

# The City Record

Official Publication of the Council of the City of Cleveland



September the Twenty-Eighth, Two Thousand and Eleven

**Frank G. Jackson**  
Mayor

**Martin J. Sweeney**  
President of Council

**Patricia J. Britt**  
City Clerk, Clerk of Council

**Ward Name**

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

The City Record is available online at  
[www.clevelandcitycouncil.org](http://www.clevelandcitycouncil.org)

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# DIRECTORY OF CITY OFFICIALS

## CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

### Ward Name Residence

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

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

First Assistant Clerk – Sandra Franklin

### MAYOR – Frank G. Jackson

Ken Silliman, Secretary to the Mayor, Chief of Staff  
Darnell Brown, Executive Assistant to the Mayor, Chief Operating Officer  
Valarie J. McCall, Executive Assistant to the Mayor, Chief of Government Affairs  
Chris Warren, Executive Assistant to the Mayor, Chief of Regional Development  
Monyka S. Price, Executive Assistant to the Mayor, Chief of Education  
Maureen Harper, Executive Assistant to the Mayor, Chief of Communications  
Andrea V. Taylor, Executive Assistant to the Mayor, Press Secretary  
Andrew Watterson, Executive Assistant to the Mayor, Chief of Sustainability  
Natoya J. Walker Minor, Chief of Public Affairs – Interim Director of Equal Opportunity.

### OFFICE OF CAPITAL PROJECTS – Jomarie Wasik, Director

#### DIVISIONS:

Architecture and Site Development – Robert Vilkas, Chief Architect, Manager  
Engineering and Construction – \_\_\_\_\_, Manager  
Real Estate – \_\_\_\_\_, Commissioner

**DEPT. OF LAW** – Barbara A. Langhenry, Interim Director, \_\_\_\_\_, Chief Counsel,  
Richard F. Horvath, Chief Corporate Counsel, Thomas J. Kaiser, Chief Trial Counsel,  
Room 106; Michael Ruffing, Law Librarian, Room 100

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

Frank Badalamenti, Manager, Internal Audit

#### DIVISIONS:

Accounts – Richard W. Sensenbrenner, Commissioner, Room 19  
Assessments and Licenses – Dedrick Stephens, Commissioner, Room 122  
City Treasury – \_\_\_\_\_, Treasurer, Room 115  
Financial Reporting and Control – James Gentile, Controller, Room 18  
Information Technology and Services – Douglas Divish, Commissioner, 205 W. St. Clair Avenue  
Purchases and Supplies – James E. Hardy, Commissioner, Room 128  
Printing and Reproduction – Michael Hewitt, Commissioner, 1735 Lakeside Avenue  
Taxation – Nassim Lynch, Tax Administrator, 205 W. St. Clair Avenue

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

#### DIVISIONS:

Cleveland Public Power – Ivan Henderson, Commissioner  
Street Lighting Bureau – \_\_\_\_\_, Acting Chief  
Utilities Fiscal Control – Dennis Nichols, Commissioner  
Water – Bernardo Garcia, Commissioner  
Water Pollution Control – Rachid Zoghaib, Commissioner

**DEPT. OF PORT CONTROL** – Ricky D. Smith, Director, Cleveland Hopkins International Airport, 5300 Riverside Drive

#### DIVISIONS:

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

**DEPT. OF PUBLIC WORKS** – Michael Cox, Director

#### OFFICES:

Administration – John Laird, Manager  
Special Events and Marketing – Tangee Johnson, Manager

#### DIVISIONS:

Motor Vehicle Maintenance – Daniel A. Novak, Commissioner  
Park Maintenance and Properties – Richard L. Silva, Commissioner  
Parking Facilities – Leigh Stevens, Commissioner  
Property Management – Tom Nagle, Commissioner  
Recreation – Kim Johnson, Commissioner  
Streets – \_\_\_\_\_, Commissioner  
Traffic Engineering – Robert Mavec, Commissioner  
Waste Collection and Disposal – Ron Owens, Commissioner

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

Erievue Plaza

#### DIVISIONS:

Air Quality – Richard L. Nemeth, Commissioner  
Environment – Willie Bess, Commissioner, Mural Building, 75 Erievue Plaza  
Health – Karen K. Butler, Commissioner, Mural Building, 75 Erievue Plaza

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

#### DIVISIONS:

Dog Pound – John Baird, Chief Dog Warden, 2690 West 7th Street  
Correction – Robert Taskey, Commissioner, Cleveland House of Corrections, 4041 Northfield Rd.  
Emergency Medical Service – Edward Eckart, Commissioner, 1708 South Pointe Drive  
Fire – Paul A. Stubbs, Chief, 1645 Superior Avenue  
Police – Michael C. McGrath, Chief, Police Hdqtrs. Bldg., 1300 Ontario Street

**DEPT. OF COMMUNITY DEVELOPMENT** – Daryl Rush, Director

#### DIVISIONS:

Administrative Services – Jesus Rodriguez, Commissioner  
Fair Housing and Consumer Affairs Office – \_\_\_\_\_, Manager  
Neighborhood Development – \_\_\_\_\_, Commissioner  
Neighborhood Services – Louise V. Jackson, Commissioner

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

#### DIVISIONS:

Code Enforcement – Tyrone L. Johnson, Commissioner  
Construction Permitting – Timothy R. Wolosz, Commissioner

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

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

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

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

G. Jackson, Chairman Ex-Officio; Rev. Dr. Charles P. Lucas, Jr., Vice-Chairman, Council Member Brian Cummins, Council Member Eugene R. Miller, Jeff Marks. (Board Lawyer), Roosevelt E. Coats, Jenice Contreras, Kathryn Hall, Yasir Hamdallah, Evangeline Hardaway, John O. Horton, Annie Key, Stephanie Morrison-Hrbek, Roland Muhammad, Gia Hoa Ryan, Ted C. Wammes, Peter Whitt.

**CIVIL SERVICE COMMISSION** – Room 119, Robert Bennett, President; Michael L. Nelson, Sr., Vice-President; Lucille Ambroz, Secretary; Members: Pastor Gregory Jordan, Michael Flickinger.

**SINKING FUND COMMISSION** – Frank G. Jackson, President; Council President Martin J. Sweeney; Betsy Hruby, Asst. Sec’y; Sharon Dumas, Director.

**BOARD OF ZONING APPEALS** – Room 516, Carol A. Johnson, Chairman; Members; John Myers, Ozell Dobbins, Joan Shaver Washington, Tim Donovan, Jan Huber, Secretary.

**BOARD OF BUILDING STANDARDS AND BUILDING APPEALS** – Room 516, J. F. Denk, Chairman; \_\_\_\_\_, Arthur Saunders, Alternate Members – D. Cox, P. Frank, E. P. O’Brien, Richard Pace, J.S. Sullivan.

**BOARD OF REVISION OF ASSESSMENTS** – Interim Law Director Barbara A. Langhenry, President; Finance Director Sharon Dumas, Secretary; Council President Martin J. Sweeney.

**BOARD OF SIDEWALK APPEALS** – Service Director Jomarie Wasik, Interim Law Director Barbara A. Langhenry; Council Member Eugene R. Miller.

**BOARD OF REVIEW** – (Municipal Income Tax) – Interim Law Director Barbara A. Langhenry; Utilities Director Barry A. Withers; Council President Martin J. Sweeney.

**CITY PLANNING COMMISSION** – Room 501 – Robert N. Brown, Director; Anthony J. Coyne, Chairman; David H. Bowen, Lillian Kuri, Lawrence A. Lumpkin, Gloria Jean Pinkney, Norman Krumholz, Council Member Phyllis E. Cleveland.

**FAIR HOUSING BOARD** – Charles See, Chair; Lisa Camacho, Daniel Conway, Robert L. Render, Genesis O. Brown.

**HOUSING ADVISORY BOARD** – Room 310 – Keith Brown, Terri Hamilton Brown, Vickie Eaton-Johnson, Mike Foley, Eric Hodderson, Janet Loehr, Mark McDermott, Marcia Nolan, David Perkowski, Joan Shaver Washington, Keith Sutton.

**CLEVELAND BOXING AND WRESTLING COMMISSION** – Robert Jones, Chairman; Clint Martin, Mark Rivera.

**MORAL CLAIMS COMMISSION** – Interim Law Director Barbara A. Langhenry; Chairman; Finance Director Sharon Dumas; Council President Martin J. Sweeney; Councilman Kevin Kelley.

**POLICE REVIEW BOARD** – Thomas Jones, Board Chair Person; Vernon Collier, Vermel Whalen, Nancy Cronin, Elvin Vauss.

**CLEVELAND LANDMARKS COMMISSION** – Room 519 – Jennifer Coleman, Chair; Laura M. Bala, Council Member Anthony Brancatelli, Robert N. Brown, Thomas Coffey, Allan Dreyer, William Mason, Michael Rastatter, Jr., John Torres, N. Kurt Wiebusch, Robert Keiser, Secretary.

**AUDIT COMMITTEE** – Yvette M. Itu, Chairman; Debra Janik, Bracy Lewis, Diane Downing, Donna Sciarappa, Council President Martin J. Sweeney; Interim Law Director Barbara A. Langhenry.

## CLEVELAND MUNICIPAL COURT

### JUSTICE CENTER – 1200 ONTARIO STREET

#### JUDGE COURTROOM ASSIGNMENTS

#### Judge Courtroom

Presiding and Administrative Judge Ronald B. Adrine – Courtroom 15A  
Judge Marilyn B. Cassidy – Courtroom 12B  
Judge Michelle Denise Earley – Courtroom 12C  
Judge Emanuella Groves – Courtroom 14B  
Judge Anita Laster Mays – Courtroom 14C  
Judge Lynn McLaughlin-Murray – Courtroom 12A  
Judge Lauren C. Moore – Courtroom 14A  
Judge Charles L. Patton, Jr. – Courtroom 13D  
Judge Raymond L. Pianka (Housing Court Judge) – Courtroom 13B  
Judge Michael John Ryan – Courtroom 13A  
Judge Angela R. Stokes – Courtroom 15C  
Judge Pauline H. Tarver – Courtroom 13C  
Judge Joseph J. Zone – Courtroom 14D

Earle B. Turner – Clerk of Courts, Russell R. Brown III – Court Administrator, Paul J. Mizerak – Bailiff, Jerome M. Krakowski – Chief Probation Officer, Gregory F. Clifford – Chief Magistrate, Victor Perez – City Prosecutor

# The City Record

71 OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 98

WEDNESDAY, SEPTEMBER 28, 2011

No. 5103

## CITY COUNCIL

MONDAY, SEPTEMBER 26, 2011

The City Record  
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[www.clevelandcitycouncil.org](http://www.clevelandcitycouncil.org)  
Address all communications to  
**PATRICIA J. BRITT**  
City Clerk, Clerk of Council  
216 City Hall

### PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2010-2013

#### MONDAY — Alternating

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

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

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

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

#### MONDAY

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

#### TUESDAY

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

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

#### WEDNESDAY — Alternating

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

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

#### WEDNESDAY — Alternating

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

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

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

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

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

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

### OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio  
Monday, September 26, 2011

The meeting of the Council was called to order, The President, Martin J. Sweeney in the Chair.

