

The City Record

Official Publication of the Council of the City of Cleveland



October the Twelfth, Two Thousand and Eleven

Frank G. Jackson
Mayor

Martin J. Sweeney
President of Council

Patricia J. Britt
City Clerk, Clerk of Council

Ward Name

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

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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 – Lonya Moss Walker, Interim 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 – George Baker, Commissioner

Environment – Pamela Cross, 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 – Chris Garland, 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 Fluckinger.

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. Ittu, 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, OCTOBER 12, 2011

No. 5105

CITY COUNCIL

MONDAY, OCTOBER 10, 2011

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

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2010-2013

MONDAY — Alternating

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

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

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

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

MONDAY

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

TUESDAY

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

1:30 P.M. — **Employment, Affirmative Action and Training Committee:** Pruitt, Chair; Miller, Vice Chair; Cummins, J. Johnson, K. Johnson, 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, October 10, 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, Kelley, Miller, Mitchell, Polensek, Pruitt, Reed, Sweeney, Westbrook and Zone.

Also present were Mayor Frank G. Jackson, Ken Silliman, Chief of Staff, Darnell Brown, Chief Operating Officer, Valarie J. McCall, Chief of Government Affairs, Chris Warren, Chief of Regional Development, Monyka S. Price, Chief of Education, Maureen Harper, Chief of Communications, Andrea V. Taylor, Press Secretary, Andrew Watterson, Chief of Sustainability, Natoya J. Walker-Minor, Chief of Public Affairs - Interim Director of Office of Equal Opportunity, and Interim Law Director Langhenry, Directors Dumas, Withers, Smith, Wasik, Butler, Cox, Rush, Southerington, Nichols, Griffin, Brown, Fumich, Lucille Ambroz, Secretary, Civil Service Commission.

Pursuant to Ordinance No. 2926-76, the opening prayer was offered by Pastor Gerald L. Gray, Sr. of Williams Temple Church of God in Christ, located at 6812 Woodland Avenue in Ward 6. Pledge of Allegiance.

MOTION

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

COUNCIL RE-APPOINTMENT

File No. 1458-11.

October 10, 2011

Cleveland City Councilmembers
City Hall, Room 220

Dear Councilmembers:

I am writing to recommend re-appointment of Ronnie A. Dunn to the Board of Commissioners of the Cuyahoga Metropolitan Housing Authority (CMHA) for the term beginning on October 25, 2011 and concluding on October 24, 2014. For your information, attached is his resume; as you can see, he brings valuable perspective and policy expertise to the Board.

This nomination will be up for consideration by Council this evening.

Sincerely,
Martin J. Sweeney,
Council President

Received.

Without objection, Council re-appointment approved. Yeas 19. Nays 0.

COMMUNICATIONS

File No. 1451-11.

From Director of Public Safety Department. Acceptance of \$500 grant from the American Society of Prevention to Cruelty to Animals (ASPCA) on behalf of Cleveland Division of Animal Services. Received.

File No. 1452-11.

From Harvey G. Oppmann - Neal Terrance Apartments, 8811 Detroit Avenue, Ward 16 - notification letter as general partner of residential rental development project and utilizing multifamily funding programs of the Ohio Housing Finance Agency (OHIA). Received.

File No. 1453-11.

From Harvey G. Oppmann - Boulevard Terrace Apartments, 10119 Detroit Avenue, Ward 17 - notification letter as general partner of residential rental development project and utilizing multifamily funding programs of the Ohio Housing Finance Agency (OHIA). Received.

File No. 1459-11.

From Director of Public Safety Department. Acceptance of \$4,500 grant from Ohio Department of Public Safety, Emergency Medical Services. Received.

**FROM THE DEPARTMENT OF
LIQUOR CONTROL**

File No. 1415-11.

Re: #41828740010 — Transfer of Ownership Application, D2, D2X, D3, D3A, D6, JRR & R, Inc., & Patio, 14731 Miles Avenue. (Ward 1). Received.

File No. 1416-11.

Re: #9263876 — Transfer of Ownership Application, D1, D2, D3, D6 Viaduct Lounge, LLC, 5th Fl, E. End, Ste 520 & Patio, 2100 Superior Viaduct. (Ward 3). Received.

File No. 1417-11.

Re: #1845797 — Transfer of Ownership Application, D1, D2, D3, D3A, Cull Long & Michalak, LLC, d.b.a. Duck Island Club, 1st Fl, 2102 Freeman Avenue. (Ward 3). Received.

File No. 1418-11.

Re: #0720570 — Transfer of Ownership Application, D2, D2X, D3, D3A, D6, Bishoff Management, LLC, 850 Euclid Avenue, Suite 123. (Ward 3). Received.

File No. 1419-11.

Re: #3242965 — New Application, C1, Craig Goines, d.b.a. Baileys Corner, 11201 Forest. (Ward 4). Received.

File No. 1420-11.

Re: #90530790001 — Transfer of Location Application, D2, D2X, D3, D3A, Triple Threat, Inc., d.b.a. Club Odyssey, 6735 St. Clair Avenue. (Ward 7) Received.

File No. 1421-11.

Re: #0049274 — Transfer of Location Application, D1, D2, D3, D3A, D6, Accropolis Restaurant & Taverna, LTD, d.b.a. Acropolis Restaurant & Taverna, 6021 Memphis Avenue. (Ward 13) Received.

File No. 1422-11.

Re: #8917129 — Transfer of Ownership Application, D5, 3194 Tavern, LLC, d.b.a. Stumble Inn, 3194 W.25th St, 1st Fl. & Bsmt., 3194 W. 25th St, 1st Fl & Bsmt. (Ward 14) Received.

File No. 1423-11.

Re: #8359480 — Transfer of Ownership Application, D2, D2X, D3, D3A, D6, Sol Services, LLC, 1st Fl & Bsmt & Patio, 5800, 5806, 5808, 5810 Detroit Avenue. (Ward 15) Received.

File No. 1424-11.

Re: #7645020 — Transfer of Ownership Application, C1, C2, D6, Sadio, Inc., d.b.a. Suleymans Market, 1st Fl & Bsmt. 5509 and 5603 Detroit Avenue. (Ward 15) Received.

File No. 1425-11.

Re: #6547795 — Transfer of Ownership Application, D5, D6, 105th Street Bar & Grill, LLC, 3021 W. 105th Street. (Ward 16) Received.

OATHS OF OFFICE

File No. 1426-11.

From: George Baker — Commissioner of Air Quality. Received.

File No. 1427-11.

From: Pamela Cross — Commissioner of Environment. Received.

File No. 1428-11.

From: Chantez Williams — Assistant Commissioner of Environment. Received.

File No. 1429-11.

From: Lonya Moss Walker — Interim Commissioner of Accounts. Received.

File No. 1430-11.

From: Chris Garland — Commissioner of Neighborhood Development. Received.

CONDOLENCE RESOLUTION

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

Res. No. 1460-11—James L. Stewart

CONGRATULATION RESOLUTIONS

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

Res. No. 1461-11—Maya Simer.

Res. No. 1462-11—Scott Rosenstein.

Res. No. 1463-11—Rev. Allen V. Harris.

Res. No. 1464-11—R. Matthew Walsh, M.D.

Res. No. 1465-11—Mary Beth Schwarz.

Res. No. 1466-11—Brian Patrick Thornton.

Res. No. 1467-11—Brian Tupaz.

Res. No. 1468-11—Sherry Bowman.

Res. No. 1469-11—Nickie J. Antonio.

Res. No. 1470-11—Det. Keith Thompson - Badge #1532.

Res. No. 1471-11—Det. Charlotte A. Perkins - Badge #533.

RECOGNITION RESOLUTIONS

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

Res. No. 1472-11—Oliver Luck.

Res. No. 1473-11—Elizabeth Baptist Church.

Res. No. 1474-11—6th Annual Lebanese American Heritage Ball.

APPRECIATION RESOLUTION

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

Res. No. 1475-11—Roosevelt C. Woods.

WELCOME RESOLUTION

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

Res. No. 1476-11—Patriarch Mar Bechara Boutros al-Rahi.

**FIRST READING EMERGENCY
ORDINANCES REFERRED**

Ord. No. 1431-11.

By Mayor Jackson and Council Members Brancatelli, Cleveland, J. Johnson, Mitchell, Dow, Zone and Sweeney.

An emergency ordinance to extend the moratorium on the review and issuance of zoning permits, certificates of occupancy, and other license or permit applications for internet sweepstakes operations in the City of Cleveland.

Whereas, under Ordinance No. 1367-10, passed October 10, 2010, this Council declared a moratorium on the review and issuance of zoning permits, certificates of occupancy, and other license or permit applications

for internet sweepstakes operations in the City of Cleveland, until April 18, 2011; and

Whereas, under Ordinance No. 508-11, passed April 11, 2011, this Council extended the moratorium declared by Ordinance No. 1367-10 until October 24, 2011; and

Whereas, this Council is considering an ordinance to regulate internet sweepstakes operations including their classification under the City's zoning code, and possible regulations associated with their activities, including but not limited to spacing requirement, parking requirements and hours of operation; and;

Whereas, this ordinance constitutes an emergency measure for the immediate preservation of the public peace, property, health, safety, or welfare in that an extension of the moratorium on such internet sweepstakes operations for another six month period will allow Council to continue to consider reasonable regulations of internet sweepstakes operations; now, therefore

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

Section 1. That the moratorium on the review and issuance of zoning permits, certificates of occupancy, and other license or permit applications for internet sweepstakes operations in the City of Cleveland declared under Ordinance No. 1367-10 passed October 18, 2010, is hereby extended until the effective date of an ordinance or law regulating internet sweepstakes operations, or until April 24, 2012, whichever date occurs first.

Section 2. That, as used in this ordinance, "internet sweepstakes operations" shall have the same meaning as in Ordinance 1367-10.

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.

Referred to Directors of Finance, Law; Committees on Legislation, Finance.

Ord. No. 1432-11.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Finance to exercise the fourth option to renew Contract Nos. 61149, 61150, 61151, and 61152 with AT & T for Centrex support, maintenance, installation, design, and repair of circuits, special circuits, relocation of demarcation sites and to provide for recurring service-related costs, for the various divisions of City government.

Whereas, under the authority of Ordinance No. 1881-07, passed November 26, 2007, as amended by Ordinance No. 403-08, passed April 7, 2008, the Director of Finance entered into Contract Nos. 61149, 61150, 61151, and 61152 with AT & T for Centrex support, maintenance, installation, design, and repair of circuits, special circuits, relocation of demarcation sites and to provide for recurring service-related costs, for the various divisions of City government; and

Whereas, Ordinance No. 1881-07, passed November 26, 2007, as amended by Ordinance No. 403-08, passed April 7, 2008, requires further legislation before exercising the fourth one-year option to renew each of these contracts; and

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

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

Section 1. That the Director of Finance is authorized to exercise the fourth option to renew Contract No. 61149 for an additional year with AT & T for Centrex support, maintenance, installation, design, and repair of circuits, special circuits, relocation of demarcation sites and to provide for recurring service-related costs, for the various divisions of City government.

Section 2. That the Director of Finance is authorized to exercise the fourth option to renew Contract No. 61150 for an additional year with AT & T for Centrex support, maintenance, installation, design, and repair of circuits, special circuits, relocation of demarcation sites and to provide for recurring service-related costs, for the various divisions of the Department of Public Safety which are not covered under Section 1 of this ordinance.

Section 3. That the Director of Finance is authorized to exercise the fourth option to renew Contract No. 61151 for an additional year with AT & T for Centrex support, maintenance, installation, design, and repair of circuits, special circuits, relocation of demarcation sites and to provide for recurring service-related costs, for the various divisions of the Department of Port Control.

Section 4. That the Director of Finance is authorized to exercise the fourth option to renew Contract No. 61152 for an additional year with AT & T for Centrex support, maintenance, installation, design, and repair of circuits, special circuits, relocation of demarcation sites and to provide for recurring service-related costs, for the various divisions of the Department of Public Works which are not covered under Section 1 of this ordinance.

Section 5. That the cost of the services to be performed during the fourth optional renewal years of the contracts' terms shall not exceed \$3,500,000.

Section 6. That this ordinance constitutes the additional legislative authority required under Ordinance No. 1881-07, passed November 26, 2007, as amended by Ordinance No. 403-08, passed April 7, 2008, to exercise these options to renew.

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

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

Ord. No. 1433-11.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Finance, on behalf of Cleveland Municipal Court, to apply for and accept a grant from the Substance Abuse Mental Health Services Administration for the Adult Treatment Court Collaborative Program; and authorizing the director to enter into one or more contracts with

Cuyahoga County and Case Western Reserve University to implement the grant.

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, on behalf of Cleveland Municipal Court, is authorized to apply for and accept a grant in the approximate amount of \$1,110,340, and any other funds that may become available during the grant term from the Substance Abuse Mental Health Services Administration to conduct the Adult Treatment Court Collaborative Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the application for the grant contained in the file described below.

Section 2. That the application for the grant, File No. 1433-11-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

Section 3. That the Director of Finance, on behalf of the Cleveland Municipal Court, is authorized to enter into one or more contracts with Cuyahoga County and Case Western Reserve University to implement the grant as described in the file.

Section 4. That the costs of the contract or contracts authorized by this ordinance shall be paid from the fund or funds to which are credited the grant proceeds accepted under this ordinance.

