

The City Record

Official Publication of the Council of the City of Cleveland



February the Sixth, Two Thousand and Thirteen

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	16920 Throckley Avenue	44128
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

MAJOR – 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
 Jenita McGowan, Executive Assistant to the Mayor, Chief of Sustainability
 Natoya J. Walker Minor, Chief of Public Affairs – Interim Director of Equal Opportunity.

OFFICE OF CAPITAL PROJECTS – Jomarie Wasik, Director

DIVISIONS:
 Architecture and Site Development – Robert Vilkas, Chief Architect, Manager
 Engineering and Construction – Richard J. Switalski, Manager
 Real Estate – James DeRosa, Commissioner

DEPT. OF LAW – Barbara A. Langhenry, Director, _____, Chief Counsel,
 Richard F. Horvath, Chief Corporate Counsel, Thomas J. Kaiser, Chief Trial Counsel,
 Room 106: John Skrtic, Law Librarian, Room 100

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

Frank Badalamenti, Manager, Internal Audit

DIVISIONS:

Accounts – Lonya Moss Walker, Commissioner, Room 19
 Assessments and Licenses – Dedrick Stephens, Commissioner, Room 122
 City Treasury – James Hartley, Interim 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 – Alex Margevicius, Interim Commissioner
 Water Pollution Control – Rachid Zoghaib, Commissioner

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

DIVISIONS:

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

DEPT. OF PUBLIC WORKS – Michael Cox, Director

OFFICES:

Administration – John Laird, Manager

Special Events and Marketing – Tangee Johnson, Manager

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 Park Maintenance and Properties – Richard L. Silva, Commissioner
 Parking Facilities – Antonette Thompson, Interim Commissioner
 Property Management – Tom Nagle, Commissioner
 Recreation – Samuel Gissentaner, Interim Commissioner
 Streets – _____, Commissioner
 Traffic Engineering – Robert Mavec, Commissioner
 Waste Collection and Disposal – Randell T. Scott, Interim Commissioner

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

DIVISIONS:

Air Quality – George Baker, Commissioner
 Environment – Pamela Cross, Commissioner, Mural Building, 75 Erieview Plaza
 Health – Karen K. Butler, Commissioner, Mural Building, 75 Erieview Plaza

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

DIVISIONS:

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

DEPT. OF COMMUNITY DEVELOPMENT – Daryl Rush, Director

DIVISIONS:

Administrative Services – Jesus Rodriguez, Commissioner
 Fair Housing and Consumer Affairs Office – John Mahoney, Manager
 Neighborhood Development – Chris Garland, Commissioner
 Neighborhood Services – Louise V. Jackson, Commissioner

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

DIVISIONS:

Code Enforcement – Thomas E. Vanover, Commissioner
 Construction Permitting – Narid Hussain, Commissioner

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

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

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

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

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

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

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

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

BOARD OF BUILDING STANDARDS AND BUILDING APPEALS – Room 516, Joseph F. Denk, Chairman; Howard Bradley, Patrick M. Gallagher, Robert Maschke, Halim M. Saab, P.E., Alternate Members – D. Cox, P. Frank, E. P. O’Brien, Richard Pace, J.F. Sullivan.

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

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

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

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

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

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

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

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

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

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

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

CLEVELAND MUNICIPAL COURT JUSTICE CENTER – 1200 ONTARIO STREET JUDGE COURTROOM ASSIGNMENTS

Judge Courtroom

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

Judge Pinkey S. Carr – Courtroom 12B

Judge Marilyn B. Cassidy – Courtroom 13A

Judge Michelle Denise Earley – Courtroom 12C

Judge Emanuella Groves – Courtroom 14B

Judge Anita Laster Mays – Courtroom 14C

Judge Lauren C. Moore – Courtroom 14A

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

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

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, Gregory A. Sims – Acting Bailiff; Jerome M. Krakowski – Chief Probation Officer, Gregory F. Clifford – Chief Magistrate, Victor Perez – City Prosecutor

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WEDNESDAY, FEBRUARY 6, 2013

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CITY COUNCIL

MONDAY, FEBRUARY 4, 2013

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City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2010-2013

MONDAY — Alternating

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

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

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:** Kelley, Chair; Sweeney, Vice Chair; Brady, Brancatelli, Cleveland, Keane, Miller, Mitchell, Pruitt, Westbrook, Zone.

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:** Zone, Chair; Pruitt, 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:** Pruitt, Chair; Brady, Vice Chair; Conwell, Cummins, Dow, Kelley, Miller, Polensek, 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.

Sustainability Sub-Committee: Zone, Chair; Westbrook, Vice Chair; Cummins.

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, February 4, 2013

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

Council Members present: Dona Brady, Anthony Brancatelli, Phyllis E. Cleveland, Kevin Conwell, Brian J. Cummins, TJ Dow, Jeffrey D. Johnson, Kenneth L. Johnson, Martin J. Keane, Kevin J. Kelley, Eugene R. Miller, Mamie J. Mitchell, Michael D. Polensek, Terrell H. Pruitt, Zack Reed, Martin J. Sweeney, Jay Westbrook and Matthew Zone.

Also present were: Mayor Frank G. Jackson, Chief of Staff Ken Siliman, Chief Operating Officer Darnell Brown, Chief of Government Affairs Valerie J. McCall, Chief of Communications Maureen Harper, Directors Langhenry, Dumas, Withers, Smith, Wasik, Butler, Flask, Cox, Rush, Rybka, Nichols, Brown and Ambroz.

Pursuant to Ordinance No. 2926-76, the opening prayer was offered by Rev. Pamela Pinkney, Pastor of No Fear (But God) Fellowship Assembly, located in Cleveland, Ohio. Pledge of Allegiance.

MOTION

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

COMMUNICATIONS

File No. 171-13.

From Martin L. Flask, Director, Department of Public Safety, City of Cleveland — Grant Application to American Society for the Prevention of Cruelty of Animals. Received.

FROM OHIO DIVISION OF LIQUOR CONTROL

File No. 172-13.

RE: #4179319 — D1, D2, D3, D6 Transfer of Ownership Application, JDK, LLC, d.b.a. The Leader Bar & Grill, 526 Superior Ave. (Ward 3). Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 173-13—Exodus Lett, Jr.

Res. No. 174-13—Leon Smith, Sr.

Res. No. 175-13—Crystal S. Moody.

Res. No. 176-13 — James Edward Smith, Sr.

Res. No. 177-13—George Gund III.

Res. No. 183-13 — William "Bill" Isaac Sims.

Res. No. 184-13—Jerry O'Malley.

CONGRATULATIONS RESOLUTIONS

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

Res. No. 178-13 — Edward "Ed" Schmitt.

Res. No. 179-13—Dick Russ.

RECOGNITION RESOLUTION

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

Res. No. 180-13 — Lithuania's Independence — 95th Anniversary.

WELCOME RESOLUTION

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

Res. No. 181-13 — The Honorable Mr. Justice George M. Birmingham.

**FIRST READING EMERGENCY
ORDINANCES REFERRED**

Ord. No. 163-13.

**By Council Member Cimperman.
An emergency ordinance designating the May Company Building as a Cleveland Landmark.**

Whereas, under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, the Cleveland Landmarks Commission (the "Commission"), has proposed to designate the May Company Building as a landmark; and

Whereas, a public hearing under division (b)(2) of Section 161.04 was held on December 13, 2012 to discuss the proposed designation of the May Company Building as a landmark; and

Whereas, the Commission has recommended designation of the May Company Building as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health, and safety in that the immediate protection of the historic landmark is necessary to safeguard the special historical, community, or aesthetic interest or value in the landmark; now, therefore

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

Section 1. That the May Company Building, whose street addresses in the City of Cleveland are 158 to 216 Euclid Avenue and 105 to 205 Prospect Avenue, S.E., Cuyahoga County Auditor's Permanent Parcel Number is 101-26-028 and is also known as the following described property:

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being part of Original Two Acre Lot Nos. 86, 87, 98, and 99, and further bounded and described as follows:

Beginning on the Southeasterly right of way line of Public Square at its intersection with the Northeasterly right of way line of East 1st Street (12 feet wide), by Ordinance No. 1872 passed July 30, 1872 and the principal place of beginning of the parcel of land herein described;

Course No. 1: thence North 56 deg. 19' 13" East along the Southeasterly right of way line of Public Square, a distance of 127.51 feet to its intersection with the Southerly line of Euclid Avenue (99 feet wide);

Course No. 2: thence North 80 deg. 06' 53" East along the Southerly line of said Euclid Avenue, a distance of 72.27 feet to the most Westerly corner of lands conveyed to Lewis-Baker, LLC by deed recorded in Volume 97-9282, Page 19 of Cuyahoga County Records;

Course No. 3: thence South 33 deg. 39' 42" East, along the Southwesterly line of said lands conveyed to Lewis-Baker LLC, a distance of 358.76 feet to the most Southerly corner thereof;

Course No. 4: thence North 56 deg. 39' 17" East along the Southeasterly line of said lands conveyed to Lewis-Baker LLC, a distance of 44.99 feet to its intersection with the Westerly line of East 3rd Street (16.5 feet wide);

Course No. 5: thence South 19 deg. 35' 23" East along the Westerly right of way line of said East 3rd Street, a distance of 147.39 feet to its intersection with the Northerly line of Prospect Avenue (82.5 feet wide);

Course No. 6: thence South 78 deg. 12' 38" West along the Northerly line of said Prospect Avenue, a distance of 219.91 feet to its intersection with the Northeasterly line of said East 1st Street;

Course No. 7: thence North 33 deg. 29' 51" West along the Northeasterly right of way line of said East 1st Street, a distance of 449.15 feet to the place of beginning, and containing 2.2450 acres (97,792 square feet) of land, according to the survey prepared by McSteen and Associates, Inc., dated March 3, 2000, last revised April 13, 2000;

Description approved by Greg Esber, Section Chief, Plats, Surveys and House Number Section, Division of Engineering & Construction which in its entirety is a property having special character or special historical or aesthetic value as part of the development, heritage, or cultural characteristics of the City, State, or the United States, is designated a landmark under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

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 City Planning Commission, Law; Committees on City Planning, Finance.

Ord. No. 164-13.

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

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 141.38 relating to contracts with the State of Ohio to receive reimbursement under the Medicaid Administrative Claiming (MAC) Program for the Department of Public Health.

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 Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 141.38 to read as follows:

Section 141.38 Contracts with the State of Ohio to Receive Reimbursement Under the Medicaid Administrative Claiming (MAC) Program for the Department of Public Health

(a) That the Director of Public Health is authorized to enter into contracts with the State of Ohio to receive reimbursement of costs for services related to activities that support efforts to identify and enroll eligible Clients into Medicaid under the Medicaid Administrative Claiming (MAC) Program.

(b) That the Director of Finance is authorized to accept reimbursements from the State of Ohio under the MAC Program and deposit those funds into the general fund to be used to finance the operation of the Department of Public Health.

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 Public Health, Finance, Law; Committees on Health and Human Services, Legislation, Finance.

Ord. No. 165-13.

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

An emergency ordinance to amend Sections 1 and 2 of Ordinance No. 1355-10, passed November 8, 2010, relating to a grant from the Department of Justice Violence Against Women through the County Criminal Justice Services Agency for the 2011 Cleveland Domestic Violence Program and authorizing contracts for its implementation.

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 2 of Ordinance No. 1355-10, passed November 8, 2010, are amended to read as follows:

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$136,582.13 from the Department of Justice Violence Against Women through the County Criminal Justice Services Agency to conduct the 2011 Cleveland Domestic Violence Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the subgrant application for the grant contained in the file described below.

Section 2. That the subgrant application for the grant, File No. 1355-10-B, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing

on this legislation and shall not be changed without additional legislative authority; including the obligation of the City of Cleveland to provide cash matching funds in the sum of **\$45,527.38** from Fund Nos. 10 SF 025, 10 SF 027, and 10 SF 049, is approved in all respects. **RQS 6001, RL 2013-012.**

Section 2. That existing Sections 1 and 2 of Ordinance No. 1355-10, passed November 8, 2010, are repealed.

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

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

Ord. No. 166-13.

By Council Member Zone.

An emergency ordinance to amend Sections 186.02, 186.03, 186.04 and 186.05 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No.1356-03, passed November 17, 2003, relating to public art.

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 186.02, 186.03, 186.04 and 186.05 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1356-03, passed November 17, 2003, are hereby amended to read as follows:

Section 186.02 Applicable Projects

(a) *Project Cost.* Public art shall be required as a part of any of the activities specified in division (c) of this section when those activities are undertaken by the City of Cleveland on property owned by the City and the project cost, as defined in section 186.03, is **three hundred thousand dollars (\$300,000.00)** or more. If an ordinance authorizes the City to engage in an activity specified in division (c) where the total project cost is less than **three hundred thousand dollars (\$300,000.00)** and requires public art, the applicable provisions of this chapter shall apply.

(b) *Project Type.* The public art requirement shall apply to the following projects:

(1) Construction of a new building, **bridge, parking garage**, or other above-ground structure;

(2) Renovation and/or expansion of a building, **bridge, parking garage**, or other above-ground structure if the cost of the work represents more than **one-half (1/2)** the value of the building, **bridge, parking garage**, or structure, excluding the cost of renovating interior areas not accessible to the public;

(3) Development or redevelopment of a park or plaza, excluding projects limited to maintenance, repair and/or landscaping; or

(4) Development of underground facilities, such as parking garages, accessible or visible to the public.

(c) *Streetscape Projects.* The public art requirement shall apply to streetscape projects, including the streetscape component of any street reconstruction project. For purposes of calculating project cost for streetscape projects only, the project cost shall include costs covered by funds from which public art is excluded as an object of expenditure.

Section 186.03 Public Art Requirement

(a) *Required Funding.* One and one-half percent (1.5%) of the cost of an applicable project shall be devoted to provision of public art. The calculation of project cost shall include construction costs, including construction management costs, but shall exclude costs for land, interior fixtures and furnishings, architectural fees, engineering fees, and costs covered by funds from which public art is excluded as an object of expenditure. The cost of an applicable project shall be calculated based on the amounts of the executed applicable construction and construction management contracts.

(b) *Qualifying Public Art Projects.* Public art required by the regulations of this chapter may take the form of a discrete object of visual art, such as a sculpture or mural, permanent or temporary in nature, or may take the form of artist-designed functional elements of a project. An artist shall collaborate on the public art required by the regulations of this chapter.

(c) *Location of Public Art.* Public art required by the regulations of this chapter, shall be placed on the site of the applicable project. If the City Planning Commission, in consultation with the Public Art Committee, determines that placement of public art on **the applicable** project site would be inappropriate due to inadequate public visibility or public access, the Commission **shall consult with applicable City departments and thereafter may select an alternate site to locate the public art.**

(d) *Aggregation of Funds.* If the City Planning Commission, in consultation with the Public Art Committee, determines that the purposes of this chapter will best be met by combining the public art funds from two (2) or more applicable projects, the Commission may authorize the execution of a single public art project using the funding from multiple projects.

(e) *Ownership of Public Art.* All art located on City property and acquired under the requirements of this chapter shall be owned by the City of Cleveland, unless other ownership is specified in an ordinance pertaining to a particular public art project.

Section 186.04 Program Administration

(a) *Responsibilities.* The Cleveland City Planning Commission shall administer the Public Art Program, with the assistance of its staff and advisory committee, **and in conjunction with the Mayor's Office of Capital Projects.** Responsibilities shall include, among others, the following:

(1) Preparing and adopting guidelines, rules and procedures necessary to implement the regulations of this chapter, which guidelines shall include a mechanism for neighborhood resident and stakeholder involvement in the public art selection process;

(2) Developing and updating a citywide public art plan that identifies public art opportunities in the City of Cleveland;

(3) Establishing and maintaining a registry of materials submitted by artists for consideration by the Public Art Committee;

(4) Issuing requests for proposals and conducting the process of selecting artists and artwork for each project;

(5) Developing and maintaining an inventory of public art in the City of Cleveland, and producing and disseminating educational and promotional materials regarding these works of art;

(6) Ensuring widespread public participation in the Public Art Program;

(7) Coordinating public art projects with participating City departments and other participating agencies and organizations;

(8) Establishing a schedule and standards for maintenance of public art in consultation with the artist, if feasible; and

(9) Providing periodic written reports to the Mayor and to City Council, no less frequently than once **per calendar year**, documenting activities, accomplishments and expenditures and demonstrating compliance with the regulations of this chapter.

(b) *Public Art Committee.* The City Planning Commission shall establish an advisory committee, to be known as the Public Art Committee, to advise and assist the Commission in conducting the Public Art Program.

(c) *Public Art Committee Membership.* The Public Art Committee shall be composed of the following members, each appointed by the Chairman of the City Planning Commission on nomination by the Mayor, unless otherwise stated:

(1) A visual artist;

(2) An administrator of an arts organization;

(3) A recognized expert in the field of public art;

(4) A City resident active in community affairs;

(5) A staff member of a City department that engages in projects subject to the provisions of this chapter, who shall be chairperson of the Committee;

(6) A professional architect or landscape architect;

(7) A member of Cleveland City Council or its staff, appointed by the President of City Council; and

(8) Two (2) community representatives appointed on a project-specific basis by the City Council member in whose ward a public art project has been proposed. **In addition, the Council member, at his or her discretion, may appoint a member of a local design review commission to the Public Art Committee, also on a project-specific basis.**

(d) *Committee Members Terms of Appointment.* The term for members of the Public Art Committee shall be two (2) years, except that the initial Committee members described in (2), (4) and (6) of division (c) of this section shall have a one (1) year term. After that one (1) year term, the term for the Committee members described in (2), (4) and (6) of division (c) of this section shall be two (2) years. **The appointments made pursuant to (8) of division (c) of this section, shall not have a term, but shall serve on the Committee only for the duration of deliberations on the particular public art project for which they were appointed.**

(e) *Committee Meetings.* The Public Art Committee shall meet **at least quarterly**, except when there is no business to conduct, **and may meet more frequently to consider specific projects or other matters as may be necessary.** The meetings shall be conducted under rules and procedures adopted by the Committee and approved by the City Planning Commission.

(f) *Committee Member Compensation.* Members of the Public Art Committee shall not receive monetary compensation for their services to the Committee.

Section 186.05 Selection of Art

(a) *Selection Process.* The City Planning Commission, through its Public Art Committee shall solicit, review and select artwork **according to the following provisions:**

(1) *Community Participation.* The Public Art Committee shall engage local residents, other local stakeholders, and the local City Council member in the process of selecting public art for a particular location. As required in Section 186.04, two (2) community representatives appointed by the local Council member shall be added to the Committee as voting members for the purpose of project selection.

(2) *Project Concept.* The Committee shall work with the applicable department and the project design team to establish the goals for each public art project, including suitable locations and appropriate formats.

(3) *Selection Method.* The Committee shall recommend to the City Planning Commission the most appropriate method of selecting each public art project. Possible selection methods include open competition and invitational competition.

(4) *Submission Options.* The Committee shall recommend to the City Planning Commission submission

requirements for each public art project.

(5) *Approval.* The Public Art Committee shall make its recommendation for a public art project to the City Planning Commission **or Landmarks Commission, as applicable**, which shall make the final determination. Alternatively, the Committee or the Commission may choose to make no selection and to re-open the competition. **The Public Art Committee's recommendation to the City Planning Commission or Landmarks Commission shall substitute for the otherwise applicable design review advisory committee recommendation to the Commission.**

(b) *Selection Criteria.* In selecting artwork, the Public Art Committee and the City Planning Commission shall consider, among others, the following factors: artistic quality, appropriateness of the artwork to its context, durability and resistance to the environment and vandalism, safety, feasibility of implementation, and the contribution the art makes to a citywide public art collection that reflects the diversity of the community and a diversity of forms of artistic expression.

(c) *Representation of Local Artists.* It is the intent of the City that at least fifty percent (50%) of the art installed under this chapter be created by artists living or working in the City of Cleveland. Achievement of this goal shall be measured in five (5) year increments.

Section 2. That existing Sections 186.02, 186.03, 186.04 and 186.05 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No.1356-03, passed November 17, 2003, are hereby repealed.

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

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

Ord. No. 167-13.

By Council Members Conwell, Polensek, Brancatelli, Dow, Cummins, Westbrook, Keane, K. Johnson, Cleveland and Pruitt.

An emergency ordinance to amend Sections 605.11, 621.03, and 623.10 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances, relating to offenses and misconduct involving a public transportation system and against a public transportation worker.

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

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

Section 1. That Section 605.11, as amended by Ordinance No. 411-09 passed April 13, 2009, Section 621.03 as amended by Ordinance No. 995-2000, passed December 4, 2000, Section 623.10 as amended by Ordinance No. 243-12, passed April 23, 2012 are hereby amended to read, respectively, as follows:

Section 605.11 Misconduct Involving a Public Transportation System

(a) No person shall evade the payment of the known fares of a public transportation system.

(b) No person shall alter any transfer, pass, ticket, or token of a public transportation system with the purpose of evading the payment of fares or of defrauding the system.

(c) No person shall do any of the following while in any facility or on any vehicle of a public transportation system:

(1) Play sound equipment without the proper use of a private earphone;

(2) Smoke, eat, or drink in any area where the activity is clearly marked as being prohibited; and

(3) Expectorate upon a person, facility or vehicle.

(d) No person shall fail to comply with a lawful order of a public transportation system police officer, and no person shall resist, obstruct, or abuse a public transportation system police officer in the performance of the officer's duties.

(e) No person, without privilege to do so, and while on a public transportation system vehicle, shall negligently fail or refuse to leave such vehicle upon being notified to do so by the operator, driver, or an authorized agent of the public transportation system. (RC 2917.41)

(f) No person shall throw a rock, stone, bottle, missile, projectile, snowball or other hard substance at, within or from a public transportation system vehicle.

(g) Whoever violates division (f) of this section is guilty of a misdemeanor of the second degree. If violation of division (f) of this section creates a risk of physical harm to any person, such violation is a misdemeanor of the first degree.

(h) Whoever violates divisions (a), (b), (c), (d) or (e) of this section is guilty of a minor misdemeanor on the first offense and a misdemeanor of the fourth degree on the second and any subsequent offense.

Section 621.03 Assault

(a) No person shall knowingly cause or attempt to cause physical harm to another.

(b) No person shall recklessly cause serious physical harm to another.

(c) Whoever violates this section is guilty of assault, a misdemeanor of the first degree.

(d) Notwithstanding the provisions of division (c) of this section, if the sentencing court determines that the victim of the offense was any of the following:

(1) An official or employee of the Cleveland City School District or the City of Cleveland; or

(2) A member of the City's Auxiliary Police Force; or

(3) A school crossing guard or his or her alternate; or

(4) A volunteer working on school property, whether public or private, or at a City-owned recreation center;

(5) A taxicab driver licensed under Chapter 443 of the Codified Ordinances; or

(6) A Regional Transit Authority worker, driver or operator or any other public transportation system worker, driver or operator,

and the court further determines that the victim was performing his or her official duties at the time of the offense, the court shall set the offender's fine at one thousand dollars (\$1,000.00) and in addition to said fine shall sentence the offender to not less than sixty (60) days' and not more than six (6) months' imprisonment. The minimum fine and imprisonment to be imposed by the court pursuant to this division (d) are mandatory. The court shall not suspend all or any portion of said fines and imprisonment.

(e) Notwithstanding the provisions of division (c) of this section, if the sentencing court determines that the victim of the offense was a child between the ages of six (6) and seventeen (17) and was in attendance in a facility owned by the Cleveland City School District at the time of the offense, the court shall set the offender's fine at one thousand dollars (\$1,000.00) and, in addition to said fine, shall sentence the offender to not less than sixty (60) days' and not more than six (6) months' imprisonment. The minimum fine and imprisonment to be imposed by the court pursuant to this division (d) are mandatory. The court shall not suspend all or any portion of said fines and imprisonment.

