

The City Record

Official Publication of the Council of the City of Cleveland



May the Eleventh, Two Thousand and Eleven

Frank G. Jackson
Mayor

Martin J. Sweeney
President of Council

Patricia J. Britt
City Clerk, Clerk of Council

Ward Name

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

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

Ward Name Residence

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

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

First Assistant Clerk – Sandra Franklin

MAYOR – Frank G. Jackson

Ken Silliman, Secretary to the Mayor, Chief of Staff

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

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

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

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

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

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

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

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

OFFICE OF CAPITAL PROJECTS – Jonmarie Wasik, Director

DIVISIONS:

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

Engineering and Construction – _____, Manager

Real Estate – _____, Commissioner

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

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

Room 106; Michael Ruffing, Law Librarian, Room 100

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

Frank Badalamenti, Manager, Internal Audit

DIVISIONS:

Accounts – Richard W. Sensenbrenner, Commissioner, Room 19

Assessments and Licenses – Dedrick Stephens, Commissioner, Room 122

City Treasury – _____, Treasurer, Room 115

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

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

Avenue

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

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

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

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

DIVISIONS:

Cleveland Public Power – Ivan Henderson, Commissioner

Street Lighting Bureau – _____, Acting Chief

Utilities Fiscal Control – Dennis Nichols, Commissioner

Water – _____, Commissioner

Water Pollution Control – Ollie Shaw, Commissioner

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

International Airport, 5300 Riverside Drive

DIVISIONS:

Burke Lakefront Airport – Khalid Bahhur, Commissioner

Cleveland Hopkins International Airport – Fred Szabo, Commissioner

DEPT. OF PUBLIC WORKS – Michael Cox, Director

OFFICES:

Administration – John Laird, Manager

Special Events and Marketing – Tangee Johnson, Manager

DIVISIONS:

Motor Vehicle Maintenance – Daniel A. Novak, Commissioner

Park Maintenance and Properties – Richard L. Silva, Commissioner

Parking Facilities – Leigh Stevens, Commissioner

Property Management – Tom Nagle, Commissioner

Recreation – Kim Johnson, Commissioner

Streets – _____, Commissioner

Traffic Engineering – Robert Mavec, Commissioner

Waste Collection and Disposal – Ron Owens, Commissioner

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

Erievue Plaza

DIVISIONS:

Air Quality – Richard L. Nemeth, Commissioner

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

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

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

DIVISIONS:

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

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

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

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

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

DEPT. OF COMMUNITY DEVELOPMENT – Daryl Rush, Director

DIVISIONS:

Administrative Services – Terrence Ross, Commissioner

Fair Housing and Consumer Affairs Office – _____, Manager

Neighborhood Development – _____, Commissioner

Neighborhood Services – Louise V. Jackson, Commissioner

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

DIVISIONS:

Code Enforcement – Tyrone L. Johnson, Commissioner

Construction Permitting – Timothy R. Wolosz, Commissioner

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

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

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

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

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

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

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

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

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

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

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

Michael 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 – Law Director Robert J. Triozzi, President;

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

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

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

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

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

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

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

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

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

Render, Genesis O. Brown.

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

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

David Perkowski, Joan Shaver Washington, Keith Sutton.

CLEVELAND BOXING AND WRESTLING COMMISSION – Robert Jones, Chairman;

Clint Martin, Mark Rivera.

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

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

Kelley.

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

Whalen, Nancy Cronin, Elvin Vauss.

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

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

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

Keiser, Secretary.

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

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

J. Triozzi.

CLEVELAND MUNICIPAL COURT

JUSTICE CENTER – 1200 ONTARIO STREET

JUDGE COURTROOM ASSIGNMENTS

Judge Courtroom

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

Judge Marilyn B. Cassidy – Courtroom 12B

Judge Michelle Denise Earley – Courtroom 12C

Judge Emanuella Groves – Courtroom 14B

Judge Anita Laster Mays – Courtroom 14C

Judge Lynn McLaughlin-Murray – Courtroom 12A

Judge Lauren C. Moore – Courtroom 14A

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

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

Judge Michael John Ryan – Courtroom 13A

Judge Angela R. Stokes – Courtroom 15C

Judge Pauline H. Tarver – Courtroom 13C

Judge Joseph J. Zone – Courtroom 14D

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

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

Magistrate, Victor Perez – City Prosecutor

The City Record

71 OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 98

WEDNESDAY, MAY 11, 2011

No. 5083

CITY COUNCIL

MONDAY, MAY 9, 2011

The City Record
Published weekly by the City Clerk,
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Address all communications to

PATRICIA J. BRITT

City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2010-2013

MONDAY — Alternating

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

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

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

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

MONDAY

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

TUESDAY

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

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

WEDNESDAY — Alternating

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

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

WEDNESDAY — Alternating

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

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

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

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

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

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

Cleveland City Council
601 Lakeside Avenue
Cleveland, Ohio 44114

Dear Ms. Franklin and Mr. Dreyer:

During the absence of Clerk Patricia J. Britt from May 9, 2011 through May 13, 2011, I request that Ms. Franklin serve as Clerk of Council Pro Tempore for the purpose of the Council meeting of May 9, 2011 and that Mr. Dreyer serve as Clerk of Council Pro Tempore for purposes of any Council matters requiring the Clerk's signature during the week.

I appreciate your assistance.

Sincerely,
Martin J. Sweeney, President
Cleveland City Council

Received.

FROM THE DEPARTMENT OF LIQUOR CONTROL

File No. 653-11.

Re: #1852342 — D4 New Application — Greek Corners Acoustic Eatery, LLC, d.b.a. Greek American Brotherhood, 4916 Pearl Road. (Ward 13). Received.

File No. 654-11.

Re: #216600 — C1 Transfer of Ownership Application — Denison, LLC, 2101 Denison Avenue, 1st Floor. (Ward 3). Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 658-11—Margaret Jeanette George.

Res. No. 659-11—Ruth Ann Walker.

Res. No. 660-11—Lelia Elie Giles.

Res. No. 661-11—Virginia Ann Earley-Johnson.

Res. No. 662-11—Mary M. Jewel Hoogstraten.

CONGRATULATION RESOLUTION

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

Res. No. 663-11—Emma Hill.

RECOGNITION RESOLUTIONS

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

Res. No. 664-11—National EMS Week.

Res. No. 665-11—Tom Sargent.

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio
Monday, May 9, 2011

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

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

Also present were Ken Silliman, Chief of Staff, Darnell Brown, Chief Operating Officer, Chris Warren, Chief of Regional Development, Andrew Watterson, Chief of Sustainability, Natoya J. Walker-Miner, Chief of Public Affairs and Interim Director of Equal Opportunity, Directors Triozzi, Dumas, Withers, Smith, Cox, Wasik, Rush, Rybka, Southerington, Fumich, Brown, Lucille Ambroz, Secretary of Civil Service Commission, and Teresa Stevenson of Legislative Affairs.

Pursuant to Ordinance No. 2926-76, the opening prayer was offered by Pastor Ricardo Johnson of the Church on the Rise. Pledge of Allegiance.

MOTION

On the motion of Council Member J. Johnson the reading of the minutes of the last meeting was dispensed with and the journal approved. Seconded by Council Member Brady.

COMMUNICATION

File No. 655-11.

May 9, 2011

Sandra Franklin
First Assistant Clerk
Allan Dreyer
Deputy Clerk

Res. No. 666-11—African Elephant Crossing @ Cleveland Metroparks Zoo.

Res. No. 667-11—Jim Tigie.

Res. No. 668-11—Eric "Eroc" Sosinski.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 626-11.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Finance to employ one or more professional consultants to develop a Citywide work order management and inventory management system, including acquiring software licenses, installing, designing, training, implementing, integrating, migrating, interfacing, testing, maintenance, technical support, and other related issues; and authorizing one or more standard purchase and requirement contracts for the purchase, lease, or lease with option to purchase of computer hardware, software, and other materials, equipment, supplies, services, maintenance and technical support, for the various divisions of City government, for a period up to three years.

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

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

Section 1. That the Director of Finance is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to develop a Citywide work order management and inventory management system, including acquiring software licenses, installing, designing, training, implementing, integrating, migrating, interfacing, testing, maintenance, technical support, for the various divisions of City government, for a period up to three years.

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

Section 2. That the Director of Finance is authorized to enter into any third-party software license agreements necessary to effectuate the purposes of this ordinance.

Section 3. That the Director of Finance is authorized to make one or more written standard purchase and requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the purchase, lease for a period up to three years, or lease with option to purchase for a period up to three years, of the necessary items of computer hardware, soft-

ware not acquired under Section 1 of this ordinance, and other materials, equipment, supplies, services, maintenance, and technical support on items acquired under this Section, necessary to effectuate the purposes of this ordinance, to be purchased or procured by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

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

Section 5. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Finance may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 6. That the cost of the contract or contracts authorized by this ordinance shall be paid from Fund No. 54 SF 001 and from the fund or funds appropriated for this purpose, Request No. RQS 2003, RL 2011-88.

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. 627-11.

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 needed to clean and maintain insulators, bushings, and lighting arrestors, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two years.

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

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

Section 1. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a two year period of the necessary items of labor and materials needed to clean and main-

tain insulators, bushings, and lighting arrestors, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Cleveland Public Power, Department of Public Utilities. 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 2. 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. (RQN 2004, RL 2011-15)

Section 3. 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 Utilities 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 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 Utilities, Finance, Law; Committees on Public Utilities, Finance.

Ord. No. 628-11.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of tree trimming services, for the Division of Cleveland Public Power, Department of Public Utilities.

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

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

Section 1. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a one or two-year period of the necessary items of tree trimming services, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Cleveland Public Power, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by sep-

arate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Utilities is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Utilities by comparing the bids received for both terms.

Section 2. 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. (RQN 2004, RL 2011-14)

Section 3. 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 Utilities 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 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 Utilities, Finance, Law; Committees on Public Utilities, Finance.

Ord. No. 629-11.
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 maintain the SCADA and PCCS Systems, including replacement parts, equipment, computer software, software upgrades, support software, software implementation, system changes, configurations, programming, tuning, upgrades, services and support and maintenance necessary for the operation of the systems, for the Divisions of Water, Water Pollution Control, and Cleveland Public Power, Department of Public Utilities, for a period up to two years.

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

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

Section 1. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period up to two years of the necessary items of labor and materials necessary to

maintain the SCADA and PCCS Systems, including replacement parts, equipment, computer software, software upgrades, support software, software implementation, system changes, configurations, programming, tuning, upgrade, services and support and maintenance necessary for the operation of the systems, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Divisions of Water, Water Pollution Control, and Cleveland Public Power, Department of Public Utilities. 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 2. 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. (RQN 2002, RL 2011-8)

Section 3. That the Director of Public Utilities is authorized to sign any third party software license agreements necessary to effect the purposes of this ordinance.

Section 4. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements with other governmental agencies. The Director of Public Utilities 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 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 Utilities, Finance, Law; Committees on Public Utilities, Finance.

Ord. No. 630-11.
By Council Members Kelley and Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of materials and supplies necessary to repair or replace plumbing equipment and lines, including gas lines, and for installation if necessary, for the Division of Cleveland Public Power, Department of Public Utilities, for a period up to two years.

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

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

Section 1. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period up to two years of the necessary items of materials and supplies necessary to repair or replace plumbing equipment and lines, including gas lines, and for installation if necessary, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Cleveland Public Power, Department of Public Utilities. 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 2. 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. (RQN 2004, 2011-17)

Section 3. 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 Utilities 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 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 Utilities, Finance, Law; Committees on Public Utilities, Finance.

Ord. No. 631-11.
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. NF2010-19 with the United States of America, acting through the General Services Administration on behalf of Transportation Security Administration, for the use and occupancy of certain City-owned property for baggage and passenger screening and office space at various locations in the terminal building at Cleveland Hopkins International Airport.

Whereas, under the authority of Ordinance No. 1544-09, passed November 23, 2009, the Director of Port Control entered into Contract No. NF2010-19 with the United States of America, acting through the General Services Administration on behalf of Transportation Security

Administration for the use and occupancy of certain City-owned property for baggage and passenger screening and office space at various locations in the terminal building at Cleveland Hopkins International Airport; and

Whereas, Ordinance No. 1544-09 requires further legislation before exercising the first option to renew on this contract; and

Whereas, for the use of the leased premises, the United States of America, acting through the General Services Administration on behalf of Transportation Security Administration, shall pay the City an annual rent in equal monthly installments based on the formula contained in the Amended and Restated Lease Agreement in effect with the Signatory Airlines at Cleveland Hopkins International Airport; 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. NF2010-19 for an additional year with the United States of America, acting through the General Services Administration on behalf of Transportation Security Administration for the use and occupancy of certain City-owned property for baggage and passenger screening and office space at various locations in the terminal building at Cleveland Hopkins International Airport. This ordinance constitutes the additional legislative authority required by Ordinance No. 1544-09 to exercise this option.

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

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

Ord. No. 632-11.

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

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

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

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

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

Section 1. That Community Development Block Grant funds in the amount of \$419,000, from Fund No. 14 SF 037, RQS 8006 RL 2011-0094, are appropriated for the reimbursement of administrative expenses of the Code Enforcement Program following the appropriate federal regulations for the Department of

Building and Housing, in conjunction with the Community Development Block Grant Program.

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

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

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

Ord. No. 633-11.

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

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

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

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

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

Section 1. That Community Development Block Grant funds in the amount of \$4,035,000 from Fund No. 14 SF 037 are appropriated for the administrative expenses of the Department of Community Development under the following schedule:

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

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

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

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

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

Ord. No. 634-11.

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

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

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

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

Section 1. That CDBG and Federal Home Grant funds in the amount of \$315,733 are appropriated for anti-predatory lending and foreclosure prevention assistance, financial literacy programs, fair housing, and administrative costs to implement the programs.

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

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

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

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

Ord. No. 635-11.

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

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

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

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

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

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

Program and emergency contracts under the Board-up Program.