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 Finance, Law; Committee on Finance.

Ord. No. 1434-11.

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

An emergency ordinance to amend Section 350.06 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1282-06, passed November 27, 2006, relating to prohibited signs.

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 350.06 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1282-06, passed November 27, 2006, is amended to read as follows:

Section 350.06 Prohibited Signs

The following types of signs are prohibited in all zoning districts:

(a) Strips of pennants, propellers, pinwheels, streamers, balloons and

similar small objects except as temporary displays specifically authorized for carnivals and open-air festivals under Section 329.07 and for new businesses under division (c) of Section 350.20.

(b) Signs imitating or resembling official traffic or government signs and signals.

(c) Signs attached to trees, rocks or natural formations or public property including but not limited to utility poles, benches, trash containers and parking meters, except as specifically authorized by the City.

(d) Moving, revolving or flashing signs except as provided in Section 350.10(1)(5), Section 350.16, and Section 350.161 governing wall murals.

(e) Signs attached to any condemned structure, as defined in Section 363.29 or any structure condemned or declared a nuisance structure pursuant to Section 3103.09.

(f) Wall murals except as provided in Section 350.161.

Section 2. That existing Section 350.06 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1282-06, passed November 27, 2006, is repealed.

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

Referred to Directors of City Planning Commission, Finance, Law; Committees on City Planning, Legislation, Finance.

Ord. No. 1435-11.

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

An emergency ordinance to amend the title, and Sections 1, 2, 3, and 7 of Ordinance No. 499-10, passed June 7, 2010, as amended by Ordinance No. 1624-10, passed December 6, 2010, relating to contracts with professional consultants, computer software developers, or vendors to acquire licenses for mandatory environmental compliance at Cleveland Hopkins International Airport, Burke Lakefront Airport, and the Division of Harbors, and other services necessary for the compliance, and authorizing various written standard purchase and requirement contracts.

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

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

Section 1. That the title, and Sections 1, 2, 3, and 7 of Ordinance No. 499-10, passed June 7, 2010, as amended by Ordinance No. 1624-10, passed December 6, 2010, are amended as follows:

Authorizing the Director of Port Control to employ one or more professional consultants, computer software developers, or vendors to acquire licenses for mandatory environmental compliance at Cleveland Hopkins International Airport, Burke Lakefront Airport, and the Division of Harbors and to perform other services necessary for the compliance; and authorizing the Director to enter into various written standard purchase and requirement contracts, for services, purchase, and training neces-

sary for the compliance, for a period of **three years, with two one-year options to renew, the first of which is exercisable through additional legislation**, for the Department of Port Control.

Section 1. That the Director of Port Control is authorized to enter into one or more standard purchase or requirement contracts for a period of **three years, with two one-year options to renew**, duly let to the lowest and best bidder after competitive bidding for materials, equipment, supplies, services, and training necessary to comply with local, state, and federal environmental requirements necessary to maintain operating status and to avoid serious penalties for non-compliance at Cleveland Hopkins International Airport, Burke Lakefront Airport, and the Division of Harbors, Department of Port Control. **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 2. 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 comply with local, state, and federal environmental requirements necessary to maintain operating status and to avoid serious penalties for non-compliance at Cleveland Hopkins International Airport, Burke Lakefront Airport, and the Division of Harbors, Department of Port Control, for a period of **three years, with two one-year options to renew. 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 3. That the Director of Port Control is authorized to acquire by contract or contracts with one or more software developers or vendors or one or more firms of software developers or vendors, the software licenses, upgrades, technical support, and maintenance necessary to develop and maintain hosting environmental management systems at the Department of Port Control, including Cleveland Hopkins International Airport, Burke Lakefront Airport, and the Division of Harbors, for the purposes of this section, for a period of **three years, with two one-year options to renew. 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 7. That the contract or contracts authorized under this ordinance shall be entered into by December 31, 2016.

Section 2. That the existing title, and Sections 1, 2, 3, and 7 of Ordinance No. 499-10, passed June 7, 2010, as amended by Ordinance No. 1624-10, passed December 6, 2010, are repealed.

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

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

Ord. No. 1436-11.

By Council Members J. Johnson, Miller, Cleveland and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Capital Projects to issue a permit to Cleveland State University to encroach into the public right-of-way of Euclid Avenue by installing, using, and maintaining a welcome sign.

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

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

Section 1. That the Director of Capital Projects is authorized to issue a permit, revocable at the will of Council, to Cleveland State University, 2121 Euclid Avenue, Cleveland, Ohio 44115 ("Permittee"), to encroach into the public right-of-way of Euclid Avenue by installing, using, and maintaining a welcome sign at the following location:

In front of the Cleveland State University Welcome Center located at 2398 Euclid Avenue.

To be located 56.78 feet south of the centerline of Euclid Avenue and 14.03 feet west of the centerline of East 24th street north

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

Section 2. That Permittee may assign the permit only with the prior written consent of the Director of Capital Projects. That the encroaching structure(s) permitted by this ordinance shall conform to plans and specifications approved by the Manager of Engineering and Construction. That Permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroachment(s).

Section 3. That the Director of Law shall prepare the permit authorized by this ordinance and shall incorporate such additional provisions as the director determines necessary to protect and benefit the public interest. The permit shall be issued only when, in the opinion of the Director of Law, Permittee has properly indemnified the City against any loss that may result from the encroachment(s) permitted.

Section 4. That the permit shall reserve to the City reasonable right of entry to the encroachment location(s).

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.

Ord. No. 1437-11.

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

An emergency ordinance authorizing the Director of Public Safety to accept a grant from the Department of Justice, Office of Community Oriented Policing Services, for the COPS Hiring Program.

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

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

Section 1. That the Director of Public Safety is authorized to accept a grant from the Department of Justice, Office of Community Oriented Policing Services, in the approximate amount of \$5,864,275 and other funds that become available during the grant term, to conduct the COPS Hiring Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the grant proposal contained in the file described below.

Section 2. That the grant proposal for the grant, File No. 1437-11-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

Section 3. That the Director of Public Safety shall have the authority to extend the term of the grant if the extension does not involve an increase in the dollar amount of the grant specified above.

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

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

Ord. No. 1438-11.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Department of Justice Violence Against Women Act through the County Criminal Justice Services Agency for the 2012 Cleveland Domestic Violence Program; and authorizing the Director to enter into one or more contracts with Cuyahoga County to implement the grant.

Whereas, this ordinance constitutes an emergency measure providing for

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$119,098 from the Department of Justice Violence Against Women Act through the County Criminal Justice Services Agency to conduct the 2012 Cleveland Domestic Violence Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the subgrant application for the grant contained in the file described below.

Section 2. That the subgrant application for the grant, File No. 1438-11-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, including the obligation of the City of Cleveland to provide cash matching funds in the sum of \$39,699 from Fund Nos. 10 SF 025, 10 SF 027, and 10 SF 049, is approved in all respects and shall not be changed without additional legislative authority.

Section 3. That the Director of Public Safety shall have the authority to extend the term of the grant if the extension does not involve an increase in the dollar amount of the grant specified above.

Section 4. That the Director of Public Safety is authorized to enter into one or more agreements with the County of Cuyahoga to implement the grant as described in the file.

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

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

Ord. No. 1439-11.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Attorney General for the FY 2011 Ohio Drug Use Prevention Program.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$33,566.58, from the Ohio Attorney General to conduct the FY 2011 Ohio Drug Use Prevention Program; that the Director of Public Safety is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the checklist for the grant contained in the file described below.

Section 2. That the checklist for the grant, File No. 1439-11-A, made a part

of this ordinance as if fully rewritten, including the obligation of the City of Cleveland to provide cash matching funds in the amount of \$33,566.58 from Fund Nos. 10 SF 025, 10 SF 027, and 10 SF 049, is approved in all respects and shall not be changed without additional legislative authority.

Section 3. That the Director of Public Safety shall have the authority to extend the term of the grant if the extension does not involve an increase in the dollar amount of the grant specified above.

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

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

Ord. No. 1440-11.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Office of Criminal Justice Services for the FY 2012 Cleveland High Visibility Enforcement Overtime Program.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$69,694.18, and any other funds that may become available during the grant term from the Ohio Office of Criminal Justice Services to conduct the FY 2012 Cleveland High Visibility Enforcement Overtime Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the services agreement for the grant contained in the file described below.

Section 2. That the services agreement for the grant, File No. 140-11-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

Section 3. That the Director of Public Safety shall have the authority to extend the term of the grant during the grant term.

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

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

Ord. No. 1441-11.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Office of Criminal Justice Services for the FY 2011 Byrne Memorial Justice Assistance Grant; Local Solicitation; authorizing the purchase by one or more requirement contracts of various types of equipment; and authorizing one or more contracts with Cuyahoga County, the Cities of Euclid, Parma, Lakewood, Garfield Heights, the Police Executive Research Forum, and other agencies and entities needed to implement the grant.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$811,829, and any other funds that may become available during the grant term from the Ohio Office of Criminal Justice Services to conduct the FY 2011 Byrne Memorial Justice Assistance Grant; Local Solicitation; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the grant application for the grant contained in the file described below.

Section 2. That the grant application for the grant, File No. 1441-11-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

Section 3. That the Director of Public Safety shall have the authority to extend the term of the grant during the grant term.

Section 4. That the Director of Public Safety is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements during the grant term of the necessary items of various types of equipment, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public Safety. 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 5. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance.

Section 6. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Public Safety may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 7. That the Director of Public Safety is authorized to enter into one or more contracts with Cuyahoga County, the Cities of Euclid, Parma, Lakewood, Garfield Heights, the Police Executive Research Forum, and other agencies and entities needed to implement the grant as described in the file.

Section 8. That the costs of the contracts authorized by this ordinance shall be paid from the fund or funds to which are credited the grant proceeds accepted under this ordinance.

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

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

Ord. No. 1442-11.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the State of Ohio Office of Criminal Justice Services for the FY 2011 State Byrne Memorial Assistance Grant for the Northern Ohio Law Enforcement Task Force Program; and authorizing the Director to enter into one or more contracts with various agencies, entities, or individuals to implement the grant.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$165,000, and any other funds that may become available during the grant term from the State of Ohio Office of Criminal Justice Service for the FY 2011 State Byrne Memorial Justice Assistance Grant for the Northern Ohio Law Enforcement Task Force Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the subgrant application title page and application, for the grant contained in the file described below.

Section 2. That the subgrant application title page and application for the grant, File No. 1442-11-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, including the obligation of the City of Cleveland to provide cash matching funds in the amount of \$55,000 from Fund Nos. 10 SF 025, 10 SF 027, and 10 SF 049,

is approved in all respects and shall not be changed without additional legislative authority.

Section 3. That the Director of Public Safety shall have the authority to extend the term of the grant during the grant term.

Section 4. That the Director of Public Safety is authorized to enter into one or more contracts with agencies, entities, or individuals to implement the grant as described in the file.

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

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

Ord. No. 1443-11.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Office of Criminal Justice Services for the FY 2011 State Byrne Memorial Justice Assistance Grant, Northern Ohio Violent Crime Consortium; and authorizing one or more contracts with Akron University and various municipalities to implement the grant.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$80,127.37, and any other funds that may become available during the grant term from the Ohio Office of Criminal Justice Services to conduct the FY 2011 State Byrne Memorial Justice Assistance Grant, Northern Ohio Violent Crime Consortium; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the subgrant application for the grant contained in the file described below.

Section 2. That the subgrant application for the grant, File No. 1443-11-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, including the obligation of the City of Cleveland to provide cash matching funds in the amount of \$26,709.13 from Fund Nos. 10 SF 025, 10 SF 027, and 10 SF 049, is approved in all respects and shall not be changed without additional legislative authority.

Section 3. That the Director of Public Safety shall have the authority to extend the term of the grant during the grant term.

Section 4. That the Director of Public Safety is authorized to enter into one or more contracts with Akron University and various municipalities to implement the grant as described in the file.

Section 5. That this ordinance is declared to be an emergency measure and, provided it receives the affirma-

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

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

Ord. No. 1444-11.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant and to accept gifts of goods and services from the Institution of Fire Engineers for continuation of the Vision 20/20 National Strategies for the Fire Loss Prevention Program.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$14,437.50, and any other funds that may become available during the grant term from the Institution of Fire Engineers for continuation of the Vision 20/20 National Strategies for the Fire Loss Prevention Program, as described in the file mentioned below.

Section 2. That the Director of Public Safety is authorized to accept gifts of goods and services in the approximate amount of \$121,273.00 from the Institute of Fire Engineers, public, and private entities for the purpose of implementing the grant as described in the file.

Section 3. That the Director is authorized to file all papers and execute all documents necessary to receive the funds, goods, and services under the grant; and that the funds are appropriated for the purposes described in the file.

Section 4. That File No. 1444-11-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

Section 5. That the Director of Public Safety shall have the authority to extend the term of the grant during the grant term.

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.

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

Ord. No. 1445-11.

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

An emergency ordinance authorizing the Director of Economic Development to enter into contract with Tylerville LLC, or its designee, to provide economic development assistance as an incentive to clean up the

property known as Building 42 and to redevelop it into office space, located at 3615 Euclid Avenue, and other associated costs necessary to redevelop the property.

