio State Plane Coordinate System Grid North, North Zone, NAD 83.

Joseph R. Ciuni, P.S.

Professional Surveyor, Ohio No. 7394
GPD ASSOCIATES

Section 7. That all costs of acquisition of land shall be paid from the fund or funds to which are credited the proceeds of the grants accepted under this ordinance and from grant funds accepted under Ordinance No. 1829-05, passed October 17, 2005 and deposited into Fund No. 20 SF 629.

Section 2. That the existing title, Section 1, Section 4, and Section 7 of Ordinance No. 649-08, passed July 2, 2008, 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 February 9, 2009.

Effective February 11, 2009.

Ord. No. 1664-08.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into an agreement with the Woodland Cemetery Foundation concerning the placement of commemorative bricks at the Woodland Cemetery.

Whereas, the Woodland Cemetery Foundation wishes to sell commemorative bricks to memorialize families, veterans, and historic figures to be permanently placed in Woodland Cemetery; 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 Parks, Recreation and Properties is authorized to enter into an agreement with the Woodland Cemetery Foundation concerning the placement of commemorative bricks at the Woodland Cemetery and to accept the donation of the bricks and to allow the Woodland Cemetery Foundation to make related improvements to the cemetery property.

Section 2. That the agreement will 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 February 9, 2009.

Effective February 11, 2009.

Ord. No. 1775-08.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to grant a storm sewer easement to the Village of Newburgh Heights and declaring said easement rights no longer needed for public use.

Whereas, the Village of Newburgh Heights has requested the Director of Parks, Recreation and Properties to convey certain easement rights to grant a permanent, non-exclusive 20-foot wide storm sewer easement through Raus Park at the end of Brow Avenue; and

Whereas, the easement rights to be granted are no longer needed for public use; and

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

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

Section 1. That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that an easement interest in the following described property is no longer needed for public use:

Legal Description of A Storm Sewer Easement Across Land Conveyed to The City of Cleveland PPN: 551-15-010

Village of Newburgh Heights
 Situated in the Village of Newburgh Heights, County of Cuyahoga and State of Ohio and known as being part of land conveyed to the City of Cleveland by deed recorded in Volume 4801 Page 362 of Cuyahoga County Deed Records of Part of Original One Hundred Acre Lot No. 312, bounded and described as follows:

Beginning at a point in the Easterly line of Sublot No. 122 in the South End Realty Company's East

55th Street Extension Allotment as shown by the recorded plat in Volume 37 Page 1 of Cuyahoga County Map Records at its intersection with the centerline of Brow Ave. (40 feet wide);

Thence South 0-00-00 West along said Easterly line 5.47 feet to a point;

Thence North 45-05-49 West about 72.84 feet to a point in the easterly line of said land conveyed to the City of Cleveland and the principal place of beginning at the land described herein;

Thence continuing North 45-06-49 West 117.81 feet to a point;

Thence North 1-49-52 East 194.34 feet to a point;

Thence South 88-10-08 East 20.00 feet to a point;

Thence South 1-49-52 West 185.66 feet to a point;

Thence South 45-06-49 East about 89.06 feet to a point in the Easterly line of said land conveyed to the City of Cleveland;

Thence South 0-13-04 East along the Southeasterly line 28.34 feet to the principal place of beginning and containing 0.1347 acres (5,869 square feet) of land, be the same more or less but subject to all legal highways. Bearings are to an assumed meridian and are used to denote angles only.

LEGAL DESCRIPTION OF A STORM SEWER EASEMENT ACROSS LAND CONVEYED TO THE CITY OF CLEVELAND P.P.N. 511-15-018

Situated in the Village of Newburgh Heights, County of Cuyahoga and State of Ohio and known as being Part of Sublot No. 122 in the South End Realty Company's East 55th Street Extension Allotment as shown by the recorded plat in Volume 37 Page 1 of Cuyahoga County Map Records, said Sublot No. 122 being conveyed to the City of Cleveland by deed recorded in Volume 2188 Page 318 (Parcel No. 8) of Cuyahoga County Deed Records of Part of Original One Hundred Acre Lot No. 312, bounded and Described as follows:

Beginning at a point in the easterly line of said Sublot No. 122 at its intersection with the Centerline of Brow Ave. (40 feet wide);

Thence South 0-00-00 West along said easterly line 5.47 feet to a point;

Thence North 45-06-49 West about 72.94 feet to a point in the westerly line of said Sublot No. 122;

Thence North 0-13-04 West along said westerly line 28.34 feet to a point;

Thence South 45-06-49 East about 73.09 feet to a point in the easterly line of Sublot No. 122;

Thence South 0-00-00 West along said easterly line 22.75 feet to the place of beginning and containing 0.0335 acres (1460 square feet) of land. Be the same more or less but subject to all legal highways. Bearings are to an assumed meridian and are used to denote angles only.

Section 2. That by and at the direction of the Board of Control, the Commissioner of Purchases and

Supplies is authorized to convey the above-described easement interest to the Village of Newburgh Heights, subject to any conditions stated, at a price not less than fair market value as determined by the Board of Control.

Section 3. That the easement shall be non-exclusive and the purpose of the easement shall be for utility purposes.

Section 4. That the duration of the easement shall be perpetual; that the easement may include reasonable access rights; that the easement shall be assignable with the approval of the Board of Control.

Section 5. That the conveyance referred to above shall be made by official deed of easement prepared by Director of Law and executed by the Director of Parks, Recreation and Properties on behalf of the City of Cleveland. The deed of easement shall contain such additional terms and conditions as are required to protect the interests of the City. The Directors of Parks, Recreation and Properties and Law including without limitation, contracts for right of entry, are authorized to execute such other documents, as may be necessary to effect the construction of the improvements.

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 February 9, 2009.

Effective February 11, 2009.

Ord. No. 1827-08.

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

An emergency ordinance to repeal Sections 303.01 to 303.11, 337.25, and Sections 341.01 to 341.07 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended or enacted by various ordinances, relating to business revitalization and public land protective districts; and to supplement the Codified Ordinances by enacting new Sections 341.01 to 341.08 relating to design review.

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 following sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 303.01, 303.02, 303.03, 303.04, 303.05, 303.06, 303.07, 303.08, 303.09, 303.10, and 303.11, as enacted by Ordinance No. 1684-88, passed October 3, 1988,

Section 337.25, as enacted by Ordinance No. 852-02, passed May 12, 2003,

Section 341.01, as amended by Ordinance No. 958-99, passed June 7, 1999,

Section 341.02, as amended by Ordinance No. 199-88, passed March 21, 1988,

Section 341.021, as enacted by Ordinance No. 1282-06, passed November 27, 2006,

Section 341.023, as enacted by Ordinance No. 1766-06, passed December 11, 2006,

Section 341.03, as amended by Ordinance No. 1459-66, passed September 29, 1966,

Sections 341.04 and 341.05, as amended by Ordinance No. 393-58, passed May 12, 1958,

Section 341.051, as amended by Ordinance No. 959-95 passed June 19, 1995, and

Section 341.07, as amended by Ordinance No. 773-00, passed May 8, 2000, are repealed.

Section 2. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Sections 341.01 to 341.08 to read as follows:

CHAPTER 341 DESIGN REVIEW

Section 341.01 Purpose

Design Review requirements and districts are established to ensure appropriate design of buildings and properties in furtherance of the following objectives:

(a) to protect property values and to preserve and enhance the character of existing neighborhoods and development,

(b) to promote economic activity and increase municipal revenues,

(c) to enhance the visual image of Cleveland and its neighborhoods and downtown,

(d) to preserve the community's architectural assets; and

(e) to protect the environment and facilitate healthy living.

Section 341.02 Applicability

No Building Permit shall be issued by the City without design approval by the City Planning Commission, or its Director, for development projects that meet the following criteria for applicability, except that such approval shall not apply to structures that are designated as Landmarks or are located in Landmark Districts, for which design approval shall be the responsibility of the Landmarks Commission.

(a) *Design Review Districts.* New construction of and applicable exterior alterations to buildings and structures located in designated Design Review Districts.