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

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

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

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

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

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

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

Ord. No. 636-11.
By Council Members Brancatelli, K. Johnson and Sweeney (by departmental request).

An emergency ordinance appropriating Community Development Block Grant funds for expenses for the Project Clean Program; and authorizing the Director of Public Works to enter into one or more contracts with various agencies to implement the Program.

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

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

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

Section 1. That Community Development Block Grant funds in the amount of Nine Hundred Ninety Thousand Dollars (\$900,000) from Fund Nos. 14 SF 037, RQS 8006 RL 2011-0092, are appropriated for costs of the Department of Public Works incurred from Fund 19 following the appropriate federal regulations and associated with conducting the Project Clean Program in conjunction with the Community Development Block Grant Program.

Section 2. That the Director of Public Works is authorized to enter into one or more contracts with various non-profit and for-profit agencies to provide services necessary to implement the Project Clean Program.

Section 3. That prior to expending funds under this ordinance, the Director of Public Works and the Director of Community Development shall enter into a memorandum of understanding for this program.

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 Community Development, Public Works, Finance, Law; Committees on Community and Economic Development, Public Parks, Properties and Recreation, Finance.

Ord. No. 637-11.
By Council Members Brancatelli and Sweeney (by departmental request).

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

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

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

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

Section 1. That Community Development Block Grant funds in the amount of Two Hundred Sixty Thousand Dollars (\$260,000) from Fund No. 14 SF 037, RQS 8006-RL2011-0095,

are appropriated for costs of the Department of Aging incurred in Fund 19 associated with conducting the Senior Homeowners Assistance Program ("SHAP") and the CHORE Program in conjunction with the Community Development Block Grant Program.

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

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the 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, Aging, Finance, Law; Committees on Community and Economic Development, Finance.

Ord. No. 638-11.
By Council Members Brancatelli and Sweeney (by departmental request).

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

Whereas, the City of Cleveland has received Community Development Block Grant ("CDBG") Year 37 and Year 2011 Federal HOME Program grants from the United States Government; and

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

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

Section 1. That CDBG and Federal HOME Program funds are appropriated for the administration of the Housing Rehabilitation Programs.

Section 2. That the Director of Community Development is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to perform property inspections to comply with Section 8 Housing Quality Standards.

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

Section 3. That the costs incurred in Sections 1 and 2 of this ordinance may

not exceed \$1,573,000 and shall be paid from Fund Nos. 14 SF 037 and 19 SF 650.

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

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

Ord. No. 639-11.

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

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

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

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

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

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

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

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

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

Section 5. That the Director of Community Development is authorized to

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

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

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

Ord. No. 640-11.

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

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

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

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

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

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

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

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

Ord. No. 641-11.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Ord. No. 642-11.

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

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

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

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

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

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

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

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

Ord. No. 643-11.

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

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

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

Whereas, the Council of the City of Cleveland has approved the Year 37 Community Development Block Grant Plan which committed funds to Neighborhood Development Activities ("NDA"), which are CDBG eli-

gible activities proposed by the various Council members; and

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

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

Section 1. That the Director of Community Development, after receiving the approval stated in Section 4 below, is authorized to enter into or amend contracts with various social service agencies, community development or local development corporations, private for-profit entities, State of Ohio, Cuyahoga County, Cuyahoga Metropolitan Housing Authority, Cleveland Municipal School District, Regional Transit Authority, Northeast Ohio Regional Sewer District, Cleveland Metroparks, and such other governmental entities as defined under the Ohio Revised Code to implement activities and programs that are eligible under the Community Development Block Grant CDBG Program and are consistent with the City's Community Development objectives and policies.

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

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

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

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

Section 6. That the Director of the Department of Community Development is authorized to enter into or amend contracts with the entities administering the NDA program that generated program income in an

amount not to exceed that generated program income and to expend funds for the programs administered by the Department of Community Development that generated program income in an amount not to exceed that generated program income all to be paid from the revolving fund in Fund 14.

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

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

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

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

Ord. No. 644-11.

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

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

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

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

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

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

Section 5. That the Director of Economic Development is authorized to accept monies in repayment of the loans ("repayment funds") and to deposit **the monies** in Fund No. 17 SF

635 and to enter into loans with eligible neighborhood groups utilizing the repayment funds from Fund No. 17 SF 634.

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

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

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

Ord. No. 645-11.

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

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

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

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

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

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

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

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation

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

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

Section 1. That this Council approves the application of the Enterprise for enterprise zone incentives on the basis that the Enterprise is qualified by financial responsibility and business experience to create and preserve employment opportunities in the Cleveland Area Enterprise Zone and to improve the economic climate of the City of Cleveland.

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

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

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

Section 5. That the contract and other appropriate documents needed to complete the transaction authorized by this legislation shall be prepared by the Director of Law.

Section 6. That any contract authorized by this legislation must require the recipient of financial assistance to work with, and/or cause their Tenants to work with, The Workforce Investment Board for Workforce Area No. 3 to identify and solicit qualified candidates for job opportunities related to the City's contracts. The identification process shall place special emphasis on the hard to employ, including people who are disabled and people who have been convicted of or who have pled guilty to a criminal offense which is unrelated to the duties of the job opportunity.

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

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

Ord. No. 646-11.

By Council Member Zone.

An emergency ordinance authorizing the Director of Finance to apply for and accept a grant from the National League of Cities for the USCIS Citizenship and Integration National Capacity Building Grant Program and to enter into one or more agreements with the National League of Cities and the Global Cleveland Initiative 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 is authorized to apply for and accept a grant in the amount of \$150,000, from the National League of Cities to conduct the USCIS Citizenship and Integration National Capacity Building Grant 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 summary for the grant contained in the file described below.

Section 2. That the summary for the grant, File No. 646-11-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 is authorized to enter into one or more agreements with the National League of Cities and the Global Cleveland Initiative 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. 647-11.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing and directing the purchase, lease or lease to purchase by requirements contract of various types of vehicles and apparatus for various Divisions in the Departments of Public Works and Public Safety, among others.

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

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

Section 1. That the Director of Public Works is hereby authorized and directed to make a written requirements contract in accordance

with the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year for the necessary items of various types of vehicles and apparatus described in the Vehicle List placed in File No. 647-11-A, or such other vehicle or apparatus in substitution thereof as may be approved by the Directors of Public Works and Finance as replacement vehicles or apparatus, in the estimated sum of \$6,585,000, to be purchased, leased or leased to purchase by the Commissioner of Purchases and Supplies upon a unit basis for various Divisions in the Departments of Public Works and Public Safety, among others. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Board of Control shall determine. Alternate bids for a period less than a year may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for a requirements contract for the entire year.

Section 2. The cost of said contract shall be charged against the proper appropriation account and the Director of Finance shall certify thereon the amount of the initial purchase or procurement thereunder, which purchase or procurement, together with all subsequent purchases or procurements, shall be made on order of the Commissioner of Purchases and Supplies pursuant to a requisition against such contract duly certified by the Director of Finance.

Section 3. That the City may enter into a lease-purchase arrangement for the vehicles and apparatus with a bank, leasing company or any other organization that is not the manufacturer or vendor of the vehicles or apparatus that submitted a bid for the sale, lease or lease to purchase described in Section 1 of this ordinance, provided that: (I) the Director of Finance determines that it is in the best interest of the City to enter into that lease-purchase arrangement, (II) the maximum term of any lease-purchase arrangement does not exceed ten (10) years, (III) the aggregate principal obligation of the City under the lease-purchase arrangement does not exceed \$6,800,000, (IV) if the lease-purchase arrangement provides that the lease payments are to have a principal component and an interest component, the maximum interest rate for the interest component does not exceed seven percent (7%) per annum, (V) the obligations of the City under that lease-purchase arrangement for fiscal years beginning after December 31, 2011 are subject to annual appropriations being made by the City sufficient to pay the lease payments and to meet the other obligations of the City under that lease-purchase arrangement in each of these fiscal years, and (VI) the obligations of the City thereunder for the current fiscal year do not exceed \$250,000, which amount is hereby appropriated for that purpose. The Director of Finance is authorized and directed to sign and deliver, for and on behalf of the City and in the Director's official capacity, such written agreements, certificates and instruments as may be necessary or appropriate in order to provide for that

lease-purchase arrangement under the terms and conditions authorized herein and containing such additional terms and conditions as are acceptable to the Director of Finance and the Director of Law. Those agreements may include a lease-purchase agreement, an escrow agreement for the deposit by the lessor of the purchase price of the vehicles and apparatus, acceptance certificates evidencing the City's acceptance of the vehicles from the vendors, and certificates as to insurance, tax compliance and related matters necessary to carry out the transaction. The lease-purchase arrangement may provide that the lease payments are to have a principal component and an interest component is to be excluded from gross income for federal income tax purposes. In that event, the Director of Finance and other City officials, as appropriate, are authorized to covenant on behalf of the City that (A) the City will use and will restrict the use of the vehicles and apparatus leased by the City under the lease-purchase agreement and will use, and will restrict the investment of, any proceeds of the lease-purchase agreement in such manner and to such extent as may be necessary so that the lease-purchase agreement will not constitute a private activity bond, an arbitrage bond or a hedge bond under the Internal Revenue Code of 1986, as amended (the "Code"), or be treated other than as an obligation to which Section 103(a) of the Code applies, and (B) the City will take or cause to be taken such actions that may be required of it for the interest component of the lease payments to be and to remain excluded from gross income for federal income tax purposes and the City will not take or authorize to be taken any actions that would adversely affect that exclusion. In the event that the City enters into such a lease-purchase arrangement, the Director of Public Works may assign to the lessor under the lease-purchase arrangement, or the lessor's designee, the rights of the City under the contracts for purchase of the vehicles and apparatus authorized in Section 1 of this ordinance. The Director of Law, Clerk of Council and other appropriate officials of the City are authorized to sign and deliver any documents, certificates and other instruments as the Director of Law determines are necessary and appropriate to carry out the transactions authorized by this ordinance.

Section 4. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance where adopted in open meetings of this Council, and any of its committees that resulted in such formal action were in meetings open to the public in compliance with the law.

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

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

Ord. No. 648-11.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located at 2151 Ontario Street to Rock Ohio Caesars Gateway LLC, or its designee, for purposes of facilitating the development of Phase I of Horseshoe Casino Cleveland, to be located in the nearby Higbee Building.

Whereas, the Director of Public Works has requested the sale of the City-owned Gateway North Garage, located at 2151 Ontario Street, (the "Property") to Rock Ohio Caesars Gateway LLC, or its designee (the "Redeveloper") which is no longer needed for public use, for the purpose of facilitating the development of Phase I of Horseshoe Casino Cleveland, to be located in the nearby Higbee Building, and

Whereas, the sale of the Property will necessitate the amendment of the City's existing Parking Facilities Agreement with Gateway Economic Development Corporation of Greater Cleveland to provide that the Cleveland Cavaliers parking requirements be modified and satisfied in the Gateway East Garage; and

Whereas, the sale of the Property will necessitate that the City give its consent to an amendment to the Cavaliers lease with Gateway Economic Development Corporation of Greater Cleveland and to any and all other documents reasonably necessary to effectuate the sale of the Property;

Whereas, upon the sale of the Property to the Redeveloper, the City of Cleveland desires to lease back a portion of the Property for the public purpose of operating a public bike station and proposes to enter into a sublease with Downtown Cleveland Alliance for the operation of said bike station; and

Whereas, the Redeveloper has proposed to lease such portion of the Property to the City of Cleveland needed for the public bike station; and

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that the Property depicted in File No. 648-11-A is no longer needed for public use.

Section 2. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described property to the Redeveloper at a price not less than fair market value as determined by the Board of Control, and other valuable considerations, which is determined to be fair market value, taking into account all restrictions, reversionary interests and similar encumbrances placed by the City of Cleveland in the deed of conveyance and substantially in accordance with the terms described in the Executive Summary placed in the above mentioned File.

Section 3. That the conveyance shall be made by official quitclaim deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland.

Section 4. That the Director of Public Works is authorized to execute on behalf of the City of Cleveland a purchase agreement and all other necessary documents and agreements, other than the deed, to convey the Property to Redeveloper, and to employ and pay all fees for title companies, escrows, and all other costs necessary for the sale of the Property.

Section 5. That the City covenants that it will use the proceeds from the sale of the Property in such manner and to such extent that the federal tax status of the interest on any bonds issued by the City will not be adversely affected, including, but not limited to, the Parking Facilities Refunding Revenue Bonds Series 2006.

Section 6. That the Director of Finance is authorized to enter into an escrow agreement providing for defeasance of a portion of the outstanding Parking Facilities Refunding Revenue Bonds Series 2006, and to terminate in part any interest rate hedge agreements relating to said bonds, and to execute any other documents reasonably necessary to defease said bonds and partially terminate said hedge agreement.

Section 7. That the Director of Finance is authorized to retain any professional consultants reasonably necessary to defease said bonds and to partially terminate said hedge agreements.

Section 8. That the Director of Finance is authorized to take such other actions as may be necessary or helpful to preserve the tax-exempt status of said bonds, including entering into a closing agreement with the Internal Revenue Service ("IRS") to preserve such status and to make any payment to the IRS or U.S. Treasury set forth in such closing agreement.

Section 9. That, notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Directors of Public Works and Finance are authorized to enter into an amendment to the Parking Facilities Agreement between the City and Gateway Economic Development Corporation of Greater Cleveland, dated August 1, 2006, to provide that the Cleveland Cavaliers parking requirements be modified and satisfied in the Gateway East Garage.

Section 10. That the Director of Public Works is authorized to give the City's consent to an amendment to Lease and Management Agreement, dated as of December 20, 1991 (as amended, the "Lease"), between Cavs/Gund Arena Company and its successors and assigns (the "Cavaliers") and Gateway Economic Development Corporation of Greater Cleveland (the "GEDC") or to such other agreement that may be entered into by the Cavaliers, the GEDC, the Redeveloper, the City and/or the Cleveland Indians to provide that the parking requirements of the Cavaliers be modified and satisfied in the Gateway East Garage and that the Director of Public Works shall be authorized to give the City's consent to any and all other documents reasonably necessary to effectuate the sale of the Property to the Redeveloper and the management, operation and maintenance of the Gateway East Garage.

