

The City Record

Official Publication of the Council of the City of Cleveland



May the Eighteenth, Two Thousand and Eleven

Frank G. Jackson
Mayor

Martin J. Sweeney
President of Council

Patricia J. Britt
City Clerk, Clerk of Council

Ward Name

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

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE President of Council – Martin J. Sweeney

Ward Name Residence

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

City Clerk, Clerk of Council – Patricia J. Britt, 216 City Hall, 664–2840
First Assistant Clerk – Sandra Franklin

MAYOR – Frank G. Jackson

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

OFFICE OF CAPITAL PROJECTS – Jonmarie Wasik, Director

DIVISIONS:

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

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

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

Frank Badalamenti, Manager, Internal Audit

DIVISIONS:

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

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

DIVISIONS:

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

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

DIVISIONS:

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

DEPT. OF PUBLIC WORKS – Michael Cox, Director

OFFICES:

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

DIVISIONS:

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

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

Erievue Plaza

DIVISIONS:

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

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

DIVISIONS:

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

DEPT. OF COMMUNITY DEVELOPMENT – Daryl Rush, Director

DIVISIONS:

Administrative Services – Terrence Ross, Commissioner
Fair Housing and Consumer Affairs Office – _____, Manager
Neighborhood Development – _____, Commissioner
Neighborhood Services – Louise V. Jackson, Commissioner

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

DIVISIONS:

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

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

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

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

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

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

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

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

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

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

BOARD OF REVISION OF ASSESSMENTS – Law Director Robert J. Triozzi, President; Finance Director Sharon Dumas, Secretary; Council President Martin J. Sweeney.

BOARD OF SIDEWALK APPEALS – Service Director Jonmarie Wasik, Law Director Robert J. Triozzi; Council Member Eugene R. Miller.

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

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

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

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

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

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

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

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

AUDIT COMMITTEE – Yvette M. Iту, Chairman; Debra Janik, Bracy Lewis, Diane Downing, Donna Sciarappa, Council President Martin J. Sweeney; Law Director Robert J. Triozzi.

CLEVELAND MUNICIPAL COURT

JUSTICE CENTER – 1200 ONTARIO STREET

JUDGE COURTROOM ASSIGNMENTS

Judge Courtroom

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

Judge Marilyn B. Cassidy – Courtroom 12B

Judge Michelle Denise Earley – Courtroom 12C

Judge Emanuella Groves – Courtroom 14B

Judge Anita Laster Mays – Courtroom 14C

Judge Lynn McLaughlin-Murray – Courtroom 12A

Judge Lauren C. Moore – Courtroom 14A

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

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

Judge Michael John Ryan – Courtroom 13A

Judge Angela R. Stokes – Courtroom 15C

Judge Pauline H. Tarver – Courtroom 13C

Judge Joseph J. Zone – Courtroom 14D

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

The City Record

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Vol. 98

WEDNESDAY, MAY 18, 2011

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CITY COUNCIL

MONDAY, MAY 16, 2011

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City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2010-2013

MONDAY — Alternating

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

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

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

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

MONDAY

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

TUESDAY

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

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

WEDNESDAY — Alternating

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

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

WEDNESDAY — Alternating

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

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

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

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

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

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

OFFICIAL PROCEEDINGS

CITY COUNCIL

Cleveland, Ohio
Monday, May 16, 2011

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

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

Also present were Mayor Frank G. Jackson, Ken Silliman, Chief of Staff, Valarie J. McCall, Chief of Government Affairs, Chris Warren, Chief of Regional Development, Monyka S. Price, Chief of Education, Maureen Harper, Chief of Communications, Andrea V. Taylor, Press Secretary, Natoya J. Walker-Minor, Chief of Public Affairs and Interim Director of Equal Opportunity, Directors Triozzi, Dumas, Withers, Cox, Wasik, Rush, Rybka, Southerington, Nichols, Griffin, Fumich, Brown, Lucille Ambroz, Secretary, Civil Service Commission, and Teresa Stevenson of Legislative Affairs.

Council, Administration and those in the audience rose for a moment of silent prayer. Pledge of Allegiance.

MOTION

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

FROM THE DEPARTMENT OF LIQUOR CONTROL

File No. 728-11.

Re: #66279870011 — D5, D6 Transfer of Ownership and Location Application — PSR Acquisition LLC, d.b.a. Windows on the River, Unit

285, 2000 Sycamore Street. (Ward 3).
Received.

COMMUNICATION

File No. 729-11.

From Western Reserve Revitalization & Management Company. — Miles Point, 11722 Miles Avenue (Ward 2) — notification letter as general partner of residential rental development project and utilizing multifamily funding programs of the Ohio Housing Finance Agency (OHFA). Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 730-11—Harrell B. Jones.
Res. No. 731-11—Gladys Marie Sherrill.

Res. No. 732-11—Joseph J. Gray.

CONGRATULATION RESOLUTIONS

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

Res. No. 733-11—Dick Goddard.

Res. No. 734-11—Riley Parker.

RECOGNITION RESOLUTIONS

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

Res. No. 735-11—Cleveland Bicycle Week.

Res. No. 736-11—Ride of Silence.

Res. No. 737-11—Cleveland Rowing Foundation.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 675-11.

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

An emergency ordinance authorizing the Director of Capital Projects to cause payment of the City of Cleveland's share to the State of Ohio for the cost of rehabilitating and reconstructing various projects.

Whereas, the funding contract agreements between the Ohio Department of Transportation and the City of Cleveland established capped limits on the grant amounts to the City for the projects listed in this ordinance; and

Whereas, unforeseen conditions during construction caused an increase in fees; and

Whereas, the City negotiated a payment plan to the Ohio Department of Transportation for a period over three years and this is the final installment; and

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

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

Section 1. That this Council authorizes payment to the State of Ohio for the City's share of the cost of rehabilitating and reconstructing the West 65th Street Bridge, Adelbert Road Bridge, Denison Avenue Bridge, West 3rd Street Lift Bridge, West 44th Street Bridge, West 53rd Street Bridge, Woodland Avenue Bridge, East 105th Street Bridge, and rehabilitating and reconstructing Franklin Boulevard, from the fund or funds to which are credited the proceeds of the sale of 2011 General Obligation Bonds authorized by Ordinance No. 130-11, passed February 14, 2011, if the City sells such bonds.

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 Capital Projects, Finance, Law; Committees on Public Service, Finance.

Ord. No. 676-11.

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

An emergency ordinance authorizing the Director of Capital Projects to issue a permit to Flats East Development, L.L.C. to encroach into the public right-of-way beneath West 10th Street and Front Avenue by installing, using, and maintaining 11 concrete foundation pile caps.

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

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

Section 1. That the Director of Capital Projects is authorized to issue a permit, revocable at the will of Council, to Flats East Development, L.L.C., 2816 North Moreland Boulevard, Cleveland, Ohio 44120 ("Permittee"), to encroach into the public right-of-way beneath West 10th Street and Front Avenue by installing, using, and maintaining 11 concrete foundation pile caps, at the following locations:

LEGAL DESCRIPTION OF ENCROACHMENT "A"

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Parcel "E" of land conveyed to Flats Development LLC as recorded in Plat Book 364, Page 85 of said County's records, and being further bounded and described as follows:

Commencing at the 5/8 inch rebar with cap "GPD" on northwest corner of Parcel "C" of said plat, said rebar being the TRUE PLACE OF BEGINNING of the parcel of land hereinafter described, thence clockwise along the following five (5) courses and distances:

(1) Thence, South 65°41'41" West for a distance of 3.00 feet to a point;

(2) Thence, North 24°19'07" West for a distance of 2.00 feet to a point

(3) Thence, North 65°41'41" East for a distance of 83.00 feet to a point;

(4) Thence, South 24°18'19" East for a distance of 2.00 feet to a point on a north line of Parcel "B" of said plat;

(5) Thence, along said north line and the north line of said Parcel "C", South 65°41'41" West for a distance of 80.00 feet to the True Place of Beginning and containing 0.0038 acres (166 sq. ft.) of land, more or less, and subject to all easements, restrictions and covenants of record as surveyed under the supervision of Joseph R. Ciuni, P.S. Number 7394, for GPD Associates, in January of 2011.

LEGAL DESCRIPTION OF ENCROACHMENT "B"

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Parcel "E" of land conveyed to Flats Development LLC as recorded in Plat Book 364, Page 85 of said County's records, and being further bounded and described as follows:

Commencing at the 5/8 inch rebar with cap "GPD" on northwest corner of Parcel "C" of said plat, said rebar being the TRUE PLACE OF BEGINNING of the parcel of land hereinafter described, thence clockwise along the following five (7) courses and distances:

(1) Thence, along the west side of said Parcel "C", South 24°19'07" East for a distance of 263.53 feet to a 5/8 inch rebar with cap "GPD" at a point of curvature;

(2) Thence, continuing along the west side of said Parcel "C" along the arc of a curve to the left having the following properties:

Delta = 9°53'33"
Radius = 313.26
Tangent = 27.11
Chord = 54.02

Chord Bearing = South 29°15'36" East for an arc distance of 54.09 feet to a 5/8 inch rebar with cap "GPD";

(3) Thence, continuing along the west side of said Parcel "C", South 34°12'23" East for a distance of 73.33 feet to a Drill Hole and "X" at a southwest corner of said Parcel "C";

(4) Thence, South 55°39'06" West for a distance of 1.50 feet to a point;

(5) Thence, North 34°12'23" West for a distance of 109.30 feet to a point;

(6) Thence, North 24°19'07" West for a distance of 282.18 feet to a point;

(7) Thence, North 65°41'41" East for a distance of 3.00 feet to the True Place of Beginning and containing 0.0238 acres (1038 sq. ft.) of land, more or less, and subject to all easements, restrictions and covenants of record as surveyed under the supervision of Joseph R. Ciuni, P.S. Number 7394, for GPD Associates, in January of 2011.

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

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

Section 3. That the Director of Law shall prepare the permit authorized

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

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

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

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

Ord. No. 677-11.

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

An emergency ordinance to amend Section 10 of Ordinance No. 255-07, passed March 26, 2007, as amended by Ordinance No. 636-08, passed June 9, 2008, relating to the rehabilitation of the Columbus Road Lift Bridge.

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

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

Section 1. That Section 10 of Ordinance No. 255-07, passed March 26, 2007, as amended by Ordinance No. 636-08, passed June 9, 2008, is amended to read as follows:

Section 10. That this Council authorizes payment to the County of the City's share of the improvement from Fund Nos. 20 SF 380, 20 SF 383, 20 SF 394, 20 SF 500, 20 SF 506, 20 SF 510, **20 SF 520, 20 SF 528, 20 SF 534**, from the fund or funds to which are credited the proceeds of the sale of the subordinated income tax bonds authorized by Ordinance No. 121-08, passed February 25, 2008, if the City sells such bonds, **from the fund or funds to which are credited the proceeds of the sale of 2011 General Obligation Bonds authorized by Ordinance No. 130-11, passed February 14, 2011, if the City sells such bonds**, and from any other funds approved by the Director of Finance, Request Nos. 175097 and 175532.