(b) *New Residential Development.* New construction of residential buildings, including any new building for which residential use and associated accessory garage parking occupy at least fifty percent (50%) of the building.

(c) *New Retail, Office and Institutional Development.* New construction of buildings for "retail business, office and institutional uses," as defined in this Chapter, including any new building for which such uses and associated accessory garage parking occupy at least fifty percent (50%) of the building.

(d) *Public Properties.* New construction of and applicable exterior alterations to buildings and structures owned by local, county, state or federal government or by any other governmental agency, including regulated public utilities.

(e) *Planned Unit Development (PUD) Districts.* New construction of buildings and structures located in designated Planned Unit Development (PUD) Districts.

Section 341.03 Definitions

For the purposes of this Chapter, the following terms shall have the meaning given in the succeeding sections:

(a) *Retail Business, Office and Institutional Uses.* Any non-residential use permitted in a General Retail Business District.

(b) *Applicable Exterior Alterations.* Alterations to the exterior of a building or structure that result in a change in appearance that is visible from public streets or adjoining properties, including demolition, but excluding repair or replacement of worn or damaged materials with materials of the same design and color.

(c) *Director.* The Director of a specified City Department or his or her designee.

Section 341.04 Design Review Districts

Design Review Districts shall be established in accordance with the following provisions:

(a) *Designation Criteria.* A geographic area designated as a Design Review District shall be at least three (3) acres in size and shall be characterized by development or development opportunity for which improved design can be expected to significantly contribute to achieving one or more of the objectives of this Chapter. The district may be composed of one or more noncontiguous geographic areas, each of which must be at least three (3) acres in size.

(b) *Designation Process.* Design Review Districts shall be designated and amended in accordance with the procedures for amending the Zoning Map as set forth in Chapter 333 of the Zoning Code.

(c) *Mapping and Applicability.* Design Review Districts shall be shown on the Zoning Map of the City of Cleveland as "overlay districts" to be applied in conjunction with the "underlying" zoning district. Provisions of the underlying district shall remain in effect except where inconsistent with the provisions of the Design Review District.

(d) *District Name.* The City Planning Commission shall assign each Design Review District a name reflective of the neighborhood or other geographic area in which the District is located.

(e) *Previously Designated Districts.* All Public Land Protective Districts, Business Revitalization Districts, and the University Circle Design District, to the extent that such districts existed on the effective date of this ordinance, shall become Design Review Districts subject to the regulations of this

Chapter on the effective date of this ordinance. Those districts shall be shown on the City's Zoning Map as "Design Review Districts" on the effective date of this ordinance.

Section 341.05 Administrative Procedures

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

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

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

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

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

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

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

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

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

(d) *Standards for Review.* An application received pursuant to the provisions of this Chapter shall be reviewed in accordance with the design guidelines of Section 341.07 and any supplemental guidelines

adopted by the City Planning Commission for a particular district.

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

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

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

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

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

(h) *Exemptions.* No referral to the City Planning Commission or a Local Design Review Advisory Committee shall be required for projects approved under the City's Storefront Renovation Program. Such projects may be approved by the action of the City Planning Director subsequent to approval under the Storefront Renovation Program.

Section 341.06 Local Design Review Advisory Committees

The City Planning Commission shall establish Local Design Review Advisory Committees to advise the Commission on applications received pursuant to the regulations of this Chapter. The following provisions shall govern the establishment and operation of each such committee:

(a) *Appointment of Members.* The City Planning Commission shall appoint the members of each Local Design Review Advisory Committee. In making these appointments, the City Planning Commission shall solicit nominations from Community Development Corporations operating within each committee's geographic area of jurisdiction and the Council members representing each such area. Each Advisory Committee shall be composed of not less than five (5) and not more than eleven (11) members, except that the City Planning Commission may increase membership on a particular committee if necessary to incorporate relevant perspectives and areas of expertise. A maximum of three (3) alternate members may be appointed to each committee. The alternate members may vote in place of members not in attendance at a particular meeting, as determined by the Committee's chairperson.

(b) *Committee Composition.* A majority of the members appointed to each Advisory Committee shall be architects or other recognized design professionals, with the remaining members representing businesses or other organizations with operations in the local area or being residents of the local area. The term "recognized design professionals" shall refer to individuals with documented expertise in such fields as architecture, landscape architecture, urban design, graphic design, or historic preservation.

(c) *Committee Jurisdiction and Name.* Each Local Design Review Advisory Committee shall review applications received pursuant to this Chapter for properties located within the boundaries of its area of jurisdiction, as established by the City Planning Commission. All areas of the City shall be included in the jurisdiction of an Advisory Committee. The City Planning Director shall assign each Local Design Review Advisory Committee a name identified with the area of the City served by the Committee.

(d) *Term of Appointment.* Each Advisory Committee member shall be appointed for an initial term of one (1) year and thereafter for a term of two (2) years. After expiration of the initial one-year term, an individual's membership shall continue until the City Planning Commission takes action to replace

the member with a new appointment or until the member resigns. The City Planning Commission shall replace members whose attendance is poor or who fail to act in accordance with the regulations of this Chapter.

(e) *Quorum and Voting.* A majority of the Advisory Committee's membership shall constitute a quorum, without which no votes may be taken. Approval of an application shall require the affirmative vote of a majority of the members present at a meeting.

(f) *Meetings and Records.* The Advisory Committee shall meet at least twice monthly unless there is no business to conduct. The staff representative of the City Planning Commission shall be designated as the Advisory Committee's Secretary and shall be responsible for prompt preparation of minutes, which shall be retained by the City Planning Commission.

Section 341.07 Design Guidelines

In reviewing applications subject to provisions of this Chapter, the Local Design Review Advisory Committee and the City Planning Commission shall follow the design guidelines set forth in the succeeding sections as well as any supplemental design guidelines adopted by Commission for a particular district.

(a) *Design Compatibility.* Alterations, additions and new development shall be compatible in scale, material, color, placement and character with the design of the subject property as well as the design of properties that are representative of the area's most valued architectural and environmental qualities. In evaluating compatibility, consideration shall also be given to the value of diversity and individuality in design.

(b) *Contemporary Design.* All buildings are recognized as products of their own time. Alterations, additions and new developments which have no historical basis and which seek to create an appearance characteristic of an earlier time are not required. Conversely, compatible contemporary design is encouraged except where such design would clearly detract from the architectural unity of a grouping of architecturally significant structures.

(c) *Preservation of Features.* The distinguishing original qualities of a property should not be diminished through alteration or removal of distinctive architectural features.

(d) *Replacement of Features.* In the event that replacement of significant architectural features is necessary, the new material should closely match the original material in composition, design, color, texture and all other visual qualities.

(e) *Cleaning.* The cleaning of exterior wall surfaces should be undertaken by the gentlest means possible. Sandblasting and other cleaning methods that will damage facing materials and architectural features shall not be undertaken.

(f) *Fences and Other Accessory Structures.* Fences, walkways, lighting, benches, landscaping and other

accessory structures should be compatible in design with adjoining buildings and with the most valued aspects of an area's character. Use of chain-link fences along street frontages is discouraged unless otherwise specified in guidelines for a district.

(g) *Parking Lots.* Use of evergreen shrubbery and trees in combination with low ornamental fences is encouraged in screening parking lots from streets. Use of curbed, planted islands is encouraged to provide visual relief in large parking areas and to control traffic circulation. For districts characterized by buildings set along the street line, parking lots shall be located behind buildings whenever possible, with entrances located off of adjoining side streets.

(h) *Sustainability.* Buildings and properties should be designed and constructed to minimize energy consumption and to promote conservation of materials and natural resources.

(i) *Signs.* In addition to meeting Zoning Code and Building Code requirements for signs in applicable zoning districts, signs subject to approval under the provisions of this Chapter shall also meet the following design guidelines. In the case of a conflict between these regulations and the Zoning Code regulations, these regulations prevail.

(1) *Placement.* Wall signs should be designed to fit within the architectural space intended for signage and should not cover distinctive architectural features.