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

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

Section 1. That, the Director of Economic Development is authorized to enter into one or more various types of loan agreements and forgivable loan agreements under the Vacant Property Initiative with Tylerville LLC, or its designee, to provide economic development assistance as an incentive to clean up the property known as Building 42 and to redevelop it into office space, located at 3615 Euclid Avenue, and other associated costs necessary to redevelop the property.

Section 2. That the terms of the loan shall be according to the terms set forth in the Summary contained in File No. 1445-11-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, and are approved in all respects and shall not be changed without additional legislative authority.

Section 3. That the costs of the loan shall not exceed \$520,000 and the costs of forgivable loan agreements shall not exceed \$180,000, for a total amount of \$700,000, and shall be paid from Fund No. 17 SF 008, RQS 9501, RL 2011-182.

Section 4. That the Director of Economic Development is authorized to accept the collateral as set forth in the file referenced above in order to secure repayment of the loan. Any loan agreement, security instrument, or other document shall be prepared and approved by the Director of Law.

Section 5. That the Director of Economic Development is authorized to accept monies in repayment of the loan and to deposit the monies in Fund Nos. 17 SF 006.

Section 6. That the Director of Economic Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal regulations and the fees are appropriated to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. The fees shall be deposited to and expended from Fund No. 17 SF 305, Loan Fees Fund.

Section 7. That the contract and other appropriate documents needed to complete the transaction authorized by this legislation shall be prepared by the Director of Law.

Section 8. The contract authorized in this legislation will require the recipient of financial assistance to work with The Workforce Investment Board for Workforce Area No. 3 to identify and solicit qualified candidates for job opportunities related to the City's contracts, and place special emphasis on the hard to employ, including but not limited to the disabled and persons who have been convicted of or have pled guilty to a criminal offense, unless the criminal conviction or related circumstances relate to the duties for the particular job sought.

Section 9. That this ordinance is declared to be an emergency measure and, provided it receives the affirma-

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

Referred to Directors of Economic Development, Finance, Law; Committees on Community and Economic Development, Finance.

Ord. No. 1446-11.

By Council Member Cummins.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 3707 Walton Ave. to William D. & Marjorie A. Hildebrandt.

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

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

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

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

Section 1. That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, more fully described below, to William D. & Marjorie A. Hildebrandt.

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

P. P. No. 007-20-044

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being the Easterly 40 feet of the Westerly 75 feet of Sublot No. 413 in Hiram Stone's Addition of part of Original Brooklyn Township Lots Nos. 53 and 68, as shown by the recorded plat in Volume 1 of Maps, Page 41 of Cuyahoga County Records, and being 40 feet front on the Southerly side of Walton Avenue S.W., and extending back between parallel lines 180 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

Section 6. That this ordinance is 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 Community Development, City Planning Commission, Finance, Law; Committees on Community and Economic Development, Finance.

Ord. No. 1447-11.

By Council Member Polensek.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 18430 Nottingham Road and 18421 Buffalo Road to John H. Crow.

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

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

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

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

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

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

P. P. No. 116-08-013

Situated in the City of Cleveland County of Cuyahoga and State of Ohio and known as being the Northeastly half of Sublot No. 1 in N.F. Albee's Subdivision of part of Original Euclid Township Tract No. 15, as shown by the recorded plat of said Subdivision in Volume 2 of Maps, Page 50 of Cuyahoga County Records and bounded and described as follows: Beginning at the intersection of the center lines of Nottingham Road, N.E. (formerly Dille Road) and Buffalo Avenue, N.E., (formerly Depot Street); Thence Northwestly along the center line Nottingham Road N.E., 242 feet 2-1/2 inches to the Northeastly corner of said Sublot No. 1; Thence Southwestly along the Northwestly line of said Sublot to the Northeastly line of a parcel of land conveyed by Cas-

sius C. Mapes and wife, to Henry M. Frissell, by deed dated October 25, 1865, and recorded in Volume 201, Page 11 of Cuyahoga County Records; Thence Southeasterly along the Northeasterly line of the land so conveyed to Frissell as aforesaid to the center line of Buffalo Avenue N.E.; Thence Northeasterly along said center line to the place of beginning and containing 1/2 acre of land, be the same more or less, but subject to all legal highways.

Section 3. That the real property to be sold pursuant to this Ordinance is more fully described as follows:

P. P. No. 116-08-014

Situated in the City of Cleveland County of Cuyahoga and State of Ohio and known as being Sublot No. 1 in the N.F. Albee's Subdivision of part of Original Euclid Township Tract No. 14 and 15, as shown by the recorded plat in Volume 2 of Maps, Page 50 of Cuyahoga County and bounded and described as follows:

Beginning on the Northwesterly line of Buffalo Avenue, NE, (formerly North Depot Street) at the Southwest corner of land conveyed by Julia Stenk (widow) to Juliet H. Harms by deed dated August 4, 1919 and recorded in Volume 2271, Page 196 of Cuyahoga County Records thence South 58° 01' 19" West, 86.90 feet along said Northwesterly line of Buffalo Avenue, to its intersection with the Southwesterly line of said Sublot No. 1; thence North 33° 06' 56" West, 211.65 feet along the Southwesterly line of said Sublot No. 1 to the Northwesterly corner thereof; thence North 56° 20' East 70.72 feet along the Northwesterly line of said Sublot No. 1 to the Northwesterly corner of land so conveyed to Juliet H. Harms; thence South 37° 26' 01" East 214.67 feet along the Southwesterly line of land so conveyed to Juliet H. Harms to the place of beginning and containing 16,769 square feet of land according to a survey made January, 1941 by Cleveland Surveys, Inc., Civil Engineers & Surveyors, be the same more or less, but subject to all legal highways.

Section 4. That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property, described in this ordinance, to John H. Crow.

Section 5. That all documents necessary to complete the conveyance authorized by this ordinance shall be executed within six (6) months of the effective date of this ordinance. If all of the documents are not executed within six (6) months of the effective date of this ordinance, or such additional time as may be granted by the Director of Community Development, this ordinance shall be repealed and shall be of no further force or effect.

Section 6. That the consideration for the subject parcels shall be established by the Board of Control and shall be not less than Fair Market Value taking into account such terms and conditions, restrictions and covenants as are deemed necessary or appropriate.

Section 7. That the conveyance authorized hereby shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain such provisions as may be necessary to protect and benefit the public interest including such

restrictive covenants and reversionary interests as may be specified by the Board of Control, the Director of Community Development or the Director of Law.

Section 8. 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.

Referred to Directors of Community Development, City Planning Commission, Finance, Law; Committees on Community and Economic Development, Finance.

Ord. No. 1448-11.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from University Hospitals for the FY 2012 Cuyahoga County OVI Task Force Program.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$30,000, and any other funds that may become available during the grant term from University Hospitals to conduct the FY 2012 Cuyahoga County OVI Task Force Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the budget for the grant contained in the file described below.

Section 2. That the budget for the grant, File No. 1448-11-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

Section 3. That the Director of Public Safety shall have the authority to extend the term of the grant during the grant term.

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

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

Ord. No. 1449-11.

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

An emergency ordinance authorizing the Director of Finance, on behalf of Cleveland Municipal Court, to apply for and accept a grant from the Ohio Office of Criminal Justice Services for the Veterans Court - Treatment Program; and to enter into one or more contracts with Stella Maris, Inc. to implement the program.

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

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

Section 1. That the Director of Finance, on behalf of Cleveland Municipal Court, is authorized to apply for and accept a grant in the approximate amount of \$50,000, and any other funds that may become available during the grant term, from the Ohio Office of Criminal Justice Services, to conduct the Veterans Court - Treatment Program, for the purposes set forth in the application; that the Director of Finance, on behalf of Cleveland Municipal Court, is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the application for the grant.

Section 2. That the application for the grant, File No. 1449-11-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, including the obligation to provide cash matching funds in the amount of \$16,996.50 from Fund No. 10 SF 087, is approved in all respects.

Section 3. That the Director of Finance, on behalf of Cleveland Municipal Court, is authorized to enter into one or more contracts with Stella Maris, Inc. to implement the program as described in the file.

Section 4. That the cost of the contract or contracts shall be paid from the fund or funds to which are credited the grant proceeds accepted under this ordinance and the cash match.

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

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

Ord. No. 1450-11.

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

An emergency ordinance authorizing the Director of Finance, on behalf of Cleveland Municipal Court, to apply for and accept a grant from the Ohio Office of Criminal Justice Services for the FY 2011 Violence Against Women Act Court Training and Improvement Program; and to enter into one or more contracts with the Domestic Violence Center and the Center for Court Innovation to implement the program.

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

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

Section 1. That the Director of Finance, on behalf of Cleveland Municipal Court, is authorized to apply for and accept a grant in the approximate amount of \$50,000, and any other funds that may become available during the grant term,

from the Ohio Office of Criminal Justice Services, to conduct the FY 2011 Violence Against Women Act Court Training and Improvement Program, for the purposes set forth in the application; that the Director of Finance, on behalf of Cleveland Municipal Court, is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the application for the grant.

Section 2. That the application for the grant, File No. 1450-11-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, is approved in all respects.

Section 3. That the Director of Finance, on behalf of Cleveland Municipal Court, is authorized to enter into one or more contracts with the Domestic Violence Center and the Center for Court Innovation to implement the program as described in the file.

Section 4. That the cost of the contract or contracts shall be paid from the fund or funds to which are credited the grant proceeds accepted under this ordinance.

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

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

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

Ord. No. 1454-11.

By Council Members Cimperman and Mitchell.

An emergency ordinance authorizing the Clerk of Council to dispense beer and wine at the Federation of India Community Foundation event in Cleveland City Hall on October 21, 2011.

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

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

Section 1. That, notwithstanding and as an exception to the Codified Ordinances of the City of Cleveland, 1976, the Clerk of Council is hereby authorized to dispense beer and wine at the Federation of India Community Foundation event in Cleveland City Hall on October 21, 2011.

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

**FIRST READING EMERGENCY
RESOLUTIONS READ IN FULL
AND ADOPTED**

Res. No. 1455-11.

By Council Member K. Johnson.

An emergency resolution withdrawing objection to the transfer of stock of a C2 and C2X Liquor Permit at 2892 East 116th Street and repealing Resolution No. 970-11, objecting to said transfer.

Whereas, this Council objected to the transfer of stock of a C2 and C2X Liquor Permit to Fuel Expo, Inc., DBA Buckeye Supermarket, 2892 East 116th Street, Cleveland, Ohio 44120, Permanent No. 2957678, by Resolution No. 970-11 adopted by the Council on July 20, 2011; and

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

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

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

Section 1. That objection to a C2 and C2X Liquor Permit to Fuel Expo, Inc., DBA Buckeye Supermarket, 2892 East 116th Street, Cleveland, Ohio 44120, Permanent No. 2957678, be and the same is hereby withdrawn and Resolution No. 970-11, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 1456-11.

By Council Member Kelley.

An emergency resolution withdrawing objection to the renewal of a C1 and C2 Liquor Permit at 5741 Memphis Avenue and repealing Resolution No. 982-11, objecting to said renewal.

Whereas, this Council objected to a C1 and C2 Liquor Permit to 5741 Memphis Avenue by Resolution No. 982-11 adopted by the Council on July 20, 2011; and

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

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

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

Section 1. That objection to a C1 and C2 Liquor Permit to Jaigurudev, Inc., 5741 Memphis Avenue, Cleveland, Ohio 44144, Permanent Number 4219893 be and the same is hereby withdrawn and Resolution No. 982-11, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

**SECOND READING EMERGENCY
ORDINANCES PASSED**

Ord. No. 530-11.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into an amendment to Contract No. 69504 with Woolpert, Inc. to provide additional improvements to the Division of Water's Geographic Information System, for the Department of Public Utilities, for a period up to two years.

Approved by Directors of Public Utilities, Finance, Law; Passage recommended by Committees on Public Utilities, Finance.

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1100-11.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more requirement contracts without competitive bidding with HSQ Technology for materials, equipment, supplies, services, software, software integration, labor, and training necessary to refurbish the supervisory control and data acquisition system manufactured by HSQ Technology, including maintenance, for the Division of Water, Department of Public Utilities, for a period not to exceed two years.

Approved by Directors of Public Utilities, Finance, Law; Passage recommended by Committees on Public Utilities, Finance.

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1101-11.

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

An emergency ordinance authorizing the Director of Port Control to enter into a Lease Agreement with MUDA Construction, Inc. for the lease

of office space at Burke Lakefront Airport for general office-related activities, for the Department of Port Control, for a period of two years, with two one-year options to renew, the first of which is exercisable through additional legislative authority.

Approved by Directors of Port Control, City Planning Commission, Finance, Law; Relieved of Committee on City Planning; Passage recommended by Committees on Aviation and Transportation, Finance, when amended, as follows:

1. In Section 1, line 13, strike "annual rate of \$50,544.00, payable in monthly installments of \$4,212.00" and insert "**annual rate of \$4,212.00, payable in monthly installments of \$351.00**".

Amendment agreed to.

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. 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.

Ord. No. 1113-11.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from Cuyahoga County for the 2009 Law Enforcement Terrorism Protection Program; authorizing one or more requirement contracts for the purchase of materials, equipment, supplies, and services; authorizing one or more contracts with FingerPrint USA for professional services necessary to manage the program; and to amend Contract No. 69633 with Cogent, Inc. to provide additional AFIS equipment.

Approved by Directors of Public Safety, Finance, Law; Passage recommended by Committees on Public Safety, Finance.

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1119-11.