Council Members present: Brady, Brancatelli, Cimperman, Cleveland, Conwell, Cummins, Dow, J. Johnson, K. Johnson, Keane, Miller, Mitchell, Polensek, Reed, Sweeney and Westbrook.

Also present were Acting Mayor Barbara J. Langhenry, Ken Silliman, Chief of Staff, Darnell Brown, Chief Operating Officer, Chris Warren, Chief of Regional Development, Andrea V. Taylor, Press Secretary, Natoya J. Walker-Minor, Chief of Public Affairs - Interim Director of Office of Equal Opportunity, and Directors Dumas, Withers, Smith, Wasik, Butler, Flask, Cox, Rush, Rybka, Southerington, Griffin, Brown, Fumich, Lucille Ambroz, Secretary, Civil Service Commission, and Teresa Stevenson, Legislative Affairs.

Pursuant to Ordinance No. 2926-76, the opening prayer was offered by Pastor Nozomi Ikuta of Denison Avenue United Church of Christ, 9900 Denison Avenue located in Ward 16. Pledge of Allegiance was led by Elijah Hilderbrand and Noah Utterback of Boy Scout Troop #176 of St. Vincent DePaul, located at 13400 Lorain Avenue in Ward 19.

#### MOTION

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

#### COMMUNICATIONS

**File No. 1343-11.**  
From Cleveland Housing Network, Inc. — Cleveland NSP Homes Wards 1, 5, 6, 9, 11, 12, 14, 15, 16, — notifi-

cation letter as general partner of residential rental development project and utilizing multifamily funding programs of the Ohio Housing Finance Agency (OHIA) Received.

#### FROM THE DEPARTMENT OF LIQUOR CONTROL

##### File No. 1344-11.

Re: #2215582 — D2, D2X, D3, D3A, D6 Transfer of Ownership Application, DNA Level C LLC, 2nd Floor only, 618 Prospect Ave. (Ward 3). Received.

#### OATHS OF OFFICE

##### File No. 1345-11.

From: Barbara A. Langhenry - Acting Director of Law. Received.

##### File No. 1346-11.

From: Calvin Williams - Deputy Chief of Police. Received.

##### File No. 1347-11.

From: Patrick Stephens - Commander of Police. Received.

##### File No. 1348-11.

From: John Cole - Lieutenant of Police. Received.

#### CONDOLENCE RESOLUTIONS

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

**Res. No. 1349-11**—James Leonard Jordan.

**Res. No. 1350-11**—Sister M. Angilita Zawada, OSU.

**Res. No. 1351-11**—Joseph A. Rieck.

**Res. No. 1352-11**—David C. Range.

**Res. No. 1353-11**—Ben (Benny) Mezacapa.

#### CONGRATULATION RESOLUTIONS

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

**Res. No. 1354-11**—American Federation of State, County & Municipal Employees, Ohio Council 8, AFL-CIO.

**Res. No. 1355-11**—Church of the Living God, Temple 67.

**Res. No. 1356-11**—Richard P. Stovsky.

**Res. No. 1357-11**—Linda M. Kane.

**Res. No. 1358-11**—Dr. Aaron T. Ellington.

**Res. No. 1359-11**—Joseph A. Williams.

**Res. No. 1360-11**—Ian N. Friedman.

**Res. No. 1361-11**—Maria Keckan.

**Res. No. 1362-11**—Dr. Beth Sersig.

**Res. No. 1363-11**—Madeline A. Cain.

**Res. No. 1364-11**—Dr. Nancy M. Felice Albert.

**Res. No. 1365-11**—Jacob "Jake" Nash.

**Res. No. 1366-11**—Timothy J. Downing.

**Res. No. 1367-11**—Patrol Officer Margaret Doran, #1202.

**Res. No. 1368-11**—Detective Paul Scott, Badge #911.

**Res. No. 1369-11**—Patrol Officer Dorothy Ward, #1357.

**Res. No. 1370-11**—Sergeant Audrey J. Walker.

**Res. No. 1371-11**—Patrol Officer Noreen R. Fellows, #2183.

**Res. No. 1372-11**—Patrol Officer Michael Ziegler, #2596.

**Res. No. 1373-11**—Patrol Officer Rhonda C. Walker, #649.

**Res. No. 1374-11**—Patrol Officer Suzann Williams, #824.

**Res. No. 1375-11**—Barbara J. (Cernan) Daniel.

**Res. No. 1376-11**—Ann M. (Drapos) Frangos.

**Res. No. 1377-11**—Thomas F. Patton.

**Res. No. 1378-11**—Kenneth M. Swade.

#### WELCOME RESOLUTIONS

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

**Res. No. 1379-11**—Congressman Tim Ryan.

**Res. No. 1380-11**—The Whispers.

**Res. No. 1381-11**—The Dramatics.

#### COMMEMORATION RESOLUTIONS

The rules were suspended and the following Resolution was adopted without objection:

**Res. No. 1382-11**—Edward E. Zajac.

#### FIRST READING EMERGENCY ORDINANCES REFERRED

##### Ord. No. 1340-11.

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

**An emergency ordinance authorizing the Director of Port Control to exercise the first option to renew Contract No. 69531 with Continental Airlines, Inc. to provide for the use of certain City-owned property located at the CLE Cargo Building at Cleveland Hopkins International Airport.**

Whereas, under the authority of Ordinance No. 357-09, passed May 4, 2009, the Director of Port Control entered into Contract No. 69531 with Continental Airlines, Inc. to provide for the use of approximately 21,371 square feet of City-owned property located at the CLE Cargo Building at Cleveland Hopkins International Airport; and

Whereas, Ordinance No. 357-09 requires further legislation before exercising the first option to renew on this contract; and

Whereas, for the use of the Leased premises, Continental Airlines, Inc. shall pay the City an annual fee of \$197,681.75, payable in monthly installments of \$16,473.48; and

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

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

**Section 1.** That the Director of Port Control is authorized to exercise the first option to renew Contract No. 69531 for an additional year with Continental Airlines, Inc.

for the use of approximately 21,371 square feet of City-owned property located at the CLE Cargo Building at Cleveland Hopkins International Airport. This ordinance constitutes the additional legislative authority required by Ordinance No. 357-09 to exercise this option.

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

Referred to Directors of Port Control, City Planning Commission, Finance, Law; Committees on Aviation and Transportation, City Planning, Finance.

##### Ord. No. 1341-11.

**By Council Members Keane and Sweeney (by departmental request).**

**An emergency ordinance to amend the title and Sections 2 and 4 of Ordinance No. 1171-08, passed September 22, 2008, relating to a Global Positioning System / Geographic Information System Airfield Management System for the various divisions of the Department of Port Control; to repeal Section 1; and to supplement the ordinance by adding new Sections 1 and 1a.**

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 2 and 4 of Ordinance No. 1171-08, passed September 22, 2008, are amended to read as follows:

An Emergency Ordinance authorizing the **Director of Port Control to employ one or more professional consultants to design, implement, and install a Global Positioning System/Geographic Information System Airfield Management System for the various divisions of the Department of Port Control, including the acquisition of any programs, and training, support, installation, and maintenance; and to enter into various written standard purchase and requirement contracts needed in connection with the systems which are not obtained through the professional services contract or contracts** and for parts not covered under the warranty or maintenance agreements, for a period up to two years with two options to renew for additional one-year periods, the first of which is exercisable through additional legislative authority.

**Section 2.** That the Director of Port Control is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period up to two years, with two options to renew for additional one-year periods, of the necessary items of parts not covered under the warranty or maintenance agreement, **or not obtained through the professional services contract or contracts authorized in this ordinance**, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of the Department of Port Control. The first of the one-year options to renew may not be exercised with-

out additional legislative authority. If such additional legislative authority is granted and the first of the one-year options to renew is exercised, then the second of the one-year options to renew may be exercisable at the option of the Director of Port Control, without the necessity of obtaining additional authority of this Council. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 4.** That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements with **other governmental agencies**. The Director of Port Control may sign all documents that are necessary to make the purchases, and may enter into contract or contracts with the vendors selected through that cooperative process.

**Section 2.** That the existing title and Sections 1, 2 and 4 of Ordinance No. 1171-08, passed September 22, 2008, are repealed.

**Section 3.** That Ordinance No. 1171-08, passed September 22, 2008, is supplemented by adding new Sections 1 and 1a, to read as follows:

**Section 1.** That the Director of Port control is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design, implement, and install a Global Positioning System/Geographic Information System Airfield Management System for the various divisions of the Department of Port Control, including the acquisition of any programs, and training, support, installation, and maintenance for a period up to two years with two options to renew for additional one-year periods, the first of which is exercisable through additional legislative authority.

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

**Section 1a.** That the Director of Port Control is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items not obtained through the professional services contract or contracts authorized above: Global Positioning System/Geographic Information System Airfield Management System, including installation and maintenance, to be purchased by the Commissioner of Purchases and Supplies for a gross

price, for the various divisions of the Department of Port Control, for a period up to two years, with two options to renew for additional one-year periods. The first of the one-year options to renew may not be exercised without additional legislative authority. If such additional legislative authority is granted and the first of the one-year options to renew is exercised, then the second of the one-year options to renew may be exercisable at the option of the Director of Port Control, without the necessity of obtaining additional authority of this Council.

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

Referred to Directors of Port Control, Finance, Law; Committees on Aviation and Transportation, Finance.