(2) *Compatibility.* Signs to be seen as a series should be designed with compatibility in terms of location, size, shape, style, material, illumination and color. As a general rule, uniformity should be maintained in certain characteristics while other characteristics are varied to permit individual expression and identification.

(3) *Color.* The colors of a sign should complement the color of the building facade to which the sign relates. If a raceway or similar device is used for attachment of a sign's letters or characters, the color of the raceway should match the color of the wall surface.

(4) *Lettering and Symbols.* The lettering and symbols on a sign should be large enough to be easily read but not overly large or out of scale with the building on which the sign is displayed. An excessive amount of information on signs, creating an image of visual clutter, should be avoided. Use of distinctive symbols or logos on signs is encouraged.

(5) *Projecting Signs.* Where permitted, projecting signs should be no larger than necessary for readability by nearby pedestrians and should contain no internal illumination unless other than in use of exposed neon and similar treatments. Spacing between projecting signs should be sufficient to prevent an image of clutter.

(6) *Wall Signs.* For signs mounted flat against the wall of a building, use of individual letters or characters is preferable to use of panel

or cabinet signs in instances where individual letters or characters are less likely to detract from a building's architectural character. Such letters or characters should be attached in a manner that will minimize damage to the wall surface after removal. For buildings lacking appropriately designed wall space for placement of a sign, consideration should be given to use of a projecting sign, window sign or canopy sign as an alternative to a wall sign.

(7) *Billboards.* Billboards or "advertising signs", as defined in Section 325.64(b) of the Zoning Code, shall not be permitted in any Design Review District.

(8) *Design Exceptions.* In accordance with standards of Section 350.16 of the Zoning Code, the City Planning Commission, may vary the sign regulations of Chapter 350 as necessary to permit signs that are better suited to the design of the subject property or nearby properties of architectural or historic significance.

Section 341.08 Demolition and Moving

For applications proposing the demolition or moving of a building in a Design Review District, other than for emergency demolition activities ordered by the Director of the Building and Housing to remedy conditions that pose immediate danger to human life or health, the following provisions shall apply:

(a) *Criteria For Action.* In considering a request to demolish or move a building or other structure located within a Design Review District, the City Planning Commission and its Local Design Review Advisory Committee shall consider the following factors in making its decision to approve or disapprove the request:

(1) the architectural and historic significance of the subject building or structure;

(2) the significance of the building or structure in contributing to the architectural or historic character of its environs;

(3) in the case of a request to move a building or other structure, the relationship between the location of the subject building or structure and its overall significance;

(4) the present and potential economic viability of the subject building or structure, given its physical condition and marketability;

(5) the presence of conditions on the subject property that are dangerous or are detrimental to the immediate area and cannot be reasonably remedied other than by the proposed demolition;

(6) the degree to which the applicant proposes to salvage and facilitate re-use of structures proposed for demolition; and

(7) the design quality and significance and the appropriateness of the proposed re-use of the property.

(b) *Nature of Action.* The City Planning Commission may delay action, for a period of not more than six (6) months, on the demolition or moving of a building in order to allow economic viability

studies to be conducted, as well as to allow interested parties the opportunity to explore alternatives to the proposed action. At the end of such period, the Commission shall either approve or disapprove the request to demolish or move, or may choose to delay action for a second and final period of not more than six (6) months if the Commission determines that this additional time period may be useful in securing an alternative to the proposed demolition or moving. At the end of such second and final period, the Commission shall either approve or disapprove the request.

Section 3. That this Council shall review this legislation one year after its passage to evaluate its effectiveness and determine whether any changes are warranted.

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 February 9, 2009.

Effective February 11, 2009.

**Ord. No. 83-09.
By Council Members Brancatelli,
Cleveland and Sweeney (by departmental request).**

An emergency ordinance to amend Section 241.35 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2303-04, passed January 24, 2005, relating to food shop categories and 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 Section 241.35 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2303-04, passed January 24, 2005, is amended to read as follows:

Section 241.35 Categories and Fees

(a) Each application to the Commissioner of Assessments and Licenses for a food service operation license required under Section 3717.43 of the Revised Code, or for a retail food establishment license required under Section 3717.23 of the Revised Code shall be accompanied by a combined license and inspection fee as follows:

(1) Food Service Operations and Retail Food Establishments less than 25,000 square feet of floor space:

Risk Level	Fee
Level I	\$ 213.00
Level II	\$ 243.00
Level III	\$ 482.00
Level IV	\$ 617.00

(2) Food Service Operations and Retail Food Establishments greater than 25,000 square feet of floor space:

Risk Level	Fee
Level I	\$ 317.00
Level II	\$ 335.00
Level III	\$1,238.00
Level IV	\$1,314.00

(3) Non-Commercial Food Service Operations and Non-Commercial Retail Food Establishments less than 25,000 square feet of floor space:

Risk Level	Fee
Level I	\$ 106.50
Level II	\$ 121.50
Level III	\$ 241.00
Level IV	\$ 308.00

(4) Non-Commercial Food Service Operations and Non-Commercial Retail Food Establishments greater than 25,000 square feet of floor space:

Risk Level	Fee
Level I	\$ 158.00
Level II	\$ 167.50
Level III	\$ 619.00
Level IV	\$ 657.00

(b) The risk level categories described herein shall have the meaning established in any rules promulgated under Chapters 3715 and 3717 of the Ohio Revised Code.

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 February 9, 2009.
Effective February 11, 2009.

Ord. No. 86-09.

By Council Members Pierce Scott and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with The Greater Cleveland Sports Commission to provide financial assistance to organize and administer programs for marketing the City of Cleveland as a venue for sporting events.

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

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

Section 1. That the Director of Economic Development is authorized to enter into a grant agreement with The Greater Cleveland Sports Commission to provide financial assistance to organize and administer programs for marketing

the City of Cleveland as a venue for sporting events.

Section 2. That the costs of the grant shall not exceed an amount of \$150,000 and shall be paid from Fund No. 17 SF 006, Request No. 185942.

Section 3. That the agreement and other appropriate documents needed to complete the transaction authorized by this legislation shall be prepared by the Director of Law.

Section 4. That 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 February 9, 2009.
Effective February 11, 2009.

Ord. No. 97-09.

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

An emergency ordinance authorizing the Director of Parks, Recreation and Properties to enter into one or more agreements with the Cleveland Metropolitan School District for the exchange of properties located at 3938 Jo-Ann Drive and 3861 Wendy Drive; and authorizing the director to execute a deed of easement granting to the Cleveland Metropolitan School District certain easement rights in property over and upon City-owned park land not needed for public use.

Whereas, the Cleveland Metropolitan School District ("School District") owns certain property located at 3938 Jo-Ann Drive, on which currently exists the Adlai Stevenson School; and

Whereas, the City of Cleveland owns certain property located at 3861 Wendy Drive, on which currently exists Jo-Ann Park; and

Whereas, the School District wishes to enter into an agreement with the City of Cleveland in order to exchange the two properties for the purpose of allowing the School District to replace the existing Adlai Stevenson School; and

Whereas, the agreement, among other things, will contain provisions that the School District will relocate the existing City playground located at Jo-Ann Park; maintain the relocated playground which will remain open to the public, demolish the old school, seed the site, install a new ballfield, and convey the property to the City of Cleveland upon completion of the new school; and

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

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

Section 1. That notwithstanding and as an exception to Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the

Director of Parks, Recreation and Properties and the Commissioner of Purchases and Supplies are authorized to enter into an agreement for and on behalf of the City of Cleveland with the Cleveland Metropolitan School District for the exchange, development, and maintenance of School District-owned property located at 3938 Jo-Ann Drive with City of Cleveland-owned property located at 3861 Wendy Drive, including transfer of fee title to the City of Cleveland of the following described School District-owned property:

Legal Description of District's Premises

Existing Adlai Stevenson School
located at 3938 Jo-Ann Drive
Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original Warrensville Twp. Lot No. 64 and being Sublots 21 to 32 in the Harvard Land Co. Subdivision as recorded in Volume 145, Pages. 22 and 23 and, Sublots 56 to 67 in the Frank J. Kares Subdivision as recorded in Volume 139, Pages 32 and 33 and vacated Mann Avenue S.E. (50 feet wide) and East 183rd Street (50 feet wide) as recorded in Volume 195, Page 71 in the Cuyahoga County map Records as Reference Parcel Nos. 140-22-19 to 26, Parcel Nos. 140-22-63 to 70, Parcel Nos. 140-21-072 to 140-21-077 and Parcel Nos. 140-21-125 to 140-21-128.