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 Capital Projects, Finance, Law; Committees on Public Service, Finance.

Ord. No. 678-11.

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

An emergency ordinance to amend Section 4 of Ordinance No. 912-07, passed June 11, 2007, as amended by Ordinance No. 637-08, passed June 9, 2008, relating to the public improve-

ment of removing and replacing the Longmeade Avenue, St. John Avenue, and Guardian culverts, and repairing, removing, or replacing various bridges under the 2006 Bridge Plan.

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 4 of Ordinance No. 912-07, passed June 11, 2007, as amended by Ordinance No. 637-08, passed June 9, 2008, is amended to read as follows:

Section 4. That the cost of the contracts authorized shall be paid from Fund Nos. 20 SF 364, 20 SF 373, 20 SF 380, 20 SF 383, 20 SF 394, 20 SF 500, 20 SF 506, 20 SF 510, **from the fund or funds to which are credited the proceeds of the sale of 2011 General Obligation Bonds authorized by Ordinance No. 130-11, passed February 14, 2011, if the City sells such bonds, from the fund or funds to which are credited the proceeds of the sale of the subordinated income tax bonds authorized by Ordinance No. 121-08, passed February 25, 2008, if the City sells such bonds, and any other funds approved by the Director of Finance, Request Nos. 173280 and 175533.**

Section 2. That existing Section 4 of Ordinance No. 912-07, passed June 11, 2007, as amended by Ordinance No. 637-08, passed June 9, 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 Capital Projects, Finance, Law; Committees on Public Service, Finance.

Ord. No. 679-11.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts with Big Wireless, LLC for professional services necessary to provide hardware and software maintenance and support on point-to-point links between buildings and on towers, including cable, connectors, and other materials and equipment, including labor, for a period of one year, with two one year options to renew, the second of which is exercisable through additional legislative authority.

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

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

Section 1. That the Director of Public Utilities is authorized to enter into one or more contracts with Big Wireless, LLC for professional services necessary to provide hardware and software maintenance and support on point-to-point links between buildings and on towers where point-to-point and multi-point base stations are installed for the Division of Water's wireless equipment, including cable, connectors,

and other materials and equipment, including labor, on the basis of its proposal dated March 22, 2011, for the Department of Public Utilities, for a period of one year, with two one year options to renew, the second of which is exercisable through additional legislative authority. The contract or contracts shall be paid from Fund No. 52 SF 001, Request No. RQS 2002, RL 2011-52.

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

Ord. No. 680-11.

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

An emergency ordinance to approve the form and authorize the execution of a power sales contract with American Municipal Power, Inc., and taking other actions in connection therewith regarding participation in the AMP Fremont Energy Center.

Whereas, the City of Cleveland, Ohio ("hereinafter Municipality") owns and operates an electric utility system for the sale of electric power and associated energy for the benefit of its citizens and taxpayers; and

Whereas, in order to satisfy the electric power and energy requirements of its electric utility system, Municipality has heretofore purchased, or desires to do so in the future, economical and reliable power and energy from, or arranged by, American Municipal Power, Inc. (hereinafter "AMP"), of which Municipality is a Member; and

Whereas, Municipality, acting individually and, along with other municipalities which own and operate electric utility systems, jointly, endeavors to arrange for reliable, reasonably priced supplies of electric power and energy for ultimate delivery to its customers; and

Whereas, it is efficient and economical to act jointly in such regard; and

Whereas, AMP is an Ohio non-profit corporation, organized to own and operate facilities, or to provide otherwise, for the generation, transmission or distribution of electric power and energy, or any combination thereof, and to furnish technical services on a cooperative, non-profit basis, for the mutual benefit of its Members, such Members, including the Municipality, being, and to be, political subdivisions of their respective states that operate electric systems in, as of the date of adoption hereof, Kentucky, Michigan, Ohio, Pennsylvania, Virginia and West Virginia; and

Whereas, each of the Members owns and operates its electric system for the benefit of its customers; and

Whereas, certain of the Members, including the Municipality, have determined it requires additional, long-term sources of reliable, environmentally sound and reasonably priced electric capacity and energy

and has requested that AMP arrange for the same; and

Whereas, in furtherance of such purpose, Municipality, along with other Members (collectively "Participants") request and AMP agrees and intends to finance, construct, operate and own up to a one hundred percent (100%), and in any case not less than an eighty percent (80%), undivided ownership interest, in the Fremont Energy Center having an expected net rated electric generating capacity of approximately seven hundred seven megawatts (707 MW), to be known collectively as the American Municipal Power Fremont Energy Center (as hereinafter defined, "AMP Fremont Energy Center"); and

Whereas, AMP has resolved, in accordance herewith, to develop, including, as appropriate, the financing, acquisition, construction, ownership and operation of, and arrangements for the acquisition, financing, payment and prepayment of fuel for, its ownership interest in the AMP Fremont Energy Center (the "Project") as well as other arrangements related thereto, which AMP and, in certain cases, the Participants, deem necessary to enable AMP to fulfill its obligations hereunder to sell and transmit, or otherwise make available, electric capacity and energy to the Participants pursuant to the Fremont Energy Center Power Sales Contract (hereinafter "PSC"); and

Whereas, in order to obtain such sources of electric capacity and energy, the Participants are willing to pay AMP for their respective rights to such electric capacity and energy and transmission service at rates that are sufficient, but only sufficient, to enable AMP to (i) recover all costs and expenses incurred with respect to, and arrangements for the acquisition, financing, payment and prepayment of fuel for, the Project as set forth herein, all other Power Sales Contract Resources obtained by AMP to supplement the Project, and related service arrangements undertaken by AMP to enable it to fulfill its obligations hereunder, and (ii) recover any other expenditures or revenues authorized hereunder; and

Whereas, AMP has investigated both a self-build of a natural gas combined cycle project as well as the acquisition of one of several existing natural gas combined cycle projects either operating or in various stages of construction; and

Whereas, AMP and certain Members have determined that the purchase of the nearly complete Fremont Energy Center from FirstEnergy is the best option for AMP Members; and

Whereas, because the expected in service date of the Fremont Energy Center is on or about January 1, 2012, certain Participants may need to have AMP rearrange their current power supply portfolio by selling certain already purchased power, principally for 2012 through 2015, into the market ("Buy-Out") and finance the cost of such transaction pursuant to the PSC; 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 PSC between Municipality and AMP, substantially in the form placed in File No. 680-11-A, including Appendices thereto is approved, and the Director of Public Utilities (hereinafter "Director") of Municipality is hereby authorized to execute and deliver such Power Sales Contract, with such changes as the Director may approve as neither inconsistent with this Ordinance nor materially detrimental to the Municipality, his execution of the PSC to be conclusive evidence of such approval.

Section 2. That the Director is hereby authorized to acquire on behalf of the Municipality, as a Participant, as defined in the PSC, Power Sales Contract Resources (hereinafter "PSCR Share"), as defined in the PSC, without bid, from AMP and to execute and deliver any and all documents necessary to become a Participant in the AMP Fremont Energy Center project pursuant to the conditions set forth herein and in the PSC and to carry out its obligations thereunder and to arrange for the Buy-Out of any excess power and energy currently under contract with AMP as the Director deems in the best interests of the Municipality.

Section 3. That the Director, in connection with the execution and delivery of the PSC, is authorized and directed to acquire Municipality's PSCR Share (not taking into account the Step-Up as defined in the PSC), of 60,000 kilowatts, such PSCR Share to be set forth in Appendix A of the PSC.

Section 4. That the Director of this Municipality, as a part of such officer's official duties, is hereby appointed as Municipality's representative for any meetings or determinations of the Participants or the Participants Committee pursuant to the PSC and is authorized and directed, acting for, in the name of and on behalf of this Municipality, to vote Municipality's PSCR Share with regard to any determinations regarding the AMP Fremont Energy Center project as set forth in the PSC.

Section 5. That the Director may appoint, in writing from time to time as necessary, another representative of the Municipality as his alternate to carry out the duties set forth in Section 4 hereof.

Section 6. That the price of power from the AMP Fremont Energy Center project may include recovery of up to 50%, or \$3,986,624 plus accrued interest, of Cleveland Public Power's pro rata share of the estimated, maximum potential costs of the American Municipal Power Generating Station (AMPGS) associated with Cleveland Public Power's participation in that project. Such costs shall be recoverable through the PSC as set forth therein over a period not to exceed 15 years and shall be deemed power costs properly includable in the Energy Adjustment Charge as calculated pursuant to Section 523.21 of the Codified Ordinances.

Section 7. That the payment to AMP of the estimated other 50% of such costs, or up to \$3,986,624 plus accrued interest, from Cleveland Public Power's operating fund (Fund 58 SF 001) is authorized to compensate AMP for the balance of Cleveland Public Power's pro rata share of the costs of the AMPGS project. The timing and amount(s) of such payment shall be

determined by the Director in consultation with the Director of Finance. (RQS 2004, RL 2011-90)

Section 8. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were taken in an open meeting of this Council and that all deliberations of this Council and of any committees that resulted in those formal actions were in meetings open to the public, in compliance with all legal requirements.

Section 9. If any section, subsection, paragraph, clause or provision or any part thereof of this ordinance shall be finally adjudicated by a court of competent jurisdiction to be invalid, the remainder of this ordinance shall be unaffected by such adjudication and all the remaining provisions of this ordinance shall remain in full force and effect as though such section, subsection, paragraph, clause or provision or any part thereof so adjudicated to be invalid had not, to the extent of such invalidity, been included herein.

Section 10. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 681-11.

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

An emergency ordinance authorizing the Director of Port Control to enter into one or more contracts with Airports Council International for professional services necessary to provide customer service satisfaction surveys, data collection, reporting, benchmarking and related services, for the Division of Cleveland Hopkins International Airport, Department of Port Control, for a period of two years, with three one-year options to renew, the first of which shall require additional legislative authority.

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

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

Section 1. That the Director of Port Control is authorized to enter into one or more contracts with Airports Council International for professional services necessary to provide customer service satisfaction surveys, data collection, reporting, benchmarking and related services, for the Division of Cleveland Hopkins International Airport, in an amount not to exceed \$113,200.00, for the Department of Port Control, for a period of two years, with three one-year options to renew, the first of which shall require additional legislative authority. The contract or contracts shall be paid from Fund No. 60 SF 001, Request No. RQS 3001, RL 2011-65.

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

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

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

Ord. No. 682-11.

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

An emergency ordinance authorizing the Director of Port Control to exercise the first option to renew Contract No. 69326 with Brokaw, Inc. to provide marketing, promotional, and advertising services necessary to promote the Cleveland Airport System.