**Ord. No. 1342-11.**  
**By Council Members J. Johnson, Miller, Cleveland and Sweeney (by departmental request).**

**An emergency ordinance to vacate a portion of East 23rd Street, East 25th Street, East 25th Place and Payne Court.**

Whereas, under Resolution No. 862-09, adopted August 5, 2009, this Council declared its intention to vacate a portion of East 23rd Street, East 25th Street, East 25th Place and Payne Court N.E.; and

Whereas, notice of the adoption of the above vacation was served on the abutting property owners affected by the resolution which stated a time and place when objections would be heard before the Board of Revision of Assessments; and

Whereas, on September 20, 2011, at a special meeting, the Board of Revision of Assessments met and approved the above vacation under the provisions of Section 176 of the Charter of the City of Cleveland; and

Whereas, this Council is satisfied that there is good cause for vacating a portion of the above and that it will not be detrimental to the general interest and that it should be made; and

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

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

**Section 1.** That this Council declares that the following described real property is vacated:

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and part of original 10 acre lots 79 thru 84;

**East 23rd Street**

All that portion of East 23rd Street (60 feet wide) extending southerly from the south right of way line of Payne Avenue N.E. (80 feet wide) to the north right of way line of Chester Avenue N.E. (86 feet wide).

**East 25th Street**

All that portion of East 25th Street (60 feet wide) extending southerly from the south right of way line of Payne Avenue N.E. (80 feet wide) to its terminus with the vacated portion

of East 25th Street (60 feet wide ) as shown in volume 247 page 41 of Cuyahoga County Records.

**East 25th Place**

All that remaining portion of East 25th Place (14 feet wide) extending southerly from the southerly portion of East 25th Place (14 feet wide) as vacated in City of Cleveland Ordinance 862-06, Passed June 12, 2006 to its terminus with the vacated portion of East 25th Place (14 feet wide) as shown in volume 247 page 41 of Cuyahoga County Records.

**Payne Court N.E.**

All that remaining portion of Payne Court N.E. (14 feet wide) extending easterly from the west right of way line of East 21st Street (66 feet wide) to the west limited access line of the InnerBelt Freeway.

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

**Section 2.** That there is reserved to the City of Cleveland an easement of full width as described above for Cleveland Public Power, Dominion East Ohio Gas, AT&T, Cleveland Thermal, the Department of Water and the Illuminating Company (CEI). That no structures shall be erected on the premises described in this easement except those constructed under the approval of, and in compliance with, plans approved by Cleveland Public Power, Dominion East Ohio Gas, AT&T, Cleveland Thermal, the Department of Water, Illuminating Company (CEI) and the City of Cleveland.

**Section 3.** That provided all required approvals have been obtained, the Manager of Engineering and Construction is directed to record the vacation plat in the office of the Recorder of Cuyahoga County.

**Section 4.** That the Clerk of Council is directed to transmit a copy of this ordinance to the Fiscal Officer of Cuyahoga County.

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

Referred to Directors of Capital Projects, City Planning Commission, Finance, Law; Committees on Public Service, City Planning, Finance.

**FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED**

**Ord. No. 1337-11.**

**By Council Member Sweeney.**

**An emergency ordinance to amend Section 113.06 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 663-66, passed April 4, 1966 relating to duties of the Clerk.**

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

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

**Section 1.** That Section 113.06 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 663-66 passed April 4, 1966 is hereby amended to read as follows:

**Section 113.06 Duties of the Clerk**

(a) The Clerk of Council shall keep an accurate and correct Journal of proceedings of Council and of each Council committee. **The Clerk** shall have the custody of all the laws and ordinances of the City, and shall edit, index and have bound annually copies of the **City Record in such quantities as may be determined by the Clerk from time to time, and shall make the City Record and the Annual Index available electronically.** **The Clerk** shall furnish all transcripts, orders and certificates called for by any person, and authenticate the same by **the Clerk's** official signature under **the Clerk's** seal.

(b) **The Clerk** shall, within two weeks after the passage of any ordinance by Council vacating, narrowing or altering any street or alley, inform the **Cuyahoga County Fiscal Officer** of the action of Council by mailing **the County Fiscal Officer** a certified copy of such ordinance. The Clerk shall furnish to the public library of the City, **either in print or by electronic means**, copies of all reports, Council proceedings or matters **produced under** authority of the City immediately upon their publication.

**Section 2.** That existing Section 113.06 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 663-66, passed April 4, 1966, is hereby repealed.

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

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 1338-11.**

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

**An emergency ordinance approving the collective bargaining agreement with the Communication Workers of America (CWA), Local 4340.**

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

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

**Section 1.** That under division (B) of Section 4117.10 of the Revised Code, this Council approves the collective bargaining agreement with the Communication Workers of America (CWA), Local 4340, under the terms contained in File No. 1338-11-A, for the period from April 1, 2010 through March 31, 2013, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit under the following schedule:

| <u>Increase</u> | <u>Approximate Date of Increase*</u> |
|-----------------|--------------------------------------|
| 0%              | April 1, 2010                        |
| 0%              | April 1, 2011                        |
| 3%              | April 1, 2012                        |

\* Wage increases shall be effective as follows:

(a) If April 1st falls in the first week of a pay period, then the wage increase shall be effective commencing at the beginning of that pay period; or

(b) If April 1st falls in the second week of a pay period, then the wage increase shall be effective commencing at the beginning of the next pay period.

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

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 1339-11.**

**By Council Members Cimperman, K. Johnson, Cleveland, Mitchell, Cummins, Zone, Brancatelli, Miller and Sweeney (by departmental request).**

**An emergency ordinance authorizing the Mayor to apply to the District One Public Works Integrating Committee for state funding for various infrastructure capital improvement projects and state funding to obtain credit enhancements and loan assistance in support of the City's general obligation bonds issued for road and bridge improvements.**

Whereas, under Article VIII, Section 2k of the Ohio Constitution, the State of Ohio is authorized to issue bonds and other obligations of the State for the purpose of financing public infrastructure capital improvements of political subdivisions as designated by law; and

Whereas, under Section 164.03 of the Revised Code, the District One Public Works Integrating Committee has been created to evaluate applications for state financing of capital improvement projects of local subdivisions in Cuyahoga County; 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 Mayor is authorized to apply to the District One Public Works Integrating Committee for state funding of the following infrastructure capital improvements:

1. East 9th Street from Carnegie Avenue to North Marginal Road;
2. Woodland Avenue from Buckeye Road to Martin Luther King Jr. Drive;
3. Denison Avenue from Ridge Road to Fulton Road;
4. Cedar Avenue from East 55th Street to East 89th Street; and
5. Fleet Avenue from Broadway Avenue to I-77.

**Section 2.** That the Mayor is authorized to apply to the District One Public Works Integrating Committee for state funding to obtain credit enhancements and loan assistance in support of the City's general obligation bonds issued for bridge and road improvements.

**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.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**SECOND READING EMERGENCY ORDINANCES PASSED**

**Ord. No. 1102-11.**

**By Council Members K. Johnson, Mitchell, Brancatelli, Cleveland and Sweeney (by departmental request).**

An emergency ordinance authorizing the Director of Community Development to sell or to lease for up to ten years, certain real property currently in the City's Land Reutilization Program to Miceli Lograsso Development Company III LLC.

Approved by Directors of Community Development, City Planning Commission, Finance, Law; Relieved of Committee on City Planning; Passage recommended by Committees on Community and Economic Development, Finance.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 1103-11.**

**By Council Member Cleveland.**  
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 3416 East 53rd Street to Cuyahoga Metropolitan Housing Authority.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 1104-11.**

**By Council Member Cummins.**  
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 3226 West 46th Street to Raed A. Farah and Samah Farah.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 1109-11.**

**By Council Member Pruitt.**  
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 16321 Tarkington Avenue to John Graham Jr.

Approved by Directors of Community Development, City Planning Commission, Finance, Law; Passage

recommended by Committees on Community and Economic Development, Finance.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 1212-11.**

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

An emergency ordinance authorizing the Director of Finance to exercise the second option to renew Contract No. CT 1511 PS 2011-24 with Verizon Wireless to provide telecommunications connections between the Department of Public Safety mobile data computers and the CRIS devices for LEADS.

Approved by Directors of Finance, Law; Passage recommended by Committee on Finance.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 1221-11.**

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

An emergency ordinance to amend Ordinance No. 709-10, passed June 7, 2010, as amended, Ordinance No. 13-11, passed March 21, 2011, Ordinance No. 17-11, passed March 21, 2011, and Ordinance No. 700-11, passed June 6, 2011, to add Clean Ohio grant funds to the Warney-Swasey Building, John Hartness Brown Building, Key Gas Components Facility, and the Miceli's Dairy development projects.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

**Ord. No. 1223-11.**

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

An emergency ordinance authorizing the Director of Finance to enter into an amendment to Contract No. 61386 with ADP, Inc. to extend the term of the contract, to amend payment terms, and to include an enhancement to automate human resources benefits administration.

Approved by Directors of Human Resources, Finance, Law; Relieved of Committee on Committees on Employment, Affirmative Action and Training; Passage recommended by Committee on Finance, when amended, as follows:

1. In Section 1, at item No. 3., at the end, strike the period and insert **" on the basis of ADP, Inc.'s September 9, 2011 proposal."**

Amendment agreed to.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

In compliance with Section 33 of the Charter a copy of the legislation was furnished to each member of Council before final passage.

**MOTION**

By Council Member Mitchell, seconded by Council Member Polensek and unanimously carried that the absence of Council Members Kevin

Kelley, Terrell H. Pruitt and Mathew Zone, be and is hereby authorized.

#### MOTION

The Council Meeting adjourned at 7:45 p.m. to meet on Monday, October 3, 2011 at 7:00 p.m. in the Council Chambers.



Patricia J. Britt  
City Clerk, Clerk of Council

#### THE CALENDAR

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

NONE

#### BOARD OF CONTROL

September 21, 2011

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, September 21, 2011, at 10:35 a.m. with Acting Director Horvath presiding.

Present: Acting Director Horvath, Directors Dumas, R. Smith, Acting Directors Thompson, Baker, H. Smith, Directors Rush, Southerington, Acting Director Odom and Director Rybka.

Absent: Mayor Jackson, Directors Withers and Nichols.

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

Jim Hardy, Commissioner, Purchases & Supplies.

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

##### Resolution No. 459-11.

By Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Delta Chemical Corporation for an estimated quantity of liquid alum and alum blend coagulants, bid item 2, for the Division of Water, Department of Public Utilities, for a period of two years starting upon the later of the execution of a contract or the day following expiration of the currently effective contract for the goods or services, received on July 21, 2011 under the authority of Section 129.24 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the estimated quantity would amount to \$1,947,420.00 (0%, Net 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the goods and/or services, which contract shall provide for an initial order, the cost of which shall be certified to the contract in an amount not less than \$97,371.00.