(f) This section does not apply where the offense constitutes a felony pursuant to RC 2903.13.

Section 623.10 Spray Painting Property

(a) No person shall intentionally, maliciously or recklessly destroy, damage or deface in any way any public or private property by the use of spray paint or any other paint or any other similar substance. Public or private property shall include, **but not be limited to**, the following:

(1) Public or private buildings, including sidewalks about such grounds and all appurtenances thereto, fences or trees;

(2) Public street lights, fire hydrants, pumps, fountains, inlets, manholes or sewer ventilators, **waste containers and noise walls;**

(3) Telephone or telegraph wires or electric wires of any kind or the poles sustaining or attaching thereto;

(4) Statues, monuments or plaques;

(5) Official notices or signs posted by the State, the City or any other public agency;

(6) Any property, including vehicles, seats, equipment, buildings, and bus stops owned by the Regional Transit Authority or any other public transportation system.

(b) (1) Whoever violates this section is guilty of spray painting property, a misdemeanor of the first degree.

(2) In addition to any other penalty imposed, as a separate and independent penalty, whoever violates this section shall be ordered to either, (i) make restitution by monetary payment for the loss or damage incurred on the property at that location where the offender committed the violation or, (ii) at his or her own cost, remove the spray paint from the property at that location where the offender committed the violation and to restore by physical labor the property to its former condition; and, also at his or her own cost, to perform one hundred (100) hours of community service removing spray paint from other public or private property.

Section 2. That existing Section 605.11, as amended by Ordinance No. 411-09 passed April 13, 2009, Section 621.03 as amended by Ordinance No. 995-2000, passed December 4, 2000, Section 623.10 as amended by Ordinance No. 243-12, passed April 23, 2012 are hereby repealed.

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

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

Ord. No. 169-13.

By Council Member Cimperman.

An emergency ordinance to amend Section 453.01 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2255-05, passed December 8, 2008, adding Martin Luther King Day as a day on which parking meter zone regulations shall not apply.

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

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

Section 1. That Section 453.01 of the Codified Ordinances of Cleveland, Ohio 1976, as amended by Ordinance No 2255-05, passed December 8, 2008, is amended as follows:

Section 453.01 Parking Regulations in Parking Meter Zones

(a) No person shall park a vehicle in a space adjacent to a street parking meter unless the curb side wheels of such a vehicle are parallel with and not more than twelve (12) inches from the curb. The front and rear extremities of the vehicle shall be between adja-

cent meter posts or not more than three (3) feet from the post of an end meter. Whenever a vehicle is parked in a street parking meter zone where a meter has been installed, the person parking such vehicle shall deposit in such parking meter a coin of United States money of the denomination designated on the plates attached to such parking meter, if such meter displays the signal showing that legal parking is only permitted on such deposit.

(b) The coins required in parking meter zones shall be as follows:

(1) In the Downtown Parking Area, as defined in Section 403.04, but excluding Institutional Areas, as defined herein, twenty-five cents (\$0.25) per twenty (20)-minute period;

(2) In Institutional Areas, fifty cents (\$0.50) per hour or any portion thereof. For purposes of this section, an "Institutional Area" means the area adjacent to any hospital or educational institution in the City;

(3) In all other areas of the City, twenty-five cents (\$0.25) per hour or any portion thereof.

(c) Notice to the public shall be given by appropriate signs, setting forth the length of time for which parking is permitted and the conditions thereof. These may be upon the parking meter stand or in the immediate vicinity. Any vehicle which remains in a metered parking zone after the prescribed time for parking is hereby determined to be illegally parked. At each place where street metered parking zones are so established as provided in Section 403.06 and are so marked off, each vehicle shall be parked entirely within a metered parking zone space. The provisions of this section shall not apply to vehicles parking upon the street of the City between the hours of 6:00 p.m. in the evening until 7:00 a.m. the following morning and upon Saturdays, Sundays, New Year's Day, Memorial Day, Independence Day, Labor Day, Thanksgiving Day, Christmas Day, and Martin Luther King Day, unless a different rule or regulation is otherwise set forth in this Traffic Code, and shall not apply to any parking meter space in the downtown parking area, as defined in Section 403.04, on the day after Thanksgiving ("Black Friday") and December 26th.

Section 2. That existing Section 453.01 of the Codified Ordinances of Cleveland, Ohio 1976, as amended by Ordinance No. 2255-05, passed December 8, 2008, is repealed.

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

Referred to Directors of Public Works, Finance, Law; Committees on Public Parks, Properties and Recreation, Finance.

Ord. No. 170-13.**By Council Member Kelley (by departmental request).****An emergency ordinance to make appropriations and provide current expenses for the daily operation of all municipal departments of the City of Cleveland for the fiscal year from January 1, 2013 until December 31, 2013.**

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

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

Section 1. That to provide for the current expenses for the City of Cleveland for the fiscal year ending December 31, 2013, the following sums be and they are hereby appropriated viz:

The sum of Five Hundred Thirty Eight Million, Three Hundred Seventy Three Thousand, Nine Hundred Eighty Six Dollars (\$538,373,986) from the General Fund;

The sum of Seventy Four Million, Seven Hundred One Thousand, Thirty Dollars (\$74,701,030) from the Special Revenue Funds;

The sum of Thirty Million, One Hundred Eighty Eight Thousand, Seven Hundred Fourteen Dollars (\$30,188,714) from the Internal Service Funds;

The sum of Six Hundred Thirty One Million, Two Hundred Forty Thousand, Eight Hundred Eighty Nine Dollars (\$631,240,889) from the Enterprise Funds;

The sum of Ten Million, Two Hundred Ninety Six Thousand, Sixty Five Dollars (\$10,296,065) from the Trust and Agency Funds;

The sum of Fifty Nine Million, Four Hundred Forty Eight Thousand, Two Hundred Sixty Dollars (\$59,448,206) from the Debt Service Fund;

All set forth in the Mayor's Estimate on file with Council and identified in the aggregate amount for each department as follows:

GENERAL FUND

Legislative Branch	\$	7,170,178
Judicial Branch		39,453,461
EXECUTIVE BRANCH		
General Government		13,240,565
Department of Aging		938,634
Department of Human Resources		2,067,412
Department of Law		9,436,026
Department of Finance		14,900,917
Department of Public Health		5,517,038
Department of Public Safety		311,669,856
Department of Public Works		71,234,320
Department of Community Development		295,868
Department of Building and Housing		10,264,960
Department of Economic Development		1,643,646
Nondepartmental		50,541,105
TOTAL EXECUTIVE BRANCH	\$	491,750,347
TOTAL GENERAL FUND	\$	538,373,986
Special Revenue Funds		74,701,030
Internal Service Funds		30,188,714
Enterprise Funds		631,240,889
Agency Funds		10,296,065
Debt Service Funds		59,448,206
TOTAL APPROPRIATIONS FOR 2013	\$	1,344,248,890

GENERAL FUND**LEGISLATIVE BRANCH**

Council and Clerk of Council		\$	7,170,178
I. Personnel and Related Expenses	\$	5,204,431	
II. Other Expenses		1,965,747	
TOTAL LEGISLATIVE BRANCH	\$	7,170,178	

JUDICIAL BRANCH

Municipal Court - Judicial Division		\$	21,949,347
I. Personnel and Related Expenses	\$	19,149,395	
II. Other Expenses		2,799,952	
Municipal Court - Clerk's Division		\$	14,017,593
I. Personnel and Related Expenses	\$	8,990,331	
II. Other Expenses		5,027,262	

Municipal Court - Housing Division		\$	3,486,521
I. Personnel and Related Expenses	\$	3,338,886	
II. Other Expenses		147,635	
TOTAL JUDICIAL BRANCH		\$	<u>39,453,461</u>

EXECUTIVE BRANCH

GENERAL GOVERNMENT

Office of the Mayor		\$	2,586,351
I. Personnel and Related Expenses	\$	2,471,041	
II. Other Expenses		115,310	
Office of Capital Projects		\$	4,657,978
I. Personnel and Related Expenses	\$	4,064,697	
II. Other Expenses		593,281	
Landmarks Commission		\$	195,552
I. Personnel and Related Expenses	\$	191,246	
II. Other Expenses		4,306	
Board of Building Standards and Appeals		\$	130,631
I. Personnel and Related Expenses	\$	118,401	
II. Other Expenses		12,230	
Board of Zoning Appeals		\$	215,252
I. Personnel and Related Expenses	\$	199,876	
II. Other Expenses		15,376	
Civil Service Commission		\$	1,334,162
I. Personnel and Related Expenses	\$	627,839	
II. Other Expenses		706,323	
Community Relations Board		\$	1,233,634
I. Personnel and Related Expenses	\$	1,183,005	
II. Other Expenses		50,629	
City Planning Commission		\$	1,557,879
I. Personnel and Related Expenses	\$	1,475,140	
II. Other Expenses		82,739	
Boxing and Wrestling Commission		\$	7,682
I. Personnel and Related Expenses	\$	7,682	
Office of Equal Opportunity		\$	506,034
I. Personnel and Related Expenses	\$	485,256	
II. Other Expenses		20,778	
Office of Budget & Management-Budget Admin.		\$	815,410
I. Personnel and Related Expenses	\$	784,702	
II. Other Expenses		30,708	
TOTAL GENERAL GOVERNMENT		\$	<u>13,240,565</u>

DEPARTMENT OF AGING

Department of Aging		\$	938,634
I. Personnel and Related Expenses	\$	789,879	
II. Other Expenses		148,755	
TOTAL DEPARTMENT OF AGING		\$	<u>938,634</u>

DEPARTMENT OF HUMAN RESOURCES

Office of Personnel		\$	2,067,412
I. Personnel and Related Expenses	\$	1,346,866	
II. Other Expenses		720,546	
TOTAL DEPARTMENT OF HUMAN RESOURCES		\$	<u>2,067,412</u>

DEPARTMENT OF LAW

Division of Law		\$	9,436,026
I. Personnel and Related Expenses	\$	6,705,123	
II. Other Expenses		2,730,903	
TOTAL DEPARTMENT OF LAW		\$	9,436,026

DEPARTMENT OF FINANCE

Finance Administration		\$	1,256,137
I. Personnel and Related Expenses	\$	966,298	
II. Other Expenses		289,839	
Division of Accounts		\$	2,029,878
I. Personnel and Related Expenses	\$	1,393,288	
II. Other Expenses		636,590	
Division of Assessments and Licenses		\$	4,118,954
I. Personnel and Related Expenses	\$	2,464,400	
II. Other Expenses		1,654,554	
Division of Treasury		\$	576,026
I. Personnel and Related Expenses	\$	481,235	
II. Other Expenses		94,791	
Division of Purchases and Supplies		\$	720,226
I. Personnel and Related Expenses	\$	678,943	
II. Other Expenses		41,283	
Bureau of Internal Audit		\$	1,102,127
I. Personnel and Related Expenses	\$	546,881	
II. Other Expenses		555,246	
Division of Financial Reporting and Control		\$	1,318,218
I. Personnel and Related Expenses	\$	1,296,379	
II. Other Expenses		21,839	
Information Systems Services		\$	3,779,351
I. Personnel and Related Expenses	\$	1,995,120	
II. Other Expenses		1,784,231	
TOTAL DEPARTMENT OF FINANCE		\$	14,900,917

DEPARTMENT OF PUBLIC HEALTH

Public Health Administration		\$	950,470
I. Personnel and Related Expenses	\$	616,306	
II. Other Expenses		334,164	
Division of Health		\$	3,134,482
I. Personnel and Related Expenses	\$	1,875,810	
II. Other Expenses		1,258,672	
Division of Environment		\$	1,036,808
I. Personnel and Related Expenses	\$	829,110	
II. Other Expenses		207,698	
Division of Air Quality		\$	395,278
I. Personnel and Related Expenses	\$	114,178	
II. Other Expenses		281,100	
TOTAL DEPARTMENT OF PUBLIC HEALTH		\$	5,517,038

DEPARTMENT OF PUBLIC SAFETY

Public Safety Administration		\$	4,427,833
I. Personnel and Related Expenses	\$	3,000,440	
II. Other Expenses		1,427,393	
Division of Police		\$	180,738,480
I. Personnel and Related Expenses	\$	171,390,342	
II. Other Expenses		9,348,138	

Division of Fire		\$ 86,982,195
I. Personnel and Related Expenses	\$ 83,498,900	
II. Other Expenses	3,483,295	
Division of Emergency Medical Services		\$ 24,289,898
I. Personnel and Related Expenses	\$ 21,548,323	
II. Other Expenses	2,741,575	
Division of Animal Control Services		\$ 1,317,167
I. Personnel and Related Expenses	\$ 960,275	
II. Other Expenses	356,892	
Division of Correction		\$ 13,914,283
I. Personnel and Related Expenses	\$ 10,805,764	
II. Other Expenses	3,108,519	
TOTAL DEPARTMENT OF PUBLIC SAFETY		<u>\$ 311,669,856</u>

DEPARTMENT OF PUBLIC WORKS

Division of Public Works Administration		\$ 3,053,343
I. Personnel and Related Expenses	\$ 2,850,215	
II. Other Expenses	203,128	
Division of Recreation		\$ 12,316,663
I. Personnel and Related Expenses	\$ 8,452,066	
II. Other Expenses	3,864,597	
Division of Parking Facilities-On Street		\$ 1,228,066
I. Personnel and Related Expenses	\$ 1,187,226	
II. Other Expenses	40,840	
Division of Property Management		\$ 12,311,720
I. Personnel and Related Expenses	\$ 5,790,008	
II. Other Expenses	6,521,712	
Division of Park Maintenance and Properties		\$ 13,205,325
I. Personnel and Related Expenses	\$ 8,670,730	
II. Other Expenses	4,534,595	
Division of Waste Collection and Disposal		\$ 25,377,513
I. Personnel and Related Expenses	\$ 14,284,059	
II. Other Expenses	11,093,454	
Division of Traffic Engineering		\$ 3,741,690
I. Personnel and Related Expenses	\$ 2,770,516	
II. Other Expenses	971,174	
TOTAL DEPARTMENT OF PUBLIC WORKS		<u>\$ 71,234,320</u>

DEPARTMENT OF COMMUNITY DEVELOPMENT DIRECTOR'S OFFICE

Department of Community Development Director's Office		\$ 295,868
I. Personnel and Related Expenses	\$ 283,303	
II. Other Expenses	12,565	
TOTAL DEPARTMENT OF COMMUNITY DEVELOPMENT		<u>\$ 295,868</u>

DEPARTMENT OF BUILDING AND HOUSING

Building and Housing Director's Office		\$ 2,565,035
I. Personnel and Related Expenses	\$ 1,664,513	
II. Other Expenses	900,522	
Division of Code Enforcement		\$ 6,138,649
I. Personnel and Related Expenses	\$ 5,936,615	
II. Other Expenses	202,034	
Division of Construction Permit		\$ 1,561,276
I. Personnel and Related Expenses	\$ 1,544,951	
II. Other Expenses	16,325	
TOTAL DEPARTMENT OF BUILDING AND HOUSING		<u>\$ 10,264,960</u>

DEPARTMENT OF ECONOMIC DEVELOPMENT

Economic Development		\$ 1,643,646
I. Personnel and Related Expenses	\$ 1,628,425	
II. Other Expenses	15,221	

TOTAL DEPARTMENT OF ECONOMIC DEVELOPMENT		\$ 1,643,646
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NONDEPARTMENTAL

County Auditor Deductions		\$ 1,561,000
II. Other Expenses	\$ 1,561,000	

Other Administrative		\$ 17,722,049
II. Other Expenses	\$ 17,722,049	

Transfers to Other Funds		\$ 31,258,056
II. Other Expenses	\$ 31,258,056	

TOTAL NONDEPARTMENTAL		\$ 50,541,105
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TOTAL EXECUTIVE BRANCH		\$ 491,750,347
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TOTAL GENERAL FUND		\$ 538,373,986
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SPECIAL REVENUE FUND

Restricted Income Tax Fund		\$ 38,811,272
I. Capital	\$ 8,039,218	
II. Debt Service	30,772,054	

Street Construction, Maintenance & Repair Fund		\$ 27,277,758
I. Personnel and Related Expenses	\$ 15,544,663	
II. Other Expenses	11,733,095	

Schools Recreation & Cultural Activities Fund		\$ 1,175,000
II. Other Expenses	\$ 1,175,000	

Division of Convention Center & Stadium-Stadium		\$ 7,437,000
II. Other Expenses	\$ 7,437,000	

TOTAL SPECIAL REVENUE FUNDS		\$ 74,701,030
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INTERNAL SERVICE FUND

Sinking Fund Commission		\$ 1,042,793
I. Personnel and Related Expenses	\$ 191,292	
II. Other Expenses	851,501	

Information Systems Services-Telephone Exchange		\$ 6,581,306
I. Personnel and Related Expenses	\$ 1,336,933	
II. Other Expenses	5,244,373	

Division of Motor Vehicle Maintenance		\$ 19,637,720
I. Personnel and Related Expenses	\$ 5,738,353	
II. Other Expenses	13,899,367	

Division of Printing and Reproduction		\$ 2,333,962
I. Personnel and Related Expenses	\$ 845,937	
II. Other Expenses	1,488,025	

City Storeroom and Central Warehouse		\$ 592,933
I. Personnel and Related Expenses	\$ 129,202	
II. Other Expenses	463,731	

TOTAL INTERNAL SERVICE FUNDS		\$ 30,188,714
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ENTERPRISE FUNDS

DEPARTMENT OF PUBLIC UTILITIES

Utilities Administration		\$	3,311,372
I. Personnel and Related Expenses	\$	2,507,041	
II. Other Expenses		804,331	
Radio		\$	3,486,364
I. Personnel and Related Expenses	\$	562,036	
II. Other Expenses		2,924,328	
Division of Fiscal Control		\$	3,759,570
I. Personnel and Related Expenses	\$	3,192,298	
II. Other Expenses		567,272	
Division of Water		\$	261,758,799
I. Personnel and Related Expenses	\$	84,338,708	
II. Other Expenses		177,420,091	
Division of Water Pollution Control		\$	22,561,000
I. Personnel and Related Expenses	\$	11,248,990	
II. Other Expenses		11,312,010	
Division of Cleveland Public Power		\$	183,420,000
I. Personnel and Related Expenses	\$	30,709,730	
II. Other Expenses		152,710,270	
TOTAL DEPARTMENT OF PUBLIC UTILITIES		\$	478,297,105

DEPARTMENT OF PORT CONTROL

Divisions of Cleveland Hopkins & Burke Lakefront Airports - Operations		\$	139,375,331
I. Personnel and Related Expenses	\$	32,850,806	
II. Other Expenses		106,524,525	
TOTAL DEPARTMENT OF PORT CONTROL		\$	139,375,331

DEPARTMENT OF PUBLIC WORKS

Division of Cemeteries		\$	1,699,711
I. Personnel and Related Expenses	\$	1,241,155	
II. Other Expenses		458,556	
Golf Course Fund		\$	333,431
I. Personnel and Related Expenses	\$	32,136	
II. Other Expenses		301,295	
Division of Parking Facilities-Off Street Parking		\$	7,821,979
I. Personnel and Related Expenses	\$	1,268,777	
II. Other Expenses		6,553,202	
Division of Convention Center		\$	2,538,783
I. Personnel and Related Expenses	\$	1,101,478	
II. Other Expenses		1,437,305	
Division of Convention Center & Stadium - West Side Market		\$	1,134,549
I. Personnel and Related Expenses	\$	432,979	
II. Other Expenses		701,570	
Division of Property Management - East Side Market		\$	40,000
II. Other Expenses	\$	40,000	
TOTAL DEPARTMENT OF PUBLIC WORKS		\$	13,568,453
TOTAL ENTERPRISE FUNDS		\$	631,240,889

AGENCY FUND

Central Collection Agency		\$ 10,296,065
I. Personnel and Related Expenses	\$ 6,553,997	
II. Other Expenses	3,742,068	
TOTAL AGENCY FUND		<u>\$ 10,296,065</u>

DEBT SERVICE FUND

Sinking Fund Commission		\$ 59,448,206
III. Debt Service	\$ 59,448,206	
TOTAL DEBT SERVICE FUNDS		<u>\$ 59,448,206</u>

Section 2. That the appropriations herein made are based upon the detail of expenditures set forth in the Mayor's Estimate, but are appropriated to the several departments, offices, and purposes in the aggregate for I. — Personnel and Related Expenses; and II. — Other Expenses and are not severally and individually appropriated in said detail. Any unencumbered balance in an appropriation fund at the close of the year 2012 is hereby appropriated to such fund for the payment of unpaid obligations lawfully incurred in 2013 or prior years. The Mayor's Estimate, as modified by the schedule published pursuant to Section 39 of the Charter shall within the sums appropriated in Section 1 hereof, constitute the expenditure budget for the year 2013 and shall be subject to the control of the Mayor, provided, however, that no transfer from I. — Personnel and Related Expenses, or II. — Other Expenses within any department or office, or from one department or office to another shall be made except as provided in Section 41 of the Charter.

Section 3. That the Commissioner of Accounts is hereby authorized to draw warrants upon the City Treasury for the amount appropriated in this ordinance, whenever claims are presented properly approved by the head of the department or by the chief of a commission for which indebtedness was incurred.

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

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

FIRST READING EMERGENCY RESOLUTIONS REFERRED

Res. No. 161-13.
By Council Members Miller, Cleveland and Kelley (by departmental request).

An emergency resolution declaring the intent to vacate a portion of Rocky River Drive S.W.

Whereas, this Council is satisfied that there is good cause to vacate a portion of Rocky River Drive S.W., as described; and

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

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

Section 1. That this Council declares its intent to vacate a portion of the following described real property:

Vacation of a Portion of Rocky River Drive S.W. (70 feet wide)

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being a part of Original Rockport Township Section No. 3.

Commencing at a MAG nail set at the intersection of the centerline of Brookpark Road S.W. (100 feet wide) and the centerline of Rocky River Drive S.W. (70 feet wide);

Thence, along the centerline of Rocky River Drive S.W., North 26° 19' 49" East, 22.33 feet to the southerly line of said Original Rockport Township Section No. 3;

Thence, continuing along the centerline of Rocky River Drive, North 24° 28' 14" East, 32.97 feet to the northerly right of way of Brookpark Road S.W., and the **True Point of Beginning** for the parcel herein described;

Thence, along the northerly right of way of Brookpark Road S.W., South 89° 57' 31" West, 13.69 feet;

Thence, continuing along the northerly right of way of Brookpark Road S.W., South 89° 54' 00" West, 24.78 feet to the westerly right of way of Rocky River Drive, S.W.;

Thence, along the westerly right of way of Rocky River Drive S.W., North 24° 28' 14" East, 220.60 feet to the southerly Limited Access line of Interstate 480;

Thence, along the southerly Limited Access line of Interstate 480 the following three courses;

Along the arc of a curve which deflects to the left, 23.74 feet, said curve having a radius of 3918.03 feet, a central angle of 00° 20' 50", and a chord of 23.74 feet which bears South 89° 29' 19" East;

Thence South 01° 07' 31" East, 31.24 feet;

Thence South 26° 37' 40" East, 44.73 feet to the easterly right of way of Rocky River Drive S.W.;

Thence, along the easterly right of way of Rocky River Drive S.W.,

South 24° 28' 14" West, 142.03 feet to the northerly right of way of Brookpark Road S.W.;

Thence, along the northerly right of way of Brookpark Road S.W., South 89° 57' 31" West, 38.47 feet to the point of beginning.

Containing within said bounds 0.3038 acres of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in November 2012.

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.

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

Res. No. 162-13.
By Council Members Miller, Cleveland and Kelley (by departmental request).