Whereas, under the authority of Ordinance No. 189-07, passed March 12, 2007, the Director of Port Control entered into Contract No. 69326 with Brokaw, Inc. to provide marketing, promotional, and advertising services necessary to promote the Cleveland Airport System; and

Whereas, Ordinance No. 189-07 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. 69326 for an additional year in the amount of \$284,000, with Brokaw, Inc. to provide marketing, promotional, and advertising services necessary to promote the Cleveland Airport System. This ordinance constitutes the additional legislative authority required by Ordinance No. 189-07 to exercise this option. (RQS 3001, RL 2011-84)

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

Ord. No. 683-11.

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

An emergency ordinance to amend the title and Section 5 of Ordinance No. 808-09, passed June 8, 2009, as amended by Ordinance No. 617-10, passed May 10, 2010, and Ordinance No. 306-10 June 7, 2010; and to supplement the ordinance by adding new Section 10a, relating to constructing a bike station in Gateway North Garage to include the adjacent Plaza and to set fees.

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

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

Section 1. That the title and Sections 5 of Ordinance No. 808-09, passed June 8, 2009, as amended by

Ordinance No. 617-10, passed May 10, 2010, and Ordinance No. 306-10, passed June 7, 2010 are amended to read as follows:

An Emergency Ordinance determining the method of making the public improvement of constructing a bike station in Gateway North Garage and constructing other improvements to the Gateway North and Gateway East Garages; authorizing the Director of Public Works to enter into one or more public improvement contracts to construct the improvement and employ one or more professional consultants necessary to design the improvement; authorizing the Director to enter into a Lease By Way of Concession for the operation of the bike station with Downtown Cleveland Alliance, for a period of one year, with two three-year options to renew, authorizing the Director to enter into any other agreements necessary to complete the improvement; **and to set user registration and pass fees for the Bike Station.**

Section 5. That, provided Downtown Cleveland Alliance submits documents required by the City's bond counsel, and notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of **Public Works** is authorized to enter a Lease By Way of Concession ("Lease") with Downtown Cleveland Alliance for the operation of the bike station in Gateway North Garage. The Lease shall be for the use and occupancy of approximately 1,300 square feet of space located on the first floor in the Gateway North Garage **and the adjacent Plaza outdoor area of approximately 677 square feet, on the corner of 4th and High Street, including the two entry vestibules, as further illustrated on the map attached in File A.**

Section 2. That the existing title and Section 5 of Ordinance No. 808-09, passed June 8, 2009, as amended by Ordinance No. 617-10, passed May 10, 2010, and Ordinance No. 306-10 passed June 7, 2010, are repealed.

Section 3. That Ordinance No. 808-09, passed June 8, 2009, as amended by Ordinance No. 617-10, passed May 10, 2010, and Ordinance No. 306-10, passed June 7, 2010, is supplemented by adding new Section 10a. to read as follows:

Section 10a. That the Board of Control shall fix the maximum rates for user registration and passes.

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

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

Ord. No. 684-11.

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

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Alcohol Drug Addiction and Mental Health Services Board of Cuyahoga County for the Mental Health and Substance Abuse Prevention Program; and to enter into an agreement

with the Board for the City to receive payments from the Medicaid 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 Health is authorized to apply for and accept a grant in the approximate amount of \$398,184 and any other funds that may become available during the grant term, from the Alcohol Drug Addiction and Mental Health Services Board of Cuyahoga County to conduct the Mental Health and Substance Abuse Prevention Program; that the Director of Public Health is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, File No. 684-11-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, is approved in all respects.

Section 3. That the Director of Public Health is authorized to enter into an agreement with the Alcohol Drug Addiction and Mental Health Services Board of Cuyahoga County for the City to receive payments from the Medicaid programs for alcohol and drug addiction services provided by the City.

Section 4. That the Director of Public Health shall have the authority to extend the term of the grant during the grant term.

Section 5. That the Director of Public Health shall deposit the grant accepted under this ordinance into a fund or funds designated by the Director of Finance to implement the program as described in the file and appropriated for that purpose.

Section 6. That the Director of Public Health is authorized to charge and accept fees from participants of this program, according to the sliding fee scale placed in the file, and to deposit those fees into a revolving fund which will be used to provide additional materials equipment, supplies, and services under the program described in the file, and the funds are appropriated for that purpose.

Section 7. 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, Medicaid payments accepted under this ordinance, and from the fund or funds to which are credited any fees received under this program.

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

Referred to Directors of Public Health, Finance, Law; Committees on Health and Human Services, Finance.

Ord. No. 685-11.

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

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the Cities Readiness Initiative Program; authorizing the director to enter into one or more contracts with the Cuyahoga County Board of 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 Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$664,305, and any other funds that may become available during the grant term from the Ohio Department of Health to conduct the Cities Readiness Initiative ("CRI") Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, File No. 685-11-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, is approved in all respects.

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

Section 4. That the Director of Public Health shall deposit the grant accepted under this ordinance into a fund or funds designated by the Director of Finance to implement the program as described in the file and appropriated for that purpose.

Section 5. That the Director of Public Health is authorized to enter into one or more contracts with the Cuyahoga County Board of Health to implement the grant as described in the file.

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

Referred to Directors of Public Health, Finance, Law; Committees on Health and Human Services, Finance.

Ord. No. 686-11.

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

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the Women's Health Services 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 Health is authorized to apply for and accept a grant in the approximate amount of \$150,000 and any other funds that may become available during the grant term, from Ohio Department of Health to conduct the Women's Health Services 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 set forth in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, File No. 686-11-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, is approved in all respects, including the obligation to devote program income, in the estimated amount of \$1,000.00, from first and third party billings.

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

Section 4. That the Director of Public Health shall deposit the grant accepted under this ordinance into a fund or funds designated by the Director of Finance to implement the program as described in the file and appropriated for that purpose.

Section 5. That the Director of Public Health is authorized to charge and accept fees from participants of this program and to deposit those fees into a revolving fund which will be used to provide additional materials, equipment, supplies, and services under the program described in the file, and the funds are appropriated for that purpose.

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

Referred to Directors of Public Health, Finance, Law; Committees on Health and Human Services, Finance.

Ord. No. 687-11.

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

An emergency ordinance authorizing the Director of Public Health to enter into contracts with various agencies or entities to provide AIDS-related services; authorizing the employment of one or more professional consultants to provide evaluation 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 Health is authorized to enter into one or more contracts with var-

ious agencies or entities to provide HIV/AIDS prevention education activities, under the Community Development Block Grant, File No. 687-11-A, and in addition, the sum of not more than \$108,000 is appropriated to the Department of Public Health for administrative costs of implementing the contracts authorized by this ordinance.

Section 2. That the Director of Public Health 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 provide evaluation services.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Public Health from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Public Health 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 Health and certified by the Director of Finance.

Section 3. That the Director of Public Health is authorized to enter into one or more contracts with agencies, entities, or individuals to implement the grant as described in the file.

Section 4. That any agency or entity that receives funds under this ordinance shall be required to comply with the evaluation services provided by the consultant.

Section 5. That the Directors of Public Health and Community Development are authorized to enter into a memorandum of understanding for this program in accordance with the terms authorized by this legislation.

Section 6. That the cost of the contract or contracts authorized are appropriated for costs of the Department of Public Health incurred from Fund 19 following the appropriate federal regulations and shall not exceed \$373,000 and shall be paid from Fund No. 14 SF 037, Request No. RQS 5005, RL 2011-110.

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

Referred to Directors of Public Health, Finance, Law; Committees on Health and Human Services, Finance.

Ord. No. 688-11.

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

An emergency ordinance authorizing the Director of Public Health to enter into one or more contracts with various agencies or entities to provide AIDS-related services, in conjunction with the HOPWA Grant; and authorizing the employment of one or more professional consultants to provide evaluation 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 Public Health is authorized to enter into one or more contracts with various agencies or entities, effective June 1, 2011, to provide AIDS-related services in conjunction with the Housing Opportunities for People With AIDS (HOPWA) Grant Program, under File No. 688-11-A, and in addition, the sum of not more than \$25,200 is appropriated to the Department of Public Health for administrative costs of implementing the HOPWA program.

Section 2. That the Director of Public Health 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 provide evaluation services.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Public Health from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Public Health 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 Health and certified by the Director of Finance.

Section 3. That any agency or entity that receives funds under this ordinance shall be required to comply with the evaluation services provided by the consultant.

Section 4. That the Directors of Public Health and the Director of Community Development are authorized to enter into a memorandum of understanding for this program under the terms authorized by this legislation.

Section 5. That the costs of the contract or contracts authorized above are appropriated for costs of the Department of Public Health incurred from Fund 19 following the appropriate federal regulations and shall not exceed \$960,454 and shall be paid from Fund No. 19 SF 652, Request No. RQS 5005, RL 2011-111.

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

Referred to Directors of Public Health, Finance, Law; Committees on Health and Human Services, Finance.

Ord. No. 689-11.

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

An emergency ordinance authorizing the Director of Public Health to accept a grant from the Ohio Environmental Protection Agency for financial assistance for the operation of the Division of Air Quality; authorizing the director to enter into one or more purchase contracts for various services, equipment and supplies;

authorizing the director to enter into one or more contracts with various agencies or entities necessary to operate the Division of Air Quality; determining the method of making the public improvement of constructing, rehabilitating, renovating, replacing, or otherwise improving air monitoring sites and other similar structures on city-owned and city-leased property; authorizing the director 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.

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 Health is authorized to accept a grant in the approximate amount of \$3,220,569, and any other funds that become available during the grant term, from the Ohio Environmental Protection Agency for financial assistance for the operation of the Division of Air Quality in accordance with the purposes set forth in the summary; that the Director of Public Health 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 in the summary for the grant.

Section 2. That the summary for the grant, File No. 689-11-A, made a part of this ordinance as if fully rewritten herein, as presented to the Finance Committee of this Council at the public hearing on this legislation is approved in all respects, and shall not be changed without additional legislative authority, including the obligation of the City of Cleveland to provide cash matching funds in the sum of \$393,000 from Fund No. 01-5007-6397, in order to receive the grant from the Ohio Environmental Protection Agency, as a pass-through from the U.S. Environmental Protection Agency.

Section 3. That the Director of Public Health 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 the grant period of the necessary items of materials, equipment, services, and supplies needed as described in the file, to be purchased by the Commissioner of Purchases and Supplies upon a unit basis for the Division of Air Quality, Department of Public Health. 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 grant term may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

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

Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance.

Section 5. That the Director of Public Health 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 during the term of the grant: various types of monitoring equipment, OEPA-required equipment and their associated parts, and other materials, equipment, supplies, and services needed to implement the grant, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Division of Air Quality, Department of Public Health.

Section 6. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing, rehabilitating, renovating, replacing, or otherwise improving air monitoring sites and other similar structures on City-owned and City-leased property (the "Improvement"), for the Division of Air Quality, Department of Public Health, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Improvement.

Section 7. That the Director of Public Health is authorized to enter into one or more contracts for the making of the Improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Improvement, provided, however, that each separate trade and each distinct component part of the Improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 8. That the Director of Public Health 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 implement the grant.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Public Health from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Public Health 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 Health, and certified by the Director of Finance.