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 delivery orders separately certified to the contract.

Yeas: Acting Director Horvath, Directors Dumas, R. Smith, Acting Directors Thompson, Baker, H. Smith, Directors Rush, Southerington, Acting Director Odom and Director Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Withers and Nichols.

##### Resolution No. 460-11.

By Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the bid of General Chemical Performance Products LLC for an estimated quantity of liquid alum and alum blend coagulants, bid item 1, for the Division of Water, Department of Public Utilities, for a period of two years starting upon the later of the execution of a contract or the day following expiration of the currently effective contract for the goods or services, received on July 21, 2011 under the authority of Section 129.24 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the estimated quantity would amount to \$2,505,600.00 (0%), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the goods and/or services, which contract shall provide for an initial order, the cost of which shall be certified to the contract in an amount not less than \$125,800.00.

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 delivery orders separately certified to the contract.

Yeas: Acting Director Horvath, Directors Dumas, R. Smith, Acting Directors Thompson, Baker, H. Smith, Directors Rush, Southerington, Acting Director Odom and Director Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Withers and Nichols.

##### Resolution No. 461-11.

By Director Withers.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Perk Co. for the public improvement of constructing and repairing catch basins and manholes at various locations, base bid items including 10% contingency allowance, for the Division of Water Pollution Control, Department of Public Utilities, received on July 27, 2011, under the authority of Section 129.291 of Codified Ordinances of Cleveland, Ohio, 1976, upon a unit basis for the improvements to be performed as ordered during the period of one (1) year starting upon execution of a contract, at the unit prices set forth in the bid, which on the basis of the estimated work to be done would amount to \$388,806.00, is affirmed and approved as the lowest responsible bid, and the Director of Public Utilities is requested to enter into a Public Improvement by

requirement contract for the improvement, which contract shall provide for an initial order for performance of work, the cost of the initial order shall be certified to the contract in an amount not less than \$200,000.00.

The public improvement by requirement contract shall further provide that the contractor will perform so much of the balance of the work as may be ordered under subsequent requisitions separately certified against the public improvement by requirement contract, whether the same shall be less than the total estimate of work to be performed under the contract or shall exceed the same by not more than ten percent.

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors to Perk Co. for the above-mentioned public improvement by requirement contract is approved:

#### SUBCONTRACTOR CSB/MBE/FBE WORK

Tech Ready Mix, Inc. CSB/MBE  
\$58,350.00 (15.007%)

Cuyahoga Supply & Tool CSB/MBE/LPE  
\$ 20,500.00 (5.273%)

CorStone LTD CSB/FBE  
\$ 18,440.00 (4.743%)

PGT Construction CSB/FBE/LPE  
\$ 19,400.00 (4.990%)

Yeas: Acting Director Horvath, Directors Dumas, R. Smith, Acting Directors Thompson, Baker, H. Smith, Directors Rush, Southerington, Acting Director Odom and Director Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Withers and Nichols.

##### Resolution No. 462-11.

By 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 plant residuals, bid items 1A, 1B and 1C, for the Division of Water, Department of Public Utilities, for a period of two years starting upon the later of the execution of a contract or the day following expiration of the currently effective contract for the goods or services, received on July 21, 2011 under the authority of Ordinance No. 360-11, passed May 9, 2011, which on the basis of the estimated quantity would amount to \$229,350.00 (1%, 10 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the goods and/or services, which contract shall provide for an initial order, the cost of which shall be certified to the contract in an amount not less than \$11,500.00.

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 delivery

orders separately certified to the contract.

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

| <u>SUBCONTRACTOR</u> | <u>WORK PERCENTAGE</u> |
|----------------------|------------------------|
|----------------------|------------------------|

|  |                        |
|--|------------------------|
| Riley's Transportation of Ohio, Inc. (CSB/MBE/LPE) | \$42,000.00<br>18.313% |
|--|------------------------|

Yeas: Acting Director Horvath, Directors Dumas, R. Smith, Acting Directors Thompson, Baker, H. Smith, Directors Rush, Southerington, Acting Director Odom and Director Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Withers and Nichols.

**Resolution No. 463-11.**

By Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Northeast Lubricants, Ltd. for an estimated quantity of lubricants, re-bid, items 1-36, for the various Divisions of the Department of Public Utilities, for a period of one year starting upon the later of the execution of a contract or the day following expiration of the currently effective contract for the goods or services, received on July 29, 2011 under the authority of Section 181.101 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the estimated quantity would amount to \$199,070.00 (0%), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the goods and/or services, which contract shall provide for an initial order, the cost of which shall be certified to the contract in an amount not less than \$9,954.00.

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

Yeas: Acting Director Horvath, Directors Dumas, R. Smith, Acting Directors Thompson, Baker, H. Smith, Directors Rush, Southerington, Acting Director Odom and Director Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Withers and Nichols.

**Resolution No. 464-11.**

By Director Withers.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on August 18, 2011 for labor and materials necessary to refurbish the Supervisory Control and Data Acquisition System (SCADA) and the Plant Computer Control Systems (PCCS) for the Division of Water, Part One, items 1.001-1.016 and items 2.001-2.010 for the Division of Water, Department of Public Utilities, under the authority of Ordinance No. 629-11, passed June 6, 2011, are rejected.

Yeas: Acting Director Horvath, Directors Dumas, R. Smith, Acting Directors Thompson, Baker, H. Smith, Directors Rush, Southerington, Acting Director Odom and Director Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Withers and Nichols.

**Resolution No. 465-11.**

By Director Smith.

Be it resolved by the Board of Control of the City of Cleveland that the bid of EnviroCom Construction, Inc., for the public improvement of renovating and upgrading the Federal Services Station Building at Cleveland Hopkins International Airport, base bid items and Items A-1, A-2, A-3, A-4, A-5, A-6, A-7, A-8, A-10, A-11 plus 25% contingency, for the Department of Port Control, received on March 30, 2011 under the authority of Ordinance No. 273-09, passed by the Council of the City of Cleveland on June 8, 2009, for a gross price for the improvement, in the aggregate amount of \$1,610,500.00, 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.

Be it further resolved by the Board of Control of the City of Cleveland that employment of the following subcontractors by EnviroCom Construction, Inc., is approved:

| <u>Subcontractor</u>                | <u>CSB/MBE/FBE%</u>   | <u>Amount</u> |
|-------------------------------------|-----------------------|---------------|
| Work Best Electric, Inc.            | 12.35% CSB/FBE/LPE    | \$199,000.00  |
| Landmark Plumbing, Inc.             | 0.96% CSB/LPE         | \$ 15,600.00  |
| Unimech Corporation                 | 4.34% Non CSB/MBE/FBE | \$ 70,000.00  |
| Education Equipment Co.             | 1.36% Non CSB/MBE/FBE | \$ 22,000.00  |
| Corporation Floors, Inc.            | 3.84% Non CSB/MBE/FBE | \$ 62,000.00  |
| Frank Novak & Sons, Inc.            | 1.17% Non CSB/MBE/FBE | \$ 19,000.00  |
| Professional Business Systems, Inc. | 6.02% Non CSB/MBE/FBE | \$ 97,000.00  |

Yeas: Acting Director Horvath, Directors Dumas, R. Smith, Acting Directors Thompson, Baker, H. Smith, Directors Rush, Southerington, Acting Director Odom and Director Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Withers and Nichols.

**Resolution No. 466-11.**

By Director Flask.

Resolved by the Board of Control of the City of Cleveland that all bids received on April 7, 2011 for estimated quantity of uniform clothing, for the Division of Fire, Department of Public Safety, under the authori-

ty of Section No. 135.06 of the Codified Ordinances of Cleveland, Ohio, 1976, item number 78 and item number 80 are rejected.

Yeas: Acting Director Horvath, Directors Dumas, R. Smith, Acting Directors Thompson, Baker, H. Smith, Directors Rush, Southerington, Acting Director Odom and Director Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Withers and Nichols.

**Resolution No. 467-11.**

By Director Cox.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Republic Services of Ohio II, LLC. for an estimated quantity of transfer and disposal of residential solid waste Contract W, Item - Bid 2-B, for the Division of Waste Collection and Disposal, Department of Public Works, for the period of two years beginning with the date of execution of a contract, with three one-year options to renew, received on August 24, 2011, under the authority of Ordinance No. 363-11, passed April 18, 2011, which on the basis of the estimated quantity would amount to approximately \$11,980,300.00, is affirmed and approved as the lowest and best bid, and the Director of Public Works is requested to enter into a requirement contract for the goods and/or services, which contract shall provide for an initial order, the cost of which shall be certified to the contract in an amount not less than \$1,000,000.00.

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 delivery orders separately certified to the contract.

Yeas: Acting Director Horvath, Directors Dumas, R. Smith, Acting Directors Thompson, Baker, H. Smith, Directors Rush, Southerington, Acting Director Odom and Director Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Withers and Nichols.

**Resolution No. 468-11.**

By Director Rush.

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

Whereas, under the Land Reutilization Program, the City has acquired Permanent Parcel 119-27-070, located at 8011 Central Avenue under the Land Reutilization Program; and

Whereas, Ordinance No. 1230-11 passed September 12, 2011, authorized the sale of the parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Fairfax Renaissance Development Corporation has proposed to the City to purchase and develop the parcel for new construction; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No.



1230-11, passed by the Cleveland City Council September 12, 2011, the Mayor is authorized to execute an official deed for and on behalf of the City of Cleveland to Fairfax Renaissance Development Corporation for the sale and development of Permanent Parcel 119-27-070, as described in the Ordinance according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for the parcel shall be \$100.00, which amount is determined to be not less than the fair market value of the parcel for uses according to the Land Reutilization Program.

Yeas: Acting Director Horvath, Directors Dumas, R. Smith, Acting Directors Thompson, Baker, H. Smith, Directors Rush, Southerington, Acting Director Odom and Director Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Withers and Nichols.

#### **Resolution No. 469-11.**

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 016-06-052 located at 3351 West 59th Street in Ward 15; and

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

Whereas, M-S-M Family Investments Limited, an Ohio Limited Liability Company, abutting/adjacent landowner, has proposed to the City to purchase and develop the parcel for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 15 has consented to the proposed sale;

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

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland, with M-S-M Family Investments Limited, an Ohio Limited Liability Company for the sale and development of Permanent Parcel No. 016-06-052 located at 3351 West 59th Street, according to the

Land Reutilization Program in such manner as best carries out the intent of the program.