An emergency resolution declaring the intent to vacate a portion of Commercial Road.

Whereas, this Council is satisfied that there is good cause to vacate a portion of Commercial Road, as described; and

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

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

Section 1. That this Council declares its intent to vacate a portion of the following described real property:

**VACATION OF PART OF
COMMERCIAL ROAD**

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and part of Original One-Hundred (100) Acre Lot 487, located in Township 7, Range XII of the Connecticut Western Reserve, and further described as follows:

Commencing at a stone found in a monument box at the intersection of the centerline of Canal Road S.E. (50 feet wide) and the centerline of Canal Street (50 feet wide);

Thence along the centerline of said Canal Street, North 38° 25' 32" West a distance of 170.74 feet to its intersection with the existing centerline of Commercial Road (60 feet wide);

Thence along the centerline of existing Commercial Road, North 5° 33' 47" East a distance of 135.68 feet to its intersection with the projection of the new northwesterly right of way line of East 9th Street (width varies);

Thence along said projection of the new northwesterly right of way line of East 9th Street, South 60° 43' 22" West a distance of 36.55 feet to an iron pin set at its intersection with the existing westerly right of way line of said Commercial Road and being the Place of Beginning;

Thence along the existing westerly right of way line of said Commercial Road, North 5° 33' 47" East a distance of 390.20 feet to an iron pin set at its intersection with the new westerly right of way line of the relocation of Commercial Road (width varies);

Thence along said new westerly right of way line of the relocation of Commercial Road, along the arc of a non-tangent curve to the left having an arc length of 150.52 feet, a radius of 231.00 feet, a delta of 37° 20' 04", a chord bearing of South 18° 22' 33" East, and a chord length of 147.87 feet to an iron pin set at its intersection with the existing easterly right of way line of Commercial Road;

Thence along said existing easterly right of way line of Commercial Road, South 5° 33' 47" West a distance of 213.29 feet to an iron pin set at its intersection with said new northwesterly right of way line of East 9th Street;

Thence along the projection of said new northwesterly right of way line of East 9th Street, South 60° 43' 22" West a distance of 73.10 feet to the Place of Beginning and containing 0.3880 acres of land, more or less, all of which is located within present roadway occupied.

The bearings are based on the State Plane Coordinate System, Ohio

North Zone, NAD83(1995), as shown on the Centerline Plat prepared for CUY-90-14.90, CUY INNEREBELT BRIDGE, GRP1, recorded in Plat Book 367, Pages 67 through 71 of the Cuyahoga County Records.

Iron pins described as set shall be 3/4" x 30" rebar with a 2-1/2" aluminum cap stamped "BARR & PREVOST, S-7876" and shall be placed along with other referenced set monuments upon notification by the Ohio Department of Transportation, District 12.

This description was prepared and reviewed in December of 2012, by Steven L. Lamphear, Professional Surveyor No. 7876, Ohio, and is based on field surveys made under my direction and supervision beginning in July, 2011, through September, 2011. This description also uses ties to monument references as described in the CUY-90-14.90 Centerline Plat as recorded on October 3rd, 2011, in Plat Book 367, Pages 67 through 71 of the Cuyahoga County Records and the Lot Split and Consolidation Plat recorded in Plat Book 369, Pages 32 and 33 as prepared by Steven L. Lamphear, P.S. 7876, Ohio, Barr & Prevost, Columbus, Ohio

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.

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

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

Res. No. 160-13.

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

An emergency resolution appointing an assessment equalization board to hear objections to estimated assessments with respect to improving, West 105th Street, West 106th Street, West 114th Street and East 151st Street, by making specified improvements along the public right-of-way.

Whereas, under Resolution No. 909-12, adopted August 8, 2012, this Council declared the necessity of improving West 105th Street from Baltic Road to Clifton Boulevard (Assessment Area #1), West 106th Street from Baltic Road to Clifton Boulevard (Assessment Area #2), West 114th Street from Detroit Avenue to Franklin Boulevard (Assessment Area #4), and East 151st Street from Kinsman Road to Bartlett Avenue (Assessment Area #5) by relaying and repairing sidewalks, driveway aprons, and curbs (including adjustments of castings and landscaping, if necessary) encroaching upon the public right-of-ways or otherwise improving the right-of-ways; and

Whereas, under the above resolution the estimated assessments for the improvement have been prepared and placed on file in the office of the Clerk of this Council; and

Whereas, notice of the passage of the resolution, as amended, and of the filing of the estimated assessments have been duly served on all property owners to be assessed in the manner provided by law; and

Whereas, written objection to the estimated assessments may be filed by one or more property owners; and

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

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

Section 1. That Mary P. Denihan, Edward J. Kostyo, and Jacqueline Henderson three disinterested freeholders of the City, are appointed as assessment equalization boards for Assessment Area #'s 1, 2, 4 and 5, and Eugene Molton a disinterested freeholder, is appointed alternate member, to hear and determine all written objections filed under the law to the estimated assessments for each of the respective assessment areas heretofore filed with the Clerk of this Council under Resolution No. 909-12, adopted August 8, 2012, of this Council.

Section 2. That the assessment equalization board for each assessment area shall meet sequentially beginning at 9:00 a.m. on Tuesday, March 19, 2013, and in the event of an unforeseen City emergency, an alternate date of Wednesday, March 20, 2013 at 9:00 a.m., at Cleveland City Hall, 601 Lakeside Avenue, Room 514, for the purposes mentioned above, and on completion of the hearing and any adjournments, shall report its recommendations, including any changes which should be made in the estimated assessments for each assessment area, to this Council.

Section 3. That the Clerk of Council is authorized and directed to notify, by certified mail, each person who has filed timely written objection to the estimated assessments of the time and place of the hearing of the assessment equalization boards.

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

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

The rules were suspended. Yeas 18. Nays 0. Read third time in full. Adopted. Yeas 18. Nays 0.

Res. No. 168-13.

By Council Member Dow.

An emergency resolution declaring this Council's support of the application from The Finch Group, Inc., or affiliated entity, to the Ohio Housing Finance Agency for the use of low-income housing tax credits.

Whereas, each year the Ohio Housing Finance Agency allocates housing tax credits for affordable housing developments throughout Ohio using a competitive proposal process; and

Whereas, The Finch Group, Inc. is proposing to construct 60 new apartments for seniors on Woodward Avenue in the Cleveland east sub-market as defined by the Ohio Housing Finance Agency, in the Upper Chester area of the Hough neighborhood in Cleveland, Ohio; and

Whereas, 100% of these apartments will be affordable to families with incomes at or below 60% of the area median income and no housing units will be market rate; and

Whereas, at least 10% of these housing units will be affordable to households whose annual income is at or below 30% of the area median income; and

Whereas, this project serves a special needs population; specifically 100% of the units will be for elderly persons; and

Whereas, The Finch Group's proposal will benefit the citizens of the City of Cleveland; 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 hereby supports the application from The Finch Group, Inc., or affiliated entity, to the Ohio Housing Finance Agency for the use of low-income housing tax credits.

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

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

The rules were suspended. Yeas 18. Nays 0. Read third time in full. Adopted. Yeas 18. Nays 0.

Res. No. 182-13.

By Council Members Reed, J. Johnson, Zone, Sweeney, Mitchell, Brancatelli, Pruitt, Cleveland, Kelley, Cummins, Conwell, Westbrook, Brady, Polensek, Keane, Dow, K. Johnson, Miller and Cimperman.

An emergency resolution requesting the U.S. Congress to direct the Centers for Disease Control to take specific actions, to address violence among young African-American males.

Whereas, young men generally, and African-American males specifically, are dying at an alarming rate due to homicides, which is the number two cause of death for all males, and the number one cause of death for 15-24 year old African-American males; and

Whereas, research documents that daily exposure to violence among men generally, and African-American males specifically, impacts traumatically and forever changes the lives of these youths; and

Whereas, the August 2007 Special Report by the Bureau of Justice Statistics and the October 2009 National Survey of Children's Exposure to Violence by the U.S. Department of Justice document that violence among young men generally, and African-American males specifically, constitutes a public health epidemic, with as many as 9,000 African-American males murdered annually, more than all of the U.S. soldiers killed in the wars in Afghanistan and Iraq, combined; and

Whereas, the loss of African-American males in the community as a result of homicide and high rates of incarceration further impacts the community by reducing the number of males who may serve as role models for young African-American males; and

Whereas, only increased federal, state and local attention to this matter can help reduce the violence that plagues many young males generally, and African-American males specifically; and

Whereas, the primary responsibilities of the Centers for Disease Control (CDC) are to monitor public health, detect and investigate health problems, foster safe and healthy environments and implement prevention strategies; and

Whereas, this Council believes the CDC must develop a holistic intervention designed to address the health related aspects and implications of violence among young males generally, and young African-American males specifically; and

Whereas, this Council believes the CDC must develop short- and long-term health care strategies to bring back health to the African-American community in a way that promotes the longevity of African-American males; 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 requests that the U.S. Congress direct the Centers for Disease Control to take specific actions to address violence among young African-American males.

Section 2. That the Clerk of Council is directed to forward copies of this resolution to Ohio Senators Sherrod Brown and Rob Portman, the Ohio delegation to the U.S. House of Representatives, Congressional Black Caucus, Ohio Legislative Black Caucus, Governor John Kasich, Ohio Senate President Keith Faber, Ohio Speaker of the House William Batchelder, Cuyahoga County Council President C. Ellen Connelly, Cuyahoga County Executive Ed FitzGerald, President of U.S. Conference of Mayors Philadelphia Mayor Michael Nutter, National Urban League, NAACP, Southern Christian Leadership Conference, National Black Caucus of Local Elected Officials (NBC-LEO), and National League of Cities.

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.

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

The rules were suspended. Yeas 18. Nays 0. Read third time in full. Adopted. Yeas 18. Nays 0.

SECOND READING EMERGENCY ORDINANCES PASSED

Ord. No. 1401-12.

By Council Member J. Johnson.

An emergency ordinance designating Immaculate Conception Church, School, Rectory, and Accessory Buildings as a Cleveland Landmark.

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 1402-12.

By Council Member J. Johnson.

An emergency ordinance designating the Judge Jean Murrell Capers Tennis Courts at Rockefeller Park as a Cleveland Landmark.

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 1403-12.

By Council Member J. Johnson.

An emergency ordinance designating North Presbyterian Church as a Cleveland Landmark.

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 1404-12.

By Council Member J. Johnson.

An emergency ordinance designating the Sidney Hillman Memorial Building (Amalgamated Clothing Workers Union of America), also known as the Norma Herr Women's Center, as a Cleveland Landmark.

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 1594-12.

By Council Member J. Johnson.

An emergency ordinance designating University Circle United Methodist Church (formerly known as Epworth-Euclid Church) as a Cleveland Landmark.

Approved by Directors of City Planning Commission, Law; Passage

recommended by Committee on City Planning.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 1595-12.

By Council Member J. Johnson.

An emergency ordinance designating the Sarah Redman Apartments as a Cleveland Landmark.

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 1596-12.

By Council Member J. Johnson.

An emergency ordinance designating Park Lane Villa as a Cleveland Landmark.

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 1597-12.

By Council Member J. Johnson.

An emergency ordinance designating Judson Manor (formerly known as Wade Park Manor) as a Cleveland Landmark.

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 1727-12.

By Council Members Pruitt, Cleveland and Kelley (by departmental request).

An emergency ordinance determining the method of making the public improvement of performing the Suburban Water Main Renewal Program, Year 6 through Year 10, including replacing or rehabilitating water mains and their related apparatus in various suburban communities; authorizing the Director of Public Utilities to enter into one or more public improvement contracts to construct the improvement; and authorizing the director to employ one or more professional consultants necessary to design the improvement; and authorizing the director to reimburse any suburban communities that perform water main replacements or rehabilitations.

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 1728-12.

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

An emergency ordinance determining the method of making the

public improvement of installing public art displays; authorizing the Director of Port Control to enter into one or more public improvement contracts for the making of the improvement; authorizing the Director to employ one or more professional consultants to design the improvement; and to enter into various written standard purchase and requirement contracts needed in connection with the improvement, for a period of one year with three one-year options to renew, the second of which requires additional legislative authority.

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 24-13.

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

An emergency ordinance to amend Section 2 of Ordinance No. 940-11, passed July 20, 2011, relating to the West 25th Street Lofts, LLC.

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 128-13.

By Council Member Kelley (by departmental request).

An emergency ordinance authorizing the Director of Finance to apply for and accept funds from the United States of America, Federal Emergency Management Agency (FEMA) to reimburse Cleveland for costs incurred by the various departments in City government as a result of the Federal notice of a major disaster for Hurricane Sandy.

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

1. In the title, line 5, and in Section 1, line 3 after "(FEMA)," insert "and the State of Ohio, acting through the Ohio Emergency Management Agency".

Amendment agreed to.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. 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. 842-12.

By Council Member Reed.

An ordinance changing the Use and Area Districts of land on the southwest side of Turney Road between Warner Rd. and Macomb Avenue as shown shaded on the

attached map to a Two Family Residential District and a 'B' Area District. (Map Change No. 2397, Sheet Number 6).

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 843-12.

By Council Member Reed.

An ordinance changing the Use Districts of land on the south side of the intersection of Warner Road and Turney Road as shown shaded on the attached map to Open Space and Recreation (Map Change No. 2396, Sheet Number 6).

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 844-12.

By Council Member Reed.

An ordinance changing the Use District of lands located on the east side of Warner Road south of Turney Road to Grand Division Avenue from General Retail to Local Retail (Map Change No. 2398, Sheet Number 6).

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 1085-12.

By Council Member Miller.

An ordinance to change the Use District of land on the north side of Coit Road between E. 140th Street and E. 141 Street to Residence Office (Map Change No. 2404; Sheet No. 7).

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 1419-12.

By Council Member Brancatelli.

An ordinance changing the Use District of land on the northeast corner of E. 63rd Street and Waterman Avenue from Two Family Residential to Open Space and Recreation (Map Change Number 2406).

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 1420-12.

By Council Member Brancatelli.

An ordinance changing the Use District of land on the north side of Regent Road and south side of Temple Avenue from Two Family Resi-

dential or Semi-Industry and a '2' Height District to an Open Space and Recreation Use District and a '1' Height District (Map Change Number 2407).

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 1424-12.

By Council Member Brancatelli.

An ordinance changing the Use District of land fronting on Engel Avenue northeasterly from Broadway Avenue to Two Family Residential and a 'B' Area District (Map Change Number 2411).

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 1425-12.

By Council Member Brancatelli.

An ordinance changing the Use and Area Districts of land fronting on the north side of Ovington Avenue between E. 65 St. and E. 66 St. Two Family Residential and a 'B' Area District (Map Change Number 2412).

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 1461-12.

By Council Member Brancatelli.

An ordinance changing the Use and Height Districts of land located on the northeast side of Broadway Avenue between Wire Avenue and Jones Road to Local Retail Business District and a 'B' Area District (Map Change Number 2417).

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 1462-12.

By Council Member Brancatelli.

An ordinance changing the Use District of lands on the east side of E. 49th Street south of Chard Avenue to Two Family Residential (Map Change Number 2424).

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 1463-12.

By Council Member Brancatelli.

An ordinance changing the Use and Height Districts of land located

on the south side of Morgan Avenue and on the north side of Regent Road to Residence Industry District and a '1' Height District (Map Change Number 2418).

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 1464-12.

By Council Member Brancatelli.

An ordinance changing the Use District and Height District of lands located between E. 55 St. and E. 49th Street known as Morabito Site shown on the attached map to Semi-Industry and a '3' Height District (Map Change Number 2420).

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 1465-12.

By Council Member Brancatelli.

An ordinance changing the Use District of land on the north side of Dolloff Road at its intersection with Barkwill Avenue to approximately E. 55 St. as shown on the attached map to Local Retail Business District (Map Change Number 2421).

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 1466-12.

By Council Member Brancatelli.

An ordinance changing the Use, Area and Height Districts of lands bounded by Blanche Avenue, E. 55th Street, Ackley Road, Mound Avenue and E. 53 St. as shown shaded on the attached maps to Two Family Residential, a 'B' Area District and a '1' Height District (Map Change Number 2422).

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 1467-12.

By Council Member Brancatelli.

An ordinance changing the Use Districts of lands located on the east side of E. 55th Street at Lufkin Avenue as shown shaded on the attached map to Multi-Family Residential District (Map Change Number 2426).

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 1470-12.

By Council Members Cleveland and Brancatelli.

An ordinance changing the Use and Height Districts of land on the south side of Morgan Avenue between at E. 68th Street to E. 75th Street to Two Family Residential and a '1' Height District (Map Change Number 2413).

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 1471-12.

By Council Members Cleveland and Brancatelli.

An ordinance changing the Use, Area and Height District of lands on the north and south sides of Broadway from 177 to Marble Avenue and Union Avenue from E. 65 St. to E. 82nd St. is changed to a Local Retail Business District, a 'C' Area District and a '2' Height District as shown on the attached maps (Map Change Number 2416).

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

MOTION

On the motion of Council Member Brancatelli, seconded by Council Member Miller and unanimously carried that the absence of Council Member Joe Cimperman be and is hereby authorized.

MOTION

The Council Meeting adjourned at 8:34 p.m. to meet on Monday, February 11, 2013, at 7:00 p.m. in the Council Chambers.



Patricia J. Britt
City Clerk, Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

January 30, 2013

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, January 30, 2013 at 10:36 a.m. with Director Langhenry presiding.

Present: Directors Langhenry, Acting Director Hardy, Directors Withers, Smith, Acting Director Johnson, Director Butler, Acting Director Gehlmann, Directors Rush, Nichols, Fumich and Rybka.

Absent: Mayor Jackson and Director Southerington.

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

C. Whitaker, Acting Director, Office of Equal Opportunity.

Jim Hardy, Commissioner, Purchases & Supplies.

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

Resolution No. 33-13.

By Director Dumas.

Resolved by the Board of Control of the City of Cleveland, that under Section 101 of the Charter, Section 181.19 of the Codified Ordinances of Cleveland, Ohio, 1976, and Resolution No. 912-52, adopted by the Board of Control on November 26, 1952, the report of the Commissioner of Purchases and Supplies for the sale of scrap, personal property, and by-products during the month of December, 2012 in the amount of \$19,290.95, attached and made a part of this resolution is received, approved and ordered filed.

Yeas: Directors Langhenry, Acting Director Hardy, Directors Withers, Smith, Acting Director Johnson, Director Butler, Acting Director Gehlmann, Directors Rush, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Directors Southerington and Nichols.

Resolution No. 34-13.

By Director Dumas.

Resolved, by the Board of Control of the City of Cleveland, that the bid of Rockport Construction & Materials, Inc. for an estimated quantity of ready mix concrete, materials and supplies, all items, for the various divisions of City government, for a period of one year beginning with the date of execution of the contract, with one option to renew for an additional one year period, received on January 16, 2013, under the authority of Ordinance No. 1245-12 passed September 24, 2012, which on the basis of the estimated quantity would amount to \$1,641,479.00, is affirmed and approved as the lowest and best bid, and the Director of Finance is requested to enter into a requirement contract for the specified materials.

The requirement contract shall further provide that the Contractor shall furnish all the City's requirements for such materials, whether more or less than the estimated quantity, as may be ordered under delivery orders separately certified to the contract.

Be it further resolved that the employment of the following sub-contractor by Rockport Construction & Materials, Inc. for the above-mentioned goods and services is approved:

Tech Ready Mix
CSB/MBE/LPE — \$382,296.00

Yeas: Directors Langhenry, Acting Director Hardy, Directors Withers, Smith, Acting Director Johnson,

Director Butler, Acting Director Gehlmann, Directors Rush, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Directors Southerington and Nichols.

Resolution No. 35-13.

By Director Dumas.

Resolved, by the Board of Control of the City of Cleveland that the bid of Millcraft Paper Company for an estimated quantity of paper products, all items, for the Division of Printing & Reproduction, for a period of one year beginning with the date of execution of the contract, with one option to renew for an additional one year period, received on December 12, 2012, under the authority of Ordinance No. 1453-12, passed October 15, 2012, which on the basis of the estimated quantity would amount to \$355,483.50, is affirmed and approved as the lowest and best bid, and the Director of Finance is requested to enter into a requirement contract for the specified materials.

The requirement contract shall further provide that the Contractor shall furnish all the City's requirements for such materials, whether more or less than the estimated quantity, as may be ordered under delivery orders separately certified to the contract.

Yeas: Directors Langhenry, Acting Director Hardy, Directors Withers, Smith, Acting Director Johnson, Director Butler, Acting Director Gehlmann, Directors Rush, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Directors Southerington and Nichols.

Resolution No. 36-13.

By Director Withers.

Whereas, under the authority of Ordinance No. 747-11, passed by the Council of the City of Cleveland on June 6, 2011, and Resolutions Nos. 495-11 and 378-12, respectively adopted by this Board of Control on October 19, 2011 and August 8, 2012, the City, through its Director of Public Utilities, entered into City Contract No. PS2012*007 with MWH Americas, Inc. to provide professional Water Quality Engineering Services, necessary to identify and resolve water quality problems in the treatment plants or in the distribution system, including but not limited to treatment process optimization, compliance planning for new drinking water regulations, operational data analysis, demonstration studies, design, or regulatory determination, and other related engineering services for compensation not to exceed \$400,000.00, for a period of one year with two one-year options to renew, for the Division of Water, Department of Public Utilities; and

Whereas, under the authority of Ordinance No. 747-11, passed by the Council of the City of Cleveland on June 6, 2011, the Director of Public Utilities intends to exercise the first option to renew City Contract No. PS2012*007 for an additional one-year term starting January 24, 2013, thereby increasing the total fee for services under City Contract No.

PS2012*007 from \$400,000.00 to \$800,000.00; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland, that the employment of the following sub-consultant by MWH Americas, Inc. for services for the first optional renewal term of City Contract No. PS2012*007 is approved:

<u>SUB-CONSULTANT</u>	<u>WORK PERCENTAGE</u>
The Kelly-Buck Company (CSB)	\$64,912.00 16.228%

Yeas: Directors Langhenry, Acting Director Hardy, Directors Withers, Smith, Acting Director Johnson, Director Butler, Acting Director Gehlmann, Directors Rush, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Southerington.

Resolution No. 37-13.

By Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the bid of WA Chester, LLC for an estimated quantity of pipe-type cable, and labor and materials to repair, replace, and maintain existing pipe type cable, items A1-A3, B1-B3, C1-C3, D1-D3, E1-E3, F1-F3, G1-G3, H1-H3, I1-I3, J1-J3, K1-K3, L1-L3, M1-M3, N1-N3, O1-O3, and P1-P7, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two years starting upon the execution of a contract for the goods and services, received on December 14, 2012 under the authority of Ordinance No. 810-11, passed August 17, 2011, which on the basis of the estimated quantity would amount to \$1,718,264.80 (0%, 30 days), is affirmed and approved as the lowest responsible bid, and the Director of Public Utilities is authorized to enter into a requirement contract for the required goods and/or services as specified.

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

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

<u>SUBCONTRACTOR</u>	<u>WORK PERCENTAGE</u>
Cook Paving Construction, Inc. (CSB/MBE)	\$200,000.00 11.64%

Yeas: Directors Langhenry, Acting Director Hardy, Directors Withers, Smith, Acting Director Johnson, Director Butler, Acting Director Gehlmann, Directors Rush, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Southerington.

Resolution No. 38-13.

By Director Smith.