Section 9. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements with other governmental agencies. The Director of Public Health 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 10. That the Director of Public Health is authorized to enter into one or more contracts with and make payments to one or more various entities or agencies to implement the grant as described in the file.

Section 11. That the payments and cost of the contracts authorized by this ordinance shall be paid from the fund or funds which are credited the grant proceeds accepted under this ordinance and from the cash match.

Section 12. That the Director of Public Health shall have the authority to extend the term of the grant during the grant term.

Section 13. That the Director of Public Health shall deposit the grant accepted under this ordinance into a fund or funds designated by the Director of Finance to implement the program as described in the file and appropriated for that purpose.

Section 14. 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, City Planning Commission, Finance, Law; Committees on Health and Human Services, City Planning, Finance.

Ord. No. 690-11.

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

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Assistant Secretary for Preparedness and Response for the Postal Countermeasures Delivery Grant; and to authorize the Director to enter into an agreement with the Cuyahoga County Board of Health 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 Health is authorized to apply for and accept a grant in the approximate amount of \$50,000, and any other funds that may become available during the grant term from the Assistant Secretary for Preparedness and Response to conduct the Postal Countermeasures Delivery Grant; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, File No. 690-11-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

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

Section 4. That the Director of Public Health shall deposit the grant accepted under this ordinance into a fund or funds designated by the Director of Finance to implement the program as described in the file and appropriated for that purpose.

Section 5. That the Director of Public Health is authorized to enter into an agreement with the Cuyahoga County Board of Health to implement the grant as described in the file.

Section 6. That the cost of the agreement shall be paid from the fund or funds to which are credited the grant proceeds 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.

Referred to Directors of Public Health, Finance, Law; Committees on Health and Human Services, Finance.

Ord. No. 691-11.

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

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Center for Community Solutions for the Title X Program; authorizing the director to charge and accept fees for this program; and to enter into one or more agreements necessary for the City to receive payments from Medicaid and Medicaid HMO programs.

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

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

Section 1. That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$107,000 and any other funds that may become available during the grant term, from the Center for Community Solutions to conduct the Title X 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 set forth in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, File No. 691-11-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, is approved in all respects, including the obligation to devote program income from first and third party billings.

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

Section 4. That the Director of Public Health shall deposit the grant accepted under this ordinance into a fund or funds designated by the Director of Finance to implement the program as described in the file and appropriated for that purpose.

Section 5. That the director of Public Health is authorized to enter into one or more agreements necessary for the City to receive payments from Medicaid and Medicaid HMOs to implement the grant as described in the file.

Section 6. That the Director of Public Health is authorized to charge and accept fees from participants of this program and to deposit those fees into a revolving fund which will be used to provide additional materials, equipment, supplies, and services under the program described in the file, and the funds are appropriated for that purpose.

Section 7. That the cost of the contract or contracts authorized by this ordinance shall be paid from the fund or funds which are credited the grant proceeds, the first and third party billings, and from the Medicaid reimbursements accepted under this ordinance.

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

Referred to Directors of Public Health, Finance, Law; Committees on Health and Human Services, Finance.

Ord. No. 692-11.

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

An emergency ordinance authorizing the Director of Community Development and the Director of Building and Housing to enter into contracts and expend funds on various programs approved under the Neighborhood Stabilization III Program.

Whereas, under the authority of Ordinance No. 11-11, passed February 7, 2011, the City of Cleveland through the Department of Community Development applied for and accepted \$6,793,290.00 as a direct allocation of Neighborhood Stabilization III Program (NSP III) funds from the United States Department of Housing and Urban Development (HUD); and

Whereas, the Department of Community Development seeks to expend the NSP III funds as set forth below; 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 Neighborhood Stabilization III Program shall be administered generally in accordance with the Executive Summary, placed in File No. 692-11-A, which file shall also contain a description of the NSP III program.

Section 2. That NSP III funds in the approximate amount of Two Million Eight Hundred Fourteen Thousand Two Hundred Ninety Dollars (\$2,814,290), be expended for costs of the Department of Building and Housing associated with conducting the demolition program supported by appropriate staffing and technical assistance, in furtherance of nuisance abatement objectives, all in accordance with the appropriate regulations in conjunction with the Neighborhood Stabilization III Program.

Section 3. That the Directors of Community Development and Building and Housing are authorized to enter into or amend one or more contracts for the purpose of implement-

ing the Neighborhood Stabilization III Program.

Section 4. That the Directors of Community Development and Building and Housing must enter into a memorandum of understanding for expenditures by the Department of Building and Housing under the Neighborhood Stabilization III Program.

Section 5. That eligible activities under the Neighborhood Stabilization III Program include site acquisition, site preparation and pre-development, rehabilitation, new construction, and financial assistance to home buyers.

Section 6. That the City is authorized to accept promissory notes, naming the City of Cleveland as payee, and mortgages, naming the City of Cleveland as mortgagee, and/or any other security instrument(s) executed to evidence and secure repayment of loans made under this program.

Section 7. That NSP III administrative funds in the approximate amount of \$679,000, are appropriated for administrative expenses.

Section 8. That the Director of Community Development, the Director of Building and Housing, the Director of Law, and other appropriate City officials are authorized to execute any other documents and certificates, and take any other actions that may be necessary or appropriate to complete the transactions authorized by this ordinance.

Section 9. That the grant agreements, contracts, and other appropriate documents needed to complete the transactions authorized by this ordinance shall be prepared by the Director of Law.

Section 10. That the cost of the contracts, expenses, and administrative costs authorized in this ordinance shall not exceed \$6,793,290, and shall be paid from the fund or funds to which are credited the grant proceeds accepted under Ordinance No. 11-11, passed February 7, 2011.

Section 11. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 693-11.

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

An emergency ordinance authorizing the Directors of Community Development and Public Health to apply for and accept a grant from the U.S. Department of Housing and Urban Development for the 2011 Healthy Homes Production 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 Directors of Community Development and Public Health are authorized to apply for and accept a grant in the amount up to \$2,000,000, and any other funds

that may become available during the grant term, from the U.S. Department of Housing and Urban Development to conduct the Healthy Homes Production Program; that the Directors are authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for purposes under the Healthy Homes Production Program.

Section 2. That the summary for the grant, File No. 693-11-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

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

Referred to Directors of Community Development, Public Health, Finance, Law; Committees on Community and Economic Development, Health and Human Services, Finance.

Ord. No. 694-11.

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

An emergency ordinance authorizing the Director of Community Development and other Directors of City Departments to enter into contract with various agencies to provide social service programs, authorizing the Director of Community Development to enter into Memoranda of Understanding with the various Directors of City Departments, and authorizing the Director of Public Works to lease space from the Greater New Calvary Baptist Church to provide facilities for recreation activities.

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

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

Section 1. That the Director of Community Development is authorized to enter into or amend contracts with various agencies to provide social service programs.

Section 2. That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, and as amended, the Director of Public Works is authorized to lease from the Greater New Calvary Baptist Church, a gym located at 822 East 150th Street, Cleveland, Ohio, for a period of one year.

Section 3. That the rent for the lease shall be \$9,900 per year; that the lease may provide for the City to pay for the installation and operating cost of utility services to the leased premises; that the lease shall be for the purpose of providing a facility for recreation activities; and that the lease shall be prepared by the Director of Law.

Section 4. That the Director of Community Development is authorized to enter into Memoranda of Understandings with the Director of Public Works for the purposes described in this ordinance.

Section 5. That the Director of Community Development is authorized to accept program income and use this and other program income to finance additional social service activities and the program income is appropriated for those purposes.

Section 6. That the cost of the contracts authorized by this ordinance shall not exceed \$1,500,000.00 and amounts remaining from Ordinance No. 764-08, passed June 9, 2008, Ordinance No. 662-09, passed June 8, 2009, and Ordinance No. 602-10, passed June 7, 2010, payable from the ordinances listed above and from Fund No. 14 SF, RQS 8006, RL 2011-0101.

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

Referred to Directors of Community Development, Community Relations, Public Works, City Planning Commission, Finance, Law; Committees on Community and Economic Development, Public Parks, Properties, and Recreation, City Planning, Finance.

Ord. No. 695-11.

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

An emergency ordinance authorizing the Director of Community Development to enter into one or more contracts with various Community Housing Development Organizations, or their designees, for the acquisition, rehabilitation or construction of housing units for low income persons through the Community Housing Development Organization (CHDO) Affordable Low Income Rental Housing Program and for operating expenses related to the production of low income rental housing.

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

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

Section 1. That the Director of Community Development is authorized to enter into one or more contracts with various Community Housing Development Organizations, or their designees, for development costs for the acquisition, rehabilitation or construction of housing units for low income persons through the Community Housing Development Organization (CHDO) Affordable Low Income Rental Housing Program.

Section 2. That the Director of Community Development is authorized to enter into one or more contracts with various Community Housing Development Organizations to provide financial support for operating expenses related to the development of rental housing for low income persons.

Section 3. That the cost of the agreement or agreements authorized shall not exceed \$2,572,000 and shall be paid from fund No. 19 SF 630 and 19 SF 650, Request No. RQS 8006, RL 2011-107.

Section 4. That the agreement or agreements shall be prepared by the Director of Law.

Section 5. That this ordinance is declared to be an emergency measure

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

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

Ord. No. 696-11.

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

An emergency ordinance authorizing the Director of Community Development to enter into one or more contracts with various housing development entities, or their designees, to implement the Housing Trust Fund Program, for costs associated with various housing activities.

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

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

Section 1. That the Director of Community Development is authorized to enter into one or more contracts with various housing development entities, or their designees, for the purpose of implementing the Housing Trust Fund Program.

Section 2. That eligible activities under the Housing Trust Fund Program include new construction, rehabilitation, site preparation, site acquisition, predevelopment activities and financial assistance to home buyers.

Section 3. That the cost of the contracts shall not exceed \$2,810,000, and shall be paid from Fund Nos. 19 SF 650 and 14 SF 037, Request No. RQS 2011, RL 2011-106.

Section 4. That the Director of Community Development is authorized to accept monies in repayment of loans authorized in this ordinance and to deposit those monies in Fund Nos. 14, and 19 and utilize said repayments and other program income in a revolving fund for making additional expenditures under this program, and such funds are hereby appropriated for that purpose.

Section 5. That the City is authorized to accept promissory notes, naming the City of Cleveland as payee, and mortgages, naming the City of Cleveland as mortgagee, and any other security instrument executed to evidence and secure repayment of loans made under this program.

Section 6. That the Director of Community Development is authorized to enter into forbearance agreements with any recipient of a validly existing loan administered by the City, and to charge and accept fees to cover costs incurred in the preparation of loan documents, closing, and servicing costs. Such fees shall be deposited into Fund No. 14 and Fund 19. The revenues generated as a result of charging fees are hereby appropriated for additional program and operating expenses for Housing Trust Fund activities.