Section 2. That the agreement or agreements shall also provide for the conveyance by the City to the School District of the following described property located at 3861 Wendy Drive:

PARCEL A
3.559 Acres

Situated in the State of Ohio, County of Cuyahoga, City of Cleveland, and known as being all of Block "A" in the Harvard Land Company's Subdivision of part of Original Warrensville Township, Lot 64, Volume 145, Page 22, Kares Homes Inc. Subdivision, Volume 143, Page 20, and Frank J. Kares' Subdivision, Volume 139, Page 32, all references are to records of the Cuyahoga County, Ohio Recorder's Office, containing 3.559 acres said 3.559 acres being part of tracts of land conveyed to City of Cleveland by deed of record in Volume 7438, Page 502, and Volume 7654, Page 323 and being more particularly bounded and described as follows:

Beginning for reference at a stone and drill hole found in a monument box in the existing centerline intersection of Jo Ann Drive (50.00 feet) and Woda Avenue (50.00 feet);

Thence South 00° 30' 06" East, a distance of 40.04 feet with the existing said centerline of Jo Ann Drive to point;

Thence South 89° 29' 54" West, a distance of 25.00 departing said existing centerline to an iron pin set on the existing Westerly right-of-way line of said Jo Ann Drive as designated and delineated on the subdivision plat entitle Frank J. Kares' Subdivision, of record in

plat Volume 139, Page 32, said iron pin being the true point of beginning for the tract described herein;

Thence South 00° 30' 06" East, a distance of 145.98 feet with the existing Westerly right-of-way line of Jo Ann Drive to an iron pin set;

Thence crossing the said City of Cleveland tracts the following courses:

South 89° 26' 10" West, a distance of 185.00 feet to an iron pin set;

South 00° 33' 50" East, a distance of 149.00 feet to an iron pin set;

South 89° 26' 10" West, a distance of 75.00 feet to an iron pin set;

South 00° 33' 50" East, a distance of 111.00 feet to an iron pin set; and

South 89° 26' 10" West, a distance of 242.71 feet to an iron pin set, said iron pin being at the existing easterly right-of-way of Wendy Drive (50.00 feet) as designated and delineated on subdivision plat entitled Harvard Land Company Subdivision of record in Volume 145, Page 22;

Thence North 00° 30' 26" West, a distance of 406.02 feet with the said easterly right-of-way line of Wendy Drive to an iron pin set at the point of curvature of a curve to the right;

Thence with said curve to the right, (Delta = 89° 56' 36", Radius = 15.00 feet, Arc Length = 23.55 feet) a chord bearing of North 44° 27' 52" East, a distance of 21.20 feet to an iron pin set at the point of tangency in the existing southerly right-of-way line of Woda Avenue (50.00 feet) as designated and delineated on said subdivision plats entitled Harvard Land Company's Subdivision and the subdivision plat entitled Frank J. Kares' Subdivision of recorded plat Volume 139, Page 32;

Thence North 89° 26' 10" East, a distance of 472.47 feet with the existing said southerly right-of-way line of Wendy Drive to an iron pin set at a point of curvature of a curve to the right;

Thence with said curve to the right, (Delta = 90° 03' 44", Radius = 15.00 feet, Arc Length = 23.58 feet) a chord bearing of South 45° 31' 58" East, a distance of 21.22 feet to the true point of beginning, containing 3.559 acres of land, more or less.

The bearings cited in the description are based on the Ohio State Plan Coordinate System, North Zone as per NAD 83, and were established by tying to Cuyahoga County Engineer's monuments using GPS equipment and procedures.

Resources International Inc., Mark S. Ward P.S. No. S-7514.

Section 3. That the agreement or agreements authorized above shall be prepared by the Director of Law.

Section 4. That, notwithstanding and as an exception to Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to purchase the property described in Section 1 of this ordinance.

Section 5. That the Director of Parks, Recreation and Properties is authorized to execute on behalf of

the City all necessary documents to acquire the property described in Section 1 and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits, and all other costs necessary for the acquisition of the property.

Section 6. That the Commissioner of Purchases and Supplies is authorized to convey the property described in Section 2 to the School District by official deed prepared by the Director of Law and signed by the Mayor, in exchange for the School District property described in Section 1 at fair market value determined by the Board of Control, and which deed will include such restrictive reversionary interests as may be specified by the Board of Control or Director of Law, and shall specifically contain a provision against the erection of any advertising signs or billboards, excepting permitted identification signs.

Section 7. That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that an easement interest in the following described property is not needed for public use:

**1.968 Acre Easement
Located on Parcel B**

Situated in the State of Ohio, County of Cuyahoga, City of Cleveland, and known as being all of Block "A" in the Harvard Land Company's Subdivision of part of Original Warrensville Township, Lot 64, Volume 145, Page 22, Kares Homes Inc. Subdivision, Volume 143, Page 20, and Frank J. Kares' Subdivision, Volume 139, Page 32, and being all of those tracts of land conveyed to City of Cleveland by deed of record in Volume 7438, Page 502, and Volume 7654, Page 323 all references are records of the Cuyahoga County, Ohio Recorder's Office, being more particularly bounded and described as follows:

Beginning for reference at a stone and drill hole found in a monument box in the existing centerline intersection of Jo Ann Drive (50.00 feet) and Woda Avenue (50.00 feet);

Thence South 00° 30' 06" East, a distance of 40.04 feet with the existing said centerline of Jo Ann Drive to point;

Thence South 90° 00' 00" West, a distance of 25.00 departing said existing centerline to an iron pin set on the existing westerly right-of-way line of said Jo Ann Drive as designated and delineated on the subdivision plat entitled Frank J. Kares' Subdivision, of record in plat Volume 139, Page 32;

Thence South 00° 30' 06" East, a distance of 145.98 feet with the existing Westerly right-of-way line of Jo Ann Drive to a point, said iron pin being the northeasterly corner and being the true point of beginning for the tract described herein;

Thence South 00° 30' 06" East, a distance of 455.20 feet to a point on the existing said westerly right-of-way line of Jo Ann Drive to the southeast corner;

Thence South 89° 29' 54" West, a distance of 190.00 feet to a point;

Thence North 00° 30' 06" West, a distance of 305.99 feet to a point;

Thence North 89° 26' 10" East, a distance of 5.16 feet to a point;

Thence North 00° 33' 50" West, a distance of 149.00 feet to a point;

Thence North 89° 26' 10" East, a distance of 185.00 feet to the true point of beginning, containing 1.968 acres of land, more or less.

The bearings cited in the description are based on the Ohio State Plan Coordinate System, North Zone as per NAD 83, and were established by tying to Cuyahoga County Engineer's monuments using GPS equipment and procedures.

Resources International Inc., Mark S. Ward P.S. No. S-7514.

Section 8. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the above described, non-exclusive easement to the School District, subject to any conditions stated herein, for a price considered to be fair market value by the Board of Control.

Section 9. That the easement shall be non-exclusive and the purpose of the easement shall be to construct geothermal well borings required for the operation of the new Adlai Stevenson School.

Section 10. That the duration of the easement shall be perpetual; that the easement may include reasonable right of entry rights to the City; that the easement shall not be assignable without the consent of the Director of Parks, Recreation and Properties; that the easement shall require that the School District provide reasonable insurance, maintain any School District improvements located within the easement, and pay any applicable taxes and assessments.