Section 11. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Works is authorized to lease from Redeveloper a 1,300 square foot bike station located on the first floor of the Property (the "Lease"), and to enter into a Lease By Way of Concession (the "Sublease") with Downtown Cleveland Alliance for the operation of the bike station.

Section 12. That the terms of the Lease and Sublease shall be five years with five renewal options.

Section 13. That the rent for the Lease and Sublease shall be \$1.00 per year throughout the terms of the Lease and Sublease.

Section 14. That the Lease and Sublease shall contain all other terms and conditions deemed necessary by the Director of Law.

Section 15. 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 Works, Economic Development, City Planning Commission, Finance, Law; Committees on Public Parks, Properties, and Recreation, Community and Economic Development, City Planning, Finance.

Ord. No. 652-11.

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

An emergency ordinance authorizing the Director of Public Safety to enter into one or more contracts with RCC Consultants, Inc. to provide project management services necessary to implement the City-wide 800 MHz P25 trunked radio system improvement project; and to authorize the Director to enter into one or more contracts with Motorola Solutions, Inc. for professional services necessary to implement and complete Phase One, Phase Two, Phase Three, and Phase Four of the project with prior written approval of the Director of Public Safety required to proceed to each Phase after completion of Phase One, for the various divisions of the Departments of Public Safety, Public Utilities, and 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 Public Safety is authorized to enter into one or more contracts with RCC Consultants, Inc. for professional services necessary to provide project management services to implement Phase One of a City-wide 800 MHz P25 trunked radio system improvement project, including, but not limited to, managing the design review and testing, receipt of fixed network equipment, and the completion of tower site development for each applicable site; Phase Two, which includes managing installation of fixed network equipment and delivery of subscriber equipment to City; and Phase Three, which includes management of installation of sub-

scriber equipment, conditional acceptance testing and final acceptance of the project. In addition, such consulting services may include any necessary services to assist the City with acquiring tower sites, performing site preparation, obtaining any licenses, permits, and right-of-entry authorizations, and handling any right-of-way acquisition or other property acquisition necessary to implement the project. Consulting services may also include those related to FCC licensing procedures, and any other professional services necessary and required to complete Phase One, Two or Three of the improvement. Consultant's management of Phases Two and Three shall commence only upon the prior express written authorizations of the Director of Public Safety.

The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Public Safety, and certified by the Director of Finance.

Section 2. That, provided the City sells the bonds authorized by Ordinance No. 136-11, passed February 14, 2011, the Director of Public Safety is authorized to enter into one or more contracts with Motorola Solutions, Inc. for professional services necessary to implement Phase One, which includes providing design review and testing, delivery of fixed network equipment to the City, and providing tower site development, and other services necessary to complete Phase One; Phase Two, which includes installation of fixed network equipment and delivery of subscriber equipment to City; Phase Three, which includes installation of subscriber equipment, conditional acceptance testing, and final acceptance of the Project; and Phase Four, which includes post-warranty maintenance and support, on the basis of Motorola Solution, Inc.'s proposal dated September 27, 2010 with revisions dated March 31, 2011, for the various divisions of the Departments of Public Safety, Public Utilities, and Port Control. Phases Two, Three, and Four shall commence only upon the prior express written authorizations of the Director of Public Safety.

Section 3. That, provided the City sells the bonds authorized by Ordinance No. 136-11, passed February 14, 2011, the Director of Public Safety is authorized to acquire easements, fee interests, rights-of-entry, or any other interest in real property as is necessary to complete Phase One of the Project and to execute on behalf of the City all documents necessary to acquire such property rights; and to pay for all services, fees, permits, licenses, surveys, appraiser, title companies, escrows, consultants, and all other necessary costs for the acquisition of property rights as needed to complete Phases One, Two, Three, or Four of the Project.

Section 4. That the Director of Public Safety is authorized to enter into agreements with municipalities or other government entities deemed necessary by the Director of Public Safety to implement or consistent with Phases One, Two, Three or Four, including but not limited to user participation agreements.

Section 5. The contract or contracts shall be paid from Fund No. 19 SF 904,

20 SF 532, 20 SF 533, and from the fund or funds to which are credited the proceeds of the bonds authorized by Ordinance No. 136-11, passed February 14, 2011, if the City sells such bonds, Request No. RQS 6001, RL 2011-86.

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.

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

Ord. No. 625-11.

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

An emergency ordinance to amend the title of Ordinance No. 566-08, passed April 14, 2008; to supplement the ordinance by adding new Sections 3 to 11; to renumber existing Section 3 to new Section 12, relating to the relocation of East 78th Street between Osage and Marble Avenues in connection with the expansion of Presrite Corporation facility.

Whereas, under Ordinance No. 566-08, passed April 14, 2008, this Council authorized the Directors of Economic Development and Capital Projects to apply for and accept a grant from the State of Ohio Roadwork Development Fund to make road improvements on East 78th Street between Osage and Marble Avenues in Ward 12; and

Whereas, Presrite Corporation is willing to contribute funding towards relocating East 78th Street between Osage and Marble in connection with the expansion of Presrite Corporation facility (the "Improvement"); and

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

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

Section 1. That the title of Ordinance No. 566-08, passed April 14, 2008, is amended as follows:

An emergency ordinance authorizing the Directors of Economic Development and Capital Projects to apply for and accept a grant from the State of Ohio Roadwork Development Fund to make road improvements on East 78th Street between Osage and Marble Avenues in Ward 12; and authorizing additional funding from public and private entities; professional services to design the improvement; determining the method of making the public improvement; authorizing the Director of Capital Projects to enter into one or more public improvement contracts for the making of the improvement; authorizing any and all agreements needed to make the improvement; and authorizing the Commissioner of Purchases and Supplies to acquire for right-of-way purposes real property necessary to make the public improvement.

Section 2. That the existing title of Ordinance No. 566-08, passed April 14, 2008, is repealed.

Section 3. That Ordinance No. 566-08, passed April 14, 2008, is supplemented by adding new Sections 3 to 11 to read as follows:

Section 3. That the Director of Capital Projects is authorized to apply for and accept grants, gifts, and other cash contributions from public and private entities, including Presrite Corporation, in conjunction with the Improvement described in Section 1 of this ordinance. The Director is further authorized to file all papers and execute all documents necessary to receive the funds accepted under this ordinance and, upon acceptance of the funds by the Director, they shall be appropriated for the purposes set forth in this ordinance. Any agreements needed to accept funding under this section shall be prepared by the Director of Law.

Section 4. That the Director of Capital Projects is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional design, engineering and construction services necessary for the Improvement.

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

Section 5. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement as described in this ordinance, for the Office of Capital Projects, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Improvement.

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

Section 7. That the Director of Capital Projects is authorized to accept cash contributions from any public or private entities for infrastructure restoration costs associated with relocating, rehabilitating or reconstructing utility infrastructure for the Improvement. That the Director of Capital Projects is authorized to enter into agreements with the entities for this purpose.

Section 8. That the Director of Capital Projects is authorized to enter into one or more agreements with public or private entities and utility companies to pay charges for the installation of underground and overhead lines in connection with the Improvement.

Section 9. That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Commissioner of Purchases and Supplies is authorized to acquire for right-of-way purposes real property necessary to make the Improvement. The consideration to be paid for the property shall not exceed fair market value to be determined by the Board of Control.

Section 10. That the Director of Capital Projects is authorized to execute, on behalf of the City, all documents necessary to acquire property and to employ and pay all fees for title companies, surveys, escrows, appraisers, and all other costs necessary for the acquisition of the property.

Section 11. That the cost of the contracts, payments, property acquisition and other expenditures authorized shall be paid from Fund Nos. 17 SF 003, 20 SF 500, 20 SF 506, and 20 SF 632, and from the fund or funds to which are credited any grant proceeds, gifts, funds received from Presrite Corporation, cash contributions accepted and appropriated under this ordinance, and any other funds approved by the Director of Finance.

Section 4. That existing Section 3 of Ordinance No. 566-08, passed April 14, 2008, is renumbered to new "Section 12."

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.

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

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

Ord. No. 656-11.

By Council Members Mitchell, Conwell, J. Johnson, Cimperman, Cummins, Zone, Westbrook and Sweeney.

An emergency ordinance consenting and approving the issuance of a permit for the Rite Aid Cleveland Marathon, May 15, 2011, sponsored by Cleveland Marathon, Inc.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the RiteAid Cleveland Marathon sponsored by Cleveland Marathon, Inc. on May 15, 2011, with the Full Marathon starting at W. 3rd Street behind northwest corner of Browns Stadium; Straight/South on W.3rd to Lakeside; Right on Lakeside towards on-ramp for Shoreway; Enter Shoreway, following west-bound highway; Shoreway to Edgewater Drive exit follow onto Edgewater; Straight on Edgewater to W. 110th; Left on W. 110th to Lake; Left on Lake to Detroit; Left on Detroit to W. 38th; Right on W. 38th to Lorain; Left on Lorain to

W.25th; Right on W. 25th to Barber; Left on Barber to Scranton; Left on Scranton to Starkweather; Right on Starkweather to W. 11th; Left on W. 11th to Abbey; Left on Abbey to W. 20th; Right on W. 20th to Lorain/Carnegie; Right on Lorain/Carnegie to Ontario; Left on Ontario to W. Huron; Soft Left on W. Huron to W. 9th; Soft Right on W. 9th to St. Clair; Right on St. Clair to W. 6th; Right on W. 6th to Superior; Left on Superior to E. 12th; Right on E. 12th to Euclid; Left on Euclid to E.18th; Left on E. 18th to Chester; Right on Chester to E. 21st; Right on E. 21st to Euclid; Left on Euclid to E. 55th; Left on E. 55th to Chester; Right on Chester to MLK Drive; Left on MLK to circle; continue north on MLK to bike path north of Gordon Park; Left onto bike path to N. Marginal; Straight on N. Marginal to E. 55th; Left on E. 55th to St. Clair; Right on St. Clair to E. 40th; Left on E. 40th to Payne; Right on Payne to E. 38th; Left on E. 38th to Kelley; Left on Kelley to E. 40th; Right on E. 40th to Chester; Right on Chester to E. 24th; Right on E. 24th to St. Clair; Left on St. Clair to E. 9th; Right on E. 9th to Erieside; Left on Erieside; Finish: Erieside in front of Great Lakes Science Center and Browns Stadium;

Half Marathon starting at W. 3rd Street behind northwest corner of Browns Stadium; Straight/South on W.3rd to Lakeside; Right on Lakeside towards on-ramp for Shoreway; Enter Shoreway, following west-bound highway; Shoreway to Edgewater Drive exit follow onto Edgewater; Straight on Edgewater to W. 110th; Left on W. 110th to Lake; Left on Lake to Detroit; Left on Detroit to W. 38th; Right on W. 38th to Lorain; Left on Lorain to W.25th; Right on W. 25th to Barber; Left on Barber to Scranton; Left on Scranton to Starkweather; Right on Starkweather to W. 11th; Left on W. 11th to Abbey; Right on Abbey to W. 20th; Right on W. 20th to Lorain/Carnegie; Right on Lorain/Carnegie to Ontario; Left on Ontario to W. Huron; Soft Left on W. Huron to W. 9th; Soft Right on W. 9th to St. Clair; Right on St. Clair (MARATHON TURN OFF AT W. 6th); St. Clair to E. 9th; Left on E. 9th to Erieside; Left on Erieside; Finish: Erieside in front of Great Lakes Science Center and Browns Stadium at 10K Marathon starting at W. 3rd Street behind northwest corner of Browns Stadium; Straight/South on W.3rd to Lakeside; Right on Lakeside to W.6th; Left on W. 6th to Superior; Left on Superior to E. 53rd; Left of E. 53rd to St. Clair; Left on St. Clair to E. 9th; Right on E. 9th to Erieside; Left on Erieside; Finish: Erieside in front of Great Lakes Science Center and Browns Stadium; 5K Marathon starting at W. 3rd Street by south corner of Browns Stadium; Straight/South on W.3rd to Lakeside; Right on Lakeside to W.6th; Left on W. 6th to Huron; Left on Huron to Prospect; Right on Prospect to Huron; Left on Huron to E. 13th; Left on E. 13th to St. Clair; Left on St. Clair to E. 9th; Right on E. 9th to Erieside; Left on Erieside/Al

Lerner Way to W. 3rd; Right on W. 3rd into Browns Stadium; Right into Stadium; Finish: On the field at Browns Stadium; provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

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

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

Ord. No. 657-11.

By Council Member Zone.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Detroit Shoreway Community Development Organization to stretch a banner across West 65th Street south of Detroit Avenue and north of Franklin Boulevard, for the period from July 15, 2011 to August 14, 2011, inclusive, publicizing the Gordon Square Farmers' Market.

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 the Department of Public Service is hereby authorized and directed to issue a permit to the Detroit Shoreway Community Development Organization to install, maintain and remove a banner across West 65th Street south of Detroit Avenue and north of Franklin Boulevard for the period from July 15, 2011 to August 14, 2011, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to 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.

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

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

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 649-11.

By Council Member Cleveland.

An emergency resolution withdrawing objection to the renewal of a C1 Liquor Permit at 2165 East 55th Street and repealing Resolution No. 943-10, objecting to said renewal.

Whereas, this Council objected to a C1 Liquor Permit to 2165 East 55th Street by Resolution No. 943-10 adopted by the Council on July 14, 2010; and

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

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

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

Section 1. That objection to a C1 Liquor Permit to Abeco Ayad, Inc., 2165 East 55th Street, Cleveland, Ohio 44103, Permanent Number 0023990-00015 be and the same is hereby withdrawn and Resolution No. 943-10, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

Res. No. 650-11.