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

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

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

Ord. No. 697-11.
By Council Members Brancatelli and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into one or more contracts with CDBG-eligible agencies to implement the Cityworks Program.

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

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

Section 1. That the Director of Community Development is authorized to enter into one or more contracts with various CDBG-eligible agencies to implement the Cityworks Program.

Section 2. That the aggregate cost of the contracts authorized in this ordinance shall not exceed \$81,000.00, and any prior years CDBG Cityworks program balances, and shall be paid from Fund No. 14 SF 037, RQS 8006 RL 2011-0099.

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

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

Ord. No. 698-11.
By Council Members Brancatelli and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Community Development to enter into or amend contracts with various agencies to provide housing, commercial, industrial and real estate development activities.

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

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

Section 1. That the Director of Community Development is authorized to enter into or amend contracts with various agencies to provide housing, commercial, industrial and real estate development activities.

Section 2. That the cost of the contracts authorized in this ordinance shall not exceed \$2,119,374, and amounts remaining from Ordinance No. 763-08, passed June 9, 2008, Ordinance No. 664-09, passed June 8, 2009, and Ordinance No. 603-10, passed June 7, 2010, payable from the ordinances listed above and from Fund No. 14 SF 037, RQS 8006 RL 2011-0100.

Section 3. That the Director of Community Development is authorized to accept program income and use this and other program income to finance

additional housing, commercial, industrial, real estate development and other CDBG eligible activities, and the program income is appropriated for those purposes.

Section 4. That the Director of Community Development is authorized to enter into or amend contracts with the agencies administering the housing, commercial, industrial and real estate activities that generated program income in an amount not to exceed that generated program income and to be paid from the revolving fund in Fund 14.

Section 5. That the Director of Community Development is authorized to enter into or amend contracts with for-profit or non-profit organizations serving as the fiscal agent for the various agencies to provide housing, commercial, industrial, and real estate development activities.

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

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

Ord. No. 699-11.
By Council Member Zone.
An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 3601 Siam Avenue to Charles W. Davis.

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

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

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

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

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

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

P. P. No. 007-07-070

Situated in the City of County of Cuyahoga and State of Ohio; and known as being part of Sublot Nos. 71 and 72 in Sargent and Dixon's Subdivision of part of Original Brooklyn Township Lot No. 52, as shown by the recorded plat in Volume 2 of Maps, Page 43 of Cuyahoga County Records, and bounded and described as follows:

Beginning on the Southeasterly line of Siam Avenue S.W. at the Northwesterly corner of said Sublot No. 72; thence Northeasterly 16 feet along said Southeasterly line of Siam Avenue, S.W. to a point; thence Southeasterly 65 feet at right angles to said Southeasterly line of Siam Avenue, S.W. to a point; thence Southeasterly about 79 feet to a point in the Southerly line of said Sublot No. 71 distant Westerly 65 feet from the Southeasterly corner of said Sublot No. 71; thence Westerly about 46.67 feet along the Southerly line of said Sublot Nos. 71 and 72 to the Southwesterly corner of said Sublot No. 71; thence Northerly 130.42 feet along the Westerly line of Sublot No. 72 to the place of beginning, as appears by said plat, be the same more or less, but subject to all legal, highways.

Situated in the City of Cleveland County of Cuyahoga and State of Ohio; And known as being Sublot No. 73 in the Sargent and Dixon Re Subdivision of Sublot Nos. 313 to 324 in Barber and Lord's Subdivision of part of Original Brooklyn Township Lot Nos. 51, 52, 69 and 70, as shown by the recorded plat in Volume 2 of Maps, Page 43 of Cuyahoga County Records, and being 21.67 feet front on the Southeasterly line of Siam Avenue, S.W. (40 feet wide) and extending back 130.42 feet on the Easterly line 121.25 feet on the Westerly line and being 30.08 feet wide in the rear as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

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

Ord. No. 700-11.

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

An emergency ordinance authorizing the Director of Economic Development to apply for and accept a Clean Ohio grant from the State of Ohio Department of Development for environmental assessment and remediation regarding the expansion of Miceli's Dairy located at 2721 East 90th Street; and authorizing the Director to enter into one or more contracts with Miceli-Lograsso Development III, LLC, or its designee; and authorizing one or more professional consultants or one or more firms of consultants who employ an Ohio VAP-Certified professional to provide professional services necessary to implement the grant project.

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

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

Section 1. That the Director of Economic Development is authorized to apply for and accept a Clean Ohio grant in an amount up to \$3,000,000, from the State of Ohio Department of Development, or its successor or designee, for environmental assessment and remediation regarding the expansion of Miceli's Dairy located at 2721 East 90th Street, including assessment, site clean-up, demolition, and asbestos abatement of on-site buildings and the removal of debris and solid waste piles, to be used to implement the project as described in the executive summary below; 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 executive summary for the grant contained in the file described below and in any subsequent grant amendments, which amendments will be filed with Council.

Section 2. That the executive summary for the grant, File No. 700-11-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

Section 3. That the Director of Economic Development is authorized to enter into one or more contracts with Miceli-Lograsso Development III, LLC, or its designee, to implement the grant project.

Section 4. That the Director of Economic Development is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants who employ an Ohio VAP-Certified professional 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 implement the grant project.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Economic Development from a list of qualified consultants available for employment as may be determined after a full and

complete canvass by the Director of Economic Development for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control.

Section 5. That the contract or contracts authorized by this ordinance shall be prepared by the Director of Law, approved by the Director of Economic Development, and certified by the Director of Finance.

Section 6. That the cost of the contract or contracts authorized will be paid from the fund or subfunds that are credited the proceeds of the grant 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.

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

Ord. No. 701-11.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with WIRE-Net to provide economic development assistance to finance the administration of the Cleveland Industrial Retention Initiative.

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

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

Section 1. That the Director of Economic Development is authorized to enter into a grant agreement with WIRE-Net to provide economic development assistance to finance the administration of the Cleveland Industrial Retention Initiative.

Section 2. That the costs of the grant shall not exceed \$350,000 and shall be paid from Fund No. 10 SF 501, Request No. RQS 9501, RL 2011-93

Section 3. That the Director of Law is authorized to prepare the grant agreement and other documents as may be appropriate to complete the transaction.

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

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

Ord. No. 702-11.

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

An emergency ordinance to amend Section 2 of Ordinance No. 1418-07, passed October 1, 2007, relating to a contract with Buckeye (Cleveland)

Area Development Corporation for the renovation of the Moreland Theater Complex, to change the terms of the loan.

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 2 of Ordinance No. 1418-07, passed October 1, 2007, is amended to read as follows:

Section 2. That the terms of the loan shall be according to the terms set forth in the Summary contained in **File No. 1418-07-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 are approved in all respects and shall not be changed without additional legislative authority.

Section 2. That existing Section 2 of Ordinance No. 1418-07, passed October 1, 2007, 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 Economic Development, Finance, Law; Committees on Community and Economic Development, Finance.

Ord. No. 703-11.

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

An emergency ordinance authorizing the Director of Capital Projects to hire one or more consultants for design, engineering and construction services necessary for the resurfacing Lakeshore Boulevard from the Bratenahl East corporation limit to East 185th Street; determining the method of making the public improvement; authorizing the Director to enter into one or more public improvement contracts for the making of the improvement; authorizing the Director to accept cash contributions from public and private entities, NEORS, and GCRTA for costs associated with the improvement and to enter into agreements; authorizing the Director to enter into agreements with private utility companies to pay charges for the installation of underground lines; authorizing the Director to enter into a local public agency agreement with the Ohio Department of Transportation to fund and construct the improvement; and authorizing the Commissioner of Purchases and Supplies to acquire for right-of-way purposes real property necessary to make the public improvement.

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

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

Section 1. That the Director of Capital Projects is authorized to 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 depart-

ments of the City of Cleveland in order to provide professional design, engineering and construction services necessary for resurfacing Lakeshore Boulevard from the Bratenahl East corporation limit to East 185th Street (the "Improvement").

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

Section 2. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement as described in this ordinance, for the Office of Capital Projects, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Improvement.

Section 3. That the Director of Capital Projects is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Improvement, provided, however, that each separate trade and each distinct component part of the Improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

Section 4. That the Director of Capital Projects is authorized to accept cash contributions from public or private entities, NEORS, and GCRTA for infrastructure restoration costs associated with relocating, rehabilitating or reconstructing utility infrastructure for the Improvement. That the Director of Capital Projects is authorized to enter into agreements with the entities for this purpose.

Section 5. That the Director of Capital Projects is authorized to enter into one or more agreements with private utility companies to pay charges for the installation of underground lines in connection with the Improvement.

Section 6. That the Director of Capital Projects is authorized to enter into a local public agency agreement with the Ohio Department of Transportation to fund and to construct the Improvement.

Section 7. That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Commissioner of Purchases and Supplies is authorized to acquire for right-of-way purposes real property necessary to make the Improvement. The consideration to be paid for the property shall not exceed fair market value to be determined by the Board of Control.

Section 8. That the Director of Capital Projects is authorized to execute, on behalf of the City, all documents necessary to acquire property and to employ and pay all fees for title companies, surveys, escrows, appraisers, and all other costs necessary for the acquisition of the property.

Section 9. That the cost of the contracts, payments, property acquisition, cash match, and other expenditures authorized shall be paid from the fund or funds to which are credited any grant proceeds, fund or funds to which are credited any funds received under the local public agency agreement, fund or funds to which are credited any proceeds from the sale of 2011 general obligation bonds authorized by Ordinance No. 130-11, passed February 14, 2011, if the City sells such bonds, cash contributions accepted and appropriated under this ordinance, and from any other funds approved by the Director of Finance.

Section 10. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

Ord. No. 705-11.
By Council Members Cimperman, Miller, Cleveland and Sweeney (by departmental request).

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to purchase property for the development of the Towpath Trail Extension Project at 1061 Holmden Avenue, for the Office of Capital Projects.

Whereas, the Director of Capital Projects has requested the purchase of property which is located at 1061 Holmden Avenue needed for the development of the Towpath Trail Extension Project; and

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to purchase the following described property for the development of the Towpath Trail Extension Project:

P. P. No. 008-14-061

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Brooklyn Township Lot No. 85 and bounded and described as follows:

Beginning on the Southerly line of land conveyed to Felix Nicola by deed dated March 15, 1882 and recorded in Volume 337, Page 349 of Cuyahoga County records, at a point distant 539.96 feet Easterly measured along said Southerly line from its intersection with the Easterly line of Sublot No.15 in the Nicola and Judson Allotment as recorded in Volume 5 of Maps, Page 7 of Cuyahoga County Records, thence Northerly and parallel with the Easterly line of said Sublot No. 15, 80.70 feet to the Southerly line of Holmden Avenue S.W.; thence Easterly along the Southerly line of Holmden Avenue, S.W., 30 feet; thence

Southerly and parallel with the Easterly line of said Sublot No. 15, 80.66 feet to the Southerly line of the land so conveyed; thence Westerly along said line; 30 feet to the place of beginning, and being further known as Sublot No. 63 in F. Nicola Subdivision proposed, be the same more or less, but subject to all legal highways.