Section 11. That the conveyance referred to above shall be made by official deed of easement prepared by the Director of Law and executed by the Director of Parks, Recreation and Properties on behalf of the City of Cleveland. The directors of Parks, Recreation and Properties and Law are authorized to execute other documents, including without limitation, contracts for right of entry, as may be necessary to effect the construction of the improvements.

Section 12. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed February 9, 2009.

Effective February 11, 2009.

Ord. No. 163-09.

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

An emergency ordinance approving the terms of the collective bargaining agreement with the Longshoreman's Association; and amending Section 19 of Ordinance No. 947-08, passed June 9, 2008, as amended, 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 terms of the collective bargaining agreement with the Longshoreman's Association, as contained in the executive summary, placed in File No. 163-09-A, for the period from April 1, 2007 through March 31, 2010, 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>
2%	April 1, 2007
2%	April 1, 2008
2%	April 1, 2009

*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 19 of Ordinance No. 947-08, passed June 9, 2008, as amended, is amended to read as follows:

Section 19. Longshoreman Association, Local 1317. That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Bridge Attendant.....	\$ 10.00	\$ 15.41
2. Electric Bridge Operator.....	\$ 10.00	\$ 17.03
3. Electric Bridge Operator Leader.....	\$ 10.00	\$ 18.24

Section 3. That existing Section 19 of Ordinance No. 947-08, passed June 9, 2008, as amended, is repealed.

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 February 9, 2009.

Effective February 11, 2009.

Ord. No. 164-09.

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

An emergency ordinance approving the terms of the collective bargaining agreement with the Treasurers and Ticket Sellers Union, Local 756; supplementing Ordinance No. 947-08, passed June 9, 2008, as amended, by adding new Section 44a; and amending Sections 35 and 44 of that ordinance 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 terms of the collective bargaining agreement with the Treasurers and Ticket Sellers Union, Local 756, as contained in the executive summary, placed in File No. 164-09-A for the period from April 1, 2007 through March 31, 2010, 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>
2%	April 1, 2007
2%	April 1, 2008
2%	April 1, 2009

*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 Ordinance No. 947-08, passed June 9, 2008, as amended, is supplemented by adding new Section 44a to read as follows:

Section 44a. Treasurers and Ticket Sellers Union, Local 756. That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Assistant Manager of Box Office.....	\$23,333.40	\$50,316.80
2. Box Office Cashier.....	\$ 10.33	\$ 16.60

Section 3. That Sections 35 and 44 of Ordinance No. 947-08, passed June 9, 2008, as amended, are amended to read as follows:

Section 35. That the salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Airport Operations Superintendent.....	\$23,333.40	\$61,754.98
2. Airport Security Coordinator.....	\$23,333.40	\$61,754.98
3. Assistant Airport Safety Chief / Training Officer.....	\$23,333.40	\$61,754.98
4. Assistant Chief of Pumping.....	\$23,333.40	\$61,754.98
5. Assistant Chief of Purification.....	\$23,333.40	\$61,754.98
6. Reserved		
7. Assistant Manager-Human Resources Planning Management.....	\$22,333.40	\$61,754.98
8. Assistant Manager of Stage.....	\$22,333.40	\$61,754.98
9. Chief of Bureau of Accounts and Collections.....	\$22,333.40	\$61,754.98
10. Chief of Bureau of Industrial Air Pollution.....	\$22,333.40	\$61,754.98
11. Chief of Bureau of Smoke Abatement.....	\$22,333.40	\$61,754.98
12. Chief Engineer-Traffic.....	\$22,333.40	\$71,947.58
13. Chief Senior Electric Switchboard Operator.....	\$22,333.40	\$63,916.85
14. Chief of Tax Auditing Bureau.....	\$22,333.40	\$63,916.85
15. Chief of Tax Records Bureau.....	\$22,333.40	\$61,754.98
16. Deputy Commissioner of Purchases and Supplies.....	\$22,333.40	\$72,986.30
17. Grants Administrator.....	\$22,333.40	\$72,986.30
18. Health Center Director.....	\$22,333.40	\$72,986.30
19. Human Resources Fiscal Administrator.....	\$22,333.40	\$61,754.98
20. Income Tax Financial Supervisor.....	\$22,333.40	\$61,754.98
21. Manager of Assigned Maintenance.....	\$22,333.40	\$71,947.58
22. Manager of Parks and Recreation Research and Planning.....	\$22,333.40	\$71,947.58
23. Manager of Parks and Urban Forestry.....	\$22,333.40	\$71,947.58
24. Manager of Shops and Field Equipment.....	\$22,333.40	\$71,947.58
25. Manager of Site Development.....	\$22,333.40	\$71,947.58
26. Project Director.....	\$22,333.40	\$77,944.11
27. Programming Supervisor.....	\$22,333.40	\$61,754.98
28. Superintendent of Sidewalks.....	\$22,333.40	\$61,754.98
29. Superintendent of Water Plant Maintenance.....	\$22,333.40	\$61,754.98
30. Warehouse Inventory Manager.....	\$22,333.40	\$77,944.11
31. Water Business Plan Assistant Manager.....	\$22,333.40	\$77,944.11

Section 44. Part-Time/Seasonal Group

That salaries and compensation in the following classifications shall be fixed by the appointing authority in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Reserved		
2. Chaplain.....	\$ 10.00	\$ 12.31
3. Checker.....	\$ 10.00	\$ 10.72
4. Conservation Aide.....	\$ 10.00	\$ 10.72
5. Dentist.....	\$ 13.38	\$ 30.63
6. Head Usher.....	\$ 10.00	\$ 12.16
7. Law Clerk.....	\$ 10.00	\$ 13.37
8. Medical Examiner.....	\$ 21.40	\$ 62.81
9. Organ Tuner.....	\$ 10.00	\$ 26.87
10. Park Maintenance Aide.....	\$ 10.00	\$ 10.72
11. Ranger.....	\$ 10.00	\$ 12.01
12. School Crossing Guard (Per Day).....	\$ 20.50	\$ 27.87
13. Stage Hand.....	\$ 19.11	\$ 29.29
14. Stage Hand Casual.....	\$ 20.60	\$ 28.94
15. Stage Hand - Show Rate (Per Show).....	\$ 64.89	\$ 95.10
16. Student Aide.....	\$ 10.00	\$ 10.72
17. Student Assistant.....	\$ 10.00	\$ 10.72
18. Usher.....	\$ 10.00	\$ 10.72
19. Usher Captain.....	\$ 10.00	\$ 10.72

Section 4. That existing Sections 35 and 44 of Ordinance No. 947-08, passed June 9, 2008, as amended, are repealed.

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

Passed February 9, 2009.

Effective February 11, 2009.

Ord. No. 167-09.**By Council Member Sweeney.**

An emergency ordinance authorizing the Clerk of Council to enter into an agreement with The Project Group for professional assistance in investigating utility - related matters pertaining to the Divisions of Cleveland Public Power, Water and Water Pollution Control for Cleveland City Council

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 the Project Group for the professional assistance in investigating utility - related matters pertaining to the Divisions of Cleveland Public Power, Water and Water Pollution Control for Cleveland City Council.

The agreement shall be certified in an amount not to exceed \$250,000.00 from fund numbers 52 SF 001, 54 SF 001, 58 SF 001 and such other funds as may be deemed appropriate by the Director of Finance.

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 February 9, 2009.

Effective February 18, 2009.

Ord. No. 168-09.**By Council Member Sweeney (by departmental request).**

An emergency ordinance authorizing the Director of Finance to employ one or more professional consultants to analyze the performance of City departments and divisions and to recommend strategic and operational improvements leading to cost savings, operational efficiencies, and streamlining of service delivery.

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

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

Section 1. That the Director of Finance is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to analyze the performance of City departments and divisions and to recommend strategic and operational improvements leading to cost savings, operational efficiencies, and streamlining of service delivery, for a period of one year.

The selection of the consultants

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

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund No. 01-150300-632000, Request No. 183319.

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 February 9, 2009.

Effective February 9, 2009.