By Council Member Cummins.

An emergency resolution withdrawing objection to the renewal of a D5 Liquor Permit at 3129 West 25th Street, 1st floor and basement and repealing Resolution No. 1121-10, objecting to said renewal.

Whereas, this Council objected to a D5 Liquor Permit to 3129 West 25th Street by Resolution No. 1121-10

adopted by the Council on August 18, 2010; and

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

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

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

Section 1. That objection to a D5 Liquor Permit to Doned, Inc., DBA Peek A Boo Club, 3129 West 25th Street, 1st floor and basement, Cleveland, Ohio 44109, Permanent Number 2251417 be and the same is hereby withdrawn and Resolution No. 1121-10, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

Res. No. 651-11.

By Council Member Zone.

An emergency resolution withdrawing objection to the renewal of a C1 and C2 Liquor Permit at 2044 West 65th Street and repealing Resolution No. 955-10, objecting to said renewal.

Whereas, this Council objected to a C1 and C2 Liquor Permit to 2044 West 65th Street by Resolution No. 955-10 adopted by the Council on July 14, 2010; and

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

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

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

Section 1. That objection to a C1 and C2 Liquor Permit to Abdelsalem Ali, DBA A & F Food Market, 2044 West 65th Street, Cleveland, Ohio 44102, Permanent Number 0117346 be and the same is hereby withdrawn and Resolution No. 955-10, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

and after the earliest period allowed by law.

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

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

SECOND READING EMERGENCY ORDINANCES PASSED

Ord. No. 16-11.

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

An emergency ordinance supporting Lake Erie Energy Development Corporation's initial project for the installation of wind energy conversion systems on Lake Erie; to support their initial application for an option to enter into submerged land leases with the Ohio Department of Natural Resources; and appointing a representative of the City to serve as a member of their Board of Directors.

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

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

Ord. No. 243-11.

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

An emergency ordinance to amend Section 514.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 884-10, passed August 18, 2010, relating to permit fee, issuance and duration of permits for temporary streetscape amenities in the public right-of-way.

Approved by Directors of Capital Projects, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Service, City Planning, Legislation, Finance.

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

Ord. No. 251-11.

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

An emergency ordinance authorizing the Director of Public Safety to enter into an amendment to Contract No. 64776 with ACS State & Local Solutions, Inc. to extend the term up to two years and to add additional services for traffic photo enforcement.

Approved by Directors of Public Safety, Finance, Law; Passage recommended by Committees on Public Safety, Finance, when amended, as follows:

1. Insert new Section 3 to read as follows:

"Section 3. That the Director of Public Safety shall take such steps and include in the contract amendment authorized by Section 1 such provisions as may be necessary to cause both of the following to occur within two months of the date of passage of this ordinance:

1. The removal of the camera in the 8800 block of Broadway Ave., southbound; and

2. The painting of all fixed cameras located in Ward 16 that are not already brown in color to be brown in color.

The Director of Public Safety shall cause a new Request for Proposals for the services contemplated by this ordinance to be issued within one year of the date of passage of this ordinance."

2. That existing Section 3 is renumbered to new "Section 4."

Amendments agreed to.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 14. Nays 2.

Those voting yea: Council Members Sweeney, Brancatelli, Cleveland, Conwell, Cummins, J. Johnson, K. Johnson, Keane, Kelley, Miller, Mitchell, Pruitt, Reed and Westbrook.

Those voting nay: Council Members Brady and Dow.

Absent: Council Members Cimperman, Polensek and Zone.

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. 359-11.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of diving and underwater inspections, 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 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Ord. No. 360-11.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of hauling and disposal of water treatment plant residuals, 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 16. Nays 0. Read second time. Read third time in full. Adopted. Yeas 16. Nays 0.

Ord. No. 361-11.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of water mains, fire hydrants, service connections, and appurtenances, including concrete repair, tree lawn restoration, and labor and installation if necessary, 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 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Ord. No. 362-11.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of various sized PVC and FRE ductline materials, for the Division of Cleveland Public Power, 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 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Ord. No. 456-11.

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 United States Department of Homeland Security for the 2010 Assistance to Firefighters Grant; and to enter into various written standard pur-

chase and requirement contracts needed to implement the grant.

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

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

Ord. No. 458-11.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to acquire and re-convey properties presently owned by Sage Hospitality, or its designee, located at 777 St. Clair Avenue for the purpose of entering into the chain-of-title prior to the adoption of tax increment financing legislation authorized under Section 5709.41 of the Revised Code; and authorizing an agreement with Sage Hospitality, or its designee.

Approved by Directors of Economic Development, City Planning Commission, Finance, Law; Passage recommended by Committees on Community and Economic Development, City Planning, Finance, when amended, as follows:

1. In Section 5, at the end, strike the period and insert **"and contained in File No. 458-11-B."**.

Amendment agreed to.

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

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

**SECOND READING
ORDINANCES PASSED**

Ord. No. 334-11.

By Council Member Cimperman.

An ordinance to change the Use and Area Districts of land located on Lorain Avenue and West 25th Street, bounded by West 32nd Street, Gehring Street, Jay Avenue and Chatham Road to Local Retail Business and a 'C' Area District (Map Change No. 2356, Sheet No. 1).

Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on City Planning.

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

Ord. No. 335-11.

By Council Member Cimperman.

An ordinance to change the Use, Area and Height District of land on the north and south sides of Detroit west of W. 25th Street and east of West 32nd Street to Local Retail Business, a 'D' Area District and a '2' or a '3' Height District (Map Change No. 2358, Sheet No. 1).

Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on City Planning, when amended, as follows:

1. Strike Section 2 in its entirety and insert:

"Section 2. That the Use District of lands bounded and described as follows:

Beginning in the northerly prolongation of the centerline of West 33rd Street at its intersection with the centerline of Detroit Avenue;

Thence southerly along said prolongation and said centerline and along its southerly prolongation to its intersection with the centerline of Clinton Avenue;

Thence northeasterly along said centerline of Clinton Avenue to its intersection with the centerline of West 32nd Street;

Thence northerly along said centerline to its intersection with the centerline of Detroit Avenue;

Thence northeasterly along said centerline of Detroit Avenue to its intersection with the southerly prolongation of the westerly line of the C. Taylor Farm Subdivision shown on the recorded plat in Volume 2, Page 22 of Cuyahoga County Map Records;

Thence northerly along said southerly prolongation of said westerly line and along its northwesterly prolongation to its intersection with the centerline of vacated Vermont Avenue;

Thence northeasterly along said centerline of Vermont Avenue to its intersection with the centerline of West 28th Street;

Thence northerly along said centerline of West 28th Street to its intersection with the centerline of Washington Avenue;

Thence northeasterly along said centerline of Washington Avenue to its intersection with the centerline of West 25th Street;

Thence southeasterly along said centerline of West 25th Street to its intersection with the centerline of Detroit Avenue;

Thence southwesterly along said centerline of Detroit Avenue to its intersection with the northerly prolongation of the easterly line of Sublot No. 2 in the Barber and Lord Subdivision shown on the recorded plat in Volume 11, Page 26 of Cuyahoga County Map Records;

Thence southerly along said northerly prolongation and said easterly line to its intersection with the southerly line thereof;

Thence westerly along said southerly line and along its westerly prolongation to its intersection with the centerline of West 26th Street;

Thence southerly along said centerline of West 26th Street to its intersection with the easterly prolongation of the centerline of vacated Masterson Court;

Thence southwesterly along said prolongation and said centerline to its intersection with the centerline of West 28th Street;

Thence northerly along said centerline of W. 28th Street to the centerline of Detroit Avenue;

Thence southwesterly along said centerline of Detroit Avenue to its intersection with the northerly prolongation of the centerline of West 33rd Street and the principal place of beginning; and as shaded on the attached map is changed to a Local Retail Business District."

2. Strike the map attached and insert:



Amendments agreed to.

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

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

Ord. No. 337-11.

By Council Member Zone.

An ordinance changing the Use District of land on Detroit Avenue between W. 85th Street and W. 70th Street and land at the northeast corner of Lake Avenue and Detroit shown shaded on the attached map to Local Retail Business (Map Change Number 2346, Sheet 1).

Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on City Planning.

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

Ord. No. 338-11.

By Council Member Zone.

An ordinance changing the Use District of land located on the southwest

corner of Lake Avenue and Detroit Avenue to General Retail Business (Map Change Number 2345, Sheet 1).

Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on City Planning.

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

Ord. No. 339-11.

By Council Member Zone.

An ordinance changing the Use District of land bounded by Lake Avenue, Detroit Avenue and West 78th Street to Multi-Family Residential (Map Change Number 2347, Sheet 1).

Approved by Directors of City Planning Commission, Law; Passage

recommended by Committee on City Planning.

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

Ord. No. 340-11.

By Council Member Zone.

An ordinance changing the Use District of land south of Detroit Avenue on the east side of West 55th Street shown shaded on the attached map to a Two Family Residential District (Map Change Number 2348, Sheet 1).

Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on City Planning.

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

Ord. No. 341-11.

By Council Member Zone.

An ordinance changing the Use, Area and Height Districts of lands on the north and south sides of Detroit Avenue between W. 70th Street and W. 45th Street shown shaded on the attached map to Local Retail Business, a 'C' Area District and a '2' Height District (Map Change Number 2349, Sheet 1).

Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on City Planning, when amended, as follows:

1. In Section 1, page 2, at the 20th paragraph of the legal description, line 2, strike "the centerline of West 48th Street;" and insert "**the centerline of West 50th Street;**"; strike the last paragraph of the legal description on that page in its entirety; on page 3, strike the 1st, 2nd, 3rd, 4th, and 5th paragraphs of the legal description in their entirety; and at the 6th paragraph of the legal description, line 1, after "Thence Southerly along said" insert "**northerly prolongation of the**".
2. Strike the map attached and insert:



Amendments agreed to.

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

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

Ord. No. 342-11.

By Council Member Zone.

An ordinance changing the Use and Height Districts of land on the southeast corner of Lorain Rd. and West 65th Street to Open Space and Recreation and a '1' Height District (Map Change Number 2350, Sheet 1).

Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on City Planning.

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

Ord. No. 343-11.

By Council Member Zone.

An ordinance changing the Use District of land south of Lorain Rd. and on the south side of Lorain between

W. 55th Street and W. 52nd Street shown shaded on the attached map to Local Retail Business (Map Change Number 2351, Sheet 1).

Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on City Planning.

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

Ord. No. 344-11.

By Council Member Zone.

An ordinance changing the Use and Height Districts of land on the south side of Lorain Avenue between W. 50th Street and West 48th Place shown shaded on the attached map to a Two Family Residential District and a '1' Height District (Map Change Number 2352, Sheet 1).

Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on City Planning.

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

Ord. No. 345-11.

By Council Member Zone.

An ordinance to change the Use, Area and Height Districts of lands located south of Lorain Avenue between West 41st Street and West 38th Street to Local Retail, a 'D' Area District and a '3' Height District (Map Change No. 2357; Sheet No. 1).

Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on City Planning.

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

Ord. No. 346-11.

By Council Members Zone and Cimperman.

An ordinance establishing a Pedestrian Retail Overlay (PRO) District on Lorain Road between West 85th Street and Gehring Street (Map Change No. 2355, Sheet Number 1)

Approved by Directors of City Planning Commission, Law; Passage recommended by Committee on City Planning.

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

SECOND READING EMERGENCY RESOLUTIONS ADOPTED

Res. No. 533-11.

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

An emergency resolution supporting Cuyahoga County's grant application to the Clean Ohio Council for Clean Ohio Assistance Funds to be used for the redevelopment of the Emerald Alliance VII site.

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

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

Res. No. 590-11.

By Council Member Cimperman.

An emergency resolution approving the formation of the Market District — Cleveland Business Improvement District as a Special Improvement District in the City; accepting petitions from owners of property in the proposed District; approving the Articles of Incorporation of the Market District Improvement Corporation; approving the initial plan for public services; declaring it necessary to provide for cleaning and maintenance of the public rights-of-way within the Market District — Cleveland Business Improvement District and additional security for the Market District — Cleveland Business Improvement District and other services as set forth in the plan; providing for the assessment of the cost and expense of such work upon benefited property in the Market District — Cleveland Business Improvement District; and declaring an emergency.

Approved by Directors of City Planning Commission, Finance, Law; Adoption recommended by Committees on City Planning, Finance.

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

MOTION

By Council Member J. Johnson, seconded by Council Member Brady and unanimously carried that the absence of Council Members Joe Cimperman, Michael D. Polensek and Matthew Zone be and is hereby authorized.

MOTION

The Council Meeting adjourned at 8:15 p.m. to meet on Monday, May 16, 2011 at 7:00 p.m. in the Council Chambers.



Sandra Franklin
City Clerk, Clerk of Council Pro Tempore

THE CALENDAR

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

NONE

BOARD OF CONTROL

May 4, 2011

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, May 4, 2011, at 10:40 a.m. with Acting Director Langhenry presiding.

Present: Acting Directors Langhenry, Hardy, Directors Withers, R. Smith, Cox, Acting Director H. Smith, Directors Rush, Nichols, Fumich and Rybka.

Absent: Mayor Jackson, Directors Butler and Southerington.

Others: James E. Hardy, Commissioner, Purchases and Supplies.

Lisa Dent, Acting Director, Office of Equal Opportunity.

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

Resolution No. 188-11.

By Directors Withers.