Section 2. That the Director of Capital Projects is authorized to execute on behalf of the City of Cleveland all necessary documents to acquire the property and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits, and all other costs necessary for the acquisition of the property.

Section 3. That the consideration to be paid for this property shall not exceed fair market value as determined by the Board of Control.

Section 4. That all costs of acquisition of land shall be paid from Fund No. 20 SF 522.

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

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

Ord. No. 706-11.
By Council Members K. Johnson, Miller, Cleveland and Sweeney (by departmental request).

An emergency ordinance authorizing the Director Public Works to execute a deed of easement granting to Dominion East Ohio Gas certain easement rights in property located on Chagrin Boulevard running west to east to along the northerly line of the Highland Park Golf Course, and declaring that the easement rights granted are not needed for public use.

Whereas, Dominion East Ohio Gas has requested the Director of Public Works to convey certain easement rights in property located on Chagrin Boulevard running west to east to along the northerly line of the Highland Park Golf Course; and

Whereas, Dominion East Ohio Gas requires the easement rights to construct and maintain a gas main over, upon, and through City-owned property; and

Whereas, the easement rights to be granted are not needed for public use; and

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

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

Section 1. That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that an easement interest in the following described property is not needed for public use:

Permanent Easement to
Dominion East Ohio at
Highland Park Golf Course

Situated in the Village of Highland Hills, County of Cuyahoga, and State

of Ohio and known as being part of Original Warrensville Township Lot No. 57;

Starting at the intersection of the centerlines of Chagrin Boulevard, width varies, and Green Road, width varies;

Thence 89° 59' 19" West along the said centerline of Chagrin Boulevard, 44.34 feet to an angle point therein, said point also being the northeast corner of said Original Lot No. 57;

Thence North 89° 52' 39" West, continuing along the said centerline of Chagrin Boulevard, 40.00 feet;

Thence South 0° 12' 36" East, 33.00 feet to the intersection of the southerly line of Chagrin Boulevard and the westerly line of Green Road, said point also being the Principal Place of Beginning of the easement herein intended to be described;

Thence continuing South 0° 12' 36" East along the said westerly line of Green Road, 20.00 feet;

Thence North 89° 52' 39" West, 775.12 feet;

Thence North 0° 07' 21" East, 20.00 feet to a point in the said southerly line of Chagrin Boulevard;

Thence South 89° 52' 39" East along the said southerly line of Chagrin Boulevard, 775.00 feet to the Principal Place of Beginning and containing 15,501.16 square feet (0.3559 acres) of land as described on October 30, 2009 by R.M. Kole & Assoc. Corp., Professional Land Surveyors.

Section 2. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the above-described easement interest to Dominion East Ohio Gas subject to any conditions stated in this ordinance, at a price of \$8,950.00, and other valuable considerations, which is determined to be fair market value.

Section 3. That the easement shall be non-exclusive and the purpose of the easement shall be to construct and maintain a gas main over, upon, and through City-owned property.

Section 4. That the duration of the easement shall be perpetual; that the easement shall not be assignable without the consent of the Director of Public Works; that the easement shall require that Dominion East Ohio Gas indemnify the City, provide reasonable insurance, maintain any Dominion East Ohio Gas improvements located within the easement; and pay any applicable taxes and assessments.

Section 5. That the conveyance referenced above shall be made by official deed of easement prepared by the Director of Law and executed by the Director of Public Works on behalf of the City of Cleveland. The Directors of Public Works and Law are authorized to execute any other documents, including without limitation, contracts for right of entry, as may be necessary to effect the improvement.

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

Referred to Directors of Public Works, Capital Projects, City Planning Commission, Finance, Law; Committees on Public Parks, Properties, and Recreation, Public Service, City Planning Finance.

Ord. No. 707-11.
By Council Members K. Johnson, Mitchell and Sweeney (by departmental request).

An emergency ordinance to amend Section 551.991 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 697-10, passed August 20, 2010, relating to civil infractions relating to waste disposal, and to provide for payment from paid infraction tickets to the office of the Clerk of the Cleveland Municipal Court in compensation for conducting hearings.

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 551.991 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 697-10, passed August 20, 2010, is amended to read as follows:

Section 551.991 Civil Infractions
(a) *Civil enforcement system established.* The City of Cleveland hereby adopts a civil enforcement system for the infractions established by this section. This civil enforcement system imposes monetary liability on the responsible parties as defined in division (m).

In addition to any other means of enforcement provided for in these Codified Ordinances, each of the following sections may be enforced through the issuance of a ticket to the responsible parties as defined in division (m):

(1) Section 551.04, division (d), relating to the early set out of waste.

(2) Section 551.04, division (e), relating to failing to remove a waste container after collection.

(3) Section 551.111, division (a), relating to excessively large quantity of waste for collection.

(4) Section 551.041, division (b), relating to automated waste collection and recycling infractions.

Any person who violates any of the foregoing prohibitions has committed an infraction for which liability is imposed by division (b) upon the responsible parties as defined in division (m).

(b) *Liability imposed. Each owner of a parcel at which an infraction has occurred* is liable to the City of Cleveland in the amounts established in divisions (f) and (g).

(c) *Noncriminal offense; no conviction.* The infractions established by this section are noncriminal. The imposition of liability upon the responsible parties under this section shall not be deemed a conviction for any purpose.

(d) *Other costs and penalties not abrogated.* Nothing in this section shall be construed as altering or limiting the effects of any other section of these Codified Ordinances, the criminal penalties imposed by any such other section, or the ability of a law enforcement officer to enforce those sections.

(e) *Tickets - service; contents.* If a violation of division (a) is observed by an employee of the Division of Waste Collection and Disposal or any other City employee whose duties include the enforcement of this section, then the Director of **Public Works** shall cause the responsible parties to be issued a ticket. The ticket shall be served by sending it via regular U.S. mail, postage prepaid, to the parcel owner(s) at the tax mailing address shown in the records of the county recorder.

et shall be served by sending it via regular U.S. mail, postage prepaid, to the parcel owner(s) at the tax mailing address shown in the records of the county recorder.

The date of mailing of the ticket shall be deemed to be the date of issuance of the ticket. If the mailing is unreturned, then it shall establish that the respondents were given actual or constructive notice of the imposition of liability under this section.

The ticket shall identify the parcel owner(s) as respondents. The ticket shall state that the respondents are responsible parties for the commission of a civil infraction under this section.

The ticket shall inform the respondents of the procedure to file an appeal and the time frame for filing it. **The ticket shall state that failure to appeal the ticket or pay the costs imposed not later than 20 days from the date of issuance of the ticket shall constitute a waiver of the right to contest the ticket and shall be considered an admission. The ticket shall further state that if the ticket is not appealed or paid in that time frame, then a default finding of civil liability shall be imposed upon respondents** for the costs established in divisions (f) and (g).

The ticket may be in any format that includes all of the elements required by this section.

(f) *Penalties established.* The costs imposed by this section upon the responsible parties for the commission of an infraction contrary to division (a) shall be assessed in accordance with the following schedule:

Section	Civil Penalty
551.111, division (a)	\$250.00 if the volume of waste is more than 2 cubic yards but less than 10 cubic yards.
	\$500.00 if the volume of waste is more than 10 cubic yards.
551.04, division (d)	\$100.00
551.04, division (e)	\$100.00
551.041, division (a)	\$100.00

The costs established by this section are imposed upon the responsible parties both as civil penalties and to reimburse the City for a portion of the costs incurred by it in the enforcement of infractions, and for some infractions, the increased costs of solid waste disposal.

(g) *Late penalties.* Late penalties shall be assessed in accordance with the following schedule:

(1) If the costs established in division (f) remain unpaid (20) days after the ticket is issued or (20) days after the conclusion of all appeals, an additional \$20.00 shall be assessed; and

(2) If the costs established in division (f) remain unpaid (40) days after the ticket is issued or (40) days after the conclusion of all appeals, an additional \$40.00 shall be added to the \$20.00 assessed under division (g)(1) for a total additional penalty of \$60.00 in such a case.

(h) *Appeals - timing.* Any respondent or other person who is potentially liable for the costs imposed by this

section may appeal the imposition of liability to the Director of **Public Works** or his or her designee, **which may include the Clerk of the Cleveland Municipal Court in his capacity as Parking Violations Bureau Administrator or otherwise**, in the manner described in the ticket. **As used in divisions (h), (i) and (j), of this section, "Director" means the Director of Public Works or his or her designee.**

The appeal shall be taken not later than 20 days from the date of issuance of the ticket. Failure to appeal the ticket or pay the costs imposed within this time period shall constitute a waiver of the right to contest the ticket and shall be considered an admission.

(i) *Appeal - process.* The Director shall establish an administrative appeal process for persons to appeal tickets issued under this section. The administrative appeal process shall allow the appellant the right to present appellant's case in person and may allow for evidence to be presented *ex-parte*. The strict rules of evidence applicable to courts of law shall not apply in any administrative hearing or *ex-parte* review. **The ticket charging the offense shall constitute prima facie evidence that the offense identified in the ticket occurred and that the parcel owner(s) to whom the ticket was mailed are the responsible parties as defined in division (m) and are liable to the City of Cleveland for the costs imposed by this section.**

If the Director finds by a preponderance of evidence that an appellant is liable under this section for the costs assessed, then the Director shall dismiss the appeal and order the appellant to pay the costs identified in the ticket.

If the Director finds by a preponderance of evidence that an appellant is liable under this section for the costs assessed but that there are reasons for the commission of the infraction that mitigate the offense, then the Director shall dismiss the appeal and order the appellant to pay the costs identified in the ticket, but may in the interest of equity reduce the costs assessed.

If the Director finds by a preponderance of evidence that the appellant is not liable under this section for the costs assessed, then the Director shall dismiss the ticket and grant the appeal.

(j) *Appeal of the Director's decision.* Any person subject to an adverse decision of the Director may appeal that decision to the Board of Zoning Appeals. The notice of appeal shall be in writing and shall be filed with the Board of Zoning Appeals within ten (10) days of the decision of the Director. The Board shall approve, modify or annul the finding from which the appeal is taken.

(k) *Collection.* The costs imposed by this section may be enforced and collected by means of a civil action or any other means provided for in these Codified Ordinances or the Revised Code.

(l) *Rules and regulations.* The Director of **Public Works** may issue rules and regulations to carry out the provisions of these sections, which shall be effective thirty (30) days after their publication in the *City Record*.

(m) *Definitions.* As used in this section:

(1) "Director" means the Director of **Public Works** and in the case of

appeals, the Director of **Public Works** or his or her designee.

(2) "Owner" or "parcel owner" mean the person(s) shown in the records of the county recorder as having legal title to the parcel on which someone has failed to adhere to division (a).