Ord. No. 169-09.**By Council Member Coats.**

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with Famicos Foundation for the Holiday Food Program through the use of Ward 10 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 Community Development is authorized to enter into an agreement with Famicos Foundation for the Holiday Food Program for the public purpose of providing food baskets and food gift cards to needy families, senior citizens and low income individuals residing in the city of Cleveland through the use of Ward 10 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$14,000 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 February 9, 2009.

Effective February 11, 2009.

Ord. No. 170-09.**By Council Members Kelley, Johnson, Pruitt, Polensek and Westbrook.**

An emergency ordinance amending the Title and Sections 1 and 2 of Ordinance No. 1872-08 passed December 8, 2008 as it pertains to authorizing the Director of Community Development to enter into an agreement with the Cleveland Restoration Society for the Heritage Home Preservation 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 Title and Sections 1 and 2 of Ordinance No. 1872-08 passed December 8, 2008 are hereby amended to read as follows:

An emergency ordinance authorizing the Director of Community Development to enter into an agreement with the Cleveland Restoration Society for the Heritage Home Preservation Program through the use of Wards 1, 4, 11, 16, and 18 Neighborhood Equity Funds.

Section 1. That the Director of Community Development to enter into an agreement effective January 1, 2009 with the Cleveland Restoration Society for the Heritage Home Preservation Program for the public purpose of promoting restoration and preservation of historic homes in the city of Cleveland through the use of Ward(s) 1, 4, 11, 16 and 18 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$45,000 and shall be paid from Fund No. 10 SF 166.

Section 2. That the title and sections 1 and 2 of Ordinance No. 1872-08 passed December 8, 2008 are hereby repealed.

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

Passed February 9, 2009.

Effective February 18, 2009.

Ord. No. 171-09.**By Council Member Reed.**

An emergency ordinance authorizing the Director of Economic Development to enter into an agreement with Mt. Pleasant NOW Development Corporation for the East 145th Street Kinsman Retail Center Project through the use of Ward 3 UDAG Repayments Neighborhood Capital Fund.

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

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

Section 1. That the Director of Economic Development is authorized to enter into an agreement with Mt. Pleasant NOW Development Corporation for the East 145th Street Kinsman Retail Center Project for the public purpose of promoting economic development and new job creation in the City of Cleveland through the use of Ward 3 UDAG Repayments Neighborhood Capital Fund.

Section 2. That the cost of said contract shall be in an amount not to exceed \$100,000 and shall be paid from Fund No. 10 SF 177.

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 February 9, 2009.
Effective February 11, 2009.

COUNCIL COMMITTEE MEETINGS

**Thursday, February 12, 2009
10:00 a.m.**

Community and Economic Development Committee, City Planning Committee, Public Parks, Property and Recreation Committee and Finance Committee: Present in CDED: Pierce

Scott, Chair; Brancatelli, Vice Chair; Cimperman, Cummins, Coats, Westbrook, Brady, Zone, Dow.

Present in Planning: Cimperman, Chair; Westbrook, Vice Chair; Conwell, Dow, Keane, Zone. *Authorized Absence:* Reed.

Present in Parks: Johnson, Chair; Brancatelli, Pruitt, Cummins, Kelley, Polensek. *Authorized Absence:* Wilkes, Vice Chair.

Present in Finance: Sweeney, Chair; Cimperman, Vice Chair; Brady, Conwell, Keane, Pierce Scott, Cleveland, Brancatelli, Westbrook, Coats, Kelley.

**Friday, February 13, 2009
2:00 p.m.**

Employment, Affirmative Action and Training Committee: Present: Coats, Chair; Cummins, Mitchell, Conwell. *Authorized Absence:* Santiago, Vice Chair; Pruitt, Johnson.

Index

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

Agreements

Amend title and Sects. 1 & 2 Ord. No. 1872-08 — Cleveland Restoration Society —
Heritage Home Preservation Program — Ward(s) 1, 4, 11, 16 & 18 NEF
(O 170-09) **191**

Clerk of Council — The Project Group — investigating utility related matters
pertaining to (CPP, Water Division, WPC) (O 167-09) **191**

Famicos Foundations — Holiday Food Program — Ward 10 NEF
(O 169-09) **191**

Mt. Pleasant NOW Development Corp. — E. 145th St. Kinsman Retail Center Project —
Ward 3 UDAG (O 171-09) **191**

Parks, Recreation and Properties — CMSD — for the exchange of properties
located at 3938 Jo Ann Dr. & 3861 Wendy Dr. (O 97-09) **187**

Parks, Recreation and Properties — Woodland Cemetery Foundation for
commemorative bricks (O 1664-08) **182**

Board of Control — Aging Department

Protocol and Fee Schedule for allocation of space — per Ord. 1184-08
(BOC Res. 52-09) 178

Senior Day 2009 at Convention Center — May 21, 2009 — free of charge —
exception to BOC Res. 117-03 — Division of Convention Center and
Stadium, Dept. of Parks, Recreation and Properties
(BOC Res. 51-09) 178

Board of Control — Burke Lakefront Airport Division

Parking and landing fees for aircraft — per C.O. Sec. 571.85, 139.051 —
rescind BOC Res. 66-08 — Dept. of Port Control (BOC Res. 48-09) 177

Board of Control — Cleveland Hopkins International Airport Division

Canopies — contract per Ord. 1533-07 to MC Building Services, LLC, d.b.a.
The Awning Company — Dept. of Port Control (BOC Res. 49-09) 177

Parking and landing fees for aircraft — per C.O. Sec. 571.85, 139.051 —
rescind BOC Res. 66-08 — Dept. of Port Control (BOC Res. 48-09) 177

Board of Control — Cleveland Public Power Division

AMP-Ohio generating facility participation study — contract per Ord. 1716-06 to Middough, Inc. — Dept. of Public Utilities (BOC Res. 45-09) 176
 Engineering, electrical services — modify Contract #67645 per BOC Res. 622-07 — Dept. of Public Utilities (BOC Res. 46-09) 176

Board of Control — Convention Center and Stadium Division

Senior Day 2009 at Convention Center — May 21, 2009 — free of charge — exception to BOC Res. 117-03 — Depts. of Parks, Recreation and Properties and Aging (BOC Res. 51-09)..... 178

Board of Control — Finance Department

Fastners — per C.O. Sec. 181.101 — all bids rejected (BOC Res. 43-09) 175
 Sale of scrap, personal property, and by-products in January 2009 — per BOC Res. 921-52 (BOC Res. 42-09) 175
 Steel plates, miscellaneous sizes — contract per C.O. Sec. 181.101 to Stark Metals Sales, Inc. (BOC Res. 44-09) 175

Board of Control — Parks, Recreation and Properties Department

Senior Day 2009 at Convention Center — May 21, 2009 — free of charge — exception to BOC Res. 117-03 — Division of Convention Center and Stadium, Dept. of Aging (BOC Res. 51-09) 178

Board of Control — Police Division

Boat, police — contract per Ord. 1873-06 to Samsel Rope & Marine Supply Company, d.b.a. Samsel Supply Company — Dept. of Public Safety (BOC Res. 50-09) 177

Board of Control — Port Control Department

Canopies — contract per Ord. 1533-07 to MC Building Services, LLC, d.b.a., The Awning Company — Division of Cleveland Hopkins International Airport (BOC Res. 49-09) 177
 Parking and landing fees for aircraft — per C.O. Sec. 571.85, 139.051 — rescind BOC Res. 66-08 — Divisions of Cleveland Hopkins International Airport and Burke Lakefront Airport (BOC Res. 48-09) 177

Board of Control — Professional Service Contracts

AMP-Ohio generating facility participation study — contract per Ord. 1716-06 to Middough, Inc. — Division of Cleveland Public Power, Dept. of Public Utilities (BOC Res. 45-09) 176
 Engineering, electrical services — modify Contract #67645 per BOC Res. 622-07 — Division of Cleveland Public Power, Dept. of Public Utilities (BOC Res. 46-09) 176

Board of Control — Public Auditorium

Senior Day 2009 at Convention Center — May 21, 2009 — free of charge — exception to BOC Res. 117-03 — Division of Convention Center and Stadium, Depts. of Parks, Recreation and Properties and Aging (BOC Res. 51-09) 178