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

Yeas: Acting Director Horvath, Directors Dumas, R. Smith, Acting Directors Thompson, Baker, H. Smith, Directors Rush, Southerington, Acting Director Odom and Director Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Withers 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 Lakeside Avenue.

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

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

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

ROBERT BENNETT,  
President

## **SCHEDULE OF THE BOARD OF ZONING APPEALS**

**MONDAY, OCTOBER 10, 2011**

**9:30 A.M.**

**Calendar No. 11-153:** 3292 Fulton Road (Ward 14)

Pawaw Mangla, owner, appeals to change use from a retail store to a use for motor vehicle minor repair in an existing building located on a corner parcel in a Local Retail Business District; subject to limitations of Section 343.01 the proposed change is not permitted and first permitted in a General Retail Business District, according to the provisions for minor motor vehicle

repair under Section 325.483; and no off-street parking is provided, contrary to Section 349.04(g) and a requirement for 6 off-street parking spaces.

**Calendar No. 11-165:** 2039-59 West 11th Place (Ward 3)

Nathan Dent Development, LLC, owner, and Jesse Grant, prospective purchaser, appeal to construct four (4) townhouses on consolidated parcels in a C1 Multi-Family District, subject to the limitations under Section 353.01, a building height of 41 feet and 7 inches is proposed and the maximum height permitted equals 35 feet in the Height District Regulations of the Cleveland Zoning Code.

**Calendar No. 11-166:** 7920-8014 Golden Avenue (Ward 6)

Fairfax Renaissance Development Corporation and Cuyahoga Metropolitan Housing Authority appeal to construct six (6) two-story townhouses and four (4) one-story flats on property located in a C1 Multi-Family District; contrary to Section 357.04 the distance from the front yard line to the street line equals 18.10 feet and 22.8 feet is required. A side yard of 3.3 feet is proposed contrary to 5 feet that is required under Section 357.08 of the Cleveland Codified Ordinances.

**Calendar No. 11-167:** 8113 Central Avenue (Ward 6)

Fairfax Renaissance Development Corporation and Cuyahoga Metropolitan Housing Authority appeal to construct an office building on property located in a C1 Multi-Family District, subject to the limitations under Section 337.07 the proposed office use is not permitted and first permitted under Section 343.01 in a Local Retail Business District A distance from the front yard line to the street line equals 12.6 feet and 22.2 feet is required under Section 357.04 of the Front Yard Regulations in the Cleveland Zoning Code.

**Calendar No. 11-168:** 8205-35 Central Avenue (Ward 6)

Fairfax Renaissance Development Corporation and Cuyahoga Metropolitan Housing Authority appeal to construct nine (9) two-story townhouses and six (6) one-story flats on property located in a C1 Multi-Family District; contrary to Section 357.04, a distance of 8 feet is proposed from the front yard line to the street line and 18.5 feet is required according to the Front Yard Regulations in the Cleveland Zoning Code.

**Calendar No. 11-169:** 8001-8105 Central Avenue (Ward 6)

Fairfax Renaissance Development Corporation and Cuyahoga Metropolitan Housing Authority appeal to construct nine (9) two-story townhouses and six (6) one-story flats on property located in a C1 Multi-Family District; contrary to Section 357.04, a distance of 8 feet is proposed from the front yard line to the street line and 18.5 feet is required according to the Front Yard Regu-

lations in the Cleveland Zoning Code.

**Calendar No. 11-171:** 3741 East 146th Street (Ward 2)

Cheryl Ladson, owner, appeals to install a wheelchair lift 5' x 5' in the front yard area with a 5' x 9' access deck that projects 11 feet into the setback of a corner parcel in a B1 Two-Family District, where the proposed encroachment is not permitted under Section 357.13 of the Cleveland Codified Ordinances.

Secretary

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**REPORT OF THE BOARD  
OF ZONING APPEALS**

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**MONDAY, SEPTEMBER 26, 2011**

At the meeting of the Board of Zoning Appeals on Monday, September 26, 2011, the following appeals were heard by the Board.

The following appeals were **APPROVED:**

**Calendar No. 11-158:** 2105 Ontario Street

USA Parking Systems appealed to erect a 53,600 square foot casino visitor parking, welcome center on acreage in an E5 General Retail Business District; subject to condition.

**Calendar No. 11-162:** 1103 Starkweather Avenue

Stephen Harrison appealed to erect a carport and alteration to a side porch of a one family dwelling in a B1 Two-Family District; subject to condition.

**Calendar No. 11-143:** 1947 West 25th Street

The 25th Street Partnership LLC and Mark Priemer appealed to establish use as a restaurant with a brew house and seating in the basement, on the first floor, on a roof deck and patio in a General Retail-Pedestrian Retail Overlay District.

The following appeals were **WITHDRAWN:**

None.

The following appeals were **DISMISSED:**

None.

The following appeals were **POSTPONED:**

**Calendar No. 11-155:** 4919 Storer Avenue postponed to October 24, 2011.

**Calendar No. 11-125:** 1130 Ivanhoe Road postponed to November 28, 2011.

**Calendar No. 11-144:** 6707 Morgan Avenue postponed to October 31, 2011.

**Calendar No. 11-145:** 6711 Morgan Avenue postponed to October 31, 2011.

**Calendar No. 11-123:** 9025 Lorain Avenue postponed from October 3, 2011 to October 17, 2011.

The following appeals heard by the Board on September 19, 2011 were adopted and approved on September 26, 2011.

The following appeals were **APPROVED:**

**Calendar No. 11-154:** 1443 East 92nd Street

Sherit Johnson appealed to erect a two-story room addition to a single family dwelling in a B1 Two-Family District.

**Calendar No. 11-130:** 4888 Pearl Road Nick Varlamos, owner, and Hank Lewon, prospective tenant, appealed for a change of use from a store to a tattoo studio in a C1 Local Retail Business District; subject to conditions.

**Calendar No. 11-133:** 4305 Clark Avenue

Andres Velez appealed to building an addition to an existing mixed use structure in a C2 Semi-Industry District.

The following appeal was **DENIED:**

**Calendar No. 11-156:** 8601 Euclid Avenue

Euclid Avenue Church of God appealed from a ruling of the Cleveland Landmarks Commission on June 9, 2011 to disapprove a Certificate of Appropriateness to demolish the structure located on property at 8601 Euclid Avenue.

Secretary

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

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NO MEETING

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**PUBLIC NOTICE**

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NONE

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**NOTICE OF PUBLIC HEARING**

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NONE

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**CITY OF CLEVELAND BIDS**

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**For All Departments**

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

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

**187.10 Negotiated contracts; Notice required in Advertisement for Bids.**

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

**WEDNESDAY, OCTOBER 19, 2011**

**File No. 158-11 — Automobile and Equipment Lubricants**, for the Division of Motor Vehicle Maintenance, Department of Public Works, as authorized by Section 131.65 of the Codified Ordinances of Cleveland, Ohio, 1976.

**THERE WILL BE A NON-MANDATORY PRE-BID MEETING FRIDAY, OCTOBER 7, 2011 AT 10:00 A.M. THE MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.**

**File No. 159-11 — Cab and Chassis W/Flat Bed and Crane**, for the Division of Motor Vehicle Maintenance, Department of Public Works, as authorized by Ordinance No. 1849-08, passed by the Council of the City of Cleveland, January 26, 2009.

**THERE WILL BE A NON-MANDATORY PRE-BID MEETING FRIDAY, OCTOBER 7, 2011 AT 10:30 A.M. THE MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.**

**File No. 160-11 — Cab and Chassis W/Large USV Body**, for the Division of Motor Vehicle Maintenance, Department of Public Works, as authorized by Ordinances No. 1602-10, Passed by the Council of the City of Cleveland, December 6, 2010. **THERE WILL BE A NON-MANDATORY PRE-BID MEETING FRIDAY, OCTOBER 7, 2011 AT 11:00**

A.M. THE MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

September 28, 2011 and October 5, 2011

**THURSDAY, OCTOBER 20, 2011**

**File No. 161-11 — Miles Pointe Crossing Parking Lot Improvements**, for the Division of Architecture and Site Development, Department of Public Works, as authorized by Ordinance No. 453-11, passed by the Council of the City of Cleveland, May 16, 2011.

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

THERE WILL BE A **NON-MANDATORY PRE-BID** MEETING THURSDAY, OCTOBER 6, 2011 AT 2:00 P.M. THE CLEVELAND PUBLIC AUDITORIUM, 3RD FLOOR CONFERENCE ROOM, 500 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

September 28, 2011 and October 5, 2011

**FRIDAY, OCTOBER 21, 2011**

**File No. 162-11 — Martin Luther King Jr. Drive Rehabilitation (Chester Avenue to North Marginal Road)**, for the Division of Engineering and Construction, Mayor's Office of Capital Projects, as authorized by Ordinance No. 722-10, passed by the Council of the City of Cleveland, June 7, 2010.

THERE WILL BE A **NON-REFUNDABLE FEE** FOR PLANS AND SPECIFICATIONS IN THE AMOUNT OF SEVENTY FIVE DOLLARS (\$75.00) IN THE FORM OF A CASHIER'S CHECK AND OR MONEY ORDER ONLY (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED).

THERE WILL BE A **NON-MANDATORY PRE-BID** MEETING THURSDAY, OCTOBER 6, 2011 AT 10:00 A.M. CLEVELAND CITY HALL, ROOM 518, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

September 28, 2011 and October 5, 2011

**FRIDAY, OCTOBER 21, 2011**

**File No. 163-11 — Carr Center HVAC and Facility Improvements**, for the Division of Architecture and Site Development, Department of Public Works, as authorized by Ordinance No. 1724-09, passed by the Council of the City of Cleveland, February 8, 2010.

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

THERE WILL BE A **NON-MANDATORY PRE-BID** MEETING TUESDAY, OCTOBER 11, 2011 AT 10:00 A.M. CLEVELAND CITY HALL, DIVISION OF ARCHITECTURE AND SITE DEVELOPMENT, ROOM 517A, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

**File No. 164-11 — Labor and Materials for Repairing or Replacing Roofs**, for the Various Divisions of Port Control, Department of Port Control, as authorized by Ordinance No. 956-11, pending passage by the Council of the City of Cleveland.