Whereas, under the authority of Ordinance No. 815-12, passed by the Council of the City of Cleveland on June 4, 2012, and Board of Control Resolution No. 350-12, adopted July 18, 2012, the City through its Director of Port Control, entered into Contract No. PS2012*197 with Michael Baker Jr., Inc. ("Consultant"), to provide professional services necessary to provide general engineering and architectural services for a period of one year, with three one-year options to renew, for the various divisions of the Department of Port Control; and

Whereas, the City has determined the need for additional design services related to the In-Line Baggage System at Cleveland Hopkins International Airport; and

Whereas, the Consultant has proposed by its letter dated November 19, 2012 to perform the additional work necessary for an amount of \$357,469.00; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the Director of Port Control is authorized to enter into a first modification to City Contract No. PS2012*197 between the City of Cleveland and Michael Baker, Jr., Inc. for additional design services related to the In-Line Baggage System improvements at Cleveland Hopkins International Airport. The amount to be paid for all services shall be increased by \$357,469.00 from \$350,000.00 to a total amount not to exceed \$707,469.00.

Be it further resolved that the amounts attributed to the following subconsultants approved in Board of Control Resolution No. 350-12, adopted July 18, 2012, are amended as follows:

<u>Subconsultant</u>	<u>Percentage</u> <u>Amount</u>
Airport Design Consultants	2.0% DBE \$15,000.00
G&T Associates, Inc.	4.0% DBE \$26,000.00
Van Auken Akins Architects, LLC	14.0% DBE \$97,000.00
Gresham Smith Partners	.7% Non-DBE \$ 5,000.00
Solar Testing Laboratories, Inc.	.7% Non-DBE \$ 5,000.00
KS Associates, Inc.	.7% Non-DBE \$ 5,000.00
Stadelman Associates, Inc.	3.3% Non-DBE \$23,200.00
Karpinski Engineering, Inc.	3.2% Non-DBE \$23,000.00
Robert and Company	2.8% Non-DBE \$19,746.00

Be it further resolved that the following additional subconsultant to

Michael Baker Jr., Inc. under Contract No. PS2012*197 is approved:

<u>Subconsultant</u>	<u>Percentage</u> <u>Amount</u>
Vic Thompson Company	42.0% Non-DBE \$296,983.00

Be it further resolved that all other terms of Resolution No. 350-12 not expressly amended by this resolution shall remain unchanged and in full force and effect.

Yeas: Directors Langhenry, Acting Director Hardy, Directors Withers, Smith, Acting Director Johnson, Director Butler, Acting Director Gehlmann, Directors Rush, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Southerington.

Resolution No. 39-13.

By Director Smith.

Be it resolved by the Board of Control of the City of Cleveland that, under the authority of Ordinance No. 1607-11, as amended by Ordinance No. 1253-12, passed by the Council of the City of Cleveland on March 26, 2012 and September 24, 2012, respectively, Downtown Cleveland Alliance ("Consultant") is selected upon the nomination of the Director of Port Control from a list of qualified persons or firms determined after a full and complete canvass by the Director as the firm of consultants available to be employed by contract to supplement the regularly employed staff of the several departments of the City to provide professional services necessary to implement the Common Area Maintenance Agreement by performing property maintenance, management, and event planning services at the North Coast Harbor, for the Department of Port Control, for a period of one year, with three one-year options to renew.

Be it further resolved that the Director of Port Control is authorized to enter into a written contract with Downtown Cleveland Alliance for the above-mentioned services, based upon its proposal dated June 29, 2012, which contract shall be prepared by the Director of Law, shall provide that the compensation to Downtown Cleveland Alliance for the services authorized shall not exceed \$339,696.00 per year, plus reimbursable expenses, and shall contain such other provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved by the Board of Control that the employment of the following subconsultant by Downtown Cleveland Alliance is approved:

<u>Subconsultant</u>	<u>Percentage</u> <u>Amount</u>
Studio Graphique, Inc.	10.75% - CSB/FBE \$36,500.00

Yeas: Directors Langhenry, Acting Director Hardy, Directors Withers, Smith, Acting Director Johnson, Director Butler, Acting Director

Gehlmann, Directors Rush, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Southerington.

Resolution No. 40-13.

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 118-09-071 located at 7706 Lagrange 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; and

Whereas, Deborah A. Lewis 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 7 has approved the proposed sale or has not disapproved or requested a hold of the proposed sale within 45 days of notification of it;

2. 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 the 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 Deborah A. Lewis for the sale and development of Permanent Parcel No. 118-09-071 located at 7706 Lagrange 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 sale of 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: Directors Langhenry, Acting Director Hardy, Directors Withers, Smith, Acting Director Johnson, Director Butler, Acting Director Gehlmann, Directors Rush, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Director 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 stated in the examination announcement.

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

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

ROBERT BENNETT,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

TUESDAY, FEBRUARY 19, 2013

9:30 A.M.

Calendar No. 13-10: 722 College Avenue aka 2305 Thurman Street (Ward 3)

Jeffrey Eizember, owner, appeals to erect a 29'-7" x 23'-7" three-story frame, single family dwelling with attached garage on a consolidated parcel located in a B1 Two-Family District; contrary to area regulations under Section 355.04(b), a maximum gross floor area of 1,402 square feet is proposed where 770 square feet equals fifty percent of the lot size; and contrary to provisions under Section 357.08(b)(1) proposing a rear yard depth of 4'-10" where not less than 34'-6" is required; and with an interior side yard of 6'-83" and a rear yard of 4'-10" where no building shall be erected less than 10 feet from a main building on an adjoining lot pursuant to Section 357.09(2)A in the Cleveland Codified Ordinances.

Calendar No. 13-11: 722 College Avenue aka 2307 Thurman Street (Ward 3)

Jeffrey Eizember, owner, appeals to erect a 29'-7" x 23'-7" three-story frame, single family dwelling with attached garage on a consolidated parcel located in a B1 Two-Family District; contrary to area regulations under Section 355.04(b), a maximum gross floor area of 1,402 square feet is proposed where 770 square feet equals fifty percent of the lot size; and contrary to provisions under Section 357.08(b)(1) proposing a rear yard depth of 4'-10" where not less than 34'-6" is required; and with an interior side yard of 6'-83" and a rear yard of 4'-10" where no building shall be erected less than 10 feet from a main building on an adjoining lot pursuant to Section 357.09(2)A in the Cleveland Codified Ordinances.

Calendar No. 13-12: 1810 West 25th Street (Ward 3)

NWW LLC, owner, and Tom Gillespie appeal to establish use for a hair salon, piercing and tattooing in a one-story storefront space located on a 79' x 111.5' parcel in a C3 Local Retail Business District; subject to the limitations under Section 343.091(b) the use for tattooing and piercing is not permitted as first permitted in a General Retail District in accordance with the provisions under Section 347.12(b)(1) and only when the use is at least 1,000 feet from a residence district and schools; and the proposed use is within 1,000 feet of residential district to the west and east of the property and within 1,000 feet of St. Ignatius High School to the southwest.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, FEBRUARY 4, 2013

At the meeting of the Board of Zoning Appeals on Monday, January 28, 2013, the following appeals were scheduled for hearing before the Board.

Calendar No. 13-01: 1717 East 9th Street

1717 East 9th Street LLC, owner, and the K & D Group, prospective purchaser, appealed for change of use from a commercial building to a use for dwelling unit apartments in an E5 General Retail Business District.

Calendar No. 13-04: 3033 Central Avenue

Cleveland Metropolitan School District appealed to erect a double faced, non-illuminated ground sign in a C1 Multi-Family District.

Calendar No. 13-05: 1626 East 33rd Street

Cuyahoga County Land Reutilization, owner, and Wonton Gourmet LLC, appealed to erect a three car garage with lot consolidation to be added to a one family dwelling in a B1 Two-Family District; subject to condition.

The following appeals were **DISMISSED:**

None.

The following appeal was **WITHDRAWN:**

Calendar No. 12-187: Appeal of City View Mechanical

City View Mechanical, Inc. appealed from a denial for both Female Business (FBE) and Minority Business (MBE) Enterprise certification by the Cleveland Office of Equal Opportunity.

The following appeals were **POSTPONED:**

None.

The following appeals heard by the Board on January 28, 2013 were

adopted and approved on February 4, 2013:

The following appeals were **APPROVED:**

Calendar No. 12-232: 11401 Euclid Avenue

AJAPPJR Uptown 2 appealed to erect a 6-story apartment and commercial space in an E3 General Retail Business District.

Calendar No. 12-233: 8220 Carnegie Avenue

PNC Bank appealed to erect seven (7) double faced wall projecting banner signs in a General Retail Business District.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of
January 30, 2013

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

* * *

Docket A-230-12.

RE: Appeal of Connie A. Freeman, Owner of the Two Dwelling Units Two-Family Residence Two Story Frame Property, located on the premises known as 3613 East 54th Street, from a CONDEMNATION ORDER — MAIN STRUCTURE & GARAGE, dated August 22, 2012 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to DENY any request for additional time and to REMAND the property to the Department of Building and Housing, noting that the Condemnation Order was properly issued and no plans are being made to renovate the property. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

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

* * *

Docket A-281-12.

RE: Appeal of Marion L. Sealey Jr., Owner of the Two Dwelling Units Two-Family Residence One & One-half Story Frame Property, located on the premises known as 344 Overlook Park Drive from a CONDEMNATION ORDER — MAIN STRUCTURE, dated October 24, 2012 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to require the Appellant to clean up the outside of

the property including the removal of all unlicensed, abandoned vehicles within two (2) weeks; and to grant the Appellant thirty (30) days in which to obtain permits and six (6) months in which to complete abatement of all violations; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action, noting that failure to meet any of these dates will result in the property being REMANDED immediately to the Department of Building and Housing for further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

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

* * *

Docket A-282-12.

RE: Appeal of Clyde Jacobs, Owner of the One Dwelling Unit Single-Family Residence Two Story Frame Property and One Dwelling Single-Family Residence Shed, located on the premises known as 5200 Broadway Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE & SHED, dated October 2, 2012 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until April 1st, 2013 to submit a plan and obtain all required permits for the renovation of the property located at 5200 Broadway Avenue; the property is to remain secured and the grounds debris-free during that period of time, noting that the property does not have to be boarded on the first floor because of an agreement with the owner and the neighbor. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

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

* * *

Docket A-283-12.

RE: Appeal of Clyde Jacobs, Owner of the One Dwelling Unit Single-Family Residence One & One/half Story Frame Property, located on the premises known as 5202 Dolloff Road from a CONDEMNATION ORDER — MAIN STRUCTURE, dated October 2, 2012 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant thirty (30) days in which to obtain the additional permits to complete renovation of the property, and to maintain the schedule presented to the Board, noting that with satisfactory progress at the end of June, per the plan presented, Appellant will be permitted to continue to August to finish the work

on the property; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

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

* * *

Docket A-286-12.

RE: Appeal of Cassaundra Ali, Owner of the Two Dwelling Units Two-Family Residence Two Story Frame Property located on the premises known as 2915 East 115th Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated October 4, 2012 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to REMAND the property to the Department of Building and Housing for supervision and any required further action, noting that all permits have been obtained and progress is being made, and that the Building Department will monitor and extend the time if needed. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Bradley.

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

* * *

Docket A-287-12.

RE: Appeal of Fawcett Bess, Owner of the One Dwelling Unit Single-Family Residence One & One/half Story Frame Property and One & One/half Story Garage - Detached; Wood Frame Property located on the premises known as 9719 Orleans Avenue, from a CONDEMNATION ORDER — MAIN STRUCTURE & GARAGE, dated October 3, 2012 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant thirty (30) days in which to submit plans and apply for the rehabilitation plan in the Building Department and obtain all required permits, and to require that the grounds be groomed and remain debris-free during that period of time; the property is REMANDED at this time to the Department of Building and Housing for supervision and required further action. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Gallagher.

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

* * *

Docket A-288-12.

RE: Appeal of William & Reba Weaver, Owners of the One Dwelling Unit Single-Family Residence Two & One/half Story Frame Property located on the premises known as 17914 Landseer Road from a

NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated October 10, 2012 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until September 1st, 2013 in which to complete abatement of all the violations, noting that additional time may be granted by the Building Department with good progress once the weather breaks; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

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

* * *

Docket A-289-12.

RE: Appeal of Cheryl A. Koebler, Owner of the One Dwelling Unit Single-Family Residence Two Story Frame Property located on the premises known as 3391 West 120th Street from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated September 28, 2012 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant until July 1, 2013 in which to complete abatement of the violations; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

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

* * *

Docket A-290-12.

RE: Appeal of Johnny's Burgers Grand, Owner of the Property located on the premises known as 1406 West 6th Street from a NOTICE OF VIOLATION — FIRE CODE, dated October 11, 2012 of the Chief of the Division of Fire, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-290-12 has been POSTPONED; to be rescheduled for February 13, 2013.

* * *

Docket A-291-12.

RE: Appeal of George Caraman, Owner of the One Dwelling Unit Single-Family Residence Two & One/half Story Frame Property located on the premises known as 2188 West 101st Street from a CONDEMNATION ORDER — MAIN STRUCTURE, and Owner of the One Story Garage — Detached; Wood Frame Property appeals from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated September 28, 2012 of the Director of the

Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the Condemnation Order was issued properly and to DENY the request for additional time, noting that very little work has been done on the property, the property has become a nuisance, and that the tenant should be removed from the property; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Maschke.

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

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Docket A-292-12.

RE: Appeal of Richard Kurman, Owner of the One Dwelling Unit Single-Family Residence Two Story Frame Property, located on the premises known as 2978 East 59th Street, from a CONDEMNATION ORDER — MAIN STRUCTURE, dated October 10, 2012 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to require the Appellant to obtain permits for any work within two (2) weeks and to abate all exterior violations within one hundred twenty (120) days; and to apply for the rehabilitation plan in the Building Department which grants the Appellant six (6) months in which to complete abatement of the violations; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Gallagher.

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

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Docket A-293-12.

RE: Appeal of Mark Makupson, Owner of the R-2 Residential — Non-transient; Townhomes (Independent Egress) Two Story Wood Frame/Siding/Masonry Veneer Property, located on the premises known as 8900 Wade Park Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated March 03, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant thirty (30) days in which to clean the site and present a plan to for review and approval to the Building Department and the Board; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

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

* * *

Docket A-294-12.

RE: Appeal of Jacqueline L. Peary, Owner of the Two Dwelling Units Two-Family Residence Two Story Frame Property, located on the premises known as 10209 Aetna Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated October 17, 2012 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the Condemnation Order was properly issued, noting that the property is totally boarded up which would indicate that the utilities are not present and the Appellant has not appeared at the hearing, any appeal for additional time is DENIED; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

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

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Docket A-295-12.

RE: Appeal of Werner G. Smith, Inc., Owner of the F-2 Factory — Low Hazard (Non-combustibles) Two Story Masonry Property, located on the premises known as 8900 Wade Park Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated August 14, 2012 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant thirty (30) days in which to complete abatement of the violations. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

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

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Docket A-296-12.

RE: Appeal of 3160 West 33rd Street LLC, Owner of the F-1 Factory — Moderate Hazard (Combustibles) Three Story Masonry Walls/Wood Floors Property, located on the premises known as 3160 West 33rd Street (aka 3160 St. Rocco's Ct.) from a CONDEMNATION ORDER — MAIN STRUCTURE, dated October 10, 2012 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-296-12 has been POSTPONED; to be rescheduled for February 13, 2013.

Docket A-297-12.

RE: Appeal of Mohammad Dayem, Owner of the B Business — Offices, Laboratories, Adult School One Story Frame Property, located on the premises known as 4200 West 130th Street from a NOTICE OF VIOLATION — INTERIOR/EXTERIOR MAINTENANCE, dated October 18, 2012 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant thirty (30) days in which to submit plans to the Building Department for review and approval to obtain permits to proceed with the work, and to require that the property remain secured and the grounds debris-free during this period of renovation. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

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

* * *

Docket A-298-12.

RE: Appeal of Josephine Crawford, Owner of the Two Dwelling Units Two-Family Residence Two Story Frame Property, located on the premises known as 3492 West 117th Street from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated September 28, 2012 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant two (2) weeks in which to obtain permits and four (4) months in which to abate the violations; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

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

* * *

Docket A-299-12.

RE: Appeal of Shelonaresa Thomas, Owner of the One Dwelling Unit Single-Family Residence One & One-half Story Frame Property, located on the premises known as 12601 Revere Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated November 7, 2012 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant thirty (30) days in which to present a plan for review and approval to the Building Department, which will grant the Appel-

lant six (6) months in which to abate the violations, noting that additional time may be granted if good progress is being made; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

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

* * *

Docket A-300-12.

RE: Appeal of Nikole Stumpf, Owner of the Three Dwelling Units Three-Family Residence Two & One-half Story Frame Property, located on the premises known as 8506 Wade Park Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated July 10, 2012 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant thirty (30) days in which to obtain a final price for the demolition of the property, and six (6) months in which to complete abatement of the violations, and to require that the property remain debris-free and the grounds groomed during that period of time; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Maschke.

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

* * *

Docket A-22-13.

RE: Appeal of Reit Management & Research LLC, Owner of the Property, located on the premises known as 1001 Lakeside Avenue (Suite 1710) from an ADJUDICATION ORDER, dated January 9, 2013 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance and permit the proposed distance between the two (2) existing exit doors to be sufficient egress for the space occupancy. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Bradley.

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

* * *

**APPROVAL OF RESOLUTIONS
(From January 2, 2013):**

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

A-206-12—Annette Scott (Amended).

A-253-12—Andre Williams.

A-254-12—Pam Finch.

A-258-12—Patricia & Wanda Otoloski.

A-259-12—Charles Sogbesan.

A-260-12—Leon Fletcher.

A-261-12—Ferrell Okie Lee.

A-263-12—William R. Townes.

A-264-12—CNL APF Partners, LP.

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

* * *

**APPROVAL OF MINUTES
(From January 2, 2013):**

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

January 2, 2013

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

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**APPROVAL OF RESOLUTIONS
(From January 16, 2013):**

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

A-86-12—Down River Specialties, Inc. (Amended).

A-215-12—Cuyahoga County.

A-240-12—Amanda Siegfried.

A-262-12—Ruben E. Quinones.

A-265-12—Raymond Wright.

A-266-12—Erick Powell.

A-267-12—Jenice Brown.

A-268-12—Dione Christian.

A-269-12—Northeastern Neighborhood Homes LP.

A-270-12—Vance Noah.

A-271-12—J.A.M.D.W. Inc.

A-275-12—Zira M. Hicks Tolbert.

A-276-12—Chris T. Jackson.

A-278-12—Stephanie D. Rutledge.

A-279-12—Mack Danzey Jr.

A-280-12—Migel Ruvinov.

A-284-12—Reginald Hudson.

A-7-13—413 Prospect LLC.

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

* * *

**APPROVAL OF MINUTES
(From January 16, 2013):**

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

January 16, 2013

152

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

* * *

INFORMAL HEARING:

Owner: Weston — Architect: Arkinetics — Property: 1244 Huron Road:

RE: Conversion of the building from light manufacturing/office/retail to apartments/ restaurant use. The main topic for discussion is the use of a single means of egress where the building code indicates 2 are required.

* * *

JOSEPH F. DENK
Chairman

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

Where invitations for bids are advertised, the following notice shall be included in the advertisement: "Pursuant to the MBE/FBE Code, each prime bidder, each minority business enterprise ("MBE") and each female business enterprise ("FBE") must be certified before doing business with the City. Therefore, any prime contractor wishing to receive credit for using an MBE or FBE should ensure that applications for certification as to MBE or FBE status compliance with the Code, affirmative action in employment and, if applicable, joint venture status, are submitted to the Office of Equal Opportunity ("OEO") prior to the date of bid opening or

submission of proposals or as specified by the Director. Failure to comply with the business enterprise code or with representations made on these forms may result in cancellation of the contract or other civil or criminal penalties."

WEDNESDAY, FEBRUARY 20, 2013

File No. 7-13 — Mobile Surveillance Tower, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 250-12, passed by the Council of the City of Cleveland, May 21, 2012. THERE WILL BE A NON-MANDATORY PRE-BID MEETING FRIDAY, FEBRUARY 8, 2013 AT 10:00 A.M. LOCATED AT 205 WEST SAINT CLAIR AVENUE, 3RD FLOOR, ROOM 306, CLEVELAND, OHIO 44114.

January 30, 2013 and February 6, 2013

THURSDAY, FEBRUARY 21, 2013

File No. 4-13 — Cleveland Water Main Replacement, Phase 2, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1691-12, passed by the Council of the City of Cleveland, December 3, 2012. THERE WILL BE A NON-REFUNDABLE FEE FOR PLANS AND SPECIFICATIONS IN THE AMOUNT OF ONE HUNDRED DOLLARS (\$100.00) 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 TO PURCHASE PLANS). THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, FEBRUARY 7, 2013 AT 10:00 A.M. LOCATED AT ATRIUM CONFERENCE ROOM, 4TH FLOOR, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

January 30, 2013 and February 6, 2013

WEDNESDAY, FEBRUARY 27, 2013

File No. 5-13 — Year 2013-A Cleaning and Cement Mortar Lining of Distribution Mains, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1691-12, passed by the Council of the City of Cleveland, December 3, 2012. THERE WILL BE A NON-REFUNDABLE FEE FOR PLANS AND SPECIFICATIONS IN THE AMOUNT OF ONE HUNDRED DOLLARS (\$100.00) 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 TO PURCHASE PLANS). THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, FEBRUARY 7, 2013 AT 10:00 A.M. LOCATED AT THE CARL B. STOKES PUBLIC UTILITIES BUILDING, ATRIUM CONFERENCE ROOM, 4TH FLOOR, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

File No. 6-13 — Year 2013-B Cleaning and Cement Mortar Lining of Distribution Mains, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1691-12, passed by the Council of the City of Cleveland, December 3, 2012.

THERE WILL BE A NON-REFUNDABLE FEE FOR PLANS AND SPECIFICATIONS IN THE AMOUNT OF ONE HUNDRED DOLLARS (\$100.00) 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 TO PURCHASE PLANS).

THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, FEBRUARY 7, 2013 AT 10:00 A.M. LOCATED AT THE CARL B. STOKES PUBLIC UTILITIES BUILDING, ATRIUM CONFERENCE ROOM, 4TH FLOOR, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

January 30, 2013 and February 6, 2013

WEDNESDAY, MARCH 6, 2013

File No. 8-13 — Purchase of LED Light Bulbs, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 708-12, passed by the Council of the City of Cleveland, June 4, 2012.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING FRIDAY, FEBRUARY 8, 2013 AT 10:00 A.M. LOCATED AT THE TOM L. JOHNSON BUILDING, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

January 30, 2013 and February 6, 2013

FRIDAY, FEBRUARY 22, 2013

File No. 16-13 — Keys, Locks, Hardware and Services, for the various Divisions of City Government, Department of Finance, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio 1976.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING FRIDAY, FEBRUARY 15, 2013 AT 10:30 A.M. LOCATED AT CLEVELAND CITY HALL, DIVISION OF PURCHASES AND SUPPLIES, ROOM 128, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

February 6, 2013 and February 13, 2013

WEDNESDAY, FEBRUARY 27, 2013

File No. 18-13 — Messenger Service, for the various Divisions of City Government, Department of Finance, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio 1976.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING FRIDAY, FEBRUARY 15, 2013 AT 1:00 P.M. LOCATED AT CLEVELAND CITY HALL, DIVISION OF PURCHASES AND SUP-

PLIES, ROOM 128, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

February 6, 2013 and February 13, 2013

THURSDAY, FEBRUARY 28, 2013

File No. 10-13 — 2013 Sidewalk Assessment Program West 105th Street (Baltic to Clifton), West 106th Street (Baltic to Clifton), West 114th Street (Franklin to Detroit) and East 151st Street (Bartlett to Kinsman), for the Division of Engineering and Construction, Mayor's Office of Capital Project, as authorized by Ordinance No. 1688-12, passed by the Council of the City of Cleveland, December 3, 2012.