Board of Control — Public Improvement Contracts

Canopies — contract per Ord. 1533-07 to MC Building Services, LLC, d.b.a. The Awning Company — Division of Cleveland Hopkins International Airport, Dept. of Port Control (BOC Res. 49-09) 177

Board of Control — Public Safety Department

Boat, police — contract per Ord. 1873-06 to Samsel Rope & Marine Supply Company, d.b.a. Samsel Supply Company — Division of Police (BOC Res. 50-09) 177

Board of Control — Public Utilities Department

AMP-Ohio generating facility participation study — contract per Ord. 1716-06 to Middough, Inc. — Division of Cleveland Public Power (BOC Res. 45-09) 176

Engineering, electrical services — modify Contract #67645 per BOC Res. 622-07 — Division of Cleveland Public Power (BOC Res. 46-09) 176

Water plant residuals, hauling and disposal of — contract per Ord. 1868-07 to Emerald Environmental Services, Inc. — Division of Water (BOC Res. 47-09) 176

Board of Control — Purchases and Supplies Division

Sale of scrap, personal property, and by-products in January 2009 — per BOC Res. 921-52 (BOC Res. 42-09) 175

Board of Control — Requirement Contracts

Boat, police — contract per Ord. 1873-06 to Samsel Rope & Marine Supply Company, d.b.a. Samsel Supply Company — Division of Police, Dept. of Public Safety (BOC Res. 50-09) 177

Steel plates, miscellaneous sizes — contract per C.O. Sec. 181.101 to Stark Metals Sales, Inc. — Dept. of Finance (BOC Res. 44-09) 175

Water plant residuals, hauling and disposal of — contract per Ord. 1868-07 to Emerald Environmental Services, Inc. — Division of Water, Dept. of Public Utilities (BOC Res. 47-09) 176

Board of Control — Water Division

Water plant residuals, hauling and disposal of — contract per Ord. 1868-07 to Emerald Environmental Services, Inc. — Dept. of Public Utilities (BOC Res. 47-09) 176

Board of Zoning Appeals — Report

Broadview Road, 4965 (Ward 16) — CSX Railroad, owner, and CBS Outdoor and Tim Keaton, tenant — appeal postponed pending update on zoning regulations 2/17/09 (Cal. 08-205) 179

East 116th Street, 4060 (Ward 2) — Number 1 Grace, LLC, owner — appeal granted and adopted on 2/17/09 (Cal. 09-1) 179

East 95th Street, 223, (Ward 6) — Cleveland Green Homes East LPI, owner — appeal heard on 2/17/09 (Cal. 09-6) 179

Elk Avenue, 10412, a.k.a. 510-540 East 105th Street (Ward 8) — Shorebank Enterprise Group, owner, and Evergreen Cooperative Laundry, lessee — appeal granted and adopted on 2/17/09 (Cal. 09-5) 179

Kinsman Road, 7026 (Ward 5) — Cuyahoga Metropolitan Housing Authority, owner — appeal postponed to 3/9/09 on 2/17/09 (Cal. 09-8) 179

Lee Road, 4120 (Ward 1) — Sherry Wingfield, owner, and Eddie Adya, prospective purchaser — appeal heard on 2/17/09 (Cal. 08-236) 179

Marlene Avenue, 15411 (Ward 20) — Mary O'Meara, owner — appeal granted and adopted on 2/17/09 (Cal. 09-2) 179

Soika Avenue, 12222 (Ward 3) — AKM Property Management LLC and Abdul Muhammad, owner — appeal postponed to 3/9/09 on 2/17/09 (Cal. 09-9) 179

West 25th Street, 2012 (Ward 14) — United Twenty-Fifth Building LLC, owner — appeal heard on 2/17/09 (Cal. 08-214) 179

West 73rd Street, 2122-24 (Ward 17) — George Smee, owner — appeal postponed to 4/6/09 on 2/17/09 (Cal. 09-7) 179

Board of Zoning Appeals — Schedule

Bellaire Road, 12010 (Ward 19) — Dolores Wagner, owner — appeal to be heard on 3/2/09 (Cal. 09-14) 178

West 130th Street, 4724 (Ward 20) — Vietnamese Buddhist Association of Cleveland, owner — appeal to be heard on 3/2/09 (Cal. 09-16) 178

Business Revitalization District (BRD)

Expanding the West 117th Street/Berea Rd. — zoning (O 1851-08) 179

City of Cleveland Bids

Adjustable valve boxes and appurtenances — Department of Public Utilities —
 Division of Water — per C.O. Sec. 129.25 — bid due March 13, 2009
 (advertised 2/18/2009 and 2/25/2009)..... 180

Bellaire Road rehabilitation (West 130th St. to West 117th St.) — Department of Public
 Service — Division of Engineering and Construction — per Ord. 686-08 — bid due
 February 26, 2009 (advertised 2/11/2009 and 2/18/2009) 179

Catch basin and manhole construction and rehabilitation — Department of Public Utilities —
 Division of Water Pollution Control — per Ord. 996-03 — bid due February 27, 2009
 (advertised 2/11/2009 and 2/18/2009)..... 180

Fasteners (re-bid) — Department of Finance — per C.O. Sec. 181.101 — bid due March 19, 2009
 (advertised 2/18/2009 and 2/25/2009)..... 180

Fiber splicing equipment and test gear — Department of Finance — Division of
 Information Systems Services — per Ord. 1880-07 — bid due March 11, 2009
 (advertised 2/11/2009 and 2/18/2009)..... 180

Fire extinguishers, repair and replacement — Department of Finance — per C.O. Sec.
 181.101 — bid due March 19, 2009 (advertised 2/18/2009 and 2/25/2009) 180

Generator maintenance and repair — Department of Public Service — Division of Motor
 Vehicle Maintenance — per Ord. 686-07 — bid due March 5, 2009
 (advertised 2/11/2009 and 2/18/2009)..... 180

Sodium hypochlorite — Department of Public Utilities — Division of Water — per C.O. Sec.
 129.24 — bid due March 5, 2009 (advertised 2/11/2009 and 2/18/2009) 180

Storage racking, heavy duty material at 1735 Lakeside Avenue (Re-bid) —
 Department of Finance — Division of Printing and Reproduction — per Ord. 858-08 —
 bid due March 4, 2009 (advertised 2/18/2009 and 2/25/2009) 180

City Planning Commission

Enact new Sects. 341.01 to 341.08 — Design Review — repeal Sects. 303.01, 303.11, 337.25 —
 relating to business revitalization and public land protective districts
 (O 1827-08) 183

Expanding the West 117th Street/Berea Rd. (Business Revitalization District) —
 zoning (O 1851-08) 179

Rocky River Dr., (East & West sides) — between Larchwood Ave. & Woodbury Ave. —
 change the zoning (Ward 21) (O 1671-08) 179

Clerk of Council

Clerk of Council — agreement — The Project Group — investigating utility
 related matters pertaining to (CPP, Water Division, WPC) (O 167-09)..... 191

Cleveland Metropolitan School District

Parks, Recreation and Properties — Agreement with CMSD — for the
 exchange of properties located at 3938 Jo Ann Dr. & 3861 Wendy Dr.
 (O 97-09) 187

Cleveland Public Power

Clerk of Council — agreement — The Project Group — investigating utility
 related matters pertaining to (CPP, Water Division, WPC)
 (O 167-09) 191

Codified Ordinances

Enact new Sects. 341.01 to 341.08 — Design Review — repeal Sects. 303.01, 303.11, 337.25 —
 relating to business revitalization and public land protective districts
 (O 1827-08) 183

Food shop categories and fees — Amend Sect. 241.35 (O 83-09) 186

Collective Bargaining Agreements

Amend Sect. 19 Ord. No. 947-08 — Longshoreman’s Association, Local No. 1317 —
 Finance Dept. — Personnel and Human Resources Department
 (O 163-09) 189

Treasurers & Ticket Sellers Union, Local 756 — amend Sects. 35, 44 adding new Sect. 44a
 (O 164-09) 189