THERE WILL BE A **NON-MANDATORY PRE-BID** MEETING FRIDAY, OCTOBER 7, 2011 AT 10:00 A.M. THE DEPARTMENT OF PORT CONTROL, CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S CENTRAL RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135-3193.

**File No. 166-11 — Purchase of LED Street Lights for a Pilot Program**, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 558-11, passed by the

Council of the City of Cleveland, July 20, 2011.

THERE WILL BE A **NON-MANDATORY PRE-BID** MEETING FRIDAY, OCTOBER 7, 2011 AT 10:30 A.M. THE TOM L. JOHNSON BUILDING, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

September 28, 2011 and October 5, 2011

**FRIDAY, OCTOBER 28, 2011**

**File No. 167-11 — Paper Shredder System**, for the Division of Waste Collection and Disposal, Department of Public Works, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID** MEETING TUESDAY, OCTOBER 11, 2011 AT 10:00 A.M. THE DIVISION OF WASTE COLLECTION AND DISPOSAL, 5600 CARNEGIE AVENUE, CONFERENCE ROOM, CLEVELAND, OHIO 44103.

September 28, 2011 and October 5, 2011

**FRIDAY, DECEMBER 9, 2011**

**File No. 165-11 — Upper Level Roadway Expansion Joints Rehabilitation Project**, for the Division of Cleveland Hopkins International Airport, Department of Port Control, as authorized by Ordinance No. 274-05, passed by the Council of the City of Cleveland, May 2, 2005.

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

THERE WILL BE A **NON-MANDATORY PRE-BID** MEETING THURSDAY, OCTOBER 20, 2011 AT 10:00 A.M. CLEVELAND HOPKINS INTERNATIONAL AIRPORT, ENGINEERING BUILDING, 19501 FIVE POINTS ROAD, CLEVELAND, OHIO 44135.

September 28, 2011 and October 5, 2011

**ADOPTED RESOLUTIONS AND ORDINANCES**

**Res. No. 1222-11.**

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

**An emergency resolution accepting the amounts and rates as determined by the Cuyahoga County Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor.**

Whereas, this Council, under the provisions of law, has adopted a Tax Budget for the fiscal year commencing January 1, 2012; and

Whereas, the Budget Commission of Cuyahoga County, Ohio, has certified its action on the Tax Budget to this Council together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council and what part is within and what part is outside the 10-mill tax limitation; 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 the amounts and rates as determined by the Budget Commission in its certification are accepted.

**Section 2.** That there is levied on the tax duplicate of the City of Cleveland the rate of each tax necessary to be levied within and without the 10-mill tax limitation, as follows:

**SCHEDULE A**  
**SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY**  
**TAX APPROVED BY BUDGET COMMISSION**  
**AND COUNTY AUDITOR'S ESTIMATE TAX RATES**

| Fund                 | Amount to be Derived From Levies | Amount Approved By Budget Commission | County Auditor's Estimate of Tax Rate To Be Levied |                            |
|----------------------|----------------------------------|--------------------------------------|--|----------------------------|
|                      | Outside 10-Mill Limitation       | Inside 10-Mill Limitation            | Inside 10-Mill Limitation                          | Outside 10-Mill Limitation |
|                      | Column II                        | Column IV                            | Column V   | Column VI                  |
| GENERAL FUND         |                                  |                                      | ----   | 7.75                       |
| BOND RETIREMENT FUND |                                  |                                      | 4.35   | ----                       |
| POLICE PENSION FUND  |                                  |                                      | ----   | 0.30                       |
| FIRE PENSION FUND    |                                  |                                      | 0.05   | 0.25                       |
| <b>TOTAL</b>         |                                  |                                      | 4.40   | 8.30                       |

**Section 3.** That the Clerk of Council is directed to certify a copy of this resolution to the County Auditor of Cuyahoga County.

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

Adopted September 19, 2011.  
 Effective September 21, 2011

**Res. No. 1299-11.**  
**By Council Members Cleveland, Cimperman, Kelley, Sweeney, Miller, Brady, Brancatelli, J. Johnson, Westbrook, Mitchell, Conwell, Dow, Zone and Reed.**

**An emergency resolution recognizing the month of October as a month dedicated to educating our community on the importance of health literacy and further recognizing the first statewide conference on Health Literacy to be held on October 11-13, 2011 by the Institute for Health Literacy at St. Vincent Charity Medical Center.**

Whereas, health literacy is the capacity to obtain, process, and understand basic health information and services allowing individuals to make appropriate health decisions; and

Whereas, according to the Institute of Medicine report titled Health Literacy: A Prescription to End Confusion, nearly half of all American adults - 90 million people - have difficulty understanding and using health information; and

Whereas, persons with limited health literacy skills have higher utilization of treatment services such as hospitalization and emergency services and lower utilization of preventive services; and

Whereas, health literacy is a stronger predictor of a person's health than age, income, employment status, education level and race; and

Whereas, approximately half of all Medicare/Medicaid recipients and 20 percent of all American adults read at or below the fifth grade level, yet most health information materials are written at the tenth grade level or above; and

Whereas, 81 percent of patients age 60 and older have difficulty compre-

hending medical instructions such as prescription labels; and

Whereas, this Council recognizes the Institute for Health Literacy at St. Vincent Charity Medical Center for its outstanding leadership and service in educating healthcare professionals, community engagement leaders, and the general populace on the importance of health literacy in the delivery of health care; and

Whereas, this Council understands the importance of Healthy Cleveland and its efforts to advance programs, educational opportunities, and services that improve the health and health literacy of the residents of the City; and

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

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

**Section 1.** That this Council recognizes the month of October as a month dedicated to educating our community on the importance of health literacy and further recognizes the first statewide conference on Health Literacy to be held on October 11-13, 2011 by the Institute for Health Literacy at St. Vincent Charity Medical Center.

**Section 2.** That the Clerk of Council is directed to transmit copies of this resolution to the appropriate persons at the Institute for Health Literacy at St. Vincent Charity Medical Center.

**Section 3.** That this resolution is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its adoption and

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

Adopted September 19, 2011.  
 Effective September 21, 2011.

**Res. No. 1316-11.**  
**By Council Member Miller.**  
**An emergency resolution objecting to a New C1 Liquor Permit at 12307 St. Clair Avenue.**

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Food Xpress & Gas, Inc., DBA Gas USA, 12307 St. Clair Avenue, Cleveland, Ohio 44108, Permanent Number 2805847; and

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

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

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

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

Whereas, the place for which the permit is sought is so located with

respect to the neighborhood that it substantially interferes with public decency, sobriety, peace or good order; and

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

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

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

**Section 1.** That Council does hereby record its objection to a New C1 Liquor Permit at Food Xpress & Gas, Inc., DBA Gas USA, 12307 St. Clair Avenue, Cleveland, Ohio 44108, Permanent Number 2805847; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted September 19, 2011.  
Effective September 21, 2011.

respect to the neighborhood that it substantially interferes with public decency, sobriety, peace or good order; and

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

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

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

**Section 1.** That Council does hereby record its objection to a New C1 Liquor Permit at Trell Production, DBA The Goodie Shop, 3881 East 123rd Street, Cleveland, Ohio 44105, Permanent Number 9041571; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted September 19, 2011.  
Effective September 21, 2011.

respect to the neighborhood that it substantially interferes with public decency, sobriety, peace or good order; and

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

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

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

**Section 1.** That Council does hereby record its objection to a New C2 Liquor Permit at Clark Petroleum, LLC, 5110 Clark Avenue & Drive Up Window, Cleveland, Ohio 44102, Permanent Number 15255190005; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted September 19, 2011.  
Effective September 21, 2011.

**Res. No. 1317-11.  
By Council Member Reed.  
An emergency resolution objecting to a New C1 Liquor Permit at 3881 East 123rd Street.**

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Trell Production, DBA The Goodie Shop, 3881 East 123rd Street, Cleveland, Ohio 44105, Permanent Number 9041571; and

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

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

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

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

Whereas, the place for which the permit is sought is so located with

**Res. No. 1318-11.  
By Council Member Zone.  
An emergency resolution objecting to a New C2 Liquor Permit at 5110 Clark Avenue & Drive Up Window.**

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C2 Liquor Permit at Clark Petroleum, LLC, 5110 Clark Avenue & Drive Up Window, Cleveland, Ohio 44102, Permanent Number 15255190005; and

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

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

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

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

Whereas, the place for which the permit is sought is so located with

**Ord. No. 798-11.  
By Council Members Miller, Kelley, Cleveland, Zone, Cimperman, Keane and Sweeney (by departmental request).**

**An ordinance to provide for the consideration of Complete and Green Street elements in all construction projects within the public right-of-way.**

Whereas, Complete and Green Streets address the livability and environmental needs of our community with multipurpose streets that better accommodate walkers, cyclists, and public transportation while reducing the environmental impact of our transportation infrastructure by incorporating green infrastructure strategies to reduce waste, storm water run-off and energy consumption; and

Whereas, the City of Cleveland is committed to the creation of a network of Complete and Green Streets that will improve the economic, environmental and social well-being of citizens; and

Whereas, Cleveland's network of Complete and Green Streets will provide safe and desirable travel for users of all ages and abilities and accommodate pedestrians, cyclists, motorists and transit while also incorporating best management practices in green infrastructure; and

Whereas, the City of Cleveland recognizes the need to provide a Com-

plete and Green Streets policy to assist in the management of stormwater runoff and provide environmental benefit; and

Whereas, other jurisdictions and agencies nationwide have adopted Complete and Green Streets legislation in furtherance of these guiding policies; now, therefore

Whereas, That the Director of Capital Projects is authorized to implement and enforce policies and guidelines related to Complete and Green Streets in all construction projects within the public right of way. Construction projects include new construction, reconstruction, rehabilitation, resurfacing, and streetscape enhancements.

Section 2. That Complete Street elements are based on guidelines contained in the following documents or organization policies: the Cleveland Bikeway Master Plan, the Americans with Disabilities Act, Engineering and Construction Specifications, Cleveland Public Power Streetlight Guidelines, Traffic Engineering Signal guidelines, the Highway Capacity Manual, the Streetscape Design Guidelines Handbook, the Greater Cleveland RTA Transit Waiting Environment Manual, the Citywide Plan, and other guidelines that may be developed. These guidelines shall be followed on all new construction, reconstruction, rehabilitation, resurfacing, and streetscape enhancements with the exception of maintenance projects.