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

An emergency ordinance determining the method of making the public improvement of repairing and maintaining runways, taxiways, ramps, roads, and other concrete surfaces for the various divisions of the Department of Port Control, and authorizing the Director of Port Control to enter into one or more public improvement requirement contracts for the making of the improvement, for a period of two years, with two one-year options to renew, the first of which is exercisable through additional legislative authority.

Approved by Directors of Port Control, City Planning Commission, Finance, Law; Relieved of Committee on City Planning; Passage recommended by Committee on Aviation and Transportation, Finance.

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

The rules were suspended. Yeas 19. Nays 0. Read second time. Read

third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1215-11.

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

An emergency ordinance to amend Sections 1 and 4 of Ordinance No. 558-11, passed July 20, 2011, relating to authorizing the Director of Public Utilities to purchase various wattage-equivalent LED streetlights, including any materials necessary to retrofit or replace existing outdoor streetlights, to be installed on a limited number of poles for a pilot program for up to two years, for the Division of Cleveland Public Power.

Approved by Directors of Public Utilities, Finance, Law; Passage recommended by Committees on Public Utilities, Finance.

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1216-11.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to test, inspect, maintain, repair, enhance or replace building protection services, including, but not limited to, heating, ventilation, and air conditioning systems or components, security systems or components, and fire protection system or components, rental of equipment, and installation if necessary, for the Divisions of Water, Water Pollution Control, and Cleveland Public Power, Department of Public Utilities, for a period of two years.

Approved by Directors of Public Utilities, Finance, Law; Passage recommended by Committees on Public Utilities, Finance.

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1219-11.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a Tax Increment Financing Agreement with Optima 777, LLC, as the designee of Sage Hospitality, or its designee, to provide for the acquisition, some demolition, and complete renovation of the former Crowne Plaza Hotel located at 777 St. Clair Avenue; to provide for payments to the Cleveland City School District; and to declare certain improvements to real property to be a public purpose.

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

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1292-11.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into an agreement with Rock Ohio Caesars, LLC and USA Parking

Systems to allow them to reline the sewer on High Avenue, and to accept the improvement as a gift to the City.

Approved by Directors of Public Utilities, Finance, Law; Passage recommended by Committees on Public Utilities, Finance.

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

Ord. No. 1293-11.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of various types of valves, actuators, and appurtenances, and labor and materials necessary to maintain and repair various types of valves, actuators, and appurtenances, for the Division of Water, Department of Public Utilities, for a period up to two years.

Approved by Directors of Public Utilities, Finance, Law; Passage recommended by Committees on Public Utilities, Finance.

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. Nays 0.

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.

Approved by Directors of Capital Projects, City Planning Commission, Finance, Law; Relieved of Committee on City Planning; Passage recommended by Committees on Public Service, Finance, when amended, as follows:

1. In Section 1, strike line 22 in its entirety and insert: "**the east right of way line of East 22nd Street (60 feet wide) to the west limited access**".

Amendment agreed to.

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 19. 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

The Council Meeting adjourned at 8:05 p.m. to meet on Monday, October 17, 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

October 5, 2011

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, October 5, 2011, at 10:51 a.m. with Interim Director Langhenry presiding.

Present: Interim Director Langhenry, Directors Dumas, Withers, R. Smith, Cox, Acting Director Bounds, Directors Rush, Southerington, Acting Director Thornton, Directors Fumich and Rybka.

Absent: Mayor Jackson and Director Butler.

Others: Jomarie Wasik, Director, Mayor's Office of Capital Projects.

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. 473-11.

By Director Withers.

Whereas, under the authority of Ordinance No. 1036-07, passed by the Cleveland City Council on August 8, 2007, the City of Cleveland, through the Director of Public Utilities, entered into an agreement with Oracle USA, Inc., City Contract No. 68714, to acquire licenses, maintenance and support of the Oracle/SPL Billing System, for the Division of Water, Department of Public Utilities; and

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

Whereas, Business Objects Enterprise Professional IV software, licensed from SAP America, Inc., is a 3rd party add-on to the Oracle/SPL Billing System used to perform online analysis, ad-hoc reporting, and charting; and

Whereas, under the authority of Section 181.102 C.O., and Board of Control Resolution No. 531-10, adopted December 15, 2010, the City entered into a contract with SAP America, Inc., City Contract No. PS2011-66 for the one-year term starting November 29, 2010, to obtain professional services necessary for annual software license renewals, upgrades, and support and maintenance for the Business Objects Enterprise Professional IV software, for the Division of Water, Department of Public Utilities; and

Whereas, under the authority of Section 181.102 C.O., the City intends to enter into a one-year agreement with SAP America, Inc. starting November 30, 2011 through November 29, 2012, to continue to obtain the professional services necessary for annual software license renewal and support and maintenance for the Business Objects Enterprise Professional IV software; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the compensation to be paid for maintenance and support services to be performed under the contract

with SAP America, Inc. for the one-year term starting November 30, 2011, under the authority of division (d) of Section 181.102 C.O., shall not exceed \$55,031.06.

Yeas: Interim Director Langhenry, Directors Dumas, Withers, R. Smith, Cox, Acting Director Bounds, Directors Rush, Southerington, Acting Director Thornton, Directors Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Butler.

Resolution No. 474-11.

By Director Withers.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of Nerone and Sons, Inc. for the public improvement of maintaining detention basins, facilities and structures at various citywide locations, base bid items including 10% contingency allowance, for the Division of Water Pollution Control, Department of Public Utilities, received on July 14, 2011, under the authority of Section 129.293 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 \$99,550.00, is affirmed and approved as the lowest responsible bid, and the Director of Public Utilities is requested to enter into a requirement contract for the improvement, which contract shall provide for an initial order for performance of work, the cost of which order shall be certified to the contract in an amount not less than \$25,000.00.

The 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 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 by Nerone and Sons, Inc. for the above-mentioned public improvement by requirement contract is approved:

SUBCONTRACTOR CSB/MBE/FBE WORK

Cavotta Landscapers, Inc.	CSB/FBE/LPE	\$11,000.00 (11.05%)
Granger Trucking	CSB/MBE/LPE	\$12,000.00 (12.05%)

Yeas: Interim Director Langhenry, Directors Dumas, Withers, R. Smith, Cox, Acting Director Bounds, Directors Rush, Southerington, Acting Director Thornton, Directors Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Butler.

Resolution No. 475-11.

By Director Wasik.

Whereas, under authority of Ordinance No. 673-09, passed by the Cleveland City Council on June 8,

2009, this Board of Control, by its Resolution No. 197-10, adopted May 19, 2010, approved Perk Co., Inc. as lowest responsible bidder for the public improvement of Central Ave. (E. 55th St. to E. 79th St.), for the Division of Engineering and Construction, Department of Public Service (nka Office of Capital Projects), in the aggregate amount of \$2,528,004.27; and

Whereas, Perk Co., Inc. wishes to use the services of additional subcontractors; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Perk Co., Inc. for the above mentioned public improvement is approved:

Corstone LTD	(CSB/FBE) — \$64,694.00 (2.56%)
Chieftan Trucking	(CSB) — \$15,191.00 (0.60%)

Yeas: Interim Director Langhenry, Directors Dumas, Withers, R. Smith, Cox, Acting Director Bounds, Directors Rush, Southerington, Acting Director Thornton, Directors Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Butler.

Resolution No. 476-11.

By Director Wasik.

Whereas, on August 2, 2011, the City of Cleveland entered into Contract No. CT0110-PI2011-051 with Perk Company, Inc. for the public improvement of Lake to Lakes Bike Trail Extension, for the Office of Capital Projects in the aggregate amount of \$1,380,829.85; and

Whereas, Perk Company, Inc. desires to utilize certain subcontractors under Contract No. CT0110-PI2011-051 for which it requires previous written consent of the Board of Control under Section 185.36 C.O.; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland, that the employment of the following subcontractors by Perk Company, Inc. for the public improvement of Lake to Lakes Bike Trail Extension is approved.

Eclipse Construction	\$254,813.98 (18.45%)
TraffTech, Inc	\$243,632.00 (17.64%)
Cook Construction (DBE)	\$206,321.40 (14.94%)
Royal Landscaping, Inc.	\$ 28,103.00 (2.04%)
Oglesby Construction	\$ 24,701.20 (1.79%)
Sagamore Soils	\$ 23,515.68 (1.70%)
Eco Tree	\$ 17,225.00 (1.25%)
Pavement Technologies	\$ 11,160.00 (0.81%)
Lake Erie Construction	\$ 7,975.00 (0.58%)

Yeas: Interim Director Langhenry, Directors Dumas, Withers, R. Smith, Cox, Acting Director Bounds, Directors Rush, Southerington, Acting

Director Thornton, Directors Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Butler.

Resolution No. 477-11.

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, on August 3, 2011, the Board of Control of the City of Cleveland adopted Resolution No. 366-11 authorizing the Commissioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have been met, to sell Permanent Parcel No. 143-05-013, located at 4345 Lee Road, to Euclid-Lee Senior Limited Partnership, as designee of Union Miles Development Corporation; and

Whereas, by its September 14, 2011 letter, Union Miles Development Corporation requested a change in the designee to which the Parcel was to be sold to Cuyahoga Metropolitan Housing Authority; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 366-11, adopted August 3, 2011, authorizing the sale of Permanent Parcel No. 143-05-013, no longer needed for public use, to Union Miles Development Corporation or designee, is amended by changing all references in the resolution from Euclid-Lee Senior Limited Partnership to Cuyahoga Metropolitan Housing Authority.

Be it further resolved that all other provisions of Resolution No. 366-11 not expressly amended above shall remain unchanged and in full force and effect.

Yeas: Interim Director Langhenry, Directors Dumas, Withers, R. Smith, Cox, Acting Director Bounds, Directors Rush, Southerington, Acting Director Thornton, Directors Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Butler.

Resolution No. 478-11.

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, on August 3, 2011, the Board of Control of the City of Cleveland adopted Resolution No. 367-11 authorizing the Commissioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have been met, to sell Permanent Parcel Nos. 138-13-008, 138-13-009, 138-13-010, 138-13-011, 138-13-013 and 138-13-080, located at the southwest corner of East 119th Street and Miles Avenue, to Miles Pointe Elderly Limited Partnership, as designee of Union Miles Development Corporation; and

Whereas, by its September 14, 2011 letter, Union Miles Development Corporation requested a change in the designee to which the Parcels were

Housing Authority; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 367-11, adopted August 3, 2011, authorizing the sale of Permanent Parcel Nos. 138-13-008, 138-13-009, 138-13-010, 138-13-011, 138-13-013 and 138-13-080, no longer needed for public use, to Union Miles Development Corporation or designee, is amended by changing all references in the resolution from Miles Pointe Elderly Limited Partnership to Cuyahoga Metropolitan Housing Authority.

Be it further resolved that all other provisions of Resolution No. 367-11 not expressly amended above shall remain unchanged and in full force and effect.

Yeas: Interim Director Langhenry, Directors Dumas, Withers, R. Smith, Cox, Acting Director Bounds, Directors Rush, Southerington, Acting Director Thornton, Directors Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Butler.

Resolution No. 479-11.

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. 110-17-070 located at 873 East 129th Street in Ward 10; 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, Akbar and Tenisha El, abutting/adjacent landowners, have proposed to the City to purchase and develop the for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 10 has consented to the proposed sale;

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

3. The proposed purchasers of the parcel 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 Akbar and Tenisha El for the sale and development of Permanent Parcel No. 110-17-070 located at 873 East 129th 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 shall be \$1.00, which amount is determined to be

not less than the Fair Market value of said for uses according to the Program.

Yeas: Interim Director Langhenry, Directors Dumas, Withers, R. Smith, Cox, Acting Director Bounds, Directors Rush, Southerington, Acting Director Thornton, Directors Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Butler.

Resolution No. 480-11.

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. 002-01-029 located at 1369 West 83rd 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, Morton Q. Levin or designee, abutting/adjacent landowner, has proposed to the City to purchase and develop the parcel for parking; 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 Morton Q. Levin or designee for the sale and development of Permanent Parcel No. 002-01-029 located at 1369 West 83rd 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 \$1,200.00, which amount is determined to be not less than the Fair Market value of said parcel for uses according to the Program.

Yeas: Interim Director Langhenry, Directors Dumas, Withers, R. Smith, Cox, Acting Director Bounds, Directors Rush, Southerington, Acting Director Thornton, Directors Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Butler.

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 24, 2011

9:30 A.M.

Calendar No. 11-176: 3860 West 140th Street (Ward 18)

Yuleter Deleon, owner, appeals to establish use as a motor vehicle minor repair garage in an existing building on a corner property in a C1 Local Retail Business District; the proposed use not permitted under Section 343.01 and first allowed according to Section 343.14 in a General Retail Business District and requires accessory off-street parking spaces that measure 180 square feet pursuant to Section 325.03, with driveways and maneuvering areas properly graded for drainage so that all water is drained within the lot that shall be surfaced with concrete, asphaltic concrete, asphalt or other surfacing materials approved by the Director of Building and Housing, maintained in good condition free of debris and trash; and provided with wheel or bumper guards located so that no part of a parked vehicle extends beyond the parking space according to Section 349.07; and under the provisions in Section 352.08(g) all landscaped strips in or abutting parking areas shall be separated on all sides from the parking surface by curbing consisting of concrete, stone, brick or asphalt; and a landscape transition strip 20 feet wide is required where the lot abuts a Two-Family District and a minimum frontage landscape strip is required along the street frontage

according to Sections 352.08-352.11 of the Cleveland Codified Ordinances.