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

THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, FEBRUARY 14, 2013 AT 9:00 A.M. LOCATED AT CLEVELAND CITY HALL, ROOM 518, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

*Bidders must purchase plans and specifications directly from the Office of the Commissioner of Purchases and Supplies. Only registered Plan Holders will receive Addenda. Bids cannot be accepted from Bidders who only purchase plans from other entities such as Plan Rooms and/or who fail to register to be on the City of Cleveland Plan Holders List.

File No. 11-13 — Demolition of City Facilities, Package A, for the Division of Architecture and Site Development, Department of Public Works, as authorized by C.O. Chapter 185.01.

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

THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, FEBRUARY 14, 2013 AT 10:00 A.M. LOCATED AT CLEVELAND CITY HALL, DIVISION OF ARCHITECTURE AND SITE DEVELOPMENT, ROOM 517A, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

*Bidders must purchase plans and specifications directly from the Office of the Commissioner of Purchases and Supplies. Only registered Plan Holders will receive Addenda. Bids cannot be accepted from Bidders who only purchase plans from other entities such as Plan Rooms and/or who fail to register to be on the City of Cleveland Plan Holders List.

File No. 12-13 — Demolition of City Facilities, Package B, for the Division of Architecture and Site Development, Department of Public Works, as authorized by C.O. Chapter 185.01.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, FEBRUARY 14, 2013 AT 10:30 A.M. LOCATED AT CLEVELAND CITY HALL, DIVISION OF ARCHITECTURE AND SITE DEVELOPMENT, ROOM 517A, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

***Bidders must purchases plans and specifications directly from the Office of the Commissioner of Purchases and Supplies. Only registered Plan Holders will receive Addenda. Bids cannot be accepted from Bidders who only purchase plans from other entities such as Plan Rooms and/or who fail to register to be on the City of Cleveland Plan Holders List.**

File No. 20-13 — City Wide Tree Planting Initiative (Re-Bid), for the Division of Park Maintenance, Department of Public Works, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, FEBRUARY 14, 2013 AT 10:00 A.M. LOCATED AT THE ROCKEFELLER PARK GREENHOUSE, 750 EAST 88TH STREET, CLEVELAND, OHIO 44108.

File No. 22-13 — Electronic Protection Services for Department of Finance Various Divisions of City Government, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 447-12, passed by the Council of the City of Cleveland, April 1, 2012.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** WEDNESDAY, FEBRUARY 20, 2013 AT 10:00 A.M. LOCATED AT CLEVELAND CITY HALL, DIVISION OF PURCHASES AND SUPPLIES, ROOM 128, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

February 6, 2013 and February 13, 2013

FRIDAY, MARCH 1, 2013

File No. 13-13 — 2013 Citywide Cars, Vans/SUV Services Including Ambulance, For The Various Divisions of City Government, Messenger Service, for the various Divisions of City Government, Department of Finance, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** TUESDAY, FEBRUARY 19, 2013 AT 11:00 A.M. LOCATED AT CLEVELAND CITY HALL, DIVISION OF PURCHASES AND SUPPLIES, ROOM 128, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

File No. 17-13 — Parts and Labor to Repair and or Replace Exercise Equipment in the City's Recreation Centers, for the Division of Property Management, Department of Public Works, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, FEBRUARY 14, 2013 AT 11:00 A.M. LOCATED AT CLEVELAND CITY HALL, DIVISION OF PURCHASES AND SUPPLIES, ROOM 128, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

February 6, 2013 and February 13, 2013

WEDNESDAY, MARCH 6, 2013

File No. 15-13 — Sodium Hypochlorite Solution, for the Division of Water, Department of Public Utilities, as authorized by Section 129.24 of the Codified Ordinances of Cleveland, Ohio 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, FEBRUARY 14, 2013 AT 11:00 A.M. LOCATED AT CARL B. STOKES PUBLIC UTILITIES BUILDING, ATRIUM CONFERENCE ROOM, 4TH FLOOR, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

File No. 21-13 — Purchase of Labor and Materials to Refurbish and Repair of Water Pumps, Including Electric Motors, Controls and Appurtenances, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 248-12, passed by the Council of the City of Cleveland, April 19, 2012.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, FEBRUARY 14, 2013 AT 10:00 A.M. LOCATED AT CARL B. STOKES PUBLIC UTILITIES BUILDING, ATRIUM CONFERENCE ROOM, 4TH FLOOR, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

February 6, 2013 and February 13, 2013

THURSDAY, MARCH 7, 2013

File No. 19-13 — St. Clair Avenue Sewer Relining Project, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 740-12, passed by the Council of the City of Cleveland, June 4, 2012.

*THERE WILL BE A **NON-REFUNDABLE FEE FOR PLANS AND SPECIFICATIONS** IN THE AMOUNT OF FIFTY DOLLARS (\$50.00) ONLY IN THE FORM OF A CASHIER'S CHECK OR A

MONEY ORDER (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED TO PURCHASE PLANS).

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, FEBRUARY 15, 2013 AT 10:00 A.M. LOCATED AT THE DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

***Bidders must purchases plans and specifications directly from the Office of the Commissioner of Purchases and Supplies. Only registered Plan Holders will receive Addenda. Bids cannot be accepted from Bidders who only purchase plans from other entities such as Plan Rooms and/or who fail to register to be on the City of Cleveland Plan Holders List.**

February 6, 2013 and February 13, 2013

WEDNESDAY, MARCH 13, 2013

File No. 14-13 — Powdered Activated Carbon, for the Division of Water, Department of Public Utilities, as authorized by Section 129.24 of the Codified Ordinances of Cleveland, Ohio 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, FEBRUARY 14, 2013 AT 12:00 P.M. LOCATED AT CARL B. STOKES PUBLIC UTILITIES BUILDING, ATRIUM CONFERENCE ROOM, 4TH FLOOR, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

February 6, 2013 and February 13, 2013

WEDNESDAY, FEBRUARY 27, 2013

File No. 9-13 — West Sixth Street Streetscape (West Lakeside Avenue to West St. Clair Avenue, Part 1 and Professor Street Intersections, Part 2), for the Division of Engineering and Construction, Mayor's Office of Capital Projects, as authorized by Ordinance Nos. 1570-11 and 1571-11, passed by the Council of the City of Cleveland, December 5, 2011, respectively.

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

THERE WILL BE A **MANDATORY PRE-BID MEETING** THURSDAY, FEBRUARY 14, 2013 AT 10:00 A.M. LOCATED AT THE CITY HALL, ROOM 509, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

January 30, 2013, February 6, 2013 and February 13, 2013

**ADOPTED RESOLUTIONS
AND ORDINANCES**

Res. No. 119-13.

By Council Member J. Johnson.

An emergency resolution declaring this Council's support of the application from the Famicos Foundation to the Ohio Housing Finance Agency for the use of low-income housing tax credits.

Whereas, each year the Ohio Housing Finance Agency allocates housing tax credits for affordable housing developments throughout Ohio using a competitive proposal process; and

Whereas, the Famicos Foundation is proposing to improve 73 housing units at Notre Dame Apartments in the Cleveland East submarket as defined by the Ohio Housing Finance Agency, in Cleveland, Ohio; and

Whereas, 100% of these homes will be affordable to families with incomes at or below 60% of the area median income and no housing units will be market rate; and

Whereas, at least 10% of these housing units will be affordable to households whose annual income is at or below 30% of the area median income; and

Whereas, this project serves a special needs population; specifically 100% of the units will be for elderly persons; and

Whereas, the Famicos Foundation's proposal will benefit the citizens of the City of Cleveland; 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 hereby supports the application from the Famicos Foundation to the Ohio Housing Finance Agency for the use of low-income housing tax credits.

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 January 28, 2013.

Effective January 30, 2013.

Res. No. 134-13.

By Council Member Polensek.

An emergency resolution objecting to the transfer of ownership of a C1 and C2 Liquor Permit to 1201 East 185th Street.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C1 and C2 Liquor Permit from East 185th Marathon Truck Stop, Inc., DBA East 185th Street Marathon, 1201 East 185th Street, Cleveland, Ohio 44119, Permanent Number 2405702 to

East 185th Marathon, Inc., DBA East 185th Marathon, 1201 East 185th Street, Cleveland, Ohio 44119, Permanent Number 2403667; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1 and C2 Liquor Permit from East 185th Marathon Truck Stop, Inc., DBA East 185th Street Marathon, 1201 East 185th Street, Cleveland, Ohio 44119, Permanent Number 2405702 to East 185th Marathon, Inc., DBA East 185th Street Marathon, 1201 East 185th Street, Cleveland, Ohio 44119, Permanent Number 2403667; 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 January 28, 2013.

Effective January 30, 2013.

Res. No. 135-13.

By Council Member Dow.

An emergency resolution objecting to a New C1 Liquor Permit at 6029 Superior Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at H M A K, LLC, 6029 Superior Avenue, 1268-72 East 61st Street, Cleveland, Ohio 44103; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a New C1 Liquor Permit at H M A K, LLC, 6029 Superior Avenue, 1268-72 East 61st Street, Cleveland, Ohio 44103, Permanent Number 3471690; 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 January 28, 2013.

Effective January 30, 2013.

Res. No. 136-13.

By Council Member J. Johnson.

An emergency resolution objecting to the transfer of Liquor License of a D5 Liquor Permit to 1938 Euclid Avenue, Suite 100.

Whereas, Council has been notified by the Department of Liquor Control of an application for a transfer of Liquor License of a D5 Liquor Permit from District, LLC, 3463 Fulton Road, Cleveland, Ohio 44109, Permanent Number 2201526 to Bar One II, LLC, 1938 Euclid Avenue, Suite 100, Cleveland, Ohio 44115, Permanent Number 0435551; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a transfer of Liquor License of a D5 Liquor Permit from District, LLC, 3463 Fulton Road, Cleveland, Ohio 44109, Permanent Number 2201526 to Bar One II, LLC, 1938 Euclid Avenue, Suite

100, Cleveland, Ohio 44115, Permanent Number 0435551; 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 January 28, 2013.

Effective January 30, 2013.

Res. No. 137-13.

By Council Member Cleveland.

An emergency resolution objecting to the transfer of ownership of a C2 and C2X Liquor Permit to 5611 Woodland Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C2 and C2X Liquor Permit from Jai Ambaji, Inc., DBA Hometown Grocery, 5611 Woodland Avenue, Cleveland, Ohio 44104, Permanent Number 4225578 to Shri Hanuman, Inc., DBA Hometown Grocery, 5611 Woodland Avenue, Cleveland, Ohio 44104, Permanent Number 8113145; 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 provid-

ing 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 C2 and C2X Liquor Permit from Jai Ambaji, Inc., DBA Hometown Grocery, 5611 Woodland Avenue, Cleveland, Ohio 44104, Permanent Number 4225578 to Shri Hanuman, Inc., DBA Hometown Grocery, 5611 Woodland Avenue, Cleveland, Ohio 44104, Permanent Number 8113145; 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 January 28, 2013.

Effective January 30, 2013.

Res. No. 138-13.

By Council Member Polensek.

An emergency resolution objecting to the transfer of ownership of a C1 and C2 Liquor Permit to 15504 Waterloo Road & Gas Pumps.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C1 and C2 Liquor Permit from Marathon Freeway, Inc., DBA Freeway Marathon, Inc., 15504 Waterloo Road & Gas Pumps, Cleveland, Ohio 44110, Permanent Number 29115990005 to Lucky Times, LLC, DBA Freeway Sunoco, 15504 Waterloo Road & Gas Pumps, Cleveland, Ohio 44110, Permanent Number 5339250; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a C1 and C2 Liquor Permit from Marathon Freeway, Inc., DBA Freeway Marathon, Inc., 15504 Waterloo Road & Gas Pumps, Cleveland, Ohio 44110, Permanent Number 29115990005 to Lucky Times, LLC, DBA Freeway Sunoco, 15504 Waterloo Road & Gas Pumps, Cleveland, Ohio 44110, Permanent Number 5339250; 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 January 28, 2013.
Effective January 30, 2013.

Res. No. 139-13.

By Council Member Polensek.

An emergency resolution withdrawing objection to the transfer of ownership of a C1 and C2 Liquor Permit at 788 East 200th Street and repealing Resolution No. 1627-12, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a C1 and C2 Liquor Permit to 788 East 200th Street by Resolution No. 1627-12 adopted by the Council on November 19, 2012, 2012; and

Whereas, this Council wishes to withdraw its objection to the above

transfer and consents to said transfer based upon a cooperation agreement between Gurpal Singh and Councilmember Michael D. Polensek; 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 the transfer of ownership of a C1 and C2 Liquor Permit to Ghuman, Inc., 788 East 200th Street, Cleveland, Ohio 44119, Permanent No. 3172780, be and the same is hereby withdrawn and Resolution No. 1627-12, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

Adopted January 28, 2013.
Effective January 30, 2013.

Res. No. 140-13.

By Council Member Polensek.

An emergency resolution withdrawing objection to the transfer of ownership of a C1 and C2 Liquor Permit at 1035 East 185th Street and repealing Resolution No. 1626-12, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a C1 and C2 Liquor Permit to 1035 East 185th Street by Resolution No. 1626-12 adopted by the Council on November 19, 2012, 2012; and

Whereas, this Council wishes to withdraw its objection to the above transfer and consents to said transfer based upon a cooperation agreement between the Applicant, 7 Eleven, Inc., and Councilmember Michael D. Polensek; 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 the transfer of ownership of a C1 and C2 Liquor Permit to 7 Eleven, Inc., DBA 7 Eleven, #36237, 1035 East 185th Street, Cleveland, Ohio 44119, Permanent No. 80036070155, be and the same is hereby withdrawn and Resolution No. 1626-12, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

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

Adopted January 28, 2013.
Effective January 30, 2013.

Res. No. 141-13.

By Council Member Kelley.

An emergency resolution withdrawing objection to a New C1 Liquor Permit at 4744 Broadview Road and repealing Resolution No. 1628-12, objecting to said permit.

Whereas, this Council objected to a New C1 Liquor Permit to 4744 Broadview Road by Resolution No. 1628-12 adopted by the Council on November 19, 2012; 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 C1 Liquor Permit to Astral Enterprises, Ltd., DBA Broadview Food Market, 4744 Broadview Road, Cleveland, Ohio 44109, Permanent Number 0304410, be and the same is hereby withdrawn and Resolution No. 1628-12, 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 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 January 28, 2013.
Effective January 30, 2013.

Res. No. 142-13.

By Council Member Reed.

An emergency resolution withdrawing objection to the renewal of a C1 and C2 Liquor Permit at 4464 Warner Road and repealing Resolution No. 1037-12 objecting to said renewal.

Whereas, this Council objected to a C1 and C2 Liquor Permit to 4464 Warner Road by Resolution No. 1037-12 adopted by the Council on August 8, 2012; 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 Izdihar Taha, DBA D & T Market, 4464

Warner Road, Cleveland, Ohio 44105, Permanent Number 8778963 be and the same is hereby withdrawn and Resolution No. 1037-12, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted January 28, 2013.
Effective January 30, 2013.

Res. No. 143-13.

By Council Member Reed.

An emergency resolution withdrawing objection to the renewal of a D1, D2, D3 and D3A Liquor Permit at 12301 Miles Avenue, 1st floor and basement, and repealing Resolution No. 1144-12 objecting to said renewal.

Whereas, this Council objected to a D1, D2, D3 and D3A Liquor Permit to 12301 Miles Avenue, 1st floor and basement by Resolution No. 1144-12 adopted by the Council on August 8, 2012; 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 D1, D2, D3 and D3A Liquor Permit to Jake Jr. & Lucille Morrison, DBA Jake's Lounge, 12301 Miles Avenue, 1st floor and basement, Cleveland, Ohio 44105, Permanent Number 6180959 be and the same is hereby withdrawn and Resolution No. 1144-12, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted January 28, 2013.
Effective January 30, 2013.

Ord. No. 809-12.

**By Council Members Keane and Sweeney (by departmental request).
An emergency ordinance authorizing the Director of Port Control to enter into a Second Amendment to Contract No. 66839 with In-Ter-Space**

Services, Inc., dba Clear Channel Airports and to authorize the vendor to market, sell and contract for opportunities for non-traditional advertising and to clarify the limit on the number of outdoor advertising signs authorized at Cleveland Hopkins International Airport.

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

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

Section 1. That the Director of Port Control is authorized to enter into a Second Amendment to Contract No. 66839 with In-Ter-Space Services, Inc., dba Clear Channel Airports to and to authorize the vendor to market, sell and contract for opportunities for non-traditional advertising. The total number of advertising signs at Cleveland Hopkins International Airport shall not exceed twenty, excluding banners, column mounted signs and signs at parking garage locations. All advertising signs shall be located within the footprint of Cleland Hopkins International Airport.

All other terms and conditions contained in Contract No. 66839 shall remain the same.

Section 2. That the amendment to Contract No. 66839 shall be prepared by the Director of Law.

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

Passed January 28, 2013.
Effective January 30, 2013.

Ord. No. 1400-12.

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

An emergency ordinance to amend the title, and Sections 1, 2, and 3 of Ordinance No. 499-10, passed June 7, 2010, as amended by Ordinance 1624-10, passed December 6, 2010, and Ordinance No. 1435-11, passed October 31, 2011, relating to contracts with professional developers, or vendors to acquire licenses for mandatory environmental compliance at Cleveland Hopkins International Airport, Burke Lakefront Airport, and the Division of Harbors, and other services necessary for the compliance, and authorizing various written standard purchase and requirement contracts.

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

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

Section 1. That the title, and Sections 1, 2, and 3 of Ordinance 499-10, passed June 7, 2010, as amended by Ordinance 1624-10, passed December

6, 2010, and Ordinance No. 1435-11, passed October 31, 2011, are amended to read as follows:

An Emergency Ordinance authorizing the Director of Port Control to employ one or more professional consultants, computer software developers, or vendors to acquire licenses for mandatory environmental compliance at Cleveland Hopkins International Airport, Burke Lakefront Airport, and the Division of Harbors and to perform other services necessary for the compliance; and authorizing the Director to enter into various written standard purchase and requirement contracts, for services, purchase, and training necessary for the compliance, for a period of one year, with three one-year options to renew, the second of which requires additional legislative authority.

Section 1. That the Director of Port Control is authorized to enter into one or more standard purchase or requirement contracts for a period of one year, with three one-year options to renew, duly let to the lowest and best bidder after competitive bidding for materials, equipment, supplies, services, and training necessary to comply with local, state, and federal environmental requirements necessary to maintain operating status and to avoid serious penalties for non-compliance at Hopkins International Airport, Burke Lakefront Airport, and the Division of Harbors, Department of Port Control. The first of the one-year options to renew may be exercised by the Director of Port Control, without the necessity of obtaining additional authority of this Council. The second of the one-year options to renew may not be exercised without additional legislative authority. If such additional legislative authority is granted and the second of the one-year options to renew is exercised, then the third of the one-year options to renew may be exercisable at the option of the Director of Port Control, without the necessity of obtaining additional authority of this Council.

Section 2. That the Director of Port Control is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to comply with local, state, and federal environmental requirements necessary to maintain operating status and to avoid serious penalties for non-compliance at Hopkins International Airport, Burke Lakefront Airport, and the Division of Harbors, Department of Port Control, for a period of one year, with three one year options to renew. The first of the one-year options to renew may be exercised by the Director of Port Control, without the necessity of obtaining additional authority of this Council. The second of the one-year options to renew may not be exercised without additional legislative authority. If such additional legislative authority is granted and

the second of the one-year options to renew is exercised, then the third of the one-year options to renew may be exercisable at the option of the Director of Port Control, without the necessity of obtaining additional authority of this Council.

Section 3. That the Director of Port Control is authorized to acquire by contract or contracts with one or more software developers or vendors or one or more firms of software developers or vendors, the software licenses, upgrades, technical support, and maintenance necessary to develop and maintain hosting environmental management systems at the Department of Port Control, including Cleveland Hopkins International Airport, burke Lakefront Airport, and the Division of Harbors, for the purposes of this section, for a period of one year, with three one year options to renew. The first of the one-year options to renew may be exercised by the Director of Port Control, without the necessity of obtaining additional authority of this Council. The second of the one-year options to renew may not be exercised without additional legislative authority. If such additional legislative authority is granted and the second of the one-year options to renew is exercised, then the third of the one-year options to renew may be exercisable at the option of the Director of Port Control, without the necessity of obtaining additional authority of this Council.

Section 2. That the existing title and Sections 1, 2, and 3 of Ordinance 499-10, passed June 7, 2010, as amended by Ordinance 1624-10, passed December 6, 2010, and Ordinance No. 1435-11, passed October 31, 2011, are repealed.

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

Passed January 28, 2013.
Effective January 30, 2013.

Ord. No. 1600-12.
By Council Members Conwell and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from Cuyahoga County for the FY 2011 Urban Area Security Initiative Program; authorizing the Director of Public Safety to enter into one or more contracts with SAS Institute for professional services; and authorizing one or more requirement and/or standard contracts for materials, equipment, supplies, and services, needed to implement the grant.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$1,958,000, and any other funds that may become available during the grant term from Cuyahoga County to conduct the FY 2011 Urban Area Security Initiative ("UASI") 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 award letter for the grant contained in the file described below.

Section 2. That the award letter for the grant, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in File No. 1600-12-A, is made a part of this ordinance as if fully rewritten, is approved in all respects, and shall not be changed without additional legislative authority.

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

Section 4. That the Director of Public Safety is authorized to make one or more written standard purchase and/or written requirement purchase contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the period during the grant term, for each or all of the following items: materials, equipment, supplies, and services needed to implement the grant as described in the file, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Department of Public Safety.

Section 5. That the Director of Public Safety is authorized to enter into one or more contracts with SAS Institute for professional services necessary to implement the grant on the basis of their proposals dated June 14, 2012, for the Department of Public Safety.

Section 6. 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 delivery order against the contract or contracts certified by the Director of Finance.

Section 7. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Public Safety may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 8. 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 9. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

Passed January 28, 2013.
Effective January 30, 2013.

Ord. No. 1634-12.
By Council Members Keane and Kelley (by departmental request).

An emergency ordinance authorizing the Director of Port Control to exercise the first option to renew Contract No. CT 3001-PS 2011-67 with Southwest General Health Center to provide ARFF medical training and development content, activities, and programs in support of employee performance and professional development programs at Cleveland Hopkins International Airport and Burke Lakefront Airport.

Whereas, under the authority of Ordinance No. 1404-07, passed November 12, 2007, the Director of Port Control entered into Contract No. CT 3001-PS 2011-67 with Southwest General Health Center to provide ARFF medical training and development content, activities, and programs in support of employee performance and professional development programs at Cleveland Hopkins International Airport and Burke Lakefront Airport; and

Whereas, Ordinance No. 1404-07 requires further legislation before exercising the first option to renew on this contract; and

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

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

Section 1. That the Director of Port Control is authorized to exercise the first option to renew Contract No. CT 3001-PS 2011-67 for an additional year with Southwest General Health Center to provide ARFF medical training and development content, activities, and programs in support of employee performance and professional development programs at Cleveland Hopkins International Airport and Burke Lakefront Airport. This ordinance constitutes the additional legislative authority required by Ordinance No. 1404-07 to exercise this option.

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

Passed January 28, 2013.
Effective January 30, 2013.

Ord. No. 1643-12.

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

An emergency ordinance authorizing the Director of Public Safety to enter into one or more contracts without competitive bidding with Physio-Control, Inc. for maintenance of various types of LifePak defibrillators, including but not limited to, repair, battery and part replacement, on-site service, and other services and repairs needed to restore covered equipment to original specifications, including labor, testing, calibrations, and safety checks, for the Divisions of Emergency Medical Service, Fire, and Police, Department of Public Safety, for a period up to one year, with one option to renew for an additional one-year period, exercisable by the Director of Public Safety.