Section 3. That Green Street elements are based on guidelines contained in the following documents or organization policies: Cleveland Water Pollution Control guidelines, Engineering and Construction Specifications, Cleveland Public Power Streetlight Guidelines, Traffic Engineering Signal Guidelines, the Streetscape Design Guidelines Handbook, the Northeast Ohio Regional Sewer District stormwater plans, the Ohio Department of Transportation and Ohio Environmental Protection Agency Best Management Practices for Green Streets, and other guidelines that may be developed.

Section 4. That Green infrastructure or Complete Streets elements on resurfacing projects and other roadway maintenance projects conducted by the City of Cleveland shall be limited to minimal impact improvements that do not affect sub base, curbs and sidewalks or other elements outside the scope of a project of maintenance

resurfacing. Elements that may be included are paint re-stripping, sharrows, signage for cyclists or pedestrians and the use of recycled asphalt.

Section 5. That the Director of Capital Projects shall be authorized to consult an advisory committee to include representatives of all effected City Departments, Northeast Ohio Regional Sewer District, Greater Cleveland Regional Transit Authority, and the Northeast Ohio Areawide Coordinating Agency to review the improvement and any requests for exemptions from the Complete and Green Streets guidelines and, upon consultation with other City Departments, approve exemptions where appropriate. The Director of Capital Projects shall provide notice of all exemption requests to the City Council member or members whose ward or wards include a project seeking an exemption.

Section 6. That exemptions to be considered include, but are not limited to, the following items:

(a) areas where bicyclists and pedestrians are prohibited by law, provided that alternative facilities or accommodations for pedestrians/cyclists are provided within the same transportation corridor;

(b) financial hardship to the project sponsor. Financial hardship exists when compliance with Complete and Green policies and guidelines constitutes a minimum of twenty (20) per cent of the total project cost, but in no event more than one million dollars;

(c) severe topographic or natural resource constraints;

(d) existing structures do not allow for implementation of Complete and Green Street elements;

(e) inclusion of Complete and Green Street elements could result in threats to the safety and welfare of pedestrians, cyclists, or motorists; or

(f) public transit enhancements when the street is not on a public transit route.

Section 7. That all projects approved under the Complete and Green Streets policy include provisions for ongoing maintenance of the improvements. A life cycle cost analysis may be used to determine the feasibility of the improvements. Alternative maintenance arrangements may be utilized to reduce the costs to the City for ongoing maintenance, such as maintenance agreements with adjacent property owners.

Section 8. That the Director of Capital Projects shall provide an annual progress report to Council on the implementation of the Complete and Green Streets Policy.

Section 9. That this ordinance shall be effective January 1, 2012.

Section 10. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

Passed September 19, 2011.

Effective October 19, 2011.

Ord. No. 1097-11.

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

An emergency ordinance to amend Section 23 of Ordinance No. 1612-10, passed February 7, 2011, relating to the removal and replacement of the Commercial Road Bridge.

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 23 of Ordinance No. 1612-10, passed February 7, 2011, is amended to read as follows:

Section 23. That the costs of the contracts, property acquisition, or other expenditure authorized in this ordinance shall be paid from Fund Nos. 20 SF 380, 20 SF 383, 20 SF 394, 20 SF 500, 20 SF 506, 20 SF 510, 20 SF 520, 20 SF 528, 20 SF 534, 20 SF 540, and from the fund or funds which are credited the grant proceeds accepted under this ordinance, and from the fund or funds which are credited the proceeds of the Local Project Administration agreement. (RQS 4004, RL 2010-183 and RQS 4004, RL 2011-161)

Section 2. That existing Section 23 of Ordinance No. 1612-10, passed February 7, 2011, is repealed.

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

Passed September 19, 2011.

Effective September 21, 2011.

Ord. No. 1213-11.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Finance to pay as Moral Claims the sums opposite the names of the claimants.

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 pay as Moral Claims the sums opposite the names of the following claimants and charged against the fund:

| <u>Claimant:</u>                   | <u>Claim No.</u> | <u>Amount</u> | <u>Division</u> | <u>Fund</u>      |
|------------------------------------|------------------|---------------|-----------------|------------------|
| <b>DEPARTMENT OF PUBLIC SAFETY</b> |                  |               |                 |                  |
| <b>House of Corrections:</b>       |                  |               |                 |                  |
| Webb, L.                           | 12285            | \$ 450.00     | City Jail       | 01-600701-672000 |

**Police:**

|                     |       |           |        |                  |
|---------------------|-------|-----------|--------|------------------|
| LeSure, Felicia     | 12311 | \$ 394.74 | Police | 01-600200-672000 |
| Jackson, Chris      | 12313 | 1,000.00  | Police | 01-600200-672000 |
| Williams, Stephanie | 12321 | 250.00    | Police | 01-600200-672000 |

By: Howard E. Skolnick, Esq.

**DEPARTMENT OF PUBLIC WORKS****Park Maintenance:**

|                |       |           |                  |                  |
|----------------|-------|-----------|------------------|------------------|
| Brady, Melissa | 12338 | \$ 596.19 | Park Maintenance | 01-701205-672000 |
|----------------|-------|-----------|------------------|------------------|

**Vacant Lots:**

|              |       |             |             |                  |
|--------------|-------|-------------|-------------|------------------|
| Hall, Marlon | 12336 | \$ 1,000.00 | Vacant Lots | 01-701205-672000 |
|--------------|-------|-------------|-------------|------------------|

**Urban Forestry:**

|                |       |           |                |                  |
|----------------|-------|-----------|----------------|------------------|
| Ospelt, Ellen  | 12333 | \$ 350.00 | Urban Forestry | 01-701204-672000 |
| Tolbert, Eddie | 12334 | 500.00    | Urban Forestry | 01-701204-672000 |

**Streets:**

|   |       |           |         |                  |
|---|-------|-----------|---------|------------------|
| Ashley Geiger, Risk Manager<br>White Castle<br>Management Co. | 12284 | \$ 200.00 | Streets | 01-400609-672000 |
|---|-------|-----------|---------|------------------|

**Waste:**

|                   |       |          |                  |                  |
|-------------------|-------|----------|------------------|------------------|
| Booker, Clarence. | 12328 | \$ 45.00 | Waste Collection | 01-400303-672000 |
|-------------------|-------|----------|------------------|------------------|

**DEPARTMENT OF PUBLIC UTILITIES****Water Pollution Control:**

|                  |      |             |                         |           |
|------------------|------|-------------|-------------------------|-----------|
| Vanessa Reese    | 5311 | \$ 1,000.00 | Water Pollution Control | 54 SF 001 |
| Marquez Brown    | 5406 | 500.00      | Water Pollution Control | 54 SF 001 |
| June Stallworth  | 5460 | 940.00      | Water Pollution Control | 54 SF 001 |
| Tina Satullo     | 5409 | 146.48      | Water Pollution Control | 54 SF 001 |
| Milorad Prtenjak | 5408 | 2,000.00    | Water Pollution Control | 54 SF 001 |

**Section 2.** That the authority of the Director of Finance to pay the amounts in this ordinance is conditioned on a City-approved written acceptance by the claimant of the City's offer to pay this claim within six months from the effective date of this ordinance.

**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 September 19, 2011.

Effective September 21, 2011.

**Ord. No. 1214-11.**  
**By Council Member Sweeney (by departmental request).**

**An emergency ordinance authorizing the Director of Finance to exercise the first option to renew Contract No. CT 1511 PS 2010-124 with Oracle America, Inc. to provide for the acquisition and maintenance of software licenses and other Oracle products for the various divisions of City government.**

Whereas, under the authority of Ordinance No. 647-09, passed June 1, 2009, the Director of Finance entered into Contract No. CT 1511 PS 2010-124 with Oracle America, Inc. to provide for the acquisition and maintenance of software licenses and other Oracle

products for the various divisions of City government; and

Whereas, Ordinance No. 647-09 requires further legislation before exercising the first option to renew on this contract; and

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

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

**Section 1.** That the Director of Finance is authorized to exercise the first option to renew Contract No. CT 1511 PS 2010-124 for an additional year in the approximate amount of \$1,090,280.66, with Oracle America, Inc. for the requirements for the additional year of the acqui-

sition and maintenance of software licenses and other Oracle products for the various divisions of the City. This ordinance constitutes the additional legislative authority required by Ordinance No. 647-09 to exercise this option. (RL RQN 1511, RL 2011-45)

**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 September 19, 2011.

Effective September 21, 2011.

**Ord. No. 1289-11.**

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

**An emergency ordinance to make additional appropriations of Three Hundred Thousand (\$300,000) of Enterprise Funds.**

Whereas, there remains an unappropriated balance in the various funds, the sum of Three Hundred Thousand Dollars (\$300,000) which is available for additional appropriation; and

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

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

**Section 1.** That there is hereby appropriated the additional revenue as set forth in the Amended Official Certificate of Estimated Resources previously unappropriated as follows:

|                 |                  |
|-----------------|------------------|
| ENTERPRISE FUND | \$300,000        |
| TOTAL ALL FUNDS | <u>\$300,000</u> |

ENTERPRISE FUNDS

DEPARTMENT OF PARKS, RECREATION AND PROPERTIES

|                   |           |           |
|-------------------|-----------|-----------|
| Convention Center |           | \$300,000 |
| II Other          | \$300,000 |           |

TOTAL DEPARTMENT OF PARKS, RECREATION AND PROPERTIES      \$300,000

TOTAL ENTERPRISE FUND      \$300,000

TOTAL ALL FUNDS      \$300,000

**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 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 September 19, 2011.

Effective September 21, 2011.

**Ord. No. 1290-11.**

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

**An emergency ordinance to provide for the transfer and amendment to the Restricted Income appropriations within the Special Revenue Fund in the amount of Six Thousand Three Hundred Eighty-Five Dollars (\$6,385) in order to reflect the revised beginning unencumbered cash balance.**

Whereas, in accordance with Section 41 of the Charter, the Mayor has recommended in writing the within transfer; 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 amendment to the Restricted Income Tax appropriations in the amount of Six Thousand Three Hundred Eighty-Five Dollars (\$6,385) within the Special Revenue Fund be transferred as follows:

|                            | Transfer<br>To | Transfer<br>From |
|----------------------------|----------------|------------------|
| SPECIAL REVENUE FUND       |                |                  |
| Restricted Income Tax Fund |                |                  |
| I Capital                  | \$ -           | \$6,385          |
| TOTAL SPECIAL REVENUE FUND | \$ -           | \$6,385          |

**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 September 19, 2011.

Effective September 21, 2011.