Whereas, under the authority of Ordinance No. 1036-07, passed by the Council of the City of Cleveland on August 8, 2007, and Resolution No. 333-10, adopted by this Board of Control on August 11, 2010, the City through its Director of Public Utilities, entered into Contract No. CT-2002-PS2010*222 with Staffing Solutions Enterprises, Inc. to supplement the regularly employed staff of the several departments of the City for implementation of Phases 3 and 4 of the Customer Information System/ Customer Relations Management System by rendering the professional services necessary to provide temporary staffing for, including but not limited to, answering incoming calls; making outgoing calls to customers; addressing customer complaints and/or concerns; handling the heavy telephone call volume; and scheduling appointments to check meters for possible leaks and final meter reads, for a period of 90 days with six options to renew for a one-month period, for the Division of Water, Department of Public Utilities; and

Whereas, under Board of Control Resolution No. 437-10, adopted October 20, 2010, the Director of Public Utilities was authorized to enter into a first amendment to Contract No. CT-2002-PS2010*222 to employ up

to 10 additional temporary employees; and

Whereas, the City has determined that extending the term of City Contract No. CT-2002-PS2010*222 from its current expiration of May 18, 2011 through September 30, 2011 is needed to supplement the regularly employed staff of the several departments of the City for implementation of Phases 3 and 4 of the Customer Information System/ Customer Relations Management System; and

Whereas, Staffing Solutions Enterprises, Inc. has proposed by its Quotation of Temporary Services dated March 28, 2011 ("Proposal") to perform the above-described services for a fee of \$287,232.00; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland, that the Director of Public Utilities is authorized to enter into a second modification to City Contract No. CT-2002-PS2010*222 with Staffing Solutions Enterprises, Inc., to supplement the regularly employed staff of the several departments of the City for implementation of Phases 3 and 4 of the Customer Information System/ Customer Relations Management System by rendering the professional services necessary to provide temporary staffing for, including but not limited to, answering incoming calls; making outgoing calls to customers; addressing customer complaints and/or concerns; handling the heavy telephone call volume; and scheduling appointments to check meters for possible leaks and final meter reads, from its current expiration of May 18, 2011 through September 30, 2011, on the basis of Vendor's March 28, 2011 proposal, and increasing the contract amount by \$287,232.00 to \$885,632.00. The second modification shall be prepared by the Director of Law and shall include such additional provisions as the Director deems necessary to benefit and protect the public interest.

Yeas: Acting Directors Langhenry, Hardy, Directors Withers, R. Smith, Cox, Acting Director H. Smith, Directors Rush, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Butler and Southerington.

Resolution No. 189-11.

By Directors Withers.

Whereas, Board of Control Resolution No. 147-11, adopted April 6, 2011, authorized the Director of Public Utilities to enter into contract with Professional Electric Products Company, for an estimated quantity of wire, cable, and accessories, for Group A, all items, Group B, all items, Group D, all items, Group G, all items, Group K, all items, Group L, all items, and Group N, for the Division of Cleveland Public Power, Department of Public Utilities; and

Whereas, Resolution No. 147-11 incorrectly listed the items recommended for contract; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 147-11, adopted by this Board on April 6, 2011, approving the bid of Professional Electric Products Company as the lowest and best for an estimated quantity of wire, cable, and accessories is amended by substituting the following for the list of items recom-

mended for contract, where appearing in the resolution: Group A, all items, Group B, all items, Group D, all items, Group G, all items, Group I, all items, Group K, all items, Group L, all items, Group M, all items, and Group N.

Be it further resolved that Resolution No. 147-11 is further amended by increasing the contract amount from \$10,540,901.00 to \$11,057,670.95.

Be it further resolved that all other terms of Resolution No. 147-11 not expressly amended above shall remain unchanged and in full force and effect.

Yeas: Acting Directors Langhenry, Hardy, Directors Withers, R. Smith, Cox, Acting Director H. Smith, Directors Rush, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Butler and Southerington.

Resolution No. 190-11.

By Directors Withers.

Whereas, Board of Control Resolution No. 148-11, adopted April 6, 2011, authorized the Director of Public Utilities to enter into contract with RA Strauss Electric Supply Company, for an estimated quantity of wire, cable, and accessories, for Group C, all items, Group E, all items, Group H, all items, and Group N, for the Division of Cleveland Public Power, Department of Public Utilities; and

Whereas, Resolution No. 148-11 incorrectly listed the items recommended for contract; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 148-11, adopted by this Board on April 6, 2011, approving the bid of RA Strauss Electric Supply Company as the lowest and best for an estimated quantity of wire, cable, and accessories is amended by substituting the following for the list of items recommended for contract, where appearing in the resolution: Group C, all items, Group E, all items, Group F, all items, Group H, all items, and Group N.

Be it further resolved that Resolution No. 148-11 is further amended by increasing the contract amount from \$255,795.90 to \$331,917.40.

Be it further resolved that all other terms of Resolution No. 148-11 not expressly amended above shall remain unchanged and in full force and effect.

Yeas: Acting Directors Langhenry, Hardy, Directors Withers, R. Smith, Cox, Acting Director H. Smith, Directors Rush, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Butler and Southerington.

Resolution No. 191-11.

By Directors Withers.

Be it resolved by the Board of Control of the City of Cleveland that the bid of WESCO Distribution Inc. for the following: Purchase of Transformers and Accessories, Items A6, C8, D1, D2, D3, E1, E2, E3, F1, F2, F3, F4, F5, G1, G2, H1, I2, J1, J2, L4, L6, and N1 (0%, Net 30 Days), for the Division of Cleveland Public Power, Department of Public Utilities, received on January 13, 2011, under the authority of Section 129.26 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the

basis of the order quantities would amount to \$550,065.00, is approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into contract for the items.

Yeas: Acting Directors Langhenry, Hardy, Directors Withers, R. Smith, Cox, Acting Director H. Smith, Directors Rush, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Butler and Southerington.

Resolution No. 192-11.

By Directors Withers.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Professional Electric Products Company for the following: Purchase of Transformers and Accessories, Items A1, A2, A3, A4, A5, A7, A8, A9, A10, B1, B2, B3, C1, C2, C3, C4, C5, C6, C7, I1, J3, K9, K10, L1, L5, and L9 (0%, Net 30 Days), for the Division of Cleveland Public Power, Department of Public Utilities, received on January 13, 2011, under the authority of Section 129.26 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the order quantities would amount to \$438,494.00, is approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into contract for the items.

Yeas: Acting Directors Langhenry, Hardy, Directors Withers, R. Smith, Cox, Acting Director H. Smith, Directors Rush, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Butler and Southerington.

Resolution No. 193-11.

By Directors Withers.

Be it resolved by the Board of Control of the City of Cleveland that the bid of SHIHLLIN ELECTRIC USA COMPANY LIMITED for the following: Purchase of Transformers and Accessories, Item L11, and L13 (0%, Net 30 Days), for the Division of Cleveland Public Power, Department of Public Utilities, received on January 13, 2011, under the authority of Section 129.26 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the order quantities would amount to \$136,600.00, is approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into contract for the items.

Yeas: Acting Directors Langhenry, Hardy, Directors Withers, R. Smith, Cox, Acting Director H. Smith, Directors Rush, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Butler and Southerington.

Resolution No. 194-11.

By Directors Withers.

Be it resolved by the Board of Control of the City of Cleveland that the bid of HD Supply Waterworks, Ltd. for an estimated quantity of ductile iron pipe and fittings, items 3-9, 15-19 and 28-138, for the Division of Water, Department of Public Utilities, for a period of one year starting upon the later of the execution of a contract or the day following expiration of the currently effective contract for the goods or services, received on March 4, 2011 under the

authority of Section 129.25 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the estimated quantity would amount to \$312,769.68 (Net 30), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the goods and/or services, which contract shall provide for an initial order, the cost of which shall be certified to the contract in an amount not less than \$15,638.49.

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

Yeas: Acting Directors Langhenry, Hardy, Directors Withers, R. Smith, Cox, Acting Director H. Smith, Directors Rush, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Butler and Southerington.

Resolution No. 195-11.

By Directors Withers.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Simplified Alternatives Inc. for an estimated quantity of ductile iron pipe and fittings, items 1, 2 and 10-13, for the Division of Water, Department of Public Utilities, for a period of one year starting upon the later of the execution of a contract or the day following expiration of the currently effective contract for the goods or services, received on March 4, 2011 under the authority of Section 129.25 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the estimated quantity would amount to \$32,761.92 (0%, Net 30), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the goods and/or services, which contract shall provide for an initial order, the cost of which shall be certified to the contract in an amount not less than \$1,638.10.

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

Yeas: Acting Directors Langhenry, Hardy, Directors Withers, R. Smith, Cox, Acting Director H. Smith, Directors Rush, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Butler and Southerington.

Resolution No. 196-11.

By Directors Smith.

Whereas, T by Sarah, Jane's Soap, Dever Dairy, RoVal, Ragin Woody's Treats, Trubadore Coffee, Biscotti Factory, Chirs' Kitchen Stow, Noah Hershberger, Oh Baby Cakes Bakery, Instant Concepts, Danielle Nystrom of Tupperware, Stacie Wernick, Naturally Yours Farms, Open Door Bakery, Bonny's Breads, Honey Baked Ham, Pranzo Forno,

Diamond Trio Treats, McCoy's Custom Catering, Blaze Gourmet, Hickory Acres, Olive and Grape, Mimos, Jibaro and Myldred Boston Howell (collectively "Concessionaires") wish to utilize the East 9th Street Pier ("Pier") for a farmers' market between June 2, 2011 and September 8, 2011; and

Whereas, the City is willing to grant Concessionaires the privilege, permit and license to utilize the Pier for a farmers' market; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that pursuant to Section 183.04 of the Codified Ordinances of Cleveland, Ohio 1976, the Director of the Department of Port Control is hereby authorized to enter into agreements ("Agreements") granting Concessionaires the privilege, permit and license to utilize the Pier for a farmers' market between June 2, 2011 and September 8, 2011. The number of days on which the farmers' market may be conducted shall not exceed fifteen days. Each Concessionaire shall pay the City \$10.00 for each day it participates in the farmers' market and shall be responsible for any applicable sales tax due any taxing authorities in connection with its participation.

Be it further resolved that the Agreements authorized hereby shall be prepared by the Director of Law and shall contain such other provisions, as the Director deems necessary to benefit and protect the public interest.

Yeas: Acting Directors Langhenry, Hardy, Directors Withers, R. Smith, Cox, Acting Director H. Smith, Directors Rush, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Butler and Southerington.

Resolution No. 197-11.

By Directors Cox.

Be it resolved, by the Board of Control of the City of Cleveland that the bid of R.W. Sidley, Inc., for an estimated quantity of one cab and chassis with front loading packer body, and related equipment, all items, for the Division of Motor Vehicle Maintenance, Department of Public Works, for the period of one year beginning with the date of execution of a contract, received on February 11, 2011, under the authority of Ordinance No. 591-08, passed by Cleveland City Council on July 2, 2008, as amended by Ordinance No. 1849-08, passed by Cleveland City Council on January 26, 2009, which on the basis of the estimated quantity would amount to \$214,892.00 (Net), is affirmed and approved as the lowest and best bid, and the Director of Public Works is requested to enter into a requirement contract for the goods and/or services, which contract shall provide for an initial order, the cost of which shall be certified to the contract in the amount not less than \$214,892.00.

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

Yeas: Acting Directors Langhenry, Hardy, Directors Withers, R. Smith, Cox, Acting Director H. Smith, Directors Rush, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Butler and Southerington.

Resolution No. 198-11.

By Directors Rush.

Whereas, Board of Control Resolution No. 172-11, adopted April 20, 2011, authorized the sale and development of Permanent Parcel No. 116-07-004 to Collinwood and Nottingham Villages Development Corporation for construction of a parking lot, as part of the Land Reutilization Program and as authorized by Ordinance No. 1564-10 passed by the Cleveland City Council on February 7, 2011; and

Whereas, Resolution No. 172-11 incorrectly cited the authorizing ordinance as "No. 1549-10"; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 172-11, adopted by this Board April 20, 2011, authorizing the sale and development of Permanent Parcel No. 116-07-004 to Collinwood and Nottingham Villages Development Corporation for construction of a parking lot, is amended by substituting "Ordinance No. 1564-10" for "Ordinance No. 1549-10", where appearing in the resolution.

Be it further resolved that all other provisions of Resolution No. 172-11 not expressly amended above shall remain unchanged and in full force and effect.

Yeas: Acting Directors Langhenry, Hardy, Directors Withers, R. Smith, Cox, Acting Director H. Smith, Directors Rush, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Butler and Southerington.

Resolution No. 199-11.

By Directors Rush.

Whereas, Board of Control Resolution No. 174-11, adopted April 20, 2011, authorized the sale and development of Permanent Parcel No. 006-28-093 to Randy L. King for yard expansion, as part of the Land Reutilization Program and as authorized by Ordinance No. 1566-10 passed by the Cleveland City Council on February 7, 2011; and

Whereas, Resolution No. 174-11 incorrectly stated the passage date of Ordinance No. 1566-10 as "February 7, 2010"; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 174-11, adopted by this Board April 20, 2011, authorizing the sale and development of Permanent Parcel No. 006-28-093 to Randy L. King for yard expansion is amended by substituting "February 7, 2011" for "February 7, 2010", where appearing in the resolution.

Be it further resolved that all other provisions of Resolution No. 174-11 not expressly amended above shall remain unchanged and in full force and effect.

Yeas: Acting Directors Langhenry, Hardy, Directors Withers, R. Smith, Cox, Acting Director H. Smith, Directors Rush, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Butler and Southerington.

Resolution No. 200-11.

By Directors Rush.

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

Whereas, under the Land Reutilization Program, the City has acquired Permanent Parcel No. 138-12-001, located at East 136th Street under the Land Reutilization Program; and

Whereas, Ordinance No. 107-11 passed April 11, 2011, authorized the sale of the parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Kevin Billingsley has proposed to the City to purchase and develop the parcel for business expansion and parking lot; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 107-11, passed by the Cleveland City Council April 11, 2011, the Mayor is authorized to execute an official deed for and on behalf of the City of Cleveland to Kevin Billingsley for the sale and development of Permanent Parcel No. 138-12-001, as described in the Ordinance according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for the parcel shall be \$2,000.00, which amount is determined to be not less than the fair market value of the parcel for uses according to the Land Reutilization Program.