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

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

Section 1. That this Council determines that the within commodities are non-competitive and cannot be secured from any source other than Physio-Control, Inc. Therefore the Director of Public Safety is authorized to make one or more written contracts with Physio-Control, Inc. on the basis of its proposal dated September 14, 2012, in the total sum of \$58,035, for maintenance of various types of LifePak 12, LifePak 15, and LifePak 1000 defibrillators, including but not limited to, repair, battery and part replacement, on-site service, and other services and repairs needed to restore covered equipment to original specifications, including labor, testing, calibrations, and safety checks, to be purchased by the Commissioner of Purchases and Supplies, for the Divisions of Emergency Medical Service, Fire, and Police, Department of Public Safety, for a period up to one year. The contract or contracts authorized shall be paid from funds appropriated in budget year 2013 for this purpose.

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 January 28, 2013.
Effective January 30, 2013.

Ord. No. 1644-12.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the U.S. Department of Homeland Security for the FY12 Port Security Grant; authorizing the purchase by one or more requirement contracts of materials, equipment supplies and

services; and authorizing the purchase by one or more contracts of a response vehicle with detection capabilities needed to implement the grant.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$206,803, and any other funds that may become available during the grant term from the U.S. Department of Homeland Security to conduct the FY12 Port Security 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, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in File No. 1644-12-A, is made a part of this ordinance as if fully rewritten, including the obligation of the City of Cleveland to provide cash matching funds in the sum of \$51,701 from Fund No. 11 SF 006, is approved in all respects, and shall not be changed without additional legislative authority. RQS 6001, RL 2012-177.

Section 3. That the Director of Public Safety is authorized to extend the term of the grant during the grant term.

Section 4. That the Director of Public Safety is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements during the grant term of the necessary items of materials, equipment, services, and supplies needed to implement the grant, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Safety. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 5. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a delivery order against the contract or contracts certified by the Director of Finance.

Section 6. That the Director of Public Safety is authorized to make one or more written contracts under

the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the following items: one response vehicle with detection capabilities, to be purchased by the Commissioner of Purchases and Supplies for a gross price, for the Department of Public Safety.

Section 7. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Public Safety may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 8. 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 and the cash match.

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

Passed January 28, 2013.
Effective January 30, 2013.

Ord. No. 1695-12.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Office of Criminal Justice Services for the FY 2013 Cleveland High Visibility Enforcement Overtime Program.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$70,812.83, and any other funds that may become available during the grant term from Ohio Office of Criminal Justice Services to conduct the FY 2013 Cleveland High Visibility Enforcement Overtime Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in File No. 1695-12-A, is made a part of this ordinance as if fully rewritten, is approved in all respects, and shall not be changed

without additional legislative authority.

Section 3. That the Director of Public Safety is authorized to extend the term of the grant during the grant term.

Section 4. That, unless expressly prohibited by the grant agreement, under Section 108(b) of the Charter, purchases made under the grant agreement may be made through cooperative arrangements with other governmental agencies. The Director of Public Safety may sign all documents and do all things that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process. The contracts will be paid from the fund or funds to which are credited any grant funds 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.

Passed January 28, 2013.
Effective January 30, 2013.

Ord. No. 1696-12.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from University Hospitals for the FY 2013 Cuyahoga County OVI Task Force Program.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$16,797.16, and any other funds that may become available during the grant term from University Hospitals to conduct the FY 2013 Cuyahoga County OVI Task Force Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the proposed planning sheet for the grant contained in the file described below.

Section 2. That the proposed planning sheet for the grant, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in File No. 1696-12-A, is made a part of this ordinance as if fully rewritten, is approved in all respects, and shall not be changed without additional legislative authority.

Section 3. That the Director of Public Safety is authorized to extend the term of the grant during the grant term.

Section 4. That, unless expressly prohibited by the grant agreement, under Section 108(B) of the Charter, purchases made under the grant agreement may be made through cooperative arrangements with other governmental agencies. The Director of Public Safety may sign all documents and do all things that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process. The contracts will be paid from the fund or funds to which are credited any grant funds 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.

Passed January 28, 2013.
Effective January 30, 2013.

Ord. No. 1717-12.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Office of Criminal Justice Services for the FY 12 State Byrne Memorial Justice Assistance Grant (JAG) for the Northern Ohio Violent Crime Consortium (NOVCC) Program; and authorizing the Director to enter into one or more contracts with Kent State University and various municipalities to implement the grant.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$129,586.74, and any other funds that may become available during the grant term from the Ohio Office of Criminal Justice Services to conduct the Northern Ohio Violent Crime Consortium (NOVCC) 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, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in File No. 1717-12-A, is made a part of this ordinance as if fully rewritten, including the obligation of the City of Cleveland to provide cash matching funds in the sum of \$43,195.58 from Fund Nos. 10 SF 025, 10 SF 027, and 10 SF 049, are

approved in all respects, and shall not be changed without additional legislative authority. (RQS 6001, RL 2012-192)

Section 3. That the Director of Public Safety is authorized to extend the term of the grant during the grant term

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

Section 5. That, unless expressly prohibited by the grant agreement, under Section 108(B) of the Charter, purchases made under the grant agreement may be made through cooperative arrangements with other governmental agencies. The Director of Public Safety may sign all documents and do all things 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 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 the cash match, accepted under this ordinance.

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

Passed January 28, 2013.
Effective January 30, 2013.

Ord. No. 1718-12.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Office of Criminal Justice Services for the FY 12 State Byrne Memorial Justice Assistance Grant for the operation of the Northern Ohio Law Enforcement Task Force (NOLETF); authorizing the purchase by one or more requirement contracts of materials, equipment, supplies and services; and authorizing the Director to enter into one or more contracts with various agencies, entities, or individuals to implement the grant.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$165,000.00, and any other funds that may become available during the grant term from the Ohio Office of Criminal Justice Services to conduct the FY 12 State Byrne Memorial Justice

Assistance Grant for the Northern Ohio Law Enforcement Task Force (NOLETF) 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, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in File No. 1718-12-A, is made a part of this ordinance as if fully rewritten, including the obligation of the City of Cleveland to provide cash matching funds in the sum of \$55,000.00 from Fund Nos. 10 SF 025, 10 SF 027, and 10 SF 049, are approved in all respects, and shall not be changed without additional legislative authority. (RQS 6001, RL 2012-191)

Section 3. That the Director of Public Safety is authorized to extend the term of the grant during the grant term.

Section 4. That, unless expressly prohibited by the grant agreement, under Section 108(B) of the Charter, purchases made under the grant agreement may be made through cooperative arrangements with other governmental agencies. The Director of Public Safety may sign all documents and do all things that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process. The contracts will be paid from the fund or funds to which are credited any grant funds 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.

Passed January 28, 2013.
Effective January 30, 2013.

Ord. No. 1719-12.

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

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

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$115,397.29 and any other funds that may become available during the grant term from the Department of Justice Violence Against Women Act through the County Criminal Justice Services Agency to conduct the 2012 Cleveland Domestic Violence Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the subgrant application for the grant contained in the file described below.

Section 2. That the subgrant application for the grant, File No. 1719-12-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, including the obligation of the City of Cleveland to provide cash matching funds in the sum of \$38,465.76 from Fund Nos. 10 SF 025, 10 SF 027, and 10 SF 049, is approved in all respects and shall not be changed without additional legislative authority. (RQS 6001, RL 2012-189)

Section 3. That the Director of Public Safety is authorized to extend the term of the grant during the grant term.

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

Section 5. That, unless expressly prohibited by the grant agreement, under Section 108(b) of the Charter, purchases made under the grant agreement may be made through cooperative arrangements with other governmental agencies. The Director of Public Safety may sign all documents and do all things that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process. 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 and the cash match.

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

Passed January 28, 2013.
Effective January 30, 2013.

Ord. No. 1720-12.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from

the U.S. Department of Justice, Bureau of Justice Assistance for the FY 2012 Bulletproof Vest Program; and authorizing the purchase by one or more requirement contracts of bulletproof vests, for the Division of Police, Department of Public Safety.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$51,920.90, and any other funds that become available during the grant term from the U.S. Department of Justice, Bureau of Justice Assistance ("USDOJ") to conduct the FY 2012 Bulletproof Vest Program ("BVP"); 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 BVP Application for Funding from the USDOJ for the grant contained in the file described below.

Section 2. That the BVP Application for Funding from the USDOJ for the grant, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in File No. 1720-12-A, is made a part of this ordinance as if fully rewritten, including the obligation of the City of Cleveland to provide cash matching funds in the sum of \$51,920.90 from Fund Nos. 10 SF 025, 10 SF 027, 10 SF 049, is approved in all respects, and shall not be changed without additional legislative authority. (RQS 6001, RL 2012-190)

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

Section 4. That the Director of Public Safety is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements during the grant term of the necessary items of bulletproof vests, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Police, Department of Public Safety. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 5. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of

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

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

Section 7. That 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 January 28, 2013.
Effective January 30, 2013.

Ord. No. 23-13.
By Council Members Conwell and Kelley (by departmental request).
An emergency ordinance authorizing the Director of Public Safety to enter into one or more contracts with Priority Dispatch for the acquisition of one or more ProQA software licenses and training for a Fire module dispatch system, including maintenance and technical support for a period of one year after the warranty on the software expires, for the Division of Fire, Department of Public Safety.

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 Priority Dispatch for the acquisition of one or more ProQA software licenses and training for a Fire module dispatch system, including maintenance and technical support for a period of one year after the warranty on the software expires, on the basis of its proposal dated November 26, 2012, in the total sum of \$159,040.00, for the Division of Fire, Department of Public Safety. The contract or contracts shall be paid from Fund No. 11 SF 006, RQS 6001, RL 2012-158.

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 January 28, 2013.
Effective January 30, 2013.

Ord. No. 26-13.
By Council Members Pruitt and Kelley (by departmental request).
An emergency ordinance authorizing the purchase by one or more requirement contracts of various types of safety equipment, consumables, and supplies for compliance with OSHA regulations and general safety standards, for the Divisions of Water, Cleveland Public Power and Water Pollution Control, 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 various types of safety equipment, consumables, and supplies for compliance with OSHA regulations and general safety standards, 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, Cleveland Public Power and Water Pollution Control, 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 any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies by a delivery order issued against the contract or contracts and certified by the Director of Finance. (RQN 2002, RL 2012-064)

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.

Passed January 28, 2013.
Effective January 30, 2013.

Ord. No. 28-13.
By Council Members Pruitt and Kelley (by departmental request).
An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants for sustainable operation and optimization relating to acquiring energy management, engineering, technical and troubleshooting services to help execute an energy management plan for a period of one year with two one-year options to renew.

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

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

Section 1. That the Director of Public Utilities is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to acquire energy management, engineering, technical and troubleshooting services to help execute an energy management plan, for a period of one year with two one-year options to renew.

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

Section 2. That the Director of Public Utilities will give the Finance Committee an update of the consultant's findings and recommendations upon completion of the first year of the contract.

Section 3. That the cost of the contract or contracts authorized shall be paid from Fund No. 52 SF 001, RQS 2002, RL 2012-141.

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 January 28, 2013.
Effective January 30, 2013.

Ord. No. 64-13.

By Council Member Kelley (by departmental request).

An emergency ordinance authorizing refunding and remarketing of Airport System Revenue Bonds; authorizing Supplemental Indentures and other agreements related to the bonds; and authorizing and approving related matters.

Whereas, under authority of the Constitution of the State of Ohio and the Charter of the City, this Council has by ordinance authorized the issuance of Revenue Bonds, from time to time, for the Airport System under the terms and security of the Amended and Restated Trust Indenture (Seventeenth Supplemental Trust Indenture), effective as of January 31, 2012 (the "Trust Indenture"), between the City and The Bank of New York Mellon Trust Company, N.A., as trustee (the "Trustee"); and

Whereas, this Council has determined to authorize the issuance by the City of Airport System Revenue Refunding Bonds ("Refunding Bonds") under the Trust Indenture for the purpose of refunding Outstanding Revenue Bonds, as defined and provided in this Ordinance, or, alternatively in the case of Outstanding Revenue Bonds bearing interest at variable rates, the interest rate mode conversion or change in Credit Support Instrument and remarketing of Outstanding Revenue Bonds, in either case to obtain debt service savings, or to stabilize interest rates or minimize risks of increased interest expense on Outstanding Revenue Bonds that bear interest at variable rates, or to eliminate or modify covenants that are unduly restrictive, or to obtain a more favorable debt service structure; and

Whereas, this Ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department and providing for the immediate preservation of the public peace, property, health or safety in that authorizing the refunding and other actions with respect to Outstanding Revenue Bonds is necessary to enable the City to respond to market conditions on a timely basis for the benefit of the Airport System; now, therefore,

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

Section 1. Definitions.

In addition to the words and terms defined in the Trust Indenture, the following words and terms shall have the following meanings, unless the context or use indicates a contrary meaning or intention.

"Bond Purchase Agreement" means, with respect to the Refunding Bonds, one or more Bond Purchase Agreements between the City and the Original Purchasers authorized in Section 5 of this Ordinance.

"Certificate of Award" means one or more certificates delivered by the Director of Finance pursuant to Section 5 of this Ordinance providing for the final terms of the Refunding Bonds of any series consistent with the requirements of the Trust Indenture and this Ordinance.

"Code" means the Internal Revenue Code of 1986, as amended, including, when appropriate, the statutory predecessor of the Code and all applicable Treasury regulations.

"Credit Support Instrument" means an insurance policy, surety, letter of credit, standby bond purchase agreement or other credit enhancement, support or liquidity device used to enhance the security or liquidity of any Revenue Bonds or any Hedge Agreements.

"Depository" means any securities depository that is a clearing agency under federal law operating and maintaining, with its participants or otherwise, a book entry system to record beneficial ownership of Revenue Bonds or Bond service charges, and to effect transfers of Revenue Bonds, in book entry form, and includes and means initially The Depository Trust Company (a limited purpose trust company), New York, New York.

"Direct Payment" means a credit allowed under the Code with respect to obligations that is payable to the City by the U.S. Treasury.

"Direct Payment Obligations" means obligations the interest on which is includible in gross income for federal income tax purposes and with respect to which the City shall have made an irrevocable election to receive a Direct Payment.

"Financial Advisor" means any financial advisory firm or firms retained by the Director of Finance of the City, from time to time, in connection with the Revenue Bonds or any Hedge Agreement.

"Hedge Agreement" has the meaning given in Section 3 of this Ordinance.

"Original Purchasers" means, with respect to each series of Refunding Bonds, the financial institutions identified in the Certificate of Award for that series.

"Outstanding Revenue Bonds" means Revenue Bonds issued and outstanding, from time to time, under the Trust Indenture, including without limitation any Refunding Bonds issued pursuant to this Ordinance. On the date of introduction of this Ordinance, the Outstanding Revenue Bonds (and the respective principal amounts then currently outstanding) consisted of the following series of Airport System Revenue Bonds: Series 2000C (\$149,000,000), Series 2006A (\$107,750,000), Series 2006B (\$5,965,000), Series 2007B (\$9,095,000), Series 2008D (\$5,975,000), Series 2008F (\$58,000,000), Series 2009A (\$24,365,000), Series 2009B (\$10,240,000), Series 2009C (\$131,725,000), Series 2009D (\$38,875,000), Series 2011A (\$71,505,000) and Series 2012A (\$235,150,000).

"Refunded Bonds" means those Outstanding Revenue Bonds identified in a Certificate of Award to be refunded from proceeds of Refunding Bonds.

"Refunding Bonds" means the Airport System Revenue Refunding Bonds authorized by this Ordinance to be issued as Additional Revenue Bonds under the Trust Indenture for the purpose of refunding one or more series of Outstanding Revenue

Bonds, or designated maturities thereof.

"Remarketing Agent" means a financial institution performing the duties of a remarketing agent under a Supplemental Indenture for variable rate Revenue Bonds.

"Revenue Bonds" means Outstanding Revenue Bonds and any Additional Revenue Bonds issued under the Trust Indenture.

"Supplemental Indenture" means each Supplemental Trust Indenture delivered to supplement the Trust Indenture, to further provide for the terms and security of one or more series of Revenue Bonds or to amend the Trust Indenture.

"Taxable Bonds" means any Refunding Bonds the interest on which is included in gross income for federal income tax purposes.

"Tax-Exempt Bonds" means Revenue Bonds bearing interest excluded from gross income for federal income tax purposes.

Section 2. Authorization of the Refunding Bonds.

This Council authorizes the City to issue the Refunding Bonds in one or more Series for the purpose of refunding one or more Series of Outstanding Revenue Bonds, or designated portions thereof, to obtain aggregate net present value debt service savings of at least three percent (3%), or to eliminate or modify covenants that are unduly restrictive, or to obtain a more favorable debt service structure or more favorable terms under Credit Support Instruments. With respect to Outstanding Revenue Bonds that are short-term or variable-rate obligations, this Council authorizes the City to issue Refunding Bonds to refund such Outstanding Revenue Bonds, or designated portions thereof, for any of the foregoing purposes or for the purpose that the Director of Finance has determined, based on the written advice of a Financial Advisor, that such Outstanding Revenue Bonds are subjecting the City to undesirably high rates of interest or undesirable fluctuations in rates of interest or risks or expenses associated with Credit Support Instruments or Hedge Agreements that can economically be avoided or mitigated through refunding. The principal amount of each Series of Refunding Bonds is to be the amount set forth in the Certificate of Award authorized in Section 5 and determined by the Director of Finance, based on the written advice of a Financial Advisor, to be necessary (i) to refund the Refunded Bonds to be refunded by that Series, (ii) to fund any interest on the Refunding Bonds, (iii) to fund any deposit to the Bond Service Reserve Fund required under the Trust Indenture or any special reserve fund for that Series separate from the Bond Service Reserve Fund, (iv) to fund any deposit to the Renewal and Replacement Fund required under the Trust Indenture, (v) to pay costs of any Credit Support Instruments, (vi) to pay any amounts owed under Hedge Agreements, and (vii) to pay costs of issuing the Refunding Bonds and refunding the Refunded Bonds.

Separate series of Refunding Bonds may be issued at the same or different times. The Refunding Bonds of each series shall be designated as provided in the applicable Certificate of Award. A separate Certificate of Award and a separate Supplemental Indenture may be delivered for each series. The proceeds from the sale of each Series of Refunding Bonds shall be allocated, deposited and applied as provided in Section 6. The Refunding Bonds shall constitute Revenue Bonds for all purposes of the Trust Indenture.

This Council finds and determines that the issuance of the Refunding Bonds for a purpose provided in this Ordinance serves a proper, public, municipal purpose by reducing or stabilizing costs of air travel facilities serving the people of the City of Cleveland, thereby increasing and promoting commerce by providing necessary transportation for individuals and commercial enterprises purchasing and selling services and products in northeastern Ohio, and creating and preserving jobs and employment opportunities in the City and improving the economic welfare of the City.

Section 3. Authorization of Hedging Arrangements.

This Council finds that by engaging in interest rate hedging arrangements with respect to Revenue Bonds the City may reduce its cost of borrowing by optimizing the relative amounts of fixed and variable rate obligations, or minimizing the risk of variations in its debt service costs, or obtaining savings by confirming rates of interest on Revenue Bonds in advance of their issuance. To permit the City to have the flexibility to undertake interest rate swap, swaption, rate cap, rate collar and other hedging transactions, from time to time, and to establish the procedures for approving those transactions, this Council authorizes the signing and delivery of one or more agreements (each, a "Hedge Agreement") and any related agreements necessary for the consummation of the transactions contemplated by each Hedge Agreement. The authorizations in this Section 3 are supplemental to and not in derogation of any authority provided by any other ordinance of this Council concerning hedging arrangements.

Upon the determination of the Director of Finance, based on the written advice of a Financial Advisor, that it is to the financial advantage of the City and in the City's best interests that a hedging arrangement be undertaken by the City with respect to any Revenue Bonds issued or to be issued under the Trust Indenture, the Director of Finance may authorize one or more interest rate hedge transactions in accordance with the applicable Hedge Agreement; provided that the term of each hedge transaction shall not exceed the final maturity of the Revenue Bonds to which the hedge relates.

The Director of Finance shall negotiate the terms of each Hedge Agreement. The City shall receive a written opinion of a Financial Advi-

sor that the payments made or to be made by the counterparty to the City, or by the City to the counterparty, shall be fair value for the Hedge Agreement, considering, among other things, the credit of the City's Airport System, the credit of the counterparty and the terms and conditions of the Hedge Agreement. The Director of Finance shall determine the terms and conditions of the Hedge Agreement, including without limitation, the time or times and procedures for the exercise by the counterparty or the City, as the case may be, of any option under the Hedge Agreement, whether the obligations of the City under the Hedge Agreement shall be secured by a Credit Support Instrument, and the rates to be paid by the counterparty to the City and by the City to the counterparty under the Hedge Agreement in the event of the exercise of the option. The approval of each interest rate hedge transaction by the Director of Finance shall be conclusively evidenced by the signing and delivery of the applicable Hedge Agreement by the Director of Finance.

The Director of Finance is authorized to enter into an amendment, modification or novation of any Hedge Agreement or any Credit Support Instrument securing a Hedge Agreement or to terminate any Hedge Agreement, in whole or in part, if the Director of Finance determines, based on the written advice of a Financial Advisor, that (a) the amendment, modification, novation or termination is (i) justified by the corresponding benefit to the City, (ii) commercially reasonable based on then-current market conditions, and (iii) in the City's best interests, and (b) any payments made or to be made by the counterparty to the City, or by the City to the counterparty, are fair value for such amendment, modification, novation or termination, given the credit of the counterparty and the terms and conditions of the amendment, modification, novation or termination. To the extent that any amounts to be paid by the City in connection with any such amendment, modification, novation or termination are not paid from proceeds of Revenue Bonds, those amounts shall be paid from Fund Nos. 60SF 001, 60 SF 104, 60 SF 105, 60 SF 106 and 60 SF 141 and/or passenger facility charges, as determined by the Director of Finance after consultation with the Director of Port Control.

The City's obligations under any Hedge Agreement shall be payable from the Airport Revenues as defined in the Trust Indenture and may be payable also from other funds permitted by law to be used for the purpose, as identified by the Director of Finance in the Hedge Agreement. Those payments may be secured by a pledge of Airport Revenues, to the extent permitted by the Trust Indenture, all as determined by the Director of Finance and set forth in the Hedge Agreement. The obligation of the City to make payments under any Hedge Agreement does not and shall not represent or constitute a general

obligation, debt, bonded indebtedness or a pledge of the faith and credit of the City or the State of Ohio. Nothing gives any party to any Hedge Agreement the right to have excises, ad valorem or other taxes levied by the City or the State of Ohio for the payment of any amounts due under any Hedge Agreement.

In the event the Director of Finance determines, based on the written advice of a Financial Advisor, that it is necessary to supplement or amend the Trust Indenture or a Supplemental Indenture in connection with any Hedge Agreement or any amendment, modification, novation or termination of any Hedge Agreement, the Mayor and the Director of Finance are authorized to sign and deliver a Supplemental Indenture or amendment of an existing Supplemental Indenture.

Section 4. Terms of Refunding Bonds.

The Refunding Bonds shall contain the terms provided in or determined pursuant to, the Trust Indenture, this Ordinance, the applicable Certificate of Award and the applicable Supplemental Indenture. Each series of Refunding Bonds may be secured by a separate Supplemental Indenture, or a single Supplemental Indenture may secure more than one series of Refunding Bonds.