Calendar No. 11-177: 1460 West 29th Street (Ward 3)

The Bidwell Foundation, owner, appeals for an addition and to establish use as a museum in an existing building located on a 42.50' x 138.50' lot in a C2 Semi-Industry District; subject to Section 345.03 and by reference to Section 337.02(f)(3)(A) the use for a museum is within 30 feet of a residential district and requires approval from the Board of Zoning Appeals and the proposed addition will encroach 3.3 feet into the adjacent Two-Family District; and under the provisions in Section 349.04(e) and (f), the rate of required parking for a museum shall be equal to one(1) for each four(4) employees, plus one(1) for each 1,200 square feet of gross floor area; and a transition/landscaping strip 10 feet wide is required between the proposed use and the adjacent residential district as required in Section 352.10-11 of the Cleveland Codified Ordinances.

Calendar No. 11-178: 3327 West 32nd Street (Ward 14)

Dimitri Salivaras, owner, appeals to establish a dance studio business in an existing two-story building on a 32.33' x 100' corner lot in a B1 General Retail Business District; the proposed use permitted under Section 343.11(b)(2)(L) and subject to location regulations in Section 347.12(a)(1) required to be separated no less than 500 feet from a residential district, a daycare center, kindergarten, elementary or secondary school, public library, church, playground, public or non-profit recreation or community center; and an off-street parking area equal to three (3) times the gross floor area is required under Section 349.04(e) in the Cleveland Codified Ordinances.

Calendar No. 11-179: 1812 West 57th Street (Ward 15)

Dimitri Salivaras, owner, appeals to erect a one-story frame garage addition 8' x 18' to an existing dwelling located on a 40' x 114' lot in a B1 Two-Family District; subject to the limitations under Section 357.09 that require an interior side yard to be no less than 3 feet nor shall the aggregate width of side yards on the same premises be less than 10 feet and in no case shall the width of the interior side yard be less than one-fourth the height of the main building on the premises.

Calendar No. 11-182: 14501 Rainbow Drive (Ward 19)

Carol Brown, owner, appeals to erect a 20' x 20' one-story frame detached garage on an irregular shaped corner lot in a B1 Two-Family District; contrary to Section 357.05(b)(1) a side street setback of 9 feet is proposed where a minimum of 10 feet is required; and the proposed garage is within the required setback triangle as defined under Section 357.05(b)(2) that on the rear of a corner lot where the rear lot line is also the side line of the butt lot and a setback building line is established for such butt lot, no building shall be erected nearer to the side street at the rear line of the corner lot than the setback building

line of the butt lot; provided that for each foot of the building on the corner lot sets in from the rear lot line or from the center of a rear alley, it may be set one foot near to the side street line according to the Cleveland Codified Ordinances.

Calendar No. 11-183: 3920 East 74th Street (Ward 12)

Kenneth Cuglewski, owner, appeals to erect a 4' x 28' L-shaped, wooden wheelchair ramp on a 35' x 95.21' corner lot in a B1 Two-Family District and under the limitations of Section 329.04(c)(1) a wooden wheelchair ramp is not a permitted encroachment in the front yard area.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, OCTOBER 10, 2011

At the meeting of the Board of Zoning Appeals on Monday, October 10, 2011, the following appeals were heard by the Board.

The following appeals were **APPROVED:**

Calendar No. 11-165: 2039-59 West 11th Place

Nathan Dent Development, LLC, owner, and Jessie Grant, prospective purchaser, appealed to construct four (4) townhouses on consolidated parcels in a C1 Multi-Family District.

Calendar No. 11-166: 7920-8014 Golden Avenue

Fairfax Renaissance Development Corporation and Cuyahoga Metropolitan Housing Authority appealed to construct six (6) two-story townhouses and four (4) one-story flats in a C1 Multi-Family District.

Calendar No. 11-167: 8113 Central Avenue

Fairfax Renaissance Development Corporation and Cuyahoga Metropolitan Housing Authority appealed to construct nine (9) two-story townhouses and six (6) one-story flats in a C1 Multi-Family District.

Calendar No. 11-168: 8205-35 Central Avenue

Fairfax Renaissance Development Corporation and Cuyahoga Metropolitan Housing Authority appealed to construct nine (9) two-story townhouses and six (6) one-story flats in a C1 Multi-Family District.

Calendar No. 11-169: 8001-8105 Central Avenue

Fairfax Renaissance Development Corporation and Cuyahoga Metropolitan Housing Authority appealed to construct nine (9) two-story townhouses and six (6) one-story flats in a C1 Multi-Family District.

The following appeals were **DISMISSED:**

Refused Tow Truck Drivers License

Calendar No. 10-231: Fernando Taylor
Fernando Taylor appealed from a decision of the Commissioner of Assessments and Licenses for refusal to issue a Tow Truck Drivers License.

Calendar No. 11-148: 1222 Prospect Avenue

RTN Limited Partners, owner, and David Parker, prospective tenant, appealed to establish use as a bar with live entertainment in an E5 General Retail Business District.

The following appeals were **POSTPONED:**

Calendar No. 11-153: 3292 Fulton Road postponed to October 31, 2011.

Calendar No. 11-157: 1721 Fulton Road postponed to November 14, 2011.

Calendar No. 11-171: 3741 East 146th Street postponed to October 24, 2011.

The following appeals heard by the Board on October 3, 2011 were adopted and approved on October 10, 2011.

The following appeals were **APPROVED:**

Calendar No. 11-160: 2215 West 10th Street

Nicholas Graor appealed to erect an open carport, a second floor deck and two roof dormers to a one family dwelling in a C1 General Retail Business District.

Calendar No. 11-161: 3430 Memphis Avenue

Ewazen Management Ltd., owner, and Makia Santiago, tenant, appealed to change from a plumber contracting office to a nail salon the use of a building in a C1 Multi-Family.

Calendar No. 11-163: 12204 Mayfield Road

Clara's Place LLC and Rosanne Passalacqua, owner, and Anthony Nunes, tenant, appealed to change a store space in a mixed use building to a restaurant in a C2 General Retail Business District; subject to condition.

Calendar No. 11-164: 2656 Martin Luther King Jr. Drive

Eunice Spires appealed to erect an L-shaped wooden wheelchair ramp in the front yard of a parcel in a B1 Two-Family District.

Calendar No. 11-108: 2580 East 93rd Street

Kash Properties LLC appealed to change from an office and storage use to a motor vehicle service garage in a Semi-Industry District.

The following appeal heard by the Board on September 6, 2011 was adopted and approved by the Board on October 10, 2011.

Calendar No. 11-149: 4780 Reid Avenue

Greater Cleveland Community Development Corporation appealed to erect a freestanding single faced real estate sign on vacant acreage in a B3 Semi-Industry District; subject to conditions.

The following appeal heard by the Board on September 26, 2011 was adopted and approved on October 10, 2011.

Calendar No. 11-158: 2105 Ontario Street

USA Parking Systems appealed to erect a 53,600 square feet casino vis-

itor parking, welcome center on acreage in an E5 General Retail Business District; subject to condition.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

NO MEETING

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

Sealed bids will be received at the office of the Commissioner of Purchases and Supplies, Room 12S, City Hall, in accordance with the appended schedule, and will be opened and read in Room 12S, 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 26, 2011

File No. 169-11 - 2011 Cemetery Improvements, for the Division of Architecture and Site Development,

Department of Public Works, as authorized by Ordinance No. 454-11, 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 13, 2011 AT 2:00 P.M. THE CLEVELAND PUBLIC AUDITORIUM, 3RD FLOOR CONFERENCE ROOM, 500 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

File No. 170-11 - Fulton Road Construction (Denison Avenue to Clark Avenue), for the Division of Engineering and Construction, Mayor's Office of Capital Projects, as authorized by Ordinance No. 619-10, 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 13, 2011 AT 10:00 A.M. THE CLEVELAND CITY HALL, ROOM 518, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

File No. 174-11 - Dive Equipment, for the Division of Fire, Department of Public Safety, as authorized by Ordinance No. 811-10, passed by the Council of the City of Cleveland, July 14, 2010.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, OCTOBER 13, 2011 AT 10:00 A.M. FIRE HEADQUARTERS, BASEMENT CONFERENCE ROOM, 1645 SUPERIOR AVENUE, CLEVELAND, OHIO 44114.

October 5, 2011 and October 12, 2011

FRIDAY, OCTOBER 28, 2011

File No. 171-11 - Purchase of Janitorial Supplies, for the Various Divisions of Port Control, Department of Port Control, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING FRIDAY, OCTOBER 14, 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.

October 5, 2011 and October 12, 2011

THURSDAY, NOVEMBER 3, 2011

File No. 175-11 – Document Scanning and Data Entry Services, for the Division of the Central Collection Agency, Department of Finance, as authorized by Ordinance No. 913-11, passed by the Council of the City of Cleveland, August 17, 2011.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** MONDAY, OCTOBER 17, 2011 AT 2:00 P.M. THE CENTRAL COLLECTION AGENCY, 205 WEST SAINT CLAIR AVENUE, ROOM 300, CLEVELAND, OHIO 44113.

October 5, 2011 and October 12, 2011

FRIDAY, NOVEMBER 4, 2011

File No. 168-11 2011 – Landscape Maintenance at Various Public Utilities Facilities (Re-bid), for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1599-10, passed by the Council of the City of Cleveland, December 6, 2010.

THERE WILL BE A **MANDATORY PRE-BID MEETING** THURSDAY, OCTOBER 13, 2011 AT 2:30 P.M. THE CARL B. STOKES, PUBLIC UTILITIES BUILDING, MAIN AUDITORIUM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

File No. 172-11 – Disposal of Construction and Demolition Debris – Contracts C & D, for the Division of Waste Collection and Disposal, Department of Public Works, as authorized by Ordinance No. 749-11, passed by the Council of the City of Cleveland, June 6, 2011.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** WEDNESDAY, OCTOBER 19, 2011 AT 10:00 A.M. THE DIVISION OF WASTE COLLECTION AND DISPOSAL, 5600 CARNEGIE AVENUE, CLEVELAND, OHIO 44103.

October 5, 2011 and October 12, 2011

WEDNESDAY, NOVEMBER 9, 2011

File No. 173-11 – EOC Project Audio Visual Upgrade Equipment, for the Division of Safety Administration, Department of Public Safety, as authorized by Ordinance No. 715-09, passed by the Council of the City of Cleveland, June 1, 2009.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** MONDAY, OCTOBER 17, 2011 AT 3:00 P.M. THE OFFICE OF EMERGENCY MANAGEMENT, 205 WEST SAINT CLAIR AVENUE, ROOM 306, CLEVELAND, OHIO 44113.

October 5, 2011 and October 12, 2011

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 1098-11.
By Council Members Miller, Cleveland and Sweeney (by request).

An emergency resolution declaring the intent to vacate a portion of Allison Avenue N.W.

Whereas, this Council is satisfied that there is good cause to vacate a portion of Allison Avenue N.W., as described; and

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

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

Section 1. That this Council declares its intent to vacate a portion of the following described real property: Allison Avenue N.W. (40.00 feet wide), extending from the westerly right of way line of West 137th Street (50.00 feet wide), westerly to its terminus.

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

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

Adopted October 3, 2011.
Effective October 6, 2011.

Res. No. 1397-11.
By Council Members Conwell and Cimperman.

An emergency resolution calling upon Mayor Jackson, Cuyahoga County Executive Ed Fitzgerald and the Cuyahoga County Council to form a Gang Prevention and Youth Violence Task Force within the municipalities in Cuyahoga County.

Whereas, gang and youth violence is a growing and real concern across the City of Cleveland and nearly all areas of Cuyahoga County; and

Whereas, nearly every day, there are reports of gang murders, robberies, intimidations and other types of domestic terrorism that seem to be spreading and taxing all systems of government; and

Whereas, we have a responsibility and moral obligation to do all we can to eliminate gangs and the related violence from our society; 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 calls upon Mayor Jackson, County Executive Ed Fitzgerald and the Cuyahoga County Council to form a Gang Prevention and Youth Violence Task Force within the municipalities in Cuyahoga County.

Section 2. That the Clerk of Council is directed to transmit copies of this resolution to Cuyahoga County Executive Ed Fitzgerald and all members of the Cuyahoga County Council.

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 October 3, 2011.
Effective October 6, 2011.

Res. No. 1398-11.
By Council Member Brady.
An emergency resolution objecting to a New C1 Liquor Permit at 10945 Lorain Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Sofianos Enterprises, DBA Dimitris Restaurant, 10945 Lorain Avenue, Cleveland, Ohio 44111, Permanent Number 83556750005; 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 Sofianos Enterprises, DBA Dimitris Restaurant, 10945 Lorain Avenue, Cleveland, Ohio 44111, Permanent Number 83556750005; 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 October 3, 2011.
Effective October 6, 2011.

Res. No. 1399-11.
By Council Member K. Johnson.
An emergency resolution withdrawing objection to the transfer of Liquor License of a D5 and D6 Liquor

Permit at 8800 Woodland Avenue, and repealing Resolution No. 981-11, objecting to said transfer.