Yeas: Acting Directors Langhenry, Hardy, Directors Withers, R. Smith, Cox, Acting Director H. Smith, Directors Rush, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Butler and Southerington.

Resolution No. 201-11.

By Directors Rush.

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

Whereas, under the Land Reutilization Program, the City has acquired Permanent Parcel No. 119-32-128, located at East 87th Street under the Land Reutilization Program; and

Whereas, Ordinance No. 1186-10 passed October 25, 2010, authorized the sale of the parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Alfred Fluker and Barbara Thompson have proposed to the City to purchase and develop the parcel for yard expansion; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 1186-10, passed by the Cleveland City Council October 25, 2010, the Mayor is authorized to execute an official deed for and on behalf of the City of Cleveland to Alfred Fluker and Barbara Thompson for

the sale and development of Permanent Parcel No. 119-32-128, as described in the Ordinance according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for the parcel shall be \$400.00, which amount is determined to be not less than the fair market value of the parcel for uses according to the Land Reutilization Program.

Yeas: Acting Directors Langhenry, Hardy, Directors Withers, R. Smith, Cox, Acting Director H. Smith, Directors Rush, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Butler and Southerington.

Resolution No. 202-11.

By Directors 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. 007-31-069 located at West 33rd 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, The Most Reverend Richard G. Lennon, Bishop of Cleveland Catholic Diocese, abutting/adjacent landowner, has proposed to the City to purchase and develop the parcel for green space; 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 The Most Reverend Richard G. Lennon, Bishop of Cleveland Catholic Diocese for the sale and development of Permanent Parcel No. 007-31-069 located at West 33rd 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 \$100.00, which amount is determined to be not less than the Fair Market value of said parcel for uses according to the Program.

Yeas: Acting Directors Langhenry, Hardy, Directors Withers, R. Smith,

Cox, Acting Director H. Smith, Directors Rush, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Butler and Southerington.

Resolution No. 203-11.

By Directors 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. 007-27-002 located at 2904 Erin Avenue in Ward 14; 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, Xiomara Perez, abutting/adjacent landowner, has proposed to the City to purchase and develop the parcel for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 14 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, to Xiomara Perez for the sale and development of Permanent Parcel No. 007-27-002 located at 2904 Erin Avenue, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

Yeas: Acting Directors Langhenry, Hardy, Directors Withers, R. Smith, Cox, Acting Director H. Smith, Directors Rush, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Butler and Southerington.

Resolution No. 204-11.

By Directors 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(s). 127-22-003 and 127-22-107 locat-

ed at 3385 East 93rd Street and 9309 Raymond in Ward 6; 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, Darrell Wilborn, abutting/adjacent landowner, has proposed to the City to purchase and develop the parcels for parking lot; and

Whereas, the following conditions exist:

1. The member of Council from Ward 6 has consented to the proposed sale;

2. The parcels are either less than 4,800 square feet or less than 40 feet frontage;

3. The proposed purchaser of the parcels 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, to Darrell Wilborn for the sale and development of Permanent Parcel No(s). 127-22-003 and 127-22-107 located at 3385 East 93rd Street and 9309 Raymond, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for the parcels shall be \$1,400.00, which amount is determined to be not less than the Fair Market Value of the parcels for uses according to the Program.

Yeas: Acting Directors Langhenry, Hardy, Directors Withers, R. Smith, Cox, Acting Director H. Smith, Directors Rush, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Butler and Southerington.

Resolution No. 205-11.

By Directors 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. 129-22-036 located at 11717 Parkhill in Ward 4; 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, Shawntae Word, abutting/adjacent landowner, has proposed to the City to purchase and develop the parcel for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 4 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, to Shawntae Word for the sale and development of Permanent Parcel No. 129-22-036 located at 11717 Parkhill, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

Yeas: Acting Directors Langhenry, Hardy, Directors Withers, R. Smith, Cox, Acting Director H. Smith, Directors Rush, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Butler and Southerington.

Resolution No. 206-11.

By Directors 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. 128-27-012 located at 11501 Parkview Avenue in Ward 4; 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, John R. Black, abutting/adjacent landowner, has proposed to the City to purchase and develop the parcel for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 4 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, to John R. Black for the sale and development of Permanent Parcel No. 128-27-012 located at 11501 Parkview Avenue, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for the parcel shall be \$400.00, which amount is determined to be not less than the Fair Market Value of the parcel for uses according to the Program.

Yeas: None.

Nays: Acting Directors Langhenry, Hardy, Directors Withers, R. Smith, Cox, Acting Director H. Smith, Directors Rush, Nichols, Fumich and Rybka.

Absent: Mayor Jackson, Directors Butler and Southerington.

Resolution No. 207-11.

By Directors 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. 107-16-041, adjacent to 8915 Blaire Avenue in Ward 7; 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, Ronald U. Gibbs, and Naomi M. Gibbs, abutting/adjacent landowners, have proposed to the City to purchase and develop the parcel for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 7 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, to Ronald U. Gibbs, and Naomi M. Gibbs for the sale and development of Permanent Parcel No. 107-16-041, adjacent to 8915 Blaire Avenue, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

Yeas: Acting Directors Langhenry, Hardy, Directors Withers, R. Smith, Cox, Acting Director H. Smith,

Directors Rush, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Butler and Southerington.

Resolution No. 208-11.

By Directors 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. 119-33-037 located at 2251 East 90th Street in Ward 6; 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, David L. Sparks, abutting/adjacent landowner, has proposed to the City to purchase and develop the parcel for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 6 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 David L. Sparks for the sale and development of Permanent Parcel No. 119-33-037 located at 2251 East 90th Street, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

Yeas: Acting Directors Langhenry, Hardy, Directors Withers, R. Smith, Cox, Acting Director H. Smith, Directors Rush, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Butler and Southerington.

Resolution No. 209-11.

By Directors 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. 006-07-050 located at Colgate Avenue 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, Claire Vorreiter, abutting/adjacent landowner, has proposed to the City to purchase and develop the parcel for yard expansion; and

Whereas, the following conditions exist:

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

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

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland, to Claire Vorreiter for the sale and development of Permanent Parcel No. 006-07-050 located at Colgate Avenue, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

Yeas: Acting Directors Langhenry, Hardy, Directors Withers, R. Smith, Cox, Acting Director H. Smith, Directors Rush, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Butler and Southerington.

Resolution No. 210-11.

By Directors Cox.

Whereas, under authority of Ordinances Nos. 514-09 and 768-09, passed by the Council of the City of Cleveland April 27, 2009 and June 8, 2009 respectively, and Resolution No. 285-09, adopted by the Board of Control on July 8, 2009, the City of Cleveland, through its Director of Parks, Recreation and Properties nka Director of Public Works, entered into City Contract No. 69491 with Parkworks, Inc. for the professional design and construction services necessary for Phase I of the Rehabilitation of Ralph J. Perk Plaza; and

Whereas, the City desires to modify City Contract No. 69491 to revise the scope of work and budget for Phase IA and to obtain the professional design and construction services necessary for Phase II, the final buildout and enhancements to the rehabilitation of Perk Plaza; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the Director of Public Works is authorized to enter into a first modification to Contract No. 69491 on the

basis of Parkworks' Design Scope Specification dated April 15, 2011 ("Proposal") to revise the scope of work and budget for Phase IA and for the additional professional design and construction services necessary for Phase II, for a fee of \$1,359,000.

Be it further resolved that the first modification authorized above shall be prepared by the Director of Law and shall include such additional provisions as the Director deems necessary to protect and benefit the public interest.

Be it further resolved that the employment of the following sub-consultants by Parkworks, Inc. is approved:

<u>SUB-CONSULTANT</u>	<u>AMOUNT PERCENTAGE</u>
F. Buddie Contracting, Ltd. (CSB)	\$567,000.00 41.72%
McKnight Associates (CSB)	\$ 72,500.00 5.34%
Thomas Balsley Associates	\$ 40,000.00 2.94%
Mancini-Shah Associates	\$ 2,500.00 .18%

Yeas: Acting Directors Langhenry, Hardy, Directors Withers, R. Smith, Cox, Acting Director H. Smith, Directors Rush, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Butler and Southerington.

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, MAY 23, 2011

9:30 A.M.

Calendar No. 11-59: 15600 Lorain Avenue (Ward 19)

Lakepark Congregation, owner, appeals to construct a new Kingdom Hall Church proposed on consolidated parcels located on a corner lot in a General Retail Business District; contrary to Section 367.07 a 10 foot setback is proposed where a 15 foot specific setback is required along Lorain Avenue and a 6 foot high wood privacy fence is proposed within the setback on West Park Avenue contrary to the Fence Regulations that prohibit fences in actual front and side street yards to exceed 4 feet in height and require that the fence be at least 50 percent open according to Section 358.04 of the Cleveland Codified Ordinances.

Calendar No. 11-60: 11100 Detroit Avenue (Ward 16)

La Cresta Properties LLC, owner, and Andi Ramazani, tenant, appeal to establish use as a coffee shop the corner portion of an existing three-story mixed use building, located in a General Retail Business District and subject to Cleveland Codified Ordinance 349.04(f), required accessory off-street parking spaces shall equal one for each employee, plus one for each 100 square feet of floor area devoted to patron use or one for each four seats, based upon the maximum seating capacity, whichever is greater.

Calendar No. 11-62: 1901 Ford Drive (Ward 9)

Case Western Reserve University, owner, appeals from the limitation of 30 days duration to install a 30' x 60' temporary tent for events that will occur from May 1, 2011 through October 31, 2011, exceeding the restrictions in Section 347.10(a) of the Cleveland Codified Ordinances.

Calendar No. 11-63: 2149 West 6th Street (Ward 3)

Todd Burger and Kristie Beck, owners, appeal to erect a three-story frame dwelling and attached garage on a 25' x 100' lot in a B1 Multi-Family District; pursuant to Section 355.04 a lot size of 6,000 square feet is required and 2,500 square feet is provided with a maximum lot coverage of 1,370 square feet contrary to 1,250 square feet; and a distance of 1 foot provided contrary to Section 337.23 and 1.6' that is required for the accessory building; and pursuant to Section 357.09, 10 feet is required for interior side yards and side yards equal to 5.16' and 6 feet are provided; with 1 foot of yard space provided where 3 feet is required in accordance with Section 357.13 in the Cleveland Codified Ordinances.

Calendar No. 11-64: 2274 East 73rd Street (Ward 5)

East Central Townhomes, LLC and Burten Bell Carr Development

Corporation, owner, appeal to install 162 linear feet of 6 foot high board on board wooden fence in the actual side yard along Central Avenue of a 59' x 140' lot in a C2 General Retail Business District; contrary to Section 358.04(a) that prohibits fence in actual side street yards to exceed 4 feet in height and requires that it be at least 50 percent open; and a fence 6 feet in height exceeds the distance from the neighbor's house along the rear of the lot.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, MAY 9, 2011

At the meeting of the Board of Zoning Appeals on Monday, May 9, 2011, the following appeals were heard by the Board.

The following appeals were **Approved:**

Calendar No. 11-49: 4204 West 24th Street

City of Cleveland, owner, and Old Brooklyn Community Development Corporation, appealed to operate an agricultural product sales stand in a C2 Multi-Family District.

Calendar No. 11-51: 5151 Pearl Road

White Castle System, Incorporated appealed to erect one secondary single faced illuminated menu board sign on corner lot in a C1 Semi-Industry District.

Calendar No. 11-52: 3255 West 117th Street

White Castle System, Incorporated appealed to erect a second menu board sign at an existing drive through restaurant in a C1 General Retail Business District.

The following appeals were **Denied:**

Calendar No. 10-242: 4210 Franklin Boulevard

Joe Zimmerman, a neighboring property owner, appealed from the Building and Housing decision dated September 13, 2010 granting permission to establish use as a boarding house in a B1 Two-Family District; Ohio City Near West Development Corporation having withdrawn as an appellant party to the appeal.

Calendar No. 10-251: 2606 Martin Luther King Drive

Church of God in Christ, Inc. appealed to construct an addition to a legal nonconforming church in a General Retail Business District.

The following appeals were **Withdrawn:**

None.

The following appeals were **Dismissed:**

None.

The following appeal was **Postponed:**

Calendar No. 11-48: 4034 West 163rd Street postponed to May 31, 2011.

The following appeals heard by the Board on May 2, 2011 were adopted and approved on May 9, 2011.

The following appeals were **Approved:**

Calendar No. 11-43: 3857 East 189th Street

Myron and Tiffany Washington appealed to install a wheelchair lift with a 6' x 8' landing in the front yard setback in an A1 One-Family District.

Calendar No. 11-44: 2092 West 105th Street

Kenneth Baker appealed to install a wheelchair lift with a 5' x 5' landing in the front yard setback in a B1 Two-Family District.

Calendar No. 11-46: 3158 West 43rd Street

Lydia Nieves appealed to rebuild a 5' x 12' side porch to a one family dwelling in a B1 Two-Family District; subject to conditions.

Calendar No. 10-274: 4135 Lee Road

Toris Realty Company, owner, and Jonathon Hayden, tenant, appealed to establish a tattoo/body piercing parlor in a retail plaza space located in a C1 Shopping Center District.

Calendar No. 11-31: 4374-76 Pearl Road

George McPherson appealed to establish an outdoor restaurant in a Local Retail Business District; subject to condition.

On May 9, 2011 the Motions for Rehearing submitted on April 29, 2011 for the following appeals were voted upon and the decision to grant the motions remains pending for ratification:

Calendar No. 10-194: 4300 Bradley Road

W.B. and M.E. Bauman and Bradley Road, Incorporated appealed for grading, filling and excavation, including mining, removal, transfer and sale of soils and minerals on acreage in a General Industry District, where the proposed use is subject to the limitations in Section 345.04(b)(21) of the Cleveland Codified Ordinances.