(3) "Person" includes an individual, corporation, business trust, estate, trust, partnership, and association. [RC 1.59 (C)]

(4) "Responsible party" and "responsible parties" **has the same meaning as "owner" or "parcel owner".**

Section 2. That existing Section 551.991 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 697-10, passed August 20, 2010, is repealed.

Section 3. That if the Clerk of the Cleveland Municipal Court, whether in the Clerk's capacity as Parking Violations Bureau Administrator or otherwise, is designated by the Director of Public Works to conduct appeals under Section 551.991, then an amount equal to \$10.00 per paid ticket shall be paid to the credit of the office of the Clerk of the Cleveland Municipal Court for the costs to that office of conducting the appeals.

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

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

Ord. No. 708-11.
By Council Members Cimperman, Brancatelli and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into a Tax Increment Financing Agreement with Rock Ohio Caesars Gateway LLC, or its designee, to fund capital improvements to the Gateway East Garage; to provide for payments to the Cleveland City School District; and to declare certain improvements to real property to be a public purpose.

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

Whereas, under the authority of the property conveyance and reconveyance ordinance, introduced May 16, 2011, and prior to the adoption of this ordinance, the City approved both the acquisition and conveyance of fee title to certain real property, which is more particularly described in the documents set forth in the file described in this ordinance (the "Real Property"); and

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

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

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

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

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

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

Section 1. That the improvements to the Gateway East Garage, including but not limited to, construction of a valet car drop-off/pick-up at grade level, enclosed lobby at grade levels, multi-level parking garage structure, enclosed retail space, vertical transportation, an enclosed pedestrian bridge, and other improvements, facilities and amenities (the "Improvement") to be constructed by Rock Ohio Caesars Gateway LLC, or its designee ("Redeveloper"), are declared to be a public purpose for purposes of Section 5709.41 of the Revised Code.

Section 2. That 100 percent (100%) of the Improvements are declared exempt from real property taxation for a period of 11 years; and that in no event shall the exemption period extend beyond 11 years.

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

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

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

Section 6. That under Section 5709.43 of the Revised Code, there is established an Urban Redevelopment Tax Increment Equivalent Fund ("TIF Fund") to be used to fund capital improvements to the Gateway East Garage.

Section 7. That it is found and determined that all formal actions of this Council concerning and relating to the passage of this ordinance were adopted in open meetings of this

Council, and any of its committees that resulted in formal action were in meetings open to the public in compliance with the law.

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

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

Ord. No. 709-11.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to acquire and re-convey properties presently owned by Rock Ohio Caesars Gateway LLC, or its designee, located at 2151 Ontario Street for the purpose of entering into the chain-of-title prior to the adoption of tax increment financing legislation authorized under Section 5709.41 of the Revised Code; and authorizing an agreement with Rock Ohio Caesars Gateway LLC, or its designee.

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to acquire from and reconvey to, Rock Ohio Caesars Gateway, LLC, or its designee, for a price of one dollar and other valuable considerations determined as fair market value, the following property for the purpose of entering into the chain-of-title prior to the adoption of tax increment financing legislation authorized under Section 5709.41 of the Revised Code and more fully described as follows:

PPN: 101-28-002

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

Beginning at a P.K. nail set at the intersection of the Southerly right of way line of Prospect Avenue SE (82.5 feet wide) and the Westerly right of way line of East Second Street (50 feet wide);

Course I:

Thence South 12° 17' 24" East, along Westerly right of way line of East Second Street, 92.67 feet, to a P.K. nail set at the Southeast corner of Coleman Court S.E. (10 feet wide), now vacated, said vacation being recorded in Volume 230, Page 94 of Cuyahoga County map Records and the Northeast corner of a parcel of land conveyed to the George and Nora Maloof Family Limited Partnership by deed recorded in Volume 96-5361, Page 24 of Cuyahoga County Records;

Course II:

Thence South 77° 29' 04" West, along the Southerly vacated right of way line of said Court and the Northerly line of said Maloof Family, 28.00 feet, to a P.K. nail set;

Course III:

Thence South 12° 30' 56" East, along a Westerly line of said Maloof Family, 2.00 feet, to a P.K. nail set;

Course IV:

Thence South 77° 29' 04" West, along the Northerly line of said Maloof Family, 35.00 feet to a P.K. nail set;

Course V:

Thence North 12° 30' 56" West, along an Easterly line of said Maloof Family, 2.00 feet, to a P.K. nail set in the South line of said vacated Court and the North line of said Maloof Family;

Course VI:

Thence South 77° 29' 04" West, along Northerly line of said Maloof Family and the Southerly right of way line of said vacated Court, 23.54 feet, to a P.K. nail set at the Northeast corner of said Maloof Family and in the East line of a second parcel of land conveyed to the George and Nora Maloof Family Limited Partnership by deed recorded in Volume 96-5361, Page 26 of Cuyahoga County Records;

Course VII:

Thence North 12° 21' 13" West, along the Easterly line of said Maloof Family second parcel, 5.00 feet, to a drill hole set in the centerline of said vacated Court and at the Northeast corner of said Maloof Family second parcel;

Course VIII:

Thence South 77° 29' 04" West, along the Northerly line of said Maloof Family second parcel and the centerline of said vacated Court, 27.42 feet, to a P.K. nail set at the centerline intersection of said vacated Court with the Easterly right of way line of East First Street (10 feet wide) and also being the Northwest corner of said Maloof Family second parcel;

Course IX:

Thence North 12° 25' 09" West, along the Easterly line of said East First Street 87.54 feet, to a point at the intersection of the Southerly right of way line of Prospect Avenue S.E., and the East line of said East First Street, (witness a building corner South 12° 25' 09" East, 0.03 feet);

Course X:

Thence North 77° 25' 04" East, along the Southerly right of way line of said Prospect Avenue S.E., 114.16 feet, to the Place of Beginning and containing 0.2409 Acres (10,495 square feet) of land as surveyed and described in December, 2007 by Joseph Gutoskey, PS 7567 be the same, more or less, but subject to legal highways. Bearings used herein are to an assumed meridian and are intended to indicate angles only.

PPN: 101-28-001 and 101-28-068

Situated in the City of Cleveland, Cuyahoga County, Ohio, described as:

Parcel 1

Situated in the City of Cleveland County of Cuyahoga and State of Ohio

and known as being parts of original Two Acre Lot No. 97 and bounded and described as follows:

Beginning at the intersection of the Northeasterly line of Ontario Street, (99 feet wide), with the Southeasterly line of Prospect Avenue, S.E., (82 feet wide);

Thence South 33° 46' 50" East, along said Northeasterly line of Ontario Street, 78 08/100 feet to a point distant North 33° 46' 50" West, 110 16/100 feet from the intersection of said Northeasterly line of Ontario Street, with the Northwesterly line of High Avenue, S.E., (46 36/100 feet wide);

Thence North 56° 13' 10" East, 47 50/100 feet;

Thence North 59° 24' 40" East, 26 95/100 feet to a point distant South 11° 56' 00" East, 46 43/100 feet from a point in the Southeasterly line of Prospect Avenue, S.E.;

Thence North 11° 56' 00" West, 46 43/100 feet to a point in the Southeasterly line of Prospect Avenue, S.E., distant North 77° 55' 00" East, 98 68/100 feet from the intersection of said Southeasterly line of Prospect Avenue, S.E., with the Northeasterly line of Ontario Street, and being also distant South 77° 55' 00" West, 33 00/100 feet from the intersection of said Southeasterly line of Prospect Avenue, S.E., with the Southwesterly line of East 1st Street;

Thence South 77° 55' 00" West, along the Southeasterly line of Prospect Avenue, S.E., 98 68/100 feet to the beginning, according to the survey of Charles W. Root, Registered Professional Engineer and Surveyor, be the same more or less, but subject to all legal highways.

Parcel 2

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being parts of Original Two Acre Lot No. 97 and bounded and described as follows:

Beginning at a point on the Southerly line of Prospect Avenue, S.E., (formerly Prospect Street), 98.68 feet Easterly from the intersection of the Southerly line of Prospect Avenue, S.E., with the Easterly line of Ontario Street;

Thence Easterly along the Southerly line of Prospect Avenue, S.E., 33 feet to an alley;

Thence Southerly along the line of said alley, 65 2/12 feet;

Thence Westerly along the line of a parcel of land conveyed by George Lodge and wife to George A. Stanley, by deed dated March 21, 1871 and recorded in Volume 184, Page 461 of Cuyahoga County Records, about 32 feet to a point, 67 feet 5 inches Easterly from the Easterly line of Ontario Street;

Thence Northerly by a Direct Line, about 67 feet to the Place of Beginning, be the same more or less, but subject to all legal highways.

PPN: 101-28-066

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

Beginning at a point in the Easterly line of Ontario Street, 138 feet distant Southerly from the intersection of the said Easterly line of Ontario Street, with the Southerly line of Prospect Avenue, S.E.;

Thence Southerly along the Easterly line of Ontario Street, 50 feet to its intersection with the Northerly line of High Avenue, S.E.;

Thence Easterly along said Northerly line of High Avenue, S.E. 62 feet 7 inches to its intersection with the Westerly line of East 1st Street;

Thence Northerly along said Westerly line of East 1st Street, 79 feet 2 inches to a point;

Thence Westerly in a direct line, 87 feet 8 inches to the point of beginning, be the same more or less, but subject to all legal highways.

PPN: 101-28-020

Certain real property located in the City of Cleveland, Cuyahoga county, Ohio, as more particularly described as follows:

Tract 1

Situated in the City of Cleveland in the County of Cuyahoga in the state of Ohio and known as being a part of Original Two Acre Lots 97 and 98 and bounded and described as follows:

Beginning on the Northerly line of High Avenue, S.E., 46.36 feet wide, at its intersection with the Westerly line of East 2nd Street, 50 feet wide;

Thence Westerly and along said Northerly line of High Avenue, S.E., 86.44 feet but to the Southeastly corner of land conveyed to Frank Stevens and Frances A. Stevens by deed dated October 27, 1945 and recorded in Volume 6023, Page 283 of Cuyahoga County Records;

Thence Northerly and along the easterly line of land conveyed to Frank Stevens and Frances A. Stevens by deed as aforesaid, 82.34 feet to the Southerly line of Coleman Court S.E. 10 feet wide, now vacated, as shown by the Vacation Plat of Coleman Court S.E. as recorded in Volume 230 of maps, Page 94 of Cuyahoga County Records;

Thence Easterly and along said Southerly line of vacated Coleman Court S.E. 23.53 feet;

Thence Southerly at right angles to the Southerly line of said vacated Coleman Court S.E. 2.00 feet;

Thence Easterly parallel with the Southerly line of said vacated Coleman Court S.E. 35.00 feet;

Thence Northerly 2.00 feet to the Southerly line of said vacated Coleman Court S.E.;

Thence Easterly along the Southerly line of said Coleman Court S.E. 28.00 feet to the aforementioned Westerly line of East 2nd Street;

Thence Southerly and along said Westerly line of East 2nd Street, 82.34 feet to the place of beginning, according to a survey by Garrett & Associates Inc. Registered Engineers and surveyors, made in May 1988, be the same more or less, but subject to all legal highways.