Whereas, this Council objected to a D5 and D6 Liquor Permit to 8800 Woodland Avenue by Resolution No. 981-11 adopted by the Council on July 20, 2011; and

Whereas, this Council wishes to withdraw its objection to the above transfer of liquor license and consents to said transfer; and

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

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

Section 1. That objection to a D5 and D6 Liquor Permit to Ace Palace,

Inc., 8800 Woodland Avenue, Cleveland, Ohio 44104, Permanent Number 0041983 be and the same is hereby withdrawn and Resolution No. 981-11, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

Adopted October 3, 2011.
Effective October 6, 2011.

Ord. No. 838-11.

By Council Member Brancatelli.

An ordinance establishing a Planned Unit Development Overlay District and changing the Use, Area and Height Districts of a lands located on the north side of Aetna Road at E. 71st Street and E. 72nd Street to a One Family Residential District, an 'A' Area District and a '1' Height District (Map Change No. 2365, Sheet No. 6)

Whereas, Third Federal Savings and Loan, dba FBE, Inc. has submitted an application to the Director of the City Planning Commission proposing the creation of a Planned Unit Development (PUD) Overlay District on a parcel of land located on the north side of Aetna Road at E. 71st Street and E. 72nd Street shown shaded on the attached map and construction of a PUD project to be known as "Morgana PUD" on said property; and

Whereas, the Director of the City Planning Commission has accepted said application and has provided written notification of his acceptance of the application to the member of the Council whose ward the proposed PUD Overlay District and PUD project are located, and said member of Council has not objected; and

Whereas, the City of Cleveland has determined that the proposed PUD Overlay District and PUD project meets the purposes and the approval standards set forth in Chapter 334 of the Codified Ordinances of Cleveland, Ohio, 1976, now, therefore:

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

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

Beginning in the centerline of Aetna Road at its intersection with the southerly prolongation of the centerline of E. 72nd Street;

Thence northerly along said southerly prolongation of said centerline of E. 72nd Street to its intersection with the southerly line of the Wheeling and Lake Erie Railroad;

Thence westerly along said southerly line to its intersection with the easterly line of a parcel of land conveyed to FBE, Inc. by deed dated May 18, 2006 and recorded in Auditor's File Number 200605180557 said parcel also being known as Cuyahoga County's Permanent Parcel Number 132-02-010;

Thence in a southerly direction following said easterly line and continuing along its southerly prolongation to its intersection with the centerline of Aetna Road;

Thence southeasterly along said centerline of Aetna Road and to its intersection with the southerly prolongation of the centerline of E. 72nd Street and the principal place of beginning; and as shaded on the attached map is changed to a One Family Residential District, an 'A' Area District and a '1' Height District.

Section 2. That the lands bounded and described as followed:

Beginning in the centerline of E. 72nd Street at its intersection with the easterly prolongation of the southerly line of a parcel of land conveyed to FBE, Inc. by deed dated August 19, 2002 and recorded in Auditor's File Number 2002108191380, said parcel also being known as Cuyahoga County's Permanent Parcel Number 133-02-079;

Thence westerly along said easterly prolongation of said southerly line and along its westerly prolongation to its intersection with the centerline of East 71st Street;

Thence southerly along said centerline of East 71st Street to its intersection with a line drawn 150 feet from and parallel to the centerline of Aetna Avenue;

Thence northwesterly along said parallel line to its intersection with the easterly line of a parcel of land conveyed to FBE, Inc. by deed dated May 18, 2006 and recorded in Auditor's File Number 200605180557 said parcel also being known as Cuyahoga County's Permanent Parcel Number 132-02-010;

Thence in a northerly direction following said easterly line to its intersection with the southerly line of the Wheeling and Lake Erie Railroad;

Thence easterly along said southerly line of the Wheeling and Lake Erie Railroad to its intersection with the centerline of East 72nd Street;

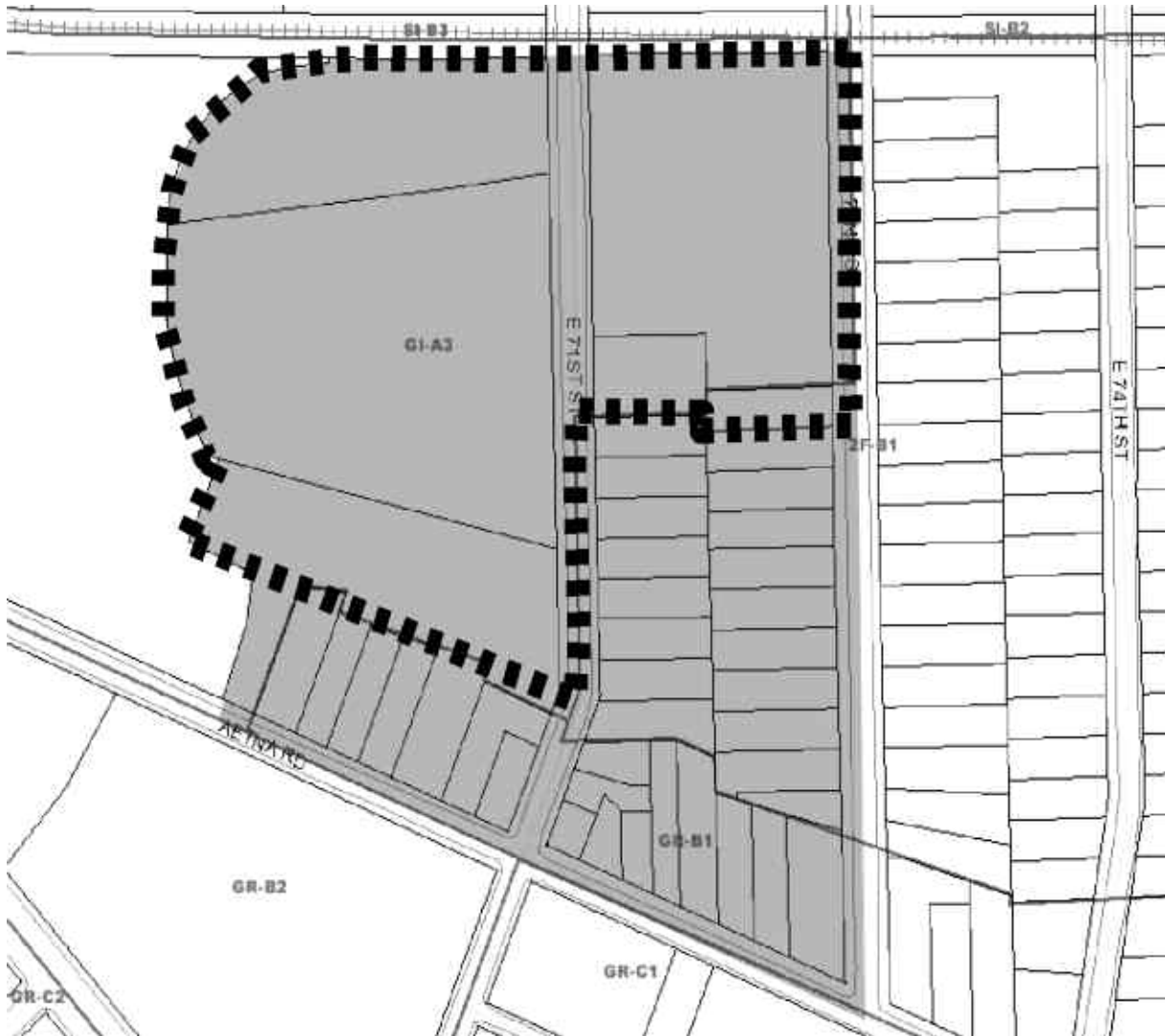
Thence southerly along said centerline of East 72nd Street to its intersection with the easterly prolongation of the southerly line of a parcel of land conveyed to FBE, Inc. by deed dated August 19, 2002 and recorded in Auditor's File Number 2002108191380, said parcel also being known as Cuyahoga County's Permanent Parcel Number 133-02-079 and the principal place of beginning;

And as outlined on the attached map is designated as a Planned Unit Development (PUD) in accordance with the provisions of Chapter 334 of the Codified Ordinances of Cleveland, Ohio, 1976.

Section 3. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2365, Sheet No. 6, and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

Section 4. That no building permit shall be issued by the City of Cleveland for property located within the Planned Unit Development Overlay District established by this ordinance unless the building permit application conforms with the PUD project plan approved by this ordinance.

Section 5. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



Passed October 3, 2011.
 Effective November 2, 2011.

Ord. No. 910-11.
By Council Members Cimperman,
Miller, Cleveland and Sweeney (by
departmental request).

An emergency ordinance giving consent of the City of Cleveland to the Ohio Department of Transportation for the construction of a multi-purpose trail on the north side of the Lorain Carnegie Bridge from Ontario Street to West 20th Street; and authorizing the Director of Capital Projects to enter into any relative agreements.

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 it is declared to be in the public interest that the consent of the City of Cleveland is given to the Director of Transportation of the State of Ohio ("the State") to construct the following improvement under plans, specifications, and estimates approved by the

State: a multi-purpose trail on the north side of the Lorain Carnegie Bridge from Ontario Street to West 20th Street (the "Improvement").

Section 2. That the City gives its consent to the Improvement and its administration by the State, provided that this ordinance shall not be construed to impose any financial obligation on the City for the Improvement. However, the City agrees to assume and contribute 100% of the cost of any items included in the construction contract, at the request of the City, which are determined by the State not eligible or made necessary by the Improvement.

Section 3. That the Director of Capital Projects is authorized to enter into one or more agreements with the State necessary to complete the planning and construction of the Improvement, which agreements shall contain terms and conditions that the Director of Law determines shall best protect the public interest.

Section 4. (a) That all existing streets and public rights-of-way within the City that are necessary for the Improvement shall be made available.

(b) The City understands that right-of-way costs include eligible utility costs.

(c) The City agrees to be responsible for all utility accommodation, relocation, and reimbursement and agrees that all such accommodations, relocations, and reimbursements shall comply with the current provisions of 23 CFR 645 and the ODOT Utilities Manual.

Section 5. That on completion of the Improvement, the City will:

(a) Maintain the Improvement according to the provisions of the statutes relating thereto for the routine maintenance, including but not limited to, 23 USC 116;

(b) Provide ample financial provisions, as necessary, for the routine maintenance of the Improvement;

(c) Maintain the right-of-way and keep it free of obstructions;

(d) Hold the right-of-way inviolate for public highway purposes.

Section 6. That this Council requests the State to proceed with the Improvement.

Section 7. That the Clerk of Council is authorized and directed to transmit to the State three (3) certified copies of this ordinance immediately on its taking effect, and it shall become the basis for proceeding with the Improvement.

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

Passed October 3, 2011.

Effective October 6, 2011.

Ord. No. 915-11.

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

An emergency ordinance authorizing the Director of Port Control to exercise the first option to renew Contract No. 69825 with PB Americas, Inc. to provide additional general engineering design services, for the Department of Port Control.

Whereas, under the authority of Ordinance No. 186-07, passed March 12, 2007, the Director of Port Control entered into Contract No. 69825 with PB Americas, Inc. to provide general engineering services; and

Whereas, Ordinance No. 186-07 requires further legislation before exercising the first option to renew on this contract; and

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

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

Section 1. That the Director of Port Control is authorized to exercise the first option to renew Contract No. 69825 for an additional year, with PB Americas, Inc. for general engineering design services for the Department of Port Control.

This ordinance constitutes the additional legislative authority required by Ordinance No. 186-07 to exercise this option.

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

Passed October 3, 2011.

Effective October 6, 2011.

Ord. No. 917-11.

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

An emergency ordinance authorizing the Director of Port Control to exercise the first option to renew Contract No. 69828 with C&S Engineers, Inc. to provide additional general engineering design services, for the Department of Port Control.

Whereas, under the authority of Ordinance No. 186-07, passed March 12, 2007, the Director of Port Control entered into Contract No. 69828 with C&S Engineers, Inc. to provide engineering services; and

Whereas, Ordinance No. 186-07 requires further legislation before exercising the first option to renew on this contract; and

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

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

Section 1. That the Director of Port Control is authorized to exercise the first option to renew Contract No. 69828 for an additional year, with C&S Engineers, Inc. for general engineering design services for the Department of Port Control. This ordinance constitutes the additional legislative authority required by Ordinance No. 186-07 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 mem-

bers 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 October 3, 2011.

Effective October 6, 2011.

Ord. No. 918-11.

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

An emergency ordinance authorizing the Director of Port Control to exercise the first option to renew Contract No. 69827 with Michael Baker, Jr., Inc. to provide additional general engineering design services, for the Department of Port Control.

Whereas, under the authority of Ordinance No. 186-07, passed March 12, 2007, the Director of Port Control entered into Contract No. 69827 with Michael Baker, Jr., Inc. to provide general engineering services; and

Whereas, Ordinance No. 186-07 requires further legislation before exercising the first option to renew on this contract; and

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

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

Section 1. That the Director of Port Control is authorized to exercise the first option to renew Contract No. 69827 for an additional year, with Michael Baker, Jr., Inc. for general engineering design services for the Department of Port Control. The ordinance constitutes the additional legislative authority required by Ordinance No. 186-07 to exercise this option.

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

Passed October 3, 2011.

Effective October 6, 2011.

Ord. No. 930-11.

By Council Member Zone.

An ordinance to change the Use District of land located on the south sides of Fenwick Avenue west of W. 44th Street to Two Family Residential District (Map Change No. 2367, Sheet Number 1).