Community Development

Amend title and Sects. 1 & 2 Ord. No. 1872-08 — Cleveland Restoration Society —
 agreement — Heritage Home Preservation Program — Ward(s) 1, 4, 11, 16 &
 18 NEF (O 170-09) 191

Famicos Foundations — agreement — Holiday Food Program — Ward 10 NEF
 (O 169-09) 191

Contracts

Economic Development — The Greater Cleveland Sports Commission (financial assistance
 to organize & administer programs for marketing the City of Cleveland for sporting
 events) (O 86-09)..... 187

Easements

Parks, Recreation and Properties — Storm sewer easement to Village of Newburgh Heights
 (O 1775-08) 183

Economic Development Department

Contract — The Greater Cleveland Sports Commission (financial assistance to organize &
 administer programs for marketing the City of Cleveland for sporting events)
 (O 86-09) 187

Famicos Foundation

Agreement — Holiday Food Program — Ward 10 NEF (O 169-09) 191

Fees

Food shop categories and fees — Amend Sect. 241.35 (O 83-09) 186

Finance Department

Amend Sect. 19 Ord. No. 947-08 — Longshoreman’s Association, Local No. 1317 —
 collective bargaining agreement — Personnel and Human Resources Department
 (O 163-09) 189

Professional consultants — Analyze the performance of City departments and divisions
 (O 168-09) 191

Flats District

Amend title, Sects. 1, 4 & 7 Ord. No. 649-08 — apply & accept a grant from the
 State of Ohio — purchase property — Flats East Bank Project (Ward 13)
 (O 1557-08) 181

Grants

Amend title, Sects. 1, 4 & 7 Ord. No. 649-08 — apply & accept a grant from the
 State of Ohio — purchase property — Flats East Bank Project (Ward 13)
 (O 1557-08) 181

Liquor Permits

Buckeye Rd., 11618 — withdraw objection to renewal — repeal Res. 1237-08
 (Ward 04) (R 166-09) 180

Superior Ave., 815 — withdraw objection to transfer of liquor license —
 repeal Res. 90-09 (Ward 13) (R 165-09)..... 180

Neighborhood Equity Funds

Amend title and Sects. 1 & 2 Ord. No. 1872-08 — Cleveland Restoration Society —
 agreement — Heritage Home Preservation Program — Ward(s) 1, 4, 11, 16 &
 18 NEF (O 170-09) 191

Famicos Foundations — agreement — Holiday Food Program — Ward 10 NEF
 (O 169-09) 191

Parks, Recreation and Properties Department

Amend title, Sects. 1, 4 & 7 Ord. No. 649-08 — apply & accept a grant from the State of Ohio — purchase property — Flats East Bank Project (Ward 13) (O 1557-08) 181

Storm sewer easement to Village of Newburgh Heights (O 1775-08) 183

Agreement with CMSD — for the exchange of properties located at 3938 Jo Ann Dr. & 3861 Wendy Dr. (O 97-09)..... 187

Agreement with Woodland Cemetery Foundation for commemorative bricks (O 1664-08) 182

Permits

Food shop categories and fees — Amend Sect. 241.35 (O 83-09) 186

Personnel Department

Amend Sect. 19 Ord. No. 947-08 — Longshoreman's Association, Local No. 1317 — collective bargaining agreement — Finance Dept. (O 163-09) 189

Treasurers & Ticket Sellers Union, Local 756 — collective bargaining agreement — amend Sects. 35, 44 adding new Sect. 44a (O 164-09)..... 189

Professional Services

Clerk of Council — agreement — The Project Group — investigating utility related matters pertaining to (CPP, Water Division, WPC) (O 167-09)..... 191

Finance Department — professional consultants — Analyze the performance of City departments and divisions (O 168-09)..... 191

Public Hearings (Notices)

Expanding the West 117th Street/Berea Rd. (Business Revitalization District) — zoning (O 1851-08) 179

Rocky River Dr., (East & West sides) — between Larchwood Ave. & Woodbury Ave. — change the zoning (Ward 21) (O 1671-08) 179

Salaries

Amend Sect. 19 Ord. No. 947-08 — Longshoreman's Association, Local No. 1317 — collective bargaining agreement — Finance Dept. — Personnel and Human Resources Department (O 163-09) 189

Treasurers & Ticket Sellers Union, Local 756 — collective bargaining agreement — amend Sects. 35, 44 adding new Sect. 44a (O 164-09)..... 189

State of Ohio

Amend title, Sects. 1, 4 & 7 Ord. No. 649-08 — apply & accept a grant from the State of Ohio — purchase property — Flats East Bank Project (Ward 13) (O 1557-08) 181

Utilities Department

Clerk of Council — agreement — The Project Group — investigating utility related matters pertaining to (CPP, Water Division, WPC) (O 167-09)..... 191

Ward 01

Amend title and Sects. 1 & 2 Ord. No. 1872-08 — Cleveland Restoration Society — agreement — Heritage Home Preservation Program — Ward(s) 1, 4, 11, 16 & 18 NEF (O 170-09) 191

Parks, Recreation and Properties — Agreement with CMSD — for the exchange of properties located at 3938 Jo Ann Dr. & 3861 Wendy Dr. (O 97-09) 187

Ward 03

Mt. Pleasant NOW Development Corp. — agreement — E. 145th St. Kinsman Retail Center Project — Ward 3 UDAG (O 171-09) 191

Ward 04

Amend title and Sects. 1 & 2 Ord. No. 1872-08 — Cleveland Restoration Society —
 agreement — Heritage Home Preservation Program — Ward(s) 1, 4, 11, 16 &
 18 NEF (O 170-09) **191**
 Buckeye Rd., 11618 — withdraw objection to renewal — repeal Res. 1237-08 —
 liquor permits (R 166-09) **180**

Ward 10

Famicos Foundations — agreement — Holiday Food Program — Ward 10 NEF (O 169-09) **191**

Ward 11

Amend title and Sects. 1 & 2 Ord. No. 1872-08 — Cleveland Restoration Society —
 agreement — Heritage Home Preservation Program — Ward(s) 1, 4, 11, 16 &
 18 NEF (O 170-09) **191**

Ward 13

Amend title, Sects. 1, 4 & 7 Ord. No. 649-08 — apply & accept a grant from the
 State of Ohio — purchase property — Flats East Bank Project
 (O 1557-08) **181**
 Superior Ave., 815 — withdraw objection to transfer of liquor license —
 repeal Res. 90-09 — liquor permits (R 165-09) **180**

Ward 16

Amend title and Sects. 1 & 2 Ord. No. 1872-08 — Cleveland Restoration Society —
 agreement — Heritage Home Preservation Program — Ward(s) 1, 4, 11, 16 &
 18 NEF (O 170-09) **191**

Ward 18

Amend title and Sects. 1 & 2 Ord. No. 1872-08 — Cleveland Restoration Society —
 agreement — Heritage Home Preservation Program — Ward(s) 1, 4, 11, 16 &
 18 NEF (O 170-09) **191**

Ward 19

Expanding the West 117th Street/Berea Rd. (Business Revitalization District) — zoning
 (O 1851-08) 179

Ward 21

Rocky River Dr. (East & West sides) — between Larchwood Ave. & Woodbury Ave. —
 change the zoning (O 1671-08) 179

Water Division

Clerk of Council — agreement — The Project Group — investigating utility related matters
 pertaining to (CPP, Water Division, WPC) (O 167-09) **191**

Water Pollution Control Division

Clerk of Council — agreement — The Project Group — investigating utility related matters
 pertaining to (CPP, Water Division, WPC) (O 167-09) **191**

Woodland Cemetery

Parks, Recreation and Properties — Agreement with Woodland Cemetery Foundation for
 commemorative bricks (O 1664-08) **182**

Zoning

Expanding the West 117th Street/Berea Rd. (Business Revitalization District)
 (O 1851-08) 179
 Rocky River Dr. (East & West sides) — between Larchwood Ave. & Woodbury Ave.
 (Ward 21) (O 1671-08) 179