Calendar No. 10-260: 4300 Bradley Road

W.B. and M.E. Bauman and Bradley Road, Incorporated appealed under Sections 329.03 and 329.04 for a use variance to allow grading, filling and excavation, including mining, removal, transfer and sale of soils and minerals on acreage in a General Industry District.

Calendar No. 10-259: 4300 Bradley Road

W.B. and M.E. Bauman and Bradley Road Incorporated appealed under Sections 329.01(e) and 329.02(d) of the Cleveland Codified Ordinances from the decision of the Zoning Administrator to deny an application for grading, filling and

excavation, including mining, removal, transfer and sale of soils and minerals on acreage in a General Industry District.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

NO MEETING

PUBLIC NOTICE

NOTICE OF PUBLIC MEETING OF THE CITY OF CLEVELAND RECORDS COMMISSION

Notice is hereby given in accordance with Chapter 149 of the Ohio Revised Code and Chapter 167 of the Codified Ordinances of the City of Cleveland, that the Cleveland City Records Commission will hold a public meeting on Tuesday, May 17, 2011 at 11:00 A.M. in Room 106 of City Hall, 601 Lakeside Avenue, Cleveland, Ohio for the purpose of considering records retention and disposal requests.

May 4, 2011 and May 11, 2011

NOTICE OF PUBLIC HEARING

Notice of Public Hearing By the Council Committee On City Planning

**Mercedes Cotner
Committee Room 217
City Hall, Cleveland, Ohio
On Monday, May 23, 2011
9:00 a.m.**

Notice is hereby given to all interested property owners that the Council Committee on City Planning will hold a public hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on May 23, 2011, at 9:00 a.m., to consider the following zoning matter, which matter will be introduced as an ordinance and given an ordinance number at the May 16, 2011 Council Meeting:

By Council Member J. Johnson Changing the Use, Area and Height Districts of land located on the northeast corner of Parkgate Avenue and East Boulevard shown shaded on the attached map to a Multi-Family Residential Use District, a 'D' Area District and a '2' Height District (Map Change No. 2364; Sheet No. 4).

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

Phyllis E. Cleveland
Chair
Committee on City Planning

May 11, 2011 and May 18, 2011

NOTICE OF PUBLIC HEARING**Notice of Public Hearing
By the Council Committee
On City Planning**

**Mercedes Cotner
Committee Room 217
City Hall, Cleveland, Ohio
On Wednesday, May 25, 2011
1:00 p.m.**

Notice is hereby given to all interested property owners that the Council Committee on City Planning will hold a public hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on May 25, 2011, at 1:00 p.m., to consider the following ordinances now pending in the Council:

Ord. No. 333-11.

By Council Member Brancatelli.
An ordinance expanding the Broadway Corridor Design Review District (Map Change No. 2353, Sheet Number 6).

Ord. No. 336-11.

By Council Member Reed.
An ordinance to change the Use and Area Districts of lands located on Harvard Avenue east of East 131st Street to Local Retail Business and a 'C' Area District. (Map Change No. 2354; Sheet No. 10).

Ord. No. 412-11.

By Council Member J. Johnson.
An ordinance establishing a Planned Unit Development Overlay District and changing the Use, Area and Height Districts of a parcel of land on the west side of Hazel Drive south of Magnolia Drive and north of East Boulevard shown shaded on the attached map from a LLI-AA1 to a Multi-Family Residential District, an 'F' Area District and a '2' Height District (Map Change No. 2344, Sheet No. 7)

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

Phyllis E. Cleveland
Chair
Committee on City Planning

May 11, 2011 and May 18, 2011

CITY OF CLEVELAND BIDS**For All Departments**

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

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

Standard Time) on the date specified in the schedule.

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

FRIDAY, MAY 27, 2011

File No. 77-11 — Cleveland Browns Stadium Structural Repairs, for the Division of Architecture and Site Development, Department of Public Works, as authorized by Ordinance No. 550-10, passed by the Council of the City of Cleveland, August 25, 2010.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, MAY 20, 2011 AT 10:00 A.M. THE CLEVELAND BROWNS STADIUM, SOUTHWEST ENTRANCE (CLEVELAND CLINIC GATE), CLEVELAND, OHIO 44114.

May 11, 2011 and May 18, 2011

WEDNESDAY, JUNE 1, 2011

File No. 82-11 — City of Cleveland Gateway East & Gateway North Parking Garage Improvements (Re-Bid), for the Division of Architecture and Site Development, Department of Public Works, as authorized by Ordinance No. 809-09, 617-10 and 306-10, passed by the Council of the City of Cleveland, June 8, 2009, May 10, 2010 and June 7, 2010, respectively.

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, MAY 19, 2011 AT 2:00 P.M. THE PUBLIC AUDITORIUM, 500 LAKESIDE AVENUE,

DIRECTOR'S CONFERENCE ROOM, THIRD FLOOR, CLEVELAND, OHIO 44114.

THE PROJECT SITES SHALL BE MADE AVAILABLE FOR INSPECTION BY BIDDER'S ON TUESDAY, MAY 24, 2011 AT 1:30 P.M. IN THE GATEWAY EAST PARKING GARAGE AND WILL CONCLUDE IN THE GATEWAY NORTH PARKING GARAGE.

May 11, 2011 and May 18, 2011

WEDNESDAY, JUNE 8, 2011**File No. 76-11 — Repair and Replace**

Fire Extinguishers, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 897-10, passed by the Council of the City of Cleveland, August 18, 2010.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** MONDAY, MAY 23, 2011 AT 10:00 A.M. THE CLEVELAND CITY HALL, DIVISION OF PURCHASES AND SUPPLIES, ROOM 128, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

File No. 78-11 — Snow and Ice

Removal Contract, for the Division of Health, Department of Public Health, as authorized by Ordinance No. 897-10, passed by the Council of the City of Cleveland, AUGUST 18, 2010.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** WEDNESDAY, MAY 19, 2011 AT 10:00 A.M. THE J. GLENN SMITH HEALTH CENTER, 11100 ST. CLAIR AVENUE, CLEVELAND, OHIO 44108.

May 11, 2011 and May 18, 2011

THURSDAY, JUNE 9, 2011**File No. 79-11 — Class I Chemical**

Protective Suits, for the Division of Fire, Department of Public Safety, as authorized by Ordinance No. 808-10, passed by the Council of the City of Cleveland, July 14, 2010.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** TUESDAY, MAY 24, 2011 AT 10:00 A.M. THE FIRE DEPARTMENT, HEADQUARTERS, BASEMENT CONFERENCE ROOM, 1645 SUPERIOR AVENUE, CLEVELAND, OHIO 44114.

File No. 80-11 — MSA Air Purifying

Respirator (APR) and Powered Air Purifying Respirator (PAPR), for the Division of Fire, Department of Public Safety, as authorized by Ordinance No. 808-10, passed by the Council of the City of Cleveland, July 14, 2010.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** TUESDAY, MAY 24, 2011 AT 11:00 A.M. THE FIRE DEPARTMENT, HEADQUARTERS, BASEMENT CONFERENCE ROOM, 1645 SUPERIOR AVENUE, CLEVELAND, OHIO 44114.

File No. 81-11 — MT 94 Multithreat

Garment, for the Division of Fire, Department of Public Safety, as authorized by Ordinance No. 808-10, passed by the Council of the City of Cleveland, July 14, 2010.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** TUESDAY, MAY 24, 2011 AT 12:00 P.M. THE FIRE DEPARTMENT, HEADQUARTERS, BASEMENT CONFERENCE ROOM, 1645 SUPERIOR AVENUE, CLEVELAND, OHIO 44114.

May 11, 2011 and May 18, 2011

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 224-11.

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

An emergency resolution declaring the intent to vacate Radio Lane N.E.

Whereas, this Council is satisfied that there is good cause to vacate a portion of Radio Lane N.E., 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 the following described real property:

All that portion of Radio Lane N.E. (66.0 feet wide) (formerly East 27th Street) extending southerly from St. Clair Avenue N.E. (99.0 feet wide) about 162.0 feet to the easterly prolongation of the northerly line of subplot number 91 in the Perry Payne Subdivision as shown by the recorded plat in volume 2 of maps page 29 of Cuyahoga County Records and all that portion Radio Lane N.E. (12.0 feet wide) (formerly Packard Court) extending easterly from the southerly prolongation of the westerly line of subplot number 94 in aforesaid Perry Payne Subdivision 99.0 feet to the northerly prolongation of subplot number 91 as aforesaid.

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 May 2, 2011.
Effective May 5, 2011.

Res. No. 608-11.

By Council Members Sweeney and Cleveland.

An emergency resolution supporting Space Laboratory Associates, a joint non-profit entity of Universities Space Research Association and Battelle, in efforts to gain NASA approval of their headquarters in Cleveland to manage the International Space Station National Laboratory.

Whereas, NASA is considering Cleveland as the site of a new non-profit, Space Laboratory Associates (SLA) that would manage scientific and commercial testing on the International Space Station National Laboratory (ISS NL); and

Whereas, the Greater Cleveland Partnership (GCP) is working in partnership with Team NEO and several other Northeast Ohio organizations to gain NASA approval for SLA, a joint non-profit entity of Universities Space Research Association (USRA) and Battelle, to be headquartered in Cleveland to manage the ISS NL for ten years; and

Whereas, NASA's selection of SLA and Northeast Ohio as a headquarters location will greatly assist management of the ISS NL for four primary reasons: 1) business, research, and education climate, 2) regional expertise in microgravity research and space operations, 3) promotion of STEM Education, and 4) state and local commitment; and

Whereas, first, Northeast Ohio has an outstanding business climate for entrepreneurial, research-oriented organizations that thrive using our proposed "Research to Application" approach; and

Whereas, the region has the "economic ecosystem," which networks together major research universities, with nonprofit research centers with extensive business assets poised to move quickly on commercialization in key research areas and industry sectors that include medicine and life sciences, advanced materials and advanced energy, and agriculture; and

Whereas, this is the environment required to translate ISS NL research into applications that will deliver real economic and societal value to the Nation; and

Whereas, second, Northeast Ohio has a strong base of knowledge and experience in microgravity research and space operations that few other regions in the country possess that SLA will capitalize on to grow the ISS NL program, substantially over the coming decade; and

Whereas, third, Ohio is leading the charge on STEM education and has made nationally-recognized progress, and Cleveland organizations have committed to contributing directly to STEM education associated with the ISS NL, both regionally and nationally; and

Whereas, this includes the new Great Lakes Science Center, the official site of the NASA Glenn Visitor Center, which just completed Phase I and anticipates completing the second phase in 2012 featuring major exhibits dedicated to ISS and the National Laboratory; and

Whereas, the Great Lakes Science Center has also committed to advancing the connectivity of STEM for ISS, nationally, through its active board position with the American Science and Technology Centers (ASTC), a professional organization of over 250 science centers worldwide; and

Whereas, lastly, recognizing the large potential economic impact of the ISS NL headquarters being located in Northeast Ohio, the Ohio Department of Development, the City of Cleveland, Cuyahoga County, and other civic economic development entities in Ohio have demonstrated strong support for our proposal to NASA; and

Whereas, the regions commitment to provide more than \$6 million in financial and in-kind support for the ISS NL significantly strengthens the ability of SLA to manage the ISS NL program; and

Whereas, if NASA selects the Cleveland-based proposal next month, SLA will build headquarters at 7000 Euclid Avenue, in Ward 5 near the Cleveland Clinic and University Hospitals, and next to the 128,000-square-foot MidTown Tech Park now under construction at East 69th Street between Euclid and Carnegie Avenues; and

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

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

Section 1. That this Council supports Space Laboratory Associates, a joint non-profit entity of Universities Space Research Association and Battelle, in efforts to gain NASA approval of their headquarters in Cleveland to manage the International Space Station National Laboratory.

Section 2. That the Clerk of Council is hereby directed to transmit certified copies of this resolution to The Honorable Charles F. Bolden, Jr., Administrator, National Aeronautics and Space Administration, Cooperative Agreement Notice NNH11SOMD002C, Martin McGann, Vice President, State and Local Government Affairs, Greater Cleveland Partnership, and Jay Foran, Team NEO.

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

Adopted May 2, 2011.
Effective May 5, 2011.

Res. No. 609-11.

By Council Member Dow.

An emergency resolution withdrawing objection to a New C2 Liquor Permit at 7909 Superior Avenue and repealing Resolution No. 511-11, objecting to said permit.

Whereas, this Council objected to a New C2 Liquor Permit to 7909 Superior Avenue by Resolution No. 511-11 adopted by the Council on April 11, 2011; and

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

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

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

Section 1. That objection to a New C2 Liquor Permit to Enam 79th, Inc., 7909 Superior Avenue, Cleveland, Ohio 44103, Permanent Number 2509200, be and the same is hereby withdrawn and Resolution No. 511-11, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate permit thereof.

Section 2. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force imme-

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

Adopted May 2, 2011.
Effective May 5, 2011.

Res. No. 610-11.

By Council Member Kelley.

An emergency resolution withdrawing objection to the renewal of a D2, D2X, D3 and D3A Liquor Permit at 4693 State Road, 1st floor and basement front, and repealing Resolution No. 964-10 objecting to said renewal.

Whereas, this Council objected to a D2, D2X, D3 and D3A Liquor Permit to 4693 State Road by Resolution No. 964-10 adopted by the Council on July 14, 2010; and

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

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

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

Section 1. That objection to a D2, D2X, D3 and D3A Liquor Permit to Nicetime, Inc., DBA Dirty Dog, 4693 State Road, 1st floor and basement front, Cleveland, Ohio 44109, Permanent Number 6381965 the same is hereby withdrawn and Resolution No. 964-10 containing such objection, be the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted May 2, 2011.
Effective May 5, 2011.

Res. No. 611-11.

By Council Member Polensek.