(a) **General.** The Refunding Bonds may be issued as obligations bearing interest at fixed or variable interest rates. In the event that the Director of Finance, based on the written advice of a Financial Advisor, determines that the City's best interests will be served by a series of Refunding Bonds bearing interest at variable interest rates, then provision shall be made in the Supplemental Indenture applicable to that series for the method and procedure by which the variable rate of interest to be borne by the Refunding Bonds of that series shall be determined (whether by reference to a market index, by a remarketing agent or otherwise); provided that no series of variable rate Refunding Bonds shall bear interest at a rate in excess of twenty-five percent (25%) per year (including any Refunding Bonds held by a provider of a Credit Support Instrument). The Director of Finance may determine that the terms of a variable rate series of Refunding Bonds may or may not permit the holders to tender their variable rate Refunding Bonds for purchase by the City. If the Director of Finance designates any series of Refunding Bonds as variable rate Refunding Bonds, and if the Holders of that series of Refunding Bonds are to be entitled to tender those Refunding Bonds for purchase, then the Director of Finance shall also designate for those variable rate Refunding Bonds (and may designate others, from time to time, in substitution therefor), the tender agent or agents (which may be the Trustee) and the remarketing agent or agents (which may be any of the Original Purchasers), which designations shall be based on the determination of the Director of Finance, based on the

written advice of a Financial Advisor, that the parties so designated possess the requisite resources and experience to provide the services required of them and that the terms on which the designated parties have agreed to provide such services are fair and commercially reasonable.

The Director of Finance is authorized to enter into agreements with others in connection with the delivery of the Refunding Bonds, and from time to time thereafter so long as the Refunding Bonds are outstanding, as may be determined by the Director of Finance to be necessary or appropriate to provide for (i) the method of determining the variable interest rates, (ii) the rights and procedures for tender, (iii) liquidity or credit support, (iv) repayment by the City of any amounts drawn under the Credit Support Instrument, (v) the direct purchase of tendered Refunding Bonds, and (vi) other arrangements in the best interests of the City. The Director of Finance is further authorized to terminate any such agreements if the Director of Finance determines, based on the written advice of a Financial Advisor, that the City's best interests will be served by such termination. The Director of Finance is further authorized to enter into agreements, from time to time so long as the variable rate Refunding Bonds are outstanding, supplementing or amending the applicable Supplemental Indenture for a series of Refunding Bonds as provided in Section 8. To the extent that any fees and expenses associated with agreements entered into or terminated pursuant to this Section are not paid from proceeds of Revenue Bonds, those fees and expenses shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106 and 60 SF 141 and/or passenger facility charges, as determined by the Director of Finance after consultation with the Director of Port Control.

(b) Form; Exchange and Transfer. All Refunding Bonds shall be issued in fully registered form. The Refunding Bonds initially shall be delivered only in book-entry form, shall be registered in the name of the Depository or its nominee, as registered owner, and immobilized in the custody of the Depository, and shall not be transferable or exchangeable (except for transfer to another Depository or its nominee) without further action by the City pursuant to the provisions of the Trust Indenture.

If any Depository determines not to continue to act as a Depository for the Refunding Bonds of any series for use in a book entry system, the Director of Finance and the Trustee may attempt to establish a securities depository/book entry relationship with another qualified Depository. If the Director of Finance and the Trustee do not or are unable to do so, the Director of Finance and the Trustee, after making provision for notification of the beneficial owners by the then Depository and any other arrangements deemed necessary, shall per-

mit withdrawal of the Refunding Bonds of any series from the Depository, and authenticate and deliver registered Bond certificates to the assigns of the Depository or its nominee, all at the cost and expense (including any costs of printing), if the event is not the result of action or inaction of the City, of those persons requesting such issuance.

The Director of Finance is authorized to enter into any agreements determined by the Director to be necessary in connection with the book entry system for the Refunding Bonds, after determining that those agreements will not endanger the funds or securities of the City under the Indenture (as evidenced by the Director's signing of those agreements).

(c) Dates; Denominations. The Refunding Bonds of each series shall be dated as of the date or dates provided in the Certificate of Award for that series. The Refunding Bonds of each series shall be issued in the denominations permitted in the Supplemental Indenture for that series.

(d) Interest and Place of Payment. The Refunding Bonds of each series shall bear interest at their respective interest rates specified in the Certificate of Award (or, in the case of variable rate Refunding Bonds, determined pursuant to the Supplemental Indenture) for that series. Refunding Bonds of the same series and same maturity may bear interest at different interest rates. The Refunding Bonds of each series shall bear interest from the most recent date to which interest has been paid or duly provided for or, if no interest has been paid or duly provided for, from their date. The principal and any redemption premium and the interest payable on each series of Refunding Bonds shall be payable at the times, to the persons and in the manner set forth in, or referenced by, the Supplemental Indenture, including, without limitation, provisions thereof permitting special arrangements for payments to the Depository.

(e) Maturities. The Refunding Bonds of each series shall mature on the dates and in the respective principal amounts provided in the Certificate of Award, consistent with this Ordinance and the Trust Indenture.

(f) Prior Redemption. The Refunding Bonds of each series may be subject to redemption prior to maturity at the option of the City, if and to the extent so provided in the Certificate of Award for that series. Any Refunding Bonds so determined to be subject to optional redemption and maturing by their stated terms after the earliest optional redemption date shall be subject to redemption at the option of the City on or after the earliest optional redemption date in whole or in part on any date at the redemption prices provided in the Certificate of Award and in accordance with the applicable Supplemental Indenture and the Trust Indenture. The Refunding Bonds may be subject to mandatory redemption prior to maturity on the

dates, or upon the occurrence of events, and at the redemption prices as determined and provided in the Certificate of Award and applicable Supplemental Indenture, including without limitation, mandatory sinking fund redemption of term bonds on each mandatory redemption date in the aggregate amount of the sinking fund installment to be paid on such mandatory redemption date.

(g) Purchase in Lieu of Redemption. The Refunding Bonds of each Series may be subject to purchase by the City in lieu of optional redemption if and to the extent provided in the Certificate of Award and the applicable Supplemental Indenture.

(h) Signing. The Refunding Bonds shall be signed by the Mayor and the Director of Finance, and approved as to form by the Director of Law. Any or all of the signatures of those officials may be facsimiles. The Refunding Bonds shall bear the corporate seal of the City or a facsimile thereof.

(i) Numbering. The Refunding Bonds shall be numbered as determined by the Director of Finance.

Section 5. Award and Sale of Refunding Bonds.

The Director of Finance shall sign and deliver a Certificate of Award for the Refunding Bonds. In the event the Refunding Bonds are issued in more than one series sold at different times, a separate Certificate of Award shall be signed and delivered for each separately delivered series. The sale of the Refunding Bonds shall be awarded to the Original Purchasers selected by the Director of Finance, based on an evaluation of the qualifications of firms that have proposed to underwrite the Refunding Bonds, and shall be identified in the Certificate of Award. Each Certificate of Award shall determine the following, based on the written advice of a Financial Advisor, consistent with this Ordinance and the Trust Indenture:

(a) the aggregate principal amount of Refunding Bonds issued;

(b) the purchase price to be paid to the City by those Original Purchasers, which amount shall be not less than: (i) 97% of the amount determined by adding to the aggregate principal amount of the Refunding Bonds any aggregate original issue premium and subtracting from that amount any aggregate original issue discount, plus (ii) any accrued interest on the Refunding Bonds from their date to the date of their delivery to the Original Purchasers;

(c) whether the Refunding Bonds are to be Tax-Exempt Bonds or Taxable Bonds and, if the Refunding Bonds are Taxable Bonds, whether or not they are Direct Payment Obligations;

(d) whether any Refunding Bonds are to be subject to redemption prior to maturity, and, if so, the redemption date or the event causing the prior redemption for those Refunding Bonds subject to prior redemption and the redemption price, which may be determined as a percentage of the principal amount redeemed or

by a formula intended to make the bondholder whole for the loss of the investment resulting from the early redemption or by other methodology;

(e) the dates on which principal of the Refunding Bonds is to be paid, which shall be not later than thirty (30) years from their respective dates of issuance, with an identification of whether the payment is due by stated maturity or by mandatory sinking fund redemption of Refunding Bonds of a particular maturity;

(f) the interest rates to be borne by Refunding Bonds bearing interest at a fixed rate, the weighted average of which shall not exceed six percent (6%) as to Refunding Bonds of any series that are Tax-Exempt Bonds, or eight percent (8%) as to Refunding Bonds of any Series that are Taxable Bonds, or the method by which the interest rate is to be determined for Refunding Bonds bearing interest at variable rates, consistent with Section 4;

(g) the particular Outstanding Revenue Bonds or portions thereof to be Refunded Bonds;

(h) the title and series designation for the Refunding Bonds;

(i) the amount, if any, and source of any money to be deposited in the Bond Service Reserve Fund in order to cause the balance therein to equal the Required Bond Service Reserve, if and to the extent required by the applicable Supplemental Indenture, and any determination as to whether there shall be a special reserve fund for the Refunding Bonds of any series, separate from the common Bond Service Reserve Fund, or a surety or insurance policy, bank letter or line of credit, or other form of credit or Credit Facility enhancing the security for Refunding Bonds of that series in lieu of a funded reserve fund;

(j) the amount, if any, and source of any money to be deposited in the Renewal and Replacement Fund in order to cause the balance therein to equal the Renewal and Replacement Fund Requirement;

(k) the Paying Agent; and

(l) whether any Refunding Bonds are to be secured by or payable from a Credit Support Instrument.

It is determined that the terms of the Refunding Bonds as so determined within the limitations set forth in this Ordinance and as so specified and set forth in the Certificate of Award will be in the best interest of the City and consistent with all legal requirements.

The Director of Finance may enter into one or more Bond Purchase Agreements with the Original Purchasers of Refunding Bonds setting forth the conditions for delivery of the Refunding Bonds that are consistent with this Ordinance, the Certificate of Award, and the Trust Indenture and that are determined by the Director of Finance, based on the written advice of a Financial Advisor, to be customary for airport revenue bonds issued by governmental entities, including, without limitation, representations as to the accuracy and completeness of information contained in the Official

Statement of the City described in Section 13.

Section 6. Application of Proceeds of Refunding Bonds.

The proceeds from the sale of the Refunding Bonds shall be applied as provided in the applicable Supplemental Indenture, including:

(i) to the payment of any providers of any Credit Support Instrument, the fees and expenses required to be paid by the City to obtain the Credit Support Instrument;

(ii) to the Bond Service Fund, any proceeds constituting accrued interest and, unless other provision is made in the Supplemental Indenture, any proceeds to be used to pay interest on the Refunding Bonds;

(iii) to the Bond Service Reserve Fund, any proceeds to be deposited in that Fund in order to cause the balance therein to equal the Required Bond Service Reserve, subject to the provisions set forth in Section 5 (i) of this Ordinance for a lesser or special deposit;

(iv) to the Renewal and Replacement Fund, any proceeds to be deposited in that Fund to cause the balance therein to equal the Renewal and Replacement Fund Requirement;

(v) to an escrow fund established with the Trustee, any proceeds to be deposited in escrow to pay the principal of and any premium and interest on the Refunded Bonds;

(vi) to the counterparty under any Hedge Agreement, any payment determined by the Director of Finance to be paid from the proceeds of the Refunding Bonds, including any termination payment in the event that the Director of Finance determines it is in the best interests of the City to terminate a Hedge Agreement relating to Outstanding Revenue Bonds; and

(vii) to the Costs of Issuance Fund, to be created under the applicable Supplemental Indenture, such amounts as are needed to pay costs of issuing the Refunding Bonds and refunding the Refunded Bonds.

The proceeds from the sale of the Refunding Bonds are appropriated and shall be used for the purpose for which those Refunding Bonds are issued as provided in this Ordinance.

Section 7. Refunding of Outstanding Revenue Bonds; Escrow Agreements.

The Director of Finance is authorized to sign and deliver, in the name and on behalf of the City, one or more escrow agreements between the City and the Trustee, as escrow trustee, providing for, among other matters: the investment and holding in escrow of the proceeds of the Refunding Bonds to be applied to the refunding of the Refunded Bonds; the application of the moneys derived from those investments to the payment of the Bond service charges on those Refunded Bonds; and the irrevocable call for redemption of those Outstanding Revenue Bonds identified in the Certificate of Award to be Refunded Bonds to be called for redemption prior to maturity. The Director of Finance shall provide for the payment of the ser-

vices rendered and for reimbursement of expenses incurred pursuant to the escrow agreement from proceeds of the Refunding Bonds to the extent available and then from other money lawfully available and appropriated or to be appropriated for that purpose. Provision shall be made in the escrow agreement to give the Trustee any written notice of redemption required under Section 4.03 of the Trust Indenture. The Director of Finance and other City officials as appropriate under the Charter shall sign all documents and take all other actions necessary or appropriate on the part of the City to effect such refunding in accordance with the Trust Indenture and to cause the Refunded Bonds to be deemed paid and discharged, including without limitation, the retention of an independent firm of accountants to verify the mathematical accuracy of the calculations relating to the escrow.

Section 8. Remarketing.

In the event that the Director of Finance determines, based on the written advice of a Financial Advisor, that it is advantageous to the City to convert the interest on any Outstanding Revenue Bonds bearing interest at variable rates to fixed interest rates for a period of time or to maturity, or to convert the interest on any Outstanding Revenue Bonds to a different variable rate period or mode, or to terminate or take other actions with respect to any existing Credit Support Instrument that will require a tender and remarketing of any Outstanding Revenue Bonds under the Trust Indenture and the Supplemental Indenture for that series of Outstanding Revenue Bonds (such conversion or other actions and the tender and remarketing being collectively referred to in this Section as "remarketing"), the City shall undertake the remarketing in accordance with the Trust Indenture and the Supplemental Indenture for that series of Outstanding Revenue Bonds. In connection with any remarketing of Revenue Bonds, the Director of Finance is authorized to take such actions that she determines, based on the written advice of a Financial Advisor, will facilitate the remarketing of the Revenue Bonds or otherwise be in the best interests of the City, including without limitation, obtaining one or more Credit Support Instruments, terminating any Credit Support Instrument, and entering into agreements with one or more purchasers for their direct purchase of the remarketed Revenue Bonds in lieu of a public offering of the Revenue Bonds by a remarketing agent. In the event the Director of Finance determines, based on the written advice of a Financial Advisor, that it is necessary to supplement or amend the Supplemental Indenture applicable to a Series of Revenue Bonds to be remarketed in order to address current market conditions or to permit the use of or to terminate a Credit Support Instrument or otherwise obtain financing arrangements advantageous to the City, the Mayor, the Director of Finance and

the Director of Port Control, or any two of them, are authorized to sign and deliver an amendment of that Supplemental Indenture, or an amended and restated Supplemental Indenture, approved as to form by the Director of Law, subject to the Trust Indenture.

The Director of Finance is further authorized to satisfy the Required Bond Service Reserve for the Revenue Bonds then outstanding under the Trust Indenture and the Supplemental Indenture for that series of Outstanding Revenue Bonds by the deposit of a credit facility in lieu of cash, as permitted and more specifically provided in the Trust Indenture, and to apply cash released from the Bond Service Reserve Fund to the payment of costs of remarketing the Revenue Bonds for which the interest rate has been converted from variable rates of interest to fixed rates of interest. To the extent the costs of remarketing are not paid from any cash released from the Bond Service Reserve Fund, those costs shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106 and 60 SF 141 and/or passenger facility charges, as determined by the Director of Finance after consultation with the Director of Port Control.

The Director of Finance and the Director of Port Control are authorized to prepare one or more disclosure documents in connection with any conversion and remarketing under the same terms and conditions as set forth in Section 13 of this Ordinance with respect to Refunding Bonds. The Director of Finance, the Director of Port Control and other City officials, as appropriate under the Charter, are authorized to take such actions or cause to be taken such actions as are necessary to maintain the status of any Outstanding Revenue Bonds as Tax-Exempt Bonds, and the covenants and authorizations in Section 11 of this Ordinance shall apply to any converted Revenue Bonds that are Tax-Exempt Bonds. The Director of Finance, the Director of Port Control and other City officials, as appropriate under the Charter, are authorized to sign and deliver such instruments, certificates and documents as are necessary or appropriate to consummate the transactions authorized by this Section. The Director of Finance, the Director of Port Control, the Director of Law and other City officials, as appropriate under the Charter, are authorized to make the necessary arrangements on behalf of the City to establish the date, location, procedure and conditions for the conversion and remarketing of any series of Outstanding Revenue Bonds and to take all actions necessary to effect the conversion and remarketing of any series of Outstanding Revenue Bonds under the terms of this Ordinance and the Trust Indenture and the Supplemental Indenture for that series of Outstanding Revenue Bonds. The Clerk of Council shall furnish the Remarketing Agent a true transcript of proceedings certified by the Clerk or other official, of all proceedings had

with reference to the conversion and remarketing of any series of Outstanding Revenue Bonds along with such information for the records as is necessary to determine the validity of the conversion and remarketing.

Section 9. Authorization of Supplemental Indentures and Amendments of Trust Indenture.

In order to secure the payment of the principal of and any premium and interest on the Refunding Bonds, the Mayor, the Director of Finance and the Director of Port Control, or any two of them, are authorized, in the name and on behalf of the City, to sign and deliver to the Trustee, in trust for the Original Purchasers and subsequent holders of the Refunding Bonds, one or more Supplemental Indentures, approved as to form and correctness by the Director of Law, not inconsistent with this Ordinance, the Certificate of Award and the Trust Indenture and not substantially adverse to the City as may be approved by the officers signing the same on behalf of the City. The determination by those officers that a Supplemental Indenture is not substantially adverse to the City shall be conclusively evidenced by the signing and delivery of that Supplemental Indenture by those officers. Any Supplemental Indenture may contain amendments to the Trust Indenture to permit the City increased flexibility for the use of financial or credit structures and techniques determined by the Director of Finance, based on the written advice of a Financial Advisor, to be in the best interests of the City.

Section 10. Credit Support Instruments. The Director of Finance is authorized to contract from time to time for one or more Credit Support Instruments for any series of Revenue Bonds or any Hedge Agreement if the Director determines, based on the written advice of a Financial Advisor, that the Credit Support Instruments will result in savings to the City, will stabilize interest rates or minimize the risk of increased interest expense or increased risks, burdens, or other costs associated with hedging arrangements or relating to Revenue Bonds or reserve requirements. The Director of Finance is further authorized to agree to the amendment, replacement, assignment or termination of any Credit Support Instrument if the Director of Finance determines, based on the written advice of a Financial Advisor, that the City's best interests will be served by such amendment, replacement, assignment or termination. In the event the Director of Finance determines, based on the written advice of a Financial Advisor, that it is necessary to supplement or amend the Trust Indenture or a Supplemental Indenture in order to permit the use of, or to amend, replace, assign or terminate, a Credit Support Instrument, the Mayor and the Director of Finance are authorized to sign and deliver a Supplemental Indenture amending the Trust Indenture or an amendment of a Supplemental Indenture,

approved as to form and correctness by the Director of Law. The cost of obtaining, amending, replacing, assigning or terminating each Credit Support Instrument, except to the extent paid from proceeds of Revenue Bonds or otherwise, shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 105, 60 SF 106 and 60 SF 141 and/or passenger facility charges, as determined by the Director of Finance after consultation with the Director of Port Control.

Section 11. Tax Covenants.

(a) Tax-Exempt Bonds. With respect to Refunding Bonds that are to be issued and sold as Tax-Exempt Bonds, the City covenants that:

(i) It will use, and will restrict the use and investment of, the proceeds of the Tax-Exempt Bonds in such manner and to such extent as may be necessary so that (A) the interest on the Tax-Exempt Bonds will be excluded from gross income for federal income tax purposes, and (B) in the case of any Tax-Exempt Bonds qualifying as bonds, the interest on which is not treated as an item of tax preference under Section 57 of the Code ("Non-AMT Bonds"), such Tax-Exempt Bonds will be treated as Non-AMT Bonds.

(ii) It further covenants that (A) it will take or cause to be taken such actions that may be required of it for the interest on the Tax-Exempt Bonds to be and to remain excluded from gross income for federal income tax purposes, (B) it will not take or authorize to be taken any actions that would adversely affect that exclusion, and (C) it, or persons acting for it, will, among other acts of compliance, (1) apply the proceeds of the Tax-Exempt Bonds to the governmental purposes of the borrowing, (2) restrict the yield on investment property, (3) make timely and adequate payments to the federal government, (4) maintain books and records and make calculations and reports, and (5) refrain from certain uses of those proceeds and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such exclusion of that interest under the Code.

(b) Direct Payment Obligations. With respect to any series of Refunding Bonds that are to be issued and sold as Direct Payment Obligations, the City covenants that:

(i) It will use, and will restrict the use and investment of, the proceeds of the Refunding Bonds in such manner and to such extent as may be necessary so that the Refunding Bonds will qualify as Direct Payment Obligations under the applicable provisions of the Code.

(ii) It further covenants that (A) it will take or cause to be taken such actions that may be required of it for the Refunding Bonds to be and remain Direct Payment Obligations, (B) it will not take or authorize to be taken any actions that would adversely affect that status, and (C) it, or persons acting for it, will, among other acts of compliance, (1) apply or cause the application of the proceeds of the Refunding Bonds to the governmen-

tal purpose of the borrowing, (2) restrict yield on investment property, (3) make timely and adequate payments to the federal government, (4) maintain books and records and make calculations and reports and (5) refrain from certain uses of those proceeds, and, as applicable, of property financed with such proceeds, all in such manner and to the extent necessary to assure such tax status.

(c) Further Actions. The Director of Finance, or any other officer of the City having responsibility for issuance of the Refunding Bonds, is hereby authorized (a) to make or effect any election, selection, designation, choice, consent, approval, or waiver on behalf of the City with respect to the Refunding Bonds as the City is permitted or required to make or give under the federal income tax laws, including, without limitation thereto, the election to issue a series of Refunding Bonds as Direct Payment Obligations, or any of the elections provided for in or available under the Code for the purpose of assuring, enhancing or protecting the favorable tax treatment or status of the Refunding Bonds or interest thereon or entitlement to Direct Payments relating thereto, or assisting compliance with requirements for that purpose, reducing the burden or expense of such compliance, reducing the rebate amount or payments of penalties, or making payments of special amounts in lieu of making computations to determine, or paying, excess earnings as rebate, or obviating those amounts or payments, as determined by that officer, which action shall be in writing and signed by the officer, (b) to take any and all other actions, make or obtain calculations, make payments, and make or give reports, covenants and certifications of and on behalf of the City, as may be appropriate to assure the exclusion of interest from gross income and the intended tax status of the Refunding Bonds and the City's entitlement to receive Direct Payments, and (c) to give one or more appropriate certificates of the City, for inclusion in the transcript of proceedings for the Refunding Bonds, setting forth the reasonable expectations of the City regarding the amount and use of all the proceeds of the Refunding Bonds, the facts, circumstances and estimates on which they are based, and other facts and circumstances relevant to the tax treatment of the interest on and the tax status of the Refunding Bonds.

Each covenant made in this Section with respect to the Tax-Exempt Bonds is also made with respect to all issues any portion of the debt service on which is paid from proceeds of the Tax-Exempt Bonds (and, if different, the original issue and any refunding issues in a series of refundings), to the extent such compliance is necessary to assure exclusion of interest on the Tax-Exempt Bonds from gross income for federal income tax purposes, and the officers identified above are authorized to take actions with respect to those issues as they are

authorized in this Section to take with respect to the Tax-Exempt Bonds.

Section 12. Additional Documents.

The Mayor, the Director of Finance, the Director of Port Control and other City officials as appropriate under the Charter are authorized to sign and deliver such instruments, certificates and documents as are necessary or appropriate to consummate the transactions authorized by this Ordinance, the Bond Purchase Agreements, the Supplemental Indentures, the Trust Indenture, the Escrow Agreements and the Hedge Agreements.