**Ord. No. 1297-11.**

**By Council Member Pruitt.**

**An emergency ordinance authorizing the Director of the Department of Community Development to enter into an agreement with Mt. Pleasant Community Zone for the Community Empowerment Mobilization Program through the use of Ward 1 Neighborhood Capital Funds.**

Whereas, this ordinance constitutes an emergency measure providing for

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

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

**Section 1.** That the Director of the Department of Community Development be authorized to enter into an agreement with Mt. Pleasant Community Zone for the Community Empowerment Mobilization Program for the public purpose of providing community support to improve the

safety and quality of life for residents residing in the city of Cleveland through the use of Ward 1 Neighborhood Capital Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$25,000 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 September 19, 2011.

Effective September 21, 2011.

**Ord. No. 1298-11.**

**By Council Members Cimperman, Brancatelli and Sweeney (by department request).**

**An emergency ordinance authorizing the Director of Economic Development to consent to the assignment of Contract No. 54918 with Rialto Corporation to P & M Ohio City LLC, or its designee; and authorizing the director to enter into an amendment to the assigned contract regarding certain terms.**

Whereas, under Ordinance No. 736-99, passed June 14, 1999, this Council authorized the Director of Economic Development to enter into Contract No. 54918 with the Rialto Corporation to provide a Urban Development Action Grant ("UDAG") Repayments Loan to assist in the acquisition and rehabilitation of land and building, located at 1867-1873 West 25th Street and for related costs; and

Whereas, Rialto Corporation is willing to allow P & M Ohio City LLC, or its designee to assume the obligations of Contract No. 54918; and

Whereas, Rialto has requested consent of the City to the assignment of the Contract to P & M Ohio City LLC, or its designee; 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 Economic Development is authorized to consent to the request of Rialto Corporation to assign the obligation of Contract No. 54918 to P & M Ohio City LLC, or its designee.

**Section 2.** That the Director of Economic Development is authorized to enter into an amendment to Contract No. 54918, assigned under this ordinance to P & M Ohio City LLC, or its designee, containing the following terms:

a. To extend the term of Contract No. 54918 to December 31, 2031;

b. Reduce the interest rate from 5.81% to 3%;

c. Accept personal guarantees and/or collateral as determined by the CCDC Loan Review committee and Board of Trustees and/or the Director of Economic Development;

d. Collateral position to be subordinate to a bank or other lending institution.

**Section 3.** That the Director of Economic Development is authorized to execute all documents and do all things necessary and appropriate to effect the consent to the assignment

and amendments authorized by this legislation. A copy of the assignment shall be filed in the office of the Commissioner of Accounts.

**Section 4.** That the Executive Summary presented to the Finance Committee is placed in File No. 1298-11-A.

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

**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 September 19, 2011.

Effective September 19, 2011.

**Ord. No. 1300-11.**

**By Council Member Reed.**

**An emergency ordinance changing the name of "East 110th Harvard Park" located between East 108th and East 110th Streets on Harvard Avenue to "Oleatha Wilson Park."**

Whereas, Mrs. Oleatha Wilson lived on East 108th Street for 42 years and now lives in Mayfield Heights; and

Whereas, Mrs. Wilson was a community activist who organized street clubs for the Precinct Committee and served at a presiding judge at voting locations for 26 years; and

Whereas, Mrs. Wilson gathered the necessary petition signatures to form "East 110th Harvard Park" as a playground for children in the neighborhood after a child had been in a hit-and-run accident on the street by the then vacant lot; and

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

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

**Section 1.** That the name of "East 110th Harvard Park" located between East 108th and East 110th Streets on Harvard Avenue be changed to "Oleatha Wilson Park", and that the Director of Parks, Recreation and Properties is authorized and directed to take the necessary action to affect said name change and to post the proper signs at the park.

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

Passed September 19, 2011.

Effective September 21, 2011.

**Ord. No. 1301-11.**

**By Council Member Reed.**

**An emergency ordinance naming the lot on the corner of Warner Road and Tioga Avenue in Ward 2 "Mill Creek Falls Family Park".**

Whereas, the Connecticut Block Club has been working on the lot at the corner of Warner Road and Tioga Avenue in Ward 2 in an effort to make it into a City Park; and

Whereas, the Connecticut Block Club passed a motion to name the Park "Mill Creek Falls Family Park in April 2011; and

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

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

**Section 1.** That the lot located on the corner of Warner Road and Tioga Avenue in Ward 2 be named "Mill Creek Falls Family Park", and that the Director of Parks, Recreation and Properties is authorized and directed to take the necessary action to assign said name and to post the proper signs at the park.

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

Passed September 19, 2011.

**Ord. No. 1302-11.**

**By Council Member Sweeney.**

**An emergency ordinance to amend Section 154.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1957-2000, passed November 13, 2000, relating to meetings and attendance of the City Audit Committee.**

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 154.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1957-2000, passed November 13, 2000, is amended to read as follows:

**Section 154.04 Meetings and Attendance**

The City Audit Committee shall meet at least three (3) times during each calendar year and as many additional times as the majority of members deems necessary in the offices of the Department of Finance at such time as it shall decide. All meetings of the City Audit Committee shall be public. The Chair, however, may hold executive sessions in accordance with the provisions of the Ohio Revised Code. A simple majority of the members shall constitute a quorum for the transaction of business. Any member who is absent from three consecutive duly-called meetings shall be removed by the Chair from the City Audit Committee. In the event that a

vacancy occurs during the term of any member, the appropriate appointing authority shall name a successor to serve the unexpired term. The members of the City Audit Committee may request that members of the other departments of the City be present at the meetings, as well as representatives of the independent auditor. The City Audit Committee shall keep minutes of its meetings, a copy of which shall be kept on file and available for public inspection with the Clerk of Council.

**Section 2.** That existing Section 154.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1957-2000, passed November 13, 2000, is repealed.

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

Passed September 19, 2011.

Effective September 21, 2011.

**Ord. No. 1303-11  
By Council Members J. Johnson and Reed.**

**An emergency ordinance designating that portion of Tacoma Avenue from East 105th Street east to Parkwood Drive as "Rev. Dr. E. Theophilus Caviness Way" as a secondary and honorary designation.**

Whereas, it is most fitting and appropriate to recognize Rev. Dr. E. Theophilus Caviness for his 50 years

of dedicated service to the citizens of Cleveland; and

Whereas, Rev. Dr. Caviness has been the Pastor of Greater Abyssinia Baptist Church since 1961 and has also served as a Councilman in Cleveland City Council from 1974 to 1980; and

Whereas, Rev. Dr. Caviness has had a long and successful involvement in the fight for Civil Rights having served as past Chair of the Ohio Civil Rights Commission and presently as President of the Cleveland Chapter of the Southern Christian Leadership Conference. On January 6, 2012 Rev. Dr. Caviness will be inducted into the International Civil Rights Walk of Fame in Atlanta, Georgia; 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 Tacoma Avenue from East 105th Street east to Parkwood Drive as "Rev. Dr. E. Theophilus Caviness Way" changed as a secondary and honorary designation, and that the Director of Public Works is authorized and directed to make the necessary action to assign said name and to post the proper signs at East 105th Street.

**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 on 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 September 19, 2011.

Effective September 19, 2011.

**COUNCIL COMMITTEE MEETINGS**

**Monday, September 26, 2011  
2:00 p.m.**

**Finance Committee:** Present: Sweeney, Chair; Brady, Brancatelli, Cleveland, Keane, Miller, Mitchell, Polensek, Westbrook. *Authorized Absence:* Kelley, Vice Chair; Pruitt.

**Tuesday, September 27, 2011  
9:30 a.m.**

**Community and Economic Development Committee:** Present: Brancatelli, Chair; Dow, Vice Chair; Cummins, J. Johnson, Miller, Westbrook. *Authorized Absence:* Cimperman, Pruitt, Zone.

**Wednesday, September 28, 2011  
10:00 a.m.**

**Aviation and Transportation Committee:** Present: Keane, Chair; Cummins, J. Johnson, Mitchell. *Authorized Absence:* Pruitt, Vice Chair; K. Johnson, Kelley. Pro tempore: Brancatelli.

**1:00 p.m.**

**City Planning (Zoning) Committee:** Present: Cleveland, Chair; Westbrook, Vice Chair; Brady, Conwell, Keane. *Authorized Absence:* Dow, Zone.

**1:30 p.m.**

**City Planning Committee:** Present: Cleveland, Chair; Westbrook, Vice Chair; Brady, Conwell, Keane. *Authorized Absence:* Dow, Zone.

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 Fellows, Patrol Officer Noreen R. (Badge #2183) - Congratulations (R 1371-11)..... 1584  
 Friedman, Ian N. - Congratulations (R 1360-11) ..... 1583  
 Kane, Linda M. - Congratulations (R 1357-11) ..... 1583  
 Kecka, Maria - Congratulations (R 1361-11) ..... 1583  
 Nash, Jacob "Jake" - Congratulations (R 1365-11) ..... 1583  
 Scott, Detective Paul (Badge #911) - Congratulations (R 1368-11)..... 1584  
 Sersig, Dr. Beth - Congratulations (R 1362-11) ..... 1583  
 Stovsky, Richard P. - Congratulations (R 1356-11)..... 1583  
 Walker, Patrol Officer Rhonda C. (Badge #649) - Congratulations (R 1373-11)..... 1584  
 Walker, Sergeant Audrey J. - Congratulations (R 1370-11) ..... 1584  
 Ward, Patrol Officer Dorothy (Badge #1357) - Congratulations (R 1369-11) ..... 1584  
 Williams, Joseph A. - Congratulations (R 1359-11)..... 1583  
 Williams, Patrol Officer Suzann (Badge #824) - Congratulations (R 1374-11)..... 1584  
 Ziegler, Patrol Officer Michael (Badge #2596) - Congratulations (R 1372-11) ..... 1584

**Ward 19**

Doran, Patrol Officer Margaret (Badge #1202) - Congratulations (R 1367-11)..... 1584

**Welcome**

Ryan, Congressman Tim (R 1379-11) ..... 1584  
 The Dramatics (R 1381-11) ..... 1584  
 The Whispers (R 1380-11) ..... 1584

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