An emergency resolution objecting to the transfer of ownership of a D5 Liquor Permit to 16816 Lake Shore Boulevard.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D5 Liquor Permit from Lake Shore Cocktails, LLC, 16826 Lake Shore Boulevard, Cleveland, Ohio 44110, Permanent Number 4979600 to 169, LLC, 16826 Lake Shore Boulevard, Cleveland, Ohio 44110, Permanent Number 6548378; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D5 Liquor Permit from Lake Shore Cocktails, LLC, 16826 Lake Shore Boulevard, Cleveland, Ohio 44110, Permanent Number 4979600 to 169, LLC, 16826 Lake Shore Boulevard, Cleveland, Ohio 44110, Permanent Number 6548378; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted May 2, 2011.
Effective May 5, 2011.

Res. No. 612-11.

By Council Member Polensek.

An emergency resolution withdrawing objection to the renewal of a D5 Liquor Permit at 16826 Lakeshore Boulevard, and repealing Resolution No. 1178-10 objecting to said renewal.

Whereas, this Council objected to a D5 Liquor Permit to 16826 Lakeshore Boulevard by Resolution No. 1178-10 adopted by the Council on August 18, 2010; and

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

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

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

Section 1. That objection to a D5 Liquor Permit to Lake Shore Cocktails, LLC, 16826 Lakeshore Boulevard, Cleveland, Ohio 44110, Permanent Number 4979600 the same is hereby withdrawn and Resolution No. 1178-10 containing such objection, be the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted May 2, 2011.
Effective May 5, 2011.

Ord. No. 242-11.

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

An emergency ordinance authorizing the acquisition of certain easement interests from University Hospital Health Systems, Inc. for a sidewalk at the newly constructed Medical Center Cancer Hospital, for the Office of Capital Projects.

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 certain easement rights from University Hospital Health Systems, Inc. for a sidewalk at the newly constructed Medical Center Cancer Hospital, in and to the premises more particularly described as follows:

Description of a 0.025 Acre Tract Located southwesterly of Cornell Road and southeastern of Euclid Avenue, Cleveland, Ohio

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, being part of the Original 100 Acre Lot No. 403, Range 2 West, Township 8 North of the Connecticut Western Reserve Survey and being a part of Parcel A-1 of the Lot Consolidation Plat for the University Hospitals Health System, Inc. as recorded in Plat Volume 360, Page 46, all record document references in this legal description being to the Recorder's Office, Cuyahoga County, Ohio and being more particularly bounded and described as follows:

Commencing from a drill hole found in a monument box at the intersection of the centerline of Euclid Avenue, now 100 feet wide, and the centerline of Cornell Road S.E., 60 feet wide;

Thence South 46°08' 19" East, a distance of 260.16 feet along the centerline of said Cornell Road S.E. to a point;

Thence South 43°51' 41" West, a distance of 30.00 feet to point on the southwesterly right-of-way line of said Cornell Road S.E. and on the northeasterly line of said Parcel A-1, said point also being the TRUE POINT OF BEGINNING of the herein described tract of land;

01. Thence South 46°08'19" East, a distance of 119.63 feet along the southwesterly right-of-way line of said Cornell Road S.E. and along the northeasterly line of said Parcel A-1 to a point;

02. Thence South 88°51'41" West, a distance of 11.31 feet through said Parcel A-1 to a point;

03. Thence North 46°08'19" West, a distance of 103.63 feet through said Parcel A-1 to a point;

04. Thence North 1°08'19" West, a distance of 11.31 feet through said Parcel A-1 to the True Point of Beginning and containing 0.0205 acres, more or less, and subject to all legal easements, restrictions, reservations, conditions and rights-of-way of previous record.

The basis of bearing in this description is based on the southeasterly line of Euclid Avenue being North 43°49'06" West as recorded in the Lot Split for University Circle Incorporated in Plat Volume 251, Page 53. This description is based on a field survey made by Michael Benza & Associates, Inc. in February 2009 under project number 4305.

Section 2. That the cost of the acquisition of the easement rights shall be One Dollar and other valuable consideration which is determined to be fair market value or the amount of the jury verdict in the event eminent domain is needed to acquire the easement interests in and to the premises. The purchase price, appraisal, title, escrow, and all other costs incurred in acquiring the easement interests shall be paid from the fund or funds deemed appropriate by the Director of Finance.

Section 3. That the Director of Capital Projects is authorized to execute all documents on behalf of the City of Cleveland necessary to acquire certain rights in and to the premises.

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

Passed May 2, 2011.

Effective May 5, 2011.

Ord. No. 256-11.

By Council Member Conwell.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 11008 and 11016 St. Clair Avenue to David Ali.

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 David Ali.

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

P. P. No. 110-01-002

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio: And known as being part of Original One Hundred Acre Lot No. 363 and bounded and described as follows:

Beginning on the Southerly line of St. Clair Avenue NE, 80 feet wide at the Northeasterly corner of land conveyed to the Ambler Realty Company by deed dated October 6, 1914 and recorded in Volume 1610, Page 196 of Cuyahoga County Records; thence Southerly along the Easterly line of land so conveyed to the Ambler Realty Company, about 135.37 feet to the Northerly line of land conveyed to Ada E. Blakeslee by deed recorded in volume 2017, Page 317 of Cuyahoga County Records; thence Easterly along said Northerly line of land so conveyed to Ada E. Blakeslee, 45 feet to the Northeasterly corner thereof; thence Easterly along course No. 3 of parcel No. 3 described in the deed from Blakeslee Real Estate and Improvement Company to the City of Cleveland dated December 20, 1909 and recorded in Volume 1266, page 274 of Cuyahoga County Records, 6.73 feet; thence Northerly parallel to course No. 2 of Parcel No. 3 described in said deed to the City of Cleveland about 140 feet to the Southerly line of St. Clair Avenue NE; thence Westerly along the Southerly line of St. Clair Avenue NE, 52 feet to the place of beginning, be the same more or less, but subject to all legal highways.

P. P. No. 110-01-003

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original One Hundred Acre Lot No. 363, and being bounded and described as follows:

Beginning on the Southerly line of St. Clair Avenue, NE., at the Northeasterly corner of a parcel of land conveyed to Minnie Brick by deed dated November 20, 1922 and recorded in Volume 2736, Page 49 of Cuyahoga County Records; thence South 07° 24' 58" East along the Easterly line of land so conveyed to Minnie Brick, as aforesaid, 140 feet to its intersection with Course No. 3 of Parcel No.3 of land conveyed to the City of Cleveland, by deed dated December 20, 1909 and recorded in Volume 1266, Page 274 of Cuyahoga County Records thence North 78° 24' 20" East along said Course No. 3, as aforesaid, 68 feet to its intersection with Course No. 2 of Parcel No. 3 of land so conveyed to the City of Cleveland, as aforesaid, thence North 07° 24' 58" West along said Course No. 2 of Parcel No. 3, 140 feet to the Southerly line of St. Clair Avenue N.E.; thence South 78° 24' 20" West along the Southerly line of St. Clair Avenue N.E.; 68 feet to the place of beginning, and being further known as Lot No. 2 according to a survey made by A.A. Soffen, Civil Engineer, dated October 1, 1922, be the same more or less, but subject to all legal highways.

P. P. No. 110-01-059

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original One Hundred Acre Lot No. 363 and bounded and described as follows:

Beginning at a point on the Easterly line of Lakeview Road, N.E., distant South 7° 24' 58" East, 131.35 feet (measured along said Easterly line of Lake View Road, N.E.) from its intersection with the Southerly line of St. Clair Avenue, N.E.; thence North 82° 35' 02" East 100 feet and at right angles with said Easterly line of Lake View Road, N.E., thence South 7° 24' 58" East 58.50 feet; thence South 82° 35' 02" West, 100 feet to the Easterly line of said Lake View Road, N.E.; thence North 7° 24' 58" West along said Easterly line of Lake View Road, N.E., 58.50 feet to the place of beginning, be the same more or less, but subject to all legal highways.

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

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

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

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

Passed May 2, 2011.

Effective May 5, 2011.

Ord. No. 323-11.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of electrical parts and equipment, including labor, materials, and installation if necessary, to maintain, repair, and modify electrical systems, for the various divisions of 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.

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

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

Section 1. That the Director of Port Control is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976,

for the requirements for a period up to two years, with two one-year options to renew of the necessary items of electrical parts and equipment, including labor, materials, and installation if necessary, to maintain, repair, and modify electrical systems, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of the Department of Port Control. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The first of the one-year options to renew shall 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 shall 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 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. (RQN 3001, RL 2011-9)

Section 3. 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 Port Control 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 4. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed May 2, 2011.
Effective May 5, 2011.

Ord. No. 450-11.
By Council Members Keane and Sweeney (by departmental request).
An emergency ordinance authorizing the Director of Port Control to amend Contract No. 24675 between the City of Cleveland and Corporate Wings Hopkins LLC, dba Atlantic Aviation to extend the term of their lease for an additional ten years, with one five-year option to renew, exercisable through additional legislative authority; and to issue rent credits for improvements made to the leased premises.

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 any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Port Control is authorized to amend City Contract No. 24675 between Corporate Wings Hopkins LLC, dba Atlantic Aviation to extend the term of the existing lease for an additional ten years, with one five-year option to renew, exercisable through additional legislative authority.

Section 2. That the Director of Port Control is authorized to provide for the issuance of rent credits to Corporate Wings Hopkins LLC, dba Atlantic Aviation for the purpose of making capital improvements to the leased premises, subject to the approval of appropriate City officials for said capital improvements. The rent credit amount shall not exceed \$725,000 and shall be amortized over the balance of the initial term of the existing lease, which expires on February 1, 2014, and over the first five years of the ten-year extension authorized under this ordinance. Any such capital improvements not amortized over such period shall not constitute a rent credit.

Section 3. That the amendment shall be prepared by the Director of Law.

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

Passed May 2, 2011.
Effective May 5, 2011.

Ord. No. 503-11.
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. 69360 with Champlain Enterprises, Inc. dba CommutAir to provide for the use and occupancy of hangar space known as Bay 3 of the Primary Hangar and adjacent ramp space at Cleveland Hopkins International Airport.

Whereas, under the authority of Ordinance No. 1586-08, passed December 8, 2008, the Director of Port Control entered into Contract No. 69360 with Champlain Enterprises, Inc. dba CommutAir to provide for the use and occupancy of hangar space known as Bay 3 of the Primary Hangar and adjacent ramp space at Cleveland Hopkins International Airport; and

Whereas, Ordinance No. 1586-08 requires further legislation before exercising the first option to renew on this contract; and

Whereas, for the use of the Leased premises, Champlain Enterprises, Inc. dba CommutAir shall pay the City an annual rent of \$191,126 for the hangar area portion of the Lease and \$23,587 for the ramp area portion of the lease; 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. 69360 for an additional year with Champlain Enterprises, Inc. dba CommutAir for the use and occupancy of hangar space known as Bay 3 of the Primary Hangar and adjacent ramp space at Cleveland Hopkins International Airport. This ordinance constitutes the additional legislative authority required by Ordinance No. 1586-08 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 May 2, 2011.
Effective May 5, 2011.

Ord. No. 605-11.
By Council Member Cleveland.
An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Burten, Bell, Carr Development to stretch banners at East 55th and Scovill near East Tech, for the period from May 25, 2011 to June 25, 2011 inclusive, publicizing the Sixth Annual Ward 5 Family Festival.

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 the Department of Public Service is hereby authorized and directed to issue a permit to Burten, Bell, Carr Development to install, maintain and remove banners at East 55th and Scovill near East Tech east side for the period from May 25, 2011 to June 25, 2011 inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to 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 May 2, 2011.
Effective May 5, 2011.

Ord. No. 606-11.
By Council Member Sweeney.
An emergency ordinance authorizing the Clerk of Council to amend Agreement No. CT0101 - PS2011 - 055 with Sean Balewski for professional services to extend the term through July 15, 2011 and certify additional funds.

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

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

Section 1. That the Clerk of Council is hereby authorized to amend Agreement No. CT0101 - PS2011 - 055 with Sean Balewski for professional services to assist with legislative and various Council matters for Cleveland City Council. The term shall be extended from May 6, 2011 through July 15, 2011. Additional funds shall be certified not to exceed \$1,500.00 from fund number 01, subfund 001, account 6320.

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

Passed May 2, 2011.
 Effective May 5, 2011.

Ord. No. 607-11.
By Council Member Zone.
An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Detroit Shoreway Community Development Organization to stretch a banner across West 65th Street south of Detroit Avenue and north of Franklin Boulevard, for the period from June 15, 2011 to July 14, 2011, inclusive, publicizing the Gordon Square Farmers' Market.

Whereas, this ordinance constitutes an emergency measure provid-

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to the Detroit Shoreway Community Development Organization to install, maintain and remove a banner across West 65th Street south of Detroit Avenue and north of Franklin Boulevard for the period from June 15, 2011 to July 14, 2011, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to 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 May 2, 2011.
 Effective May 5, 2011.

COUNCIL COMMITTEE MEETINGS

Monday, May 9, 2011
9:30 a.m.

Legislation Committee: Present: Mitchell, Chair; Brancatelli, Reed,

Sweeney. *Authorized Absence:* K. Johnson, Vice Chair; Cimperman, Cleveland. *Pro tempore:* Westbrook, Keane.

1:30 p.m.

Public Safety Committee & Finance Committee: Present in Safety: Conwell, Chair; Brady, Cleveland, Cummins, Dow, Miller, Mitchell. *Authorized Absence:* Polensek, Vice Chair; Zone. Present in Finance: Sweeney, Chair; Kelley, Vice Chair; Brady, Brancatelli, Cleveland, Keane, Miller, Mitchell, Pruitt, Westbrook. *Authorized Absence:* Polensek.

2:00 p.m.

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

Tuesday, May 10, 2011
9:30 a.m.

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

1:30 p.m.

Employment, Affirmative Action and Training Committee: Present: Pruitt, Chair; Miller, Vice Chair; Cummins, J. Johnson, Mitchell, Westbrook. *Authorized Absence:* K. Johnson.

Wednesday, May 11, 2011
1:30 p.m.

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

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O—Ordinance; R—Resolution; F—File
 Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;
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