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

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

Beginning in the centerline of Fenwick Avenue at its intersection with the centerline of West 44th Street;

Thence westerly along said centerline of Fenwick Avenue to its intersection with the northerly prolongation of the westerly line of a parcel of land conveyed to Scott Collins by deed dated December 18, 2002 and recorded in Auditor's File Number 200212180413, said parcel of land being also known as Cuyahoga County's Permanent Parcel Number 006-22-037;

Thence southerly along said northerly prolongation of said westerly line and continuing along its southerly prolongation to its intersection with the centerline of Walworth Road;

Thence easterly along said centerline of Walworth Road to its intersection with the centerline of W. 44th Street;

Thence northerly along said centerline of W. 44th Street to its intersection with the centerline of Fenwick Avenue and the principal place of beginning;

and as shaded on the attached map is changed to a Two Family Residential District.

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2367, Sheet No. 1 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



Passed October 3, 2011.
 Effective November 2, 2011.

Ord. No. 961-11.

By Council Member Miller.

An ordinance to change the Use, Area and Height Districts of land located on the north side of Euclid Avenue between Burgess Road and Cliffview Road to Two Family Residential, a 'B' Area District and a '1' Height District (Map Change No. 2368, Sheet Number 7).

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

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

Beginning in the centerline of Euclid Avenue at its intersection with the centerline of Cliffview Road;

Thence northwesterly along said centerline of Cliffview Road to its intersection with the northeasterly prolongation of the southeasterly line of Sublot Number 85 in the Euclid View Land Company Subdivision Number 1 shown on the recorded plat in Volume 32, Page 19 of Cuyahoga County Map Records;

Thence southwesterly along said northeasterly prolongation of said southeasterly line and along its southwesterly prolongation to its intersection with the centerline of Burgess Road;

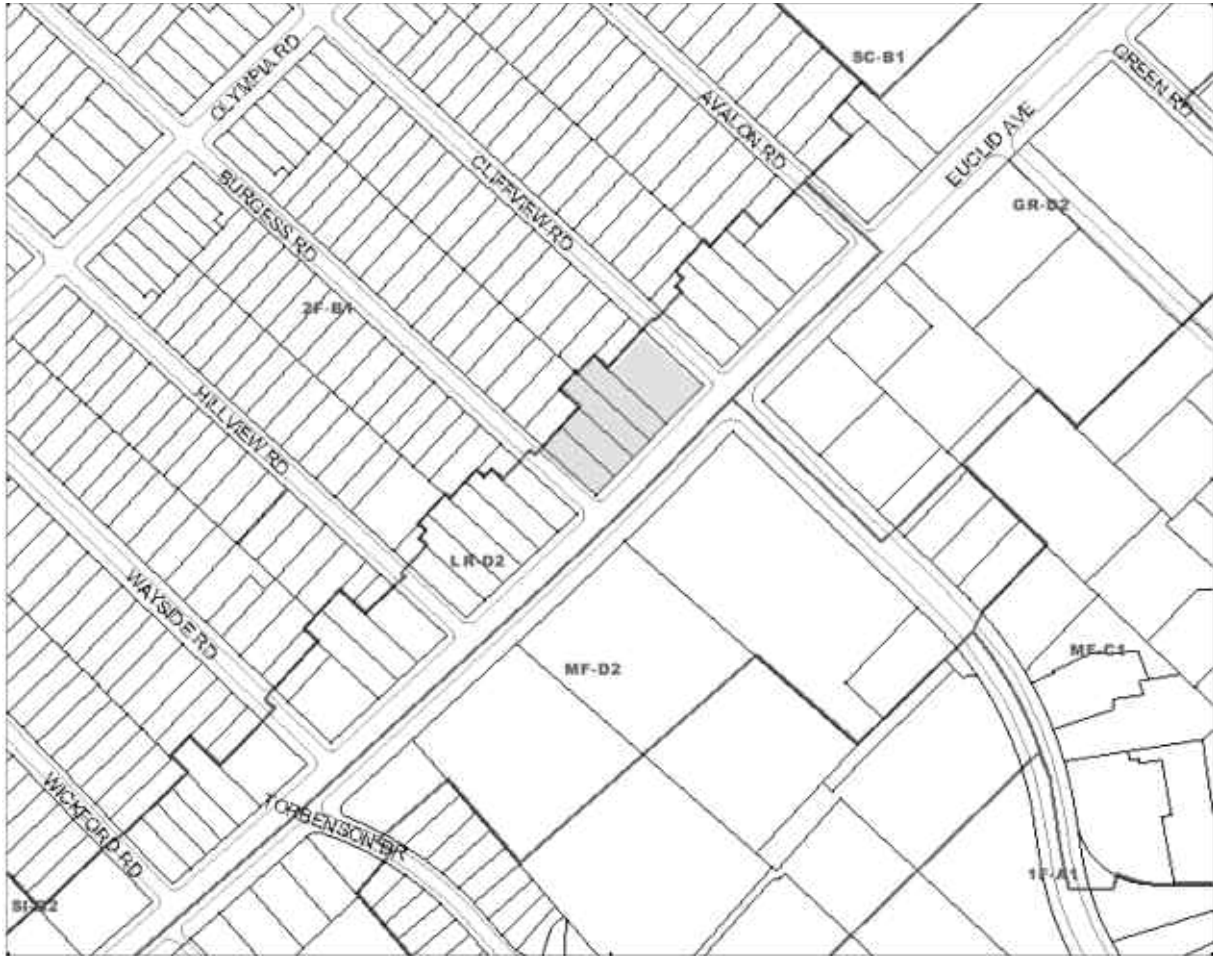
Thence southeasterly along said centerline of Burgess Road and along its southeasterly prolongation to its intersection with the centerline of Euclid Avenue;

Thence northeasterly along said centerline of Euclid Avenue to its intersection with the centerline of Cliffview Road and the principal place of beginning;

and as shaded on the attached map is changed to a Two Family Residential District, a 'B' Area District and 1 Height District.

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2368, Sheet No. 7 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

Section 3. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



Passed October 3, 2011.
 Effective November 2, 2011.

**Ord. No. 1095-11.
 By Council Members Cleveland,
 Miller and Sweeney (by departmental
 request).**

An emergency ordinance authorizing the acquisition of certain real property interests from the Greater Cleveland Regional Transit Authority in connection with the new terminus constructed by the GCRTA at Broadway Avenue and Rockefeller Avenue, for the Office of Capital Projects.

Whereas, Greater Cleveland Regional Transit Authority ("GCRTA") was required by the City to purchase City-owned land to construct a cul de sac at the new terminus of Broadway Avenue, which involved the demolition of the Rockefeller Bridge; and

Whereas, now that the bridge has been demolished and the cul de sac constructed, GCRTA wishes to transfer this parcel of land back to the City at no cost; and

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

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

Section 1. That notwithstanding and as an exception to the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to acquire real property from the Greater Cleveland Regional Transit Authority ("GCRTA"), at no cost to the City of Cleveland, in connection with the new cul de sac constructed by the GCRTA at Broadway Avenue and Rockefeller Avenue, for the Office of Capital Projects, more particularly described as follows:

Parcel A

Being a part of Sublot Numbers 25, 26, 27, 28 and 29 in the John Hoyt Allotment and being a part of the Original Lot Number 268 as shown in the recorded plat in Volume 2 of Maps, Page 57 of the Cuyahoga County Records, State of Ohio and more particularly bounded and described as follows:

Commencing for reference at a 1" iron pin monument at the intersection of the centerline of Broadway Avenue (66 feet wide) and the centerline of Rockefeller Avenue, thence S 20° 39' 46" E along the centerline of Broadway Avenue a distance of 14.63 feet to a point; thence S 69° 20' 14" W

a distance of 33.00 feet to the Grantors northeasterly property corner, said property corner referenced by a bent iron pin found N 45° 43' 42" E at a distance of 3.29 feet and an iron pin found N 82° 43' 46" E at a distance of 3.86 feet, said property corner also being the intersection of the westerly right of way line of Broadway Avenue and the southerly right of way line of Rockefeller Avenue and the TRUE PLACE OF BEGINNING of the parcel herein described;

Thence, following the Grantor's easterly property line, the westerly right of way line of Broadway Avenue and the easterly line of said Sublots 27, 28, and 29, S 20° 39' 46" E a distance of 53.60 feet to an iron pin set;

Thence, N 74° 16' 54" W a distance of 37.67 feet to an iron pin set at a point of curvature;

Thence, following an arc of a curve to the right having a radius of 57.00 feet, a chord bearing N 33° 04' 10" W a chord length of 75.11 feet and an arc length of 82.00 feet to an iron pin set on the Grantor's northerly property line and the southerly right of way line of Rockefeller Avenue;

Thence, following the Grantor's northerly property line and the

southerly right of way line of Rockefeller Avenue S 68° 29' 15" E, a distance of 62.70 feet to the TRUE PLACE OF BEGINNING and containing 0.067 acres and subject to all legal highways.

The above described being Parcel A of Lot Consolidation and Split Plat recorded in Volume 361 Page 77 of Cuyahoga County Map Records

The bearings contained herein are to an assumed meridian and are use to delineate angles only.

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

Section 2. That the Director of Capital Projects is authorized to execute all documents necessary on behalf of the City to acquire certain rights in and to the property.

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 October 3, 2011.

Effective October 6, 2011.

Ord. No. 1096-11.

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

An emergency ordinance authorizing the Director of Capital Projects to issue a permit to Tudor Arms Hotel, LLC to encroach into the public right-of-way of Wilbur Avenue S.E. (50.00 feet wide) by using and maintaining an existing building, stairwell, window well, loading dock and ventilation duct.

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

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

Section 1. That the Director of Capital Projects is authorized to issue a permit, revocable at the will of Council, to Tudor Arms Hotel, LLC, 629 Euclid Avenue, third floor, Cleveland, Ohio 44114 ("Permittee"), to encroach into the public right-of-way of Wilbur Avenue S.E. (50.00 feet wide) by using and maintaining an existing building, stairwell, window well, loading dock and ventilation duct, at the following location:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being part of the Original 100 Acre Lot No. 410 and further bounded and described as follows:

Beginning at a drill hole in a stone monument found at the intersection of the centerlines of East 107th Street (60 feet wide) and Wilbur Avenue S.E. (50 feet wide);

Thence South 82°14'10" West along the centerline of Wilbur Avenue S.E., 30.00 feet to a point;

Thence North 08°25'00" West, 25.00 feet to the intersection of the northerly line of Wilbur Avenue S.E. and the westerly line of East 107th Street;

Thence South 82°14'10" West along the northerly line of Wilbur Avenue S.E., 30.00 feet to the Principal Place

of Beginning of the encroachment herein described;

Thence South 07°45'50" East, 8.00 feet to a point;

Thence South 82°14'10" West, 145.50 feet to an angle point;

Thence South 89°33'29" West, 35.51 feet to a point;

Thence North 00°26'31" West, 8.00 feet to the northerly line of said Wilbur Avenue S.E.;

Thence North 89°33'29" East along the northerly line of Wilbur Avenue S.E., 35.00 feet to an angle point;

Thence North 82°14'10" East continuing along the northerly line of Wilbur Avenue S.E., 144.99 feet to the Principal Place of Beginning and containing 0.0331 acres of land as surveyed and described by Edward Dudley P.S. No. 6747 of the Riverstone Company in July of 2011, be the same, more or less but subject to all legal highways, restrictions, reservations and easements of record.

Basis of Bearing:

The centerline of Carnegie Avenue as North 87°10'50" West on the Map of Consolidation for Barton Brunswick recorded in Volume 279, Page 18 Cuyahoga County Map Records.

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

Section 2. That Permittee may assign the permit only with the prior written consent of the Director of Capital Projects. That the encroaching structure(s) permitted by this ordinance shall conform to plans and specifications approved by the Manager of Engineering and Construction. That Permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroachment(s).

Section 3. That the Director of Law shall prepare the permit authorized by this ordinance and shall incorporate such additional provisions as the director determines necessary to protect and benefit the public interest. The permit shall be issued only when, in the opinion of the Director of Law, Permittee has properly indemnified the City against any loss that may result from the encroachment(s) permitted.

Section 4. That the permit shall reserve to the City reasonable right of entry to the encroachment location(s).

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

Passed October 3, 2011.

Effective October 6, 2011.

Ord. No. 1105-11.

By Council Member Kelley.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 3915 Woburn Avenue to Michael H. O'Neil.

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

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

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

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

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

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

P. P. No. 012-07-008

Situated in the City of Cleveland County of Cuyahoga and State of Ohio, is described as follows:

And known as being Sublot No. 63 in the H.C. Gates, Trustee City View Subdivision of part of Original Brooklyn Township Lot No. 58 as shown by the recorded plat in Volume 23 of Maps, Page 2 of Cuyahoga County Records and being 40 feet front on the Southerly side of Woburn Avenue, SW, and extending back of equal width 135 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

Passed October 3, 2011.

Effective October 6, 2011.

**Ord. No. 1217-11.
By Council Members Keane and Sweeney (by departmental request).**

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to design, develop, and implement an intranet system, including maintenance and support for a period up to two years, for the various divisions of the Department of Port Control.

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

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

Section 1. That the Director of Port Control is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to design, develop, and implement an intranet system, including maintenance and support for a period up to two years, for the various divisions of the Department of Port Control.