The Director of Finance, the Director of Port Control, the Director of Law and other City officials, as appropriate under the Charter, are authorized to make the necessary arrangements on behalf of the City to establish the date, location, procedure and conditions for the delivery of each series of Refunding Bonds to the Original Purchasers and to take all actions necessary to effect due signing, authentication and delivery of each series of Refunding Bonds under the terms of this Ordinance, the Supplemental Indentures, the Bond Purchase Agreements and the Trust Indenture. The Clerk of Council or other officials of the City as appropriate under the Charter shall furnish the Original Purchasers a true transcript of proceedings certified by the Clerk or other official, of all proceedings had with reference to the issuance of the Refunding Bonds along with such information for the records as is necessary to determine the regularity and validity of the issuance of the Refunding Bonds.

Section 13. Official Statements; Continuing Disclosure.

The Mayor, the Director of Finance, the Director of Port Control and other City officials as appropriate under the Charter, each is authorized on behalf of the City to (i) prepare or cause to be prepared, and make or authorize modifications, completions or changes of or supplements to, disclosure documents in the form of a preliminary official statement relating to the issuance of the Refunding Bonds of one or more series, and (ii) determine, and certify or otherwise represent, when each preliminary official statement as so prepared is a "deemed final" official statement (except for permitted omissions) by the City as of its date for purposes of Securities and Exchange Commission ("SEC") Rule 15c2-12(b)(1). The distribution and use of one or more preliminary official statements are hereby authorized and approved.

Those officers and each of them are also authorized, on behalf of the City and in their official capacities, to complete each preliminary official statement with such modifications, changes and supplements as those officers shall approve or authorize for the purpose of preparing and determining, and to certify or otherwise represent, that the official statement as so revised is a final official statement for purposes of SEC Rule 15c2-12(b) (3) and (4). Those officers each are further

authorized to use and distribute, or authorize the use and distribution of, one or more final official statements and supplements thereto in connection with the original issuance of the Refunding Bonds as may, in their judgment, be necessary or appropriate. Those officers each are further authorized to sign and deliver, on behalf of the City and in their official capacities, each final official statement and such certificates in connection with the accuracy of each preliminary official statement and each final official statement and any amendments thereto as may, in their judgment, also be necessary or appropriate. The Director of Finance is authorized to contract for services for the production and distribution of preliminary and final official statements, including by printed and electronic means.

For the benefit of the holders and beneficial owners from time to time of the Refunding Bonds, the City agrees, in accordance with, and as an obligated person with respect to the Refunding Bonds under, SEC Rule 15c2-12, to provide or cause to be provided such financial information and operating data and notices, in such manner, as may be required for purposes of SEC Rule 15c2-12. In order to describe and specify certain terms of the City's continuing disclosure agreement for that purpose, and thereby to implement that agreement, including provisions for enforcement, amendment and termination, the Director of Finance and the Director of Port Control are authorized to prepare, or cause to be prepared, and to sign and deliver, in the name and on behalf of the City, a continuing disclosure agreement or certificate, which shall constitute the continuing disclosure agreement made by the City for the benefit of the holders and beneficial owners of the Refunding Bonds in accordance with SEC Rule 15c2-12. The performance of that agreement shall be subject to the availability of funds and their annual appropriation to meet costs the City would be required to incur to perform it.

Section 14. Lien of Pledge.

The Airport Revenues are subject to the lien of the pledge under the Trust Indenture without any physical delivery of the Airport Revenues or further act, and the lien of such pledge is valid and binding against all parties having claims of any kind against the City (irrespective of whether such parties have notice of such pledge and create a perfected security interest for all purposes of Chapter 1309, Ohio Revised Code) without the necessity for separation of delivery of the Airport Revenues or for the filing or recording of the Trust Indenture or any other resolution or instrument by which such pledge is created or any certificate, statement or other document with respect to such pledge. The pledge of the Airport Revenues under the Trust Indenture shall be effective and the money therefrom and thereof may be applied to the purposes for which pledged without necessity for any further act of appropriation.

Section 15. Financial Advisors and Consultants.

The Director of Finance may obtain the services of one or more Financial Advisors, from time to time, to assist the Director of Finance in making any of the determinations required by this Ordinance to be determined by the Director of Finance or to negotiate any Hedge Agreements. The Director of Finance may rely on the written advice of any Financial Advisor so retained. The Director of Port Control may obtain the services of one or more feasibility consultants, from time to time, to provide reports in connection with the issuance and sale of any Refunding Bonds or the delivery of any Hedge Agreements concerning the utilization and operation of the Airport System, debt service coverage, rates and charges or other matters. Any Financial Advisor or consultant employed under the authority of this Ordinance shall be disinterested in the transaction and be independent of the underwriters or counterparties and any other party interested in the transaction.

Section 16. Appointment of Successor Trustee.

The Director of Finance is hereby authorized to appoint a successor Trustee in the event that the current Trustee, The Bank of New York Mellon Trust Company, N.A., shall resign or be removed, or be dissolved or otherwise become incapable of acting as Trustee under the Trust Indenture, or in case it shall be taken under the control of any public officer or officers or of a receiver appointed by a court, in accordance with the provisions of Section 12.08 of the Trust Indenture.

Section 17. Open Meeting Determination.

It is found and determined that all formal actions of the Council concerning and relating to the adoption of this Ordinance were adopted in an open meeting of the Council, and that all deliberations of the Council and of any of its committees that resulted in such formal action were in meetings open to the public in compliance with all applicable legal requirements.

Section 18. Separability.

Each section of this Ordinance and each subdivision of any section is declared to be independent, and the finding or holding of any section or subdivision of any section to be invalid or void shall not be deemed or held to affect the validity of any other section or subdivision of this Ordinance.

Section 19. Recitals.

It is determined and recited that all acts, conditions and things necessary to be done precedent to and in the issuing of the Refunding Bonds in order to make the same legal, valid and binding special obligations issued by the City of Cleveland, Ohio will have happened, been done and performed or will happen, be done and performed in regular and due form as required by law; and that no limitation of indebtedness or taxation, either statutory or constitutional, is applicable to the issuance of the Refunding Bonds.

Section 20. Sunset of Authorization.

The authority granted by Section 2 of this Ordinance to issue Refunding Bonds shall expire three years from the effective date of this Ordinance. If a preliminary official statement with respect to the issuance of a series of Refunding Bonds is distributed under the authority of this Ordinance at any time within the three-year period following its effective date, then the authority granted by this Ordinance shall not expire as to that series of Refunding Bonds. The Director of Finance shall notify the Chairman of the Finance Committee and the Clerk of this Council of the initiation of the issuance of any Refunding Bonds under the authority of this Ordinance.

Section 21. Emergency.

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

Passed January 28, 2013.

Effective January 30, 2013.

**Ord. No. 69-13.
By Council Member Kelley (by departmental request).**

An emergency ordinance authorizing actions to manage Existing Hedge Agreements and authorizing and approving related matters.

Whereas, in past years, the City, from time to time, entered into Hedge Agreements, defined in Section 1, to achieve what were then determined to be optimal debt service structures with respect to certain bonds issued by the City, and certain of those agreements, referred to as the Existing Hedge Agreements and more fully described in Section 1, remain in effect; and

Whereas, in order to effectively manage the Existing Hedge Agreements in response to changes in the credit quality of financial institutions serving as counterparties to Hedge Agreements and changes in the financial markets, it is necessary, from time to time, to enter into amendments, modifications, or terminations of Hedge Agreements, including the novation from one counterparty to another counterparty; and

Whereas, the number and credit quality of financial institutions available as counterparties to Hedge Agreements has generally diminished, and recent federal regulations have imposed certain responsibilities on providers of Hedge Agreements toward their counterparties which are expected to further affect the availability of counterparties and the terms of Hedge Agreements; and

Whereas, in order to respond to market conditions on a timely basis to stabilize interest rates or to minimize risks of increased interest expense or to avoid or minimize bur-

dens or risks or costs or other expenses associated with the Existing Hedge Agreements or related Credit Support Instruments, as defined in Section 1, this Council has determined to authorize the amendment, modification, novation or termination of any of the Existing Hedge Agreement as provided in this Ordinance; and

Whereas, this Ordinance constitutes an emergency measure providing for the usual daily operation of a municipal department and providing for the immediate preservation of the public peace, property, health or safety in that authorizing the restructuring of outstanding Hedge Agreements and related agreements is necessary to enable the City to respond to market conditions on a timely basis for the benefit of the City; now, therefore,

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

Section 1. Definitions. The following words and phrases shall have the following meanings, unless the context or use indicates a contrary meaning or intention.

"Credit Support Instrument" means an insurance policy, surety, letter of credit, standby bond purchase agreement or other credit enhancement, support or liquidity device used to enhance the security or liquidity of any Hedge Agreement.

"Existing Hedge Agreements" means the Pension Bonds Hedge Agreement, the Parking Revenue Bonds Hedge Agreement, the Water Revenue Bonds Hedge Agreements and any Hedge Agreement entered into in replacement thereof.

"Financial Advisor" means any financial advisory firm or firms retained by the Director of Finance of the City, from time to time, in connection with any Hedge Agreement.

"Hedge Agreement" means an interest rate swap, swaption, rate cap, rate collar or other hedging transaction undertaken to reduce costs of borrowing by optimizing the relative amounts of fixed and variable rate obligations or minimizing the risk of variations in debt service costs or confirming rates of interest on obligations in advance of their issuance.

"Parking Revenue Bonds Hedge Agreement" means the interest rate swap transaction documented by the ISDA Master Agreement, Schedule and Credit Support Annex, each dated February 13, 2003, as amended from time to time, including August 3, 2006, and the Confirmation dated August 3, 2006, as amended from time to time, including September 15, 2011, between UBS AG and the City, originally entered into in connection with the City's Parking Facilities Refunding Revenue Bonds, Series 2006.

"Pension Bonds Hedge Agreement" means the swaption transaction documented by the ISDA Master Agreement, Schedule and Confirmation, each dated February 7, 2003, between JPMorgan Chase Bank, N.A. and the City, originally entered into in connection with the City's Subordinated Income Tax Variable Rate Refunding Bonds, Series 1994, and now relating to obligations

issued by the City to refund those bonds.

“Water Revenue Bonds Hedge Agreements” means (a) the interest rate swap transaction documented by the ISDA Master Agreement, Schedule, Credit Support Annex and Confirmation, each dated July 20, 2004, as amended from time to time, including February 12, 2009 and October 23, 2012, between Morgan Stanley Capital Services LLC and the City, and (b) the interest rate swap transaction documented by the ISDA Master Agreement, Schedule, Credit Support Annex and Confirmation, each dated July 20, 2004, as amended from time to time, including February 12, 2009 and October 23, 2012, between JPMorgan Chase Bank, N.A. (formerly Bear Stearns Financial Products, Inc.) and the City, both of which were originally entered into in connection with the City’s Water Revenue Bonds, Series M, 2004, and now relating to various series of refunding obligations issued by the City to refund bonds issued to refund those original bonds.

Section 2. Authorization of Actions to Manage Existing Hedge Agreements. Notwithstanding and as an exception to any contrary provision in any other ordinance of the City, the Director of Finance is authorized to take actions to manage Existing Hedge Agreements as provided in this Ordinance. To permit the City to minimize risks, burdens or costs associated with, and to have the flexibility to manage the continuing obligations under, each Existing Hedging Agreement, any related Credit Support Instrument, or any other related agreement necessary for the consummation of the transactions contemplated by each Existing Hedge Agreement (in each case, including without limitation, managing actual or expected collateral requirements, protecting against the risk of counterparty default, minimizing the risk of variations or increases in financing costs, ensuring compliance with applicable law), this Council authorizes the Director of Finance to enter into amendments, modifications or novations of, or to terminate, in whole or in part, any Existing Hedge Agreement or any Credit Support Instrument if the Director of Finance determines, based on the written advice of a Financial Advisor, that (a) the amendment, modification, novation or termination is (i) justified by the corresponding benefit to the City, (ii) commercially reasonable based on then-current market conditions, and (iii) in the City’s best interests, and (b) any payments made or to be made by the counterparty to the City, or by the City to the counterparty, are fair value for such amendment, modification, novation or termination, given the credit of the counterparty and the terms and conditions of the amendment, modification, novation or termination.

The Director of Finance is authorized to negotiate the terms of each amendment, modification, novation or termination of any Existing Hedge Agreement. The Director of Finance shall determine the terms

and conditions of the amendment, modification, novation or termination of any Existing Hedge Agreement, including without limitation, the rates to be paid by the counterparty to the City and by the City to the counterparty under the Hedge Agreement, the time or times and procedures for the exercise by the counterparty or the City, as the case may be, of any option under the Hedge Agreement, and whether the obligations of the City under the Hedge Agreement shall be secured by a Credit Support Instrument and, if so, the terms and conditions of such Credit Support Instrument. The approval of each amendment, modification, novation or termination of an Existing Hedge Agreement by the Director of Finance shall be conclusively evidenced by the signing and delivery of the applicable instrument by the Director of Finance.

Any payments owed by the City upon such amendment, modification, novation or termination may be paid from money lawfully available and appropriated or to be appropriated for that purpose. The obligation of the City to make payments under any Hedge Agreement does not and shall not represent or constitute a general obligation, debt, bonded indebtedness or a pledge of the faith and credit of the City or the State of Ohio. Nothing gives any party to any Hedge Agreement the right to have excises, ad valorem or other taxes levied by the City or the State of Ohio for the payment of any amounts due under any Hedge Agreement.

Section 3. Financial Advisors. The Director of Finance may obtain the services of one or more Financial Advisors, from time to time, to assist the Director of Finance in making any of the determinations required by this Ordinance to be determined by the Director of Finance or to negotiate any amendment, modification, novation or termination of any Existing Hedge Agreement. Any Financial Advisor employed under the authority of this Ordinance shall be disinterested in the transaction and be independent of the counterparties and any other party interested in the transaction. The Director of Finance may rely on the written advice of any Financial Advisor so retained.

Section 4. Captions, Headings, and Section References. The captions and headings in this Ordinance are solely for convenience of reference and in no way define, limit, or describe the scope or intent of any sections, subsections, paragraphs, subparagraphs, or clauses hereof. Reference to a Section means a section of this Ordinance unless otherwise indicated.

Section 5. Interpretation. Any provisions of the Codified Ordinances of the City which are inconsistent with the provisions of this Ordinance shall not apply to the matters authorized herein. Nothing in this Ordinance is intended to, and no provision hereof shall be applied in any manner as would, impair the obligation of contract of the City with respect to any outstanding Hedge Agreement, bonds, certificates of

indebtedness, other obligations, indentures, or other agreements or contracts made or entered into by the City.

Section 6. Validity. This Council finds and determines that this Ordinance was passed in compliance with all applicable provisions of the City’s Charter and the rules of this Council.

Section 7. Severability. Each section of this Ordinance and each subsection or paragraph of any section is hereby declared to be independent, and the finding or holding of any section or any subsection or paragraph of any section to be invalid or void shall not be deemed or held to affect the validity of any other section, subsection or paragraph of this Ordinance.

Section 8. Compliance with Open Meeting Requirements. This Council finds and determines that all formal actions of this Council and any of its committees concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council or committees, and that all deliberations of this Council and any of its committees that resulted in those formal actions were in meetings open to the public, all in compliance with the law.

Section 9. Emergency. 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 January 28, 2013.

Effective January 30, 2013.

Ord. No. 120-13.

By Council Member Westbrook.

An emergency ordinance authorizing the Clerk of Council to amend the agreement between the City of Cleveland and Triad Research Group to extend the term of the agreement for Cleveland City Council.

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

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

Section 1. That the Clerk of Council is authorized to amend the agreement between the City of Cleveland and Triad Research Group, City Contract No. PS2011000000022 to extend the term of the agreement to conclude on June 30, 2013.

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 January 28, 2013.

Effective January 30, 2013.

Ord. No. 121-13.

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

An emergency ordinance to amend Sections 40 and 47 of Ordinance No. 1689-11, passed November 28, 2011, as amended by various ordinances, relating to compensation for various classifications.

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

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

Section 1. That the following sections:

Section 40 of Ordinance No. 1689-11, passed November 28, 2011; and

Section 47 of Ordinance No. 1689-11, passed November 28, 2011, as amended by Ordinance No. 878-12, passed July 11, 2012, and Ordinance No. 1045-12, passed August 8, 2012, are amended to read as follows:

Section 40. That the appointing authority shall fix the salaries in the following classifications in accordance with the schedule appearing after each classification:

	Minimum	Maximum
1. Assistant Building Official	\$42,758.15	\$137,860.74
2. City Comptroller.....	42,758.15	137,860.74
3. City Treasurer.....	42,758.15	127,255.39
4. Chief Technology Officer.....	80,000.00	200,000.00
5. Commissioner of Accounts	40,314.82	132,061.01
6. Commissioner of Administrative Services — Community Development.....	40,314.82	132,061.01
7. Commissioner of Air Quality.....	42,758.15	137,860.74
8. Commissioner of Assessments and Licenses.....	40,314.82	121,901.44
9. Commissioner of Burke Airport.....	40,314.92	121,901.44
10. Commissioner of Cleveland Hopkins International Airport.....	42,758.15	147,661.45
11. Commissioner of Cleveland Public Power.....	45,201.46	172,186.61
12. Commissioner of Code Enforcement.....	42,758.15	137,860.74
13. Commissioner of Construction Permitting	42,758.15	137,860.74
14. Commissioner of Emergency Medical Services.....	42,758.15	137,860.74
15. Commissioner of Environment.....	42,758.15	137,860.74
16. Commissioner of Health.....	45,021.46	146,558.11
17. Commissioner of House of Corrections.....	40,314.82	121,778.85
18. Commissioner of Information Technology & Services	52,734.82	146,558.11
19. Commissioner of Motor Vehicle Maintenance.....	40,314.82	132,061.01
20. Commissioner of Neighborhood Development	40,314.82	121,901.44
21. Commissioner of Real Estate	40,314.82	121,901.44
22. Commissioner of Neighborhood Services	42,758.15	127,255.39
23. Commissioner of Park Maintenance and Properties....	42,758.15	147,661.45
24. Commissioner of Parking Facilities.....	40,314.82	132,061.01
25. Commissioner of Printing and Reproduction.....	40,314.82	132,061.01
26. Commissioner of Property Management.....	45,201.46	146,558.11
27. Commissioner of Purchases and Supplies.....	42,758.15	127,255.39
28. Commissioner of Recreation.....	42,758.15	147,661.45
29. Commissioner of Streets.....	40,314.82	132,061.01
30. Commissioner of Traffic Engineering.....	42,758.15	127,255.39
31. Commissioner of Utilities Fiscal Control.....	40,314.82	121,901.44
32. Commissioner of Waste Collection and Disposal.....	40,314.82	132,061.01
33. Commissioner of Water	45,201.46	206,000.00
34. Commissioner of Water Pollution Control.....	40,314.82	132,061.01
35. Deputy Director Department of Building and Housing.....	36,590.39	137,860.74
36. Director of Workforce Development	70,000.00	164,800.00
37. Income Tax Administrator.....	42,758.15	137,860.74
38. Manager of Administration — Public Works.....	40,314.82	121,901.44
39. Manager of Internal Audit	40,314.82	121,901.44

Section 47. Hourly Rate - Building & Construction Trades Council.

Compensation for all persons employed by the hour in any of the following classifications shall be fixed by the appointing authority within the limits established in the following schedule for each classification:

	Effective Date	Minimum	Maximum
1. Asbestos Worker (Insulator)	8/1/13	\$43.08	\$53.85
2. Boiler Maker.....	1/1/13	47.48	59.36
3. Bricklayer	5/1/13	35.63	44.54

4.	Bricklayer Foreman.....	5/1/13	36.88	45.54
5.	Carpenter.....	6/1/13	35.24	44.05
6.	Carpenter Foreman.....	6/1/13	35.93	36.49
7.	Carpenter Apprentice.....	6/1/13	18.06	18.06
8.	Cement Finisher.....	5/1/13	35.89	44.86
9.	Cement Finisher Foreman.....	5/1/13	36.46	37.14
10.	Electrical Worker.....	4/30/13	44.23	55.29
11.	Electrical Worker Foreman.....	4/30/13	44.66	45.48
12.	Glazier.....	5/1/13	34.66	43.32
13.	Ironworker.....	5/1/13	40.37	50.46
14.	Ironworker Foreman.....	5/1/13	40.58	41.62
15.	Painter.....	5/1/13	31.22	39.03
16.	Painter - Apprentice.....	5/1/13	18.06	18.06
17.	Painter Foreman.....	5/1/13	31.87	32.47
18.	Pipefitter (Welder).....	5/1/13	42.62	53.27
19.	Pipefitter Foreman.....	5/1/13	42.75	43.87
20.	Plasterer.....	5/1/13	34.86	43.58
21.	Plasterer Foreman.....	5/1/13	35.48	36.11
22.	Plumber (Welder).....	5/1/13	43.38	54.23
23.	Plumber Foreman.....	5/1/13	43.51	44.63
24.	Roofer.....	5/1/13	35.92	44.90
25.	Sheet Metal Worker.....	5/1/13	44.11	55.14
26.	Sheet Metal Worker Foreman.....	5/1/13	43.67	45.36

Section 2. That the following existing sections:

Section 40 of Ordinance No. 1689-11, passed November 28, 2011; and

Section 47 of Ordinance No. 1689-11, passed November 28, 2011, as amended by Ordinance No. 878-12, passed July 11, 2012, and Ordinance No. 1045-12, passed August 8, 2012, are repealed.

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

Passed January 28, 2013.

Effective January 30, 2013.

Ord. No. 122-13.

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

An emergency ordinance authorizing the City to purchase electricity from FirstEnergy Solutions for all City buildings serviced by the Cleveland Electric Illuminating Company under a joint procurement with Cleveland Municipal School District for a 22-month period and authorizing payment to Palmer Energy for the City's share of consultant services.

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

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

Section 1. That the Director of Finance is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, with FirstEnergy Solutions for the purchase of electricity for all City buildings serviced by the Cleveland Electric Illuminating Company at prices obtained through the joint procurement with the Cleveland Municipal School District for a 22-month period to commence July 1, 2013; and authorizing the Director to pay Palmer Energy for the City's share of consultant services and to sign all documents necessary to make the payment.

Section 2. 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 3. That the cost of the contract or contracts authorized shall be paid from Fund No. 01 SF 001, and from the fund or funds appropriated for this purpose. Request No. RQN 1505, RL 2013-003.

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 January 28, 2013.

Effective January 30, 2013.

COUNCIL COMMITTEE MEETINGS

**Monday, February 4, 2013
9:30 a.m.**

Public Parks, Properties and Recreation Committee: Present: K.

Johnson, Chair; Conwell, Vice Chair; Brancatelli, Dow, Polensek, Reed. *Authorized Absence:* Cimperman.

11:00 a.m.

Public Service Committee: Present: Miller, Chair; Cummins, Vice Chair; Cleveland, Dow, K. Johnson, Keane, Polensek, Pruitt. *Authorized Absence:* Sweeney.

2:00 p.m.

Finance Committee: Present: Kelley, Chair; Sweeney, Vice Chair; Brady, Brancatelli, Cleveland, Keane, Miller, Mitchell, Pruitt, Westbrook, Zone.

**Tuesday, February 5, 2013
1:30 p.m.**

Employment, Affirmative Action and Training Committee: Present: Zone, Chair; Pruitt, Vice Chair; Cummins, J. Johnson, Mitchell, Westbrook. *Authorized Absence:* K. Johnson.

**Wednesday, February 6, 2013
10:00 a.m.**

Public Safety Committee: Present: Conwell, Chair; Polensek, Vice Chair; Brady, Cleveland, Cummins, Dow, Mitchell, Zone. *Authorized Absence:* Miller.

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

Agreements

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