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 2. That the cost of the contract or contracts authorized shall be paid from Fund No. 60 SF 001, Request No. RQS 3001, RL 2011-160.

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 October 3, 2011.

Effective October 6, 2011.

**Ord. No. 1218-11.
By Council Members Reed, Brancatelli and Sweeney (by departmental request).**

An emergency ordinance to amend the title and Section 1 of Ordinance No. 206-10, passed April 12, 2010, relating to the sale of Land Reutilization Program and located on East 96th Street to Cranston Chriss.

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 Section 1 of Ordinance No. 206-10, passed April 12, 2010, are amended to read as follows:

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and

located on East 96th Street to Cranston Chriss.

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

Section 2. That the title and Section 1 of Ordinance No. 206-10, passed April 12, 2010, are repealed.

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

Passed October 3, 2011.

Effective October 6, 2011.

**Ord. No. 1220-11.
By Council Members Brancatelli, Cleveland and Sweeney (by departmental request).**

An emergency ordinance authorizing the Director of Economic Development to enter into a Tax Increment Financing Agreement with Green City Growers, or its designee, to redevelop an approximately 10-acre brownfield site near I-490 & East 55th Street into a cooperatively-owned greenhouse facility; to provide for payments to the Cleveland City School District; and to declare certain improvements to real property to be a public purpose.

Whereas, under Section 5709.41 of the Revised Code, improvements to real property may be declared to be a public purpose where fee title to the real property was, at one time, held by the City of Cleveland and the real property is then leased or conveyed by the City; and

Whereas, under Section 5709.41 of the Revised Code, the improvements declared to be a public purpose may be exempt from real property taxation; and

Whereas, under Section 5709.41 of the Revised Code, the owners of the improvements may be required to make annual service payments in lieu of taxes that would have been paid had the improvement not been exempt; and

Whereas, under Section 5709.41 of the Revised Code, the exemption may exceed 75% of the improvements for up to 30 years when a portion of the service payments so collected are distributed to the Cleveland City School District ("District") in an amount equal to the amount the District would have received had the improvement not been exempt; and

Whereas, the District has been notified of the intent to enter into the agreement authorized by this ordinance in compliance with Sections 5709.41(C)(4) and 5709.83 of the Revised Code; and

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

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

Section 1. That the improvements to be constructed by Green City Growers, or its designee ("Redeveloper"), as more fully described in File No. 1220-11-A ("Improvements") on the

Real Property, are declared to be a public purpose for purposes of Section 5709.41 of the Revised Code.

Section 2. That one hundred percent (100%) of the Improvements are declared exempt from real property taxation for a period of 20 years; and that in no event shall the exemption period extend beyond 20 years.

Section 3. That, under Section 5709.41 of the Revised Code, Redeveloper (or the owners of the Improvements) shall make service payments for a period of 20 years in lieu of the exempt taxes to the Cuyahoga County Treasurer; the payments shall be charged and collected in the same manner, and shall be in an amount not less than the taxes that would have been paid had the Improvements not been exempt from taxation.

Section 4. That a portion of the service payments collected under Section 3 of this ordinance shall be distributed by the Cuyahoga County Treasurer to the Treasurer of the District in the amount of the taxes that would have been payable to the District had the Improvement not been exempt from taxation.

Section 5. That the Director of Economic Development is authorized to enter into an agreement or agreements with Redeveloper to provide for the exemption and service payments described in this ordinance, including agreements securing the payments described in Section 3 of this ordinance, which agreement or agreements shall contain those terms contained the file mentioned above.

Section 6. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in open meetings of this Council, and any of its committees that resulted in formal action were in meetings open to the public in compliance with the law.

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

Passed October 3, 2011.

Effective October 6, 2011.

**Ord. No. 1304-11.
By Council Members Cimperman, Miller, Cleveland and Sweeney (by departmental request).**

An emergency ordinance to vacate a portion of East 1st Street and a portion of High Avenue S.E.

Whereas, under Resolution No. 1099-11, adopted August 17, 2011, this Council declared its intention to vacate a portion of East 1st Street and a portion of High Avenue S.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 15, 2011, the Board of Revision of Assessments 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:

EAST 1st STREET VACATION

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a part of Original Two Acre Lot No. 97 further described as follows;

Beginning at the intersection of the northerly line of High Avenue S.E., (46.36 feet wide), with the northeasterly line of Ontario Street (99 feet wide); thence N 78° 25' 48" E, along said northerly line of High Avenue S.E., a distance of 61.42 feet to its intersection with said westerly line of East 1st Street, said intersection being the principal point of beginning of the vacation premises herein intended to be described;

Course No. 1:

Thence N 11° 27' 00" W, along said westerly line of East 1st Street, a distance of 77.50 feet to the northerly line of the vacation being described herein;

Course No. 2:

Thence N 78° 33' 00" E, along said northerly line of the vacation being described herein, a distance of 10.00 feet to the easterly line of said East 1st Street;

Course No. 3:

Thence S 11° 27' 00" E, along said easterly of East 1st Street, a distance of 77.48 feet to the northerly line of High Avenue S.E.;

Course No. 4:

Thence S 78° 25' 48" W, along said northerly line of High Avenue, S.E. a distance of 10.00 feet to its intersection with said westerly line of East 1st Street and the principal point of beginning and containing 0.0178 acres (775 sq. ft.) of land according to a survey by Garrett & Associates in August, 2011, be the same more or less, but subject to all legal highways and easements of record.

Bearings cited within the above description are of an assumed meridian and are for the sole purpose of determining angles.
Revised August 29, 2011

HIGH AVENUE S.E. VACATION

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a part of Original Two Acre Lot Nos. 97 and 98 and further described as follows;

Beginning at the intersection of the easterly line of Ontario Street (99 feet wide), with the Northerly line of High Avenue S.E. (46.36 feet wide) said

intersection being the principal point of beginning of the vacation premises herein intended to be described;

Course No. 1:

Thence N 78° 25' 48" E, along said northerly line of High Street, a distance of 185.25 feet to its intersection with the westerly line of East 2nd Street (50 feet wide);

Course No. 2:

Thence S 11° 34' 12" E, a distance of 46.36 feet to a point on the southerly line of said High Avenue S.E.;

Course No. 3:

Thence S 78° 25' 48" W, along said southerly line of High Avenue S.E., a distance of 166.77 feet to its intersection with said easterly line of Ontario Street;

Course No. 4:

Thence N 33° 18' 27" W, along said easterly line of Ontario Street, a distance of 49.91 feet the principal point of beginning and containing 0.1873 acres (8,160 sq. ft.) of land according to a survey by Garrett and Associates in May, 2011 be the same more or less but subject to all legal highways and easements of record.

Bearings cited within the above description are of an assumed meridian and are for the sole purpose of determining angles.

The intent of this description is to vacate High Avenue S.E. from the easterly line of Ontario Street to the westerly line of East 2nd Street.

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 Water Pollution Control, the Illuminating Company (CEI) and the Water Department.

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 Water Pollution Control, the Illuminating Company (CEI) and the Water Department 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 portion of East 1st Street extending south from Prospect Avenue to the vacation be restricted to pedestrian use only. This restriction shall be considered a regulation under Section 403.03 of the Codified Ordinances of Cleveland, Ohio, 1976, and the appropriate signs shall be erected. The requirements for the adoption of regulations under Section 403.03 are considered fulfilled by the adoption and publication of this ordinance and no further notice or publication is required.

Section 5. That the Clerk of Council is directed to transmit a copy of this ordinance to the Fiscal Officer of Cuyahoga County.

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 October 3, 2011.
Effective October 6, 2011.

Ord. No. 1389-11.

By Council Member Cummins.

An emergency ordinance authorizing Adam Boda to engage in mobile peddling in Ward 14.

Whereas, pursuant to Section 675.08 of the Codified Ordinances of Cleveland, Ohio, 1976, the consent of Council, expressed by ordinance is a prerequisite to temporary sidewalk peddling upon the public rights of way outside of the Central Business District; and

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District and has determined that it is in the public interest to allow each of said persons to engage in peddling in Ward 14; 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, pursuant to Section 675.08 of the Codified Ordinances, this Council hereby consents to allow Adam Boda to engage in mobile peddling in the public right of way in Ward 14.

Section 2. That all of the requirements of Chapter 675 of the Codified Ordinances shall apply to the persons named in Section 1 of this ordinance.

Section 3. That the privilege granted herein may be revoked at any time by this Council.

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 October 3, 2011.
Effective October 6, 2011.

Ord. No. 1390-11.

By Council Member K. Johnson.

An emergency ordinance authorizing the issuance of a Temporary Sidewalk Occupancy Permit to Reginald A. Sizemore to engage in peddling at 9520 Woodland Avenue.

Whereas, pursuant to Section 675.07 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council expressed by ordinance is a prerequisite to peddling upon public rights of way outside of the Central Business District; and

Whereas, this Council has considered the request of to engage in peddling to Reginald A. Sizemore outside of the Central Business District, and has determined that it is in the public interest to allow Reginald A. Sizemore to peddle in Ward 4; and

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

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

Section 1. That this Council consents, as required by, Section 675.07

of the Codified Ordinances to allow to Reginald A. Sizemore to engage in mobile peddling in the public rights of way of Ward 4 at 9520 Woodland Avenue on the sidewalk in front of store.

Section 2. That all of the requirements of Chapter 675 of the Codified Ordinances shall apply to the persons named in Section 1 of this ordinance.

Section 3. That the privilege granted may be revoked at any time by this Council.

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

Passed October 3, 2011.
Effective October 6, 2011.

Ord. No. 1391-11.

By Council Member K. Johnson.

An emergency ordinance authorizing the issuance of a Temporary Sidewalk Occupancy Permit to Reginald A. Sizemore to engage in peddling at 3319 East 93rd Street.

Whereas, pursuant to Section 675.07 of the Codified Ordinances of Cleveland, Ohio, 1976, (the "Codified Ordinances") the consent of Council expressed by ordinance is a prerequisite to peddling upon public rights of way outside of the Central Business District; and

Whereas, this Council has considered the request of to engage in peddling to Reginald A. Sizemore outside of the Central Business District, and has determined that it is in the public interest to allow Reginald A. Sizemore to peddle in Ward 4; and

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

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

Section 1. That this Council consents, as required by, Section 675.07 of the Codified Ordinances to allow to Reginald A. Sizemore to engage in mobile peddling in the public rights of way of Ward 4 at 3319 East 93rd Street on the sidewalk in front of store.

Section 2. That all of the requirements of Chapter 675 of the Codified Ordinances shall apply to the persons named in Section 1 of this ordinance.

Section 3. That the privilege granted may be revoked at any time by this Council.

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

Passed October 3, 2011.
Effective October 6, 2011.

Ord. No. 1395-11.

By Council Member Zone.

An emergency ordinance authorizing Adam Boda to engage in mobile peddling in Ward 15.

Whereas, pursuant to Section 675.08 of the Codified Ordinances of Cleveland, Ohio, 1976, the consent of Council, expressed by ordinance is a prerequisite to temporary sidewalk peddling upon the public rights of way outside of the Central Business District; and

Whereas, this Council has considered the requests of certain persons to engage in peddling outside of the Central Business District and has determined that it is in the public interest to allow each of said persons to engage in peddling in Ward 15; 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, pursuant to Section 675.08 of the Codified Ordinances, this Council hereby consents to allow Adam Boda to engage in mobile peddling in the public right of way in Ward 15.

Section 2. That all of the requirements of Chapter 675 of the Codified Ordinances shall apply to the persons named in Section 1 of this ordinance.

Section 3. That the privilege granted herein may be revoked at any time by this Council.

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 October 3, 2011.
Effective October 6, 2011.

Ord. No. 1396-11.

By Council Member Conwell.

An emergency ordinance authorizing and directing the Director of Capital Projects to issue a permit the Ward 9 Health and Harvest Festival to stretch a banner across 11905 Superior Avenue from October 3, 2011 to October 17, 2011.

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

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

Section 1. That, notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of Capital Projects is hereby authorized and directed to issue a permit to the Ward 9 Health and Harvest Festival to stretch a banner across 11905 Superior Avenue from October 3, 2011 to October 17, 2011 inclusive. Said banner shall be approved by the Director of Public Safety as to type, method of affixing and location so as to not interfere with any

sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

Passed October 3, 2011.
Effective October 6, 2011.

COUNCIL COMMITTEE MEETINGS

**Monday, October 10, 2011
9:30 a.m.**

Public Parks, Properties and Recreation Committee: Present: K. Johnson, Chair; Cimperman. *Authorized Absence:* Conwell, Vice Chair; Brancatelli, Dow, Polensek, Reed.

11:00 a.m.

Legislation Committee: CANCELLED.

2:00 p.m.

Public Service Committee, City Planning Committee, & Finance Committee: Present in Service: Miller, Chair; Cummins, Vice Chair; Polensek, Pruitt, Sweeney. *Authorized Absence:* Cleveland, Dow, K. Johnson, Keane. Pro tempore: Brancatelli.

Present in Planning: Westbrook, Vice Chair; Brady. *Authorized Absence:* Cleveland, Chair; Conwell, Dow, Keane, Zone. Pro tempore: Sweeney, Cummins, Brancatelli.

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

2:00 p.m.

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

**Tuesday, October 11, 2011
9:30 a.m.**

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

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O—Ordinance; R—Resolution; F—File
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