PPN: 101-28-021

Tract 2

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Original 2 Acre Lot No. 97, bounded and described as follows:

Beginning at the intersection of the Northerly line of High Avenue, S.E. (formerly High Street) 46.36 feet wide with the Easterly line of East First Street (formerly Iris Alley) 10 feet wide;

Thence Easterly along the Northerly line of High Avenue S.E. 27 feet five inches;

Thence Northerly on a line parallel to the Easterly line of East First Street, 87 feet 2 inches to the center line of Coleman Court vacated by Vacation Plat of Coleman Ct., S.E. 10 feet by plat recorded in Volume 230 of Maps, Page 94 of Cuyahoga County Records;

Thence Westerly along the center line of Coleman Court, S.E. vacated 27 feet 5 inches to the Easterly line of East First Street;

Thence Southerly along the Easterly line of East First Street, 87 feet two inches to the Place of Beginning, be the same more or less, but subject to all legal highways.

Section 2. That the Director of Economic Development is authorized to execute on behalf of the City of Cleveland all necessary documents to acquire and to convey the properties and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits, and all other costs necessary for the acquisition of the properties.

Section 3. That this Council finds that the conveyances constitute a public purpose.

Section 4. That the conveyance shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland.

Section 5. That the Director of Economic Development is authorized to enter into an agreement with Rock Ohio Caesars Gateway LLC, or its designee, which shall include the terms and conditions of the transaction authorized by this ordinance.

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

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

Ord. No. 711-11.

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

An emergency ordinance to amend the title and Section 5 of Ordinance No. 858-09, passed June 8, 2009; and to supplement the ordinance by adding new Section 4a., relating to the public improvement of rehabilitating, renovating, reconstructing, or otherwise improving the Cleveland Browns Stadium, and authorizing an agreement with the Cleveland Browns Stadium Company LLC.

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

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

Section 1. That the title and Section 5 of Ordinance No. 858-09, passed June 8, 2009, are amended to read as follows:

An emergency ordinance determining the method of making the public improvement of rehabilitating, renovating, reconstructing, or otherwise improving the Cleveland Browns Stadium; and authorizing the Director of Public Works 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 necessary to design the improvement; **and authorizing the Director to enter into an agreement with the Cleveland Browns Stadium Company LLC.**

Section 5. That the cost of the Improvement authorized shall be paid from Fund No. 20 SF 111, Request Nos. 186947 and RQS 7005, RL 2011-112.

Section 2. That the existing title and Section 5 of Ordinance No. 858-09, passed June 8, 2009, are repealed.

Section 3. That Ordinance No. 858-09, passed June 8, 2009, is supplemented by adding new Section 4a. to read as follows:

Section 4a. That the Director of Public Works is authorized to enter into an agreement with the Cleveland Browns Stadium Company LLC to accept the use of plans and specifications for the making of the public improvements authorized by this ordinance under terms and conditions acceptable to the Director of Law.

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

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

Ord. No. 712-11.

By Council Member Zone.

An emergency ordinance to amend Sections 604.01 through 604.05, 604.99, 603.04, and 603.091 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances, relating to dogs that pose a threat to public safety, dog nuisances, and neglect of animals; to supplement the codified ordinances by enacting new Sections 604.06 and 604.07, relating to appeals process and severability; and to rename Chapter 604 to "Dogs that Pose a Threat to 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 following Sections of the Codified Ordinances of Cleveland, Ohio 1976: Sections 604.01, 604.02, 604.03, 604.04, as amended by Ordinance No. 957-99, passed August 11, 1999, Reprinted October 20, 1999 CR, Section 604.05, as amended by Ordinance No. 304-A-89, passed June 19, 1989, Reprinted August 2, 1989 CR, Section 604.99, as amended by Ordinance No. 305-10, passed May 10, 2010, Section 603.04, as amended by Ordinance No. 728-02, passed June 10, 2002, and Section 603.091, as amended by Ordinance No. 214-01, passed

December 10, 2001, are amended as follows; and that the Codified Ordinances of Cleveland, Ohio 1976 are supplemented by enacting new sections 604.06 and 604.07 as follows :

Chapter 604 – Dogs that Pose a Threat to Public Safety

604.01 Definitions

For the purpose of this chapter, the following definitions shall apply, unless the context shall indicate another or different meaning or intent:

(a) **"Animal Control Officer"** means the chief animal control officer of the City of Cleveland or his duly authorized representatives.

(b) **"Level-One Threat" dog means a dog designated as a Level-One threat is one that, without provocation, and subject to section (c) of this section, has chased or approached a person, including a person on a bicycle, upon the streets, sidewalks or any public or private property, other than the dog owner, keeper, or harborer's property in either a menacing fashion or an apparent attitude of attack, or has attempted to bite or otherwise endanger any person, while that dog is off the premises of its owner, keeper, or harborer, or some other responsible person, or not physically restrained or confined in a locked pen which has a top, locked fenced yard, or other locked enclosure, which has a top. A level-one threat dog may also be one who has repeatedly exhibited a propensity, tendency or disposition to attack, without provocation, or otherwise threatens the safety of humans or domestic animals. Any dog that on three separate occasions within a twelve month period has been impounded by the City Animal Control Officer for being unrestrained or uncontrolled off its owner's, keeper's, or harborer's premises is a level-one threat.**

(c) **A Level-One threat dog does not include a police dog that has chased or approached in either a menacing fashion or an apparent attitude of attack, or has attempted to bite or otherwise endanger any person while the police dog is being used to assist law enforcement officers in the performance of their official duties.**

(d) **A Level-Two Threat dog is one that, without provocation, and subject to section (b) of this section, has killed or caused serious injury to any person, or has killed or caused serious injury to another dog.**

(e) **A Level-Two Threat dog does not include either of the following; (1) a police dog while being used to assist law enforcement officers in the performance of their official duties, or (2) a dog that has killed or caused serious injury to any person, or dog, while that person, or dog, was committing or attempting to commit a criminal trespass or other criminal offense on the property of the owner, keeper or harborer of the dog.**

(f) **"Domestic Animal"** means a companion animal.

(g) **"Impounded"** means taken into the custody of the public pound in the City of Cleveland.

(h) **"Law Enforcement Officer"** has the same meaning as division (k) of Section 601.01 of these Codified Ordinances.

(i) **"Menacing fashion"** means that a dog would cause any person being chased or approached to reasonably believe that the dog will cause physical injury to that person.

(j) **"Owner"** means any person, firm, corporation, organization, or department possessing, harboring, keeping, having an interest in, or having control or custody of an animal.

(k) **"Person"** means a natural person or any legal entity, including but not limited to, a corporation, firm, partnership, or trust.

(l) **"Police dog"** means a dog that has been trained, certified and/or approved by the state and may be used, to assist one or more law enforcement officers in the performance of their official duties.

(m) **"Serious injury"** means any physical injury that results in broken bones or lacerations or punctures that require immediate medical treatment.

(n) **"Without provocation"** means that a dog was not teased, tormented or abused by a person, or that the dog was not coming to the aid or the defense of a person who was not engaged in illegal or criminal activity and who was not using the dog as a means of carrying out such activity.

604.02 Exemptions

(a) The provisions of this chapter shall not include a police dog.

(b) Notwithstanding the definition of a **level-one threat dog** or a **level-two threat dog** in Section 604.01, no dog may be declared a **threat to public safety** if:

(1) An injury or damage is sustained by a person who, at the time such injury or damage was sustained, was committing a willful trespass or other tort upon premises occupied by the owner or keeper of the dog, or was teasing, tormenting, abusing or assaulting the dog or was committing or attempting to commit a crime;

(2) An injury or damage was sustained by a domestic animal which at the time such injury or damage was sustained was teasing, tormenting, abusing or assaulting the dog or was trespassing upon premises occupied by the owner or keeper of the dog; or

(3) The dog was protecting or defending a human being or companion animal within the immediate vicinity of the dog from an unjustified attack or assault.

(c) The owner, keeper or harbinger of a **level-one or level-two threat dog** is not liable in damages for any injury, death or loss to person or property caused by such dog, if such injury, death or loss was caused to the person or property of an individual who, at the time, was committing or attempting to commit a trespass or other criminal offense on the property of the owner, keeper or harbinger or was committing or attempting to commit a criminal offense against any person, or was teasing, tormenting, or abusing the dog or the owner, keeper or harbinger's property.

604.03 Control of Dogs that Pose a Threat to Public Safety

No owner, keeper or harbinger of a **level-one threat or level-two threat dog** shall fail to do either of the following, except when the dog is legally engaged in training for the purpose of hunting, accompanied by a

licensed hunter or trainer for the purpose of hunting:

(a) While the dog is on the premises of the owner, keeper, harbinger or handler, it must be securely confined indoors, or in a locked pen which has a top, the dimensions of which should be at least five feet by ten feet, and must have secure sides and a secure top. If such structure should have no bottom secured to the sides, the sides must be imbedded into the ground no less than two feet. Such structure must be suitable to prevent the entry of young children and designed to prevent the dog from escaping, or in a locked fenced yard which fence is at least six feet high. Any enclosure must provide protection from the elements for the dog.

(b) While the dog is off the premises of the owner, keeper or harbinger, keep it on a substantial collar and leash or tether not exceeding six feet in length and additionally shall do the following:

(1) Keep the dog in a locked pen which has a top, locked fenced yard of at least six (6) feet high, or other locked enclosure which has a top; or

(2) Have the leash or tether controlled by a person who is at least eighteen (18) years of age or securely attach, tie, or affix the leash or tether to the ground or a stationary object or fixture so that the dog is adequately restrained and station such person in close enough proximity to the dog so as to prevent it from causing injury to any person; and

(3) Muzzle the dog. The muzzle must be made in a manner that will not cause injury to the dog or interfere with its vision or respiration but must prevent it from biting any person or animal.

(c) No owner, keeper or harbinger of the dog shall permit the unmuzzled dog at anytime to be on a public street, highway, park, building, or other public place.

(d) A dog declared to be a **level-one threat or level-two threat as defined in Section 604.01 or "vicious" under the Ohio Revised Code** shall, at the expense of such owner, keeper, or harbinger, **(1) be tattooed or microchipped to secure positive identification and (2) be spayed or neutered unless exempted by a licensed veterinarian for health reasons.**

(e) The penalties in Section 604.99 shall not apply whenever the conduct proscribed in this section constitutes a felony under RC 955.99.

604.04 Insurance; Signs; Notification

(a) All owners, keepers or harborers of **level-two threat dogs** shall obtain a policy of liability insurance with an insurer authorized to write liability insurance in this state providing coverage in each occurrence, subject to a limit, exclusive of interest and costs, of not less than one hundred thousand dollars (\$100,000.00) because of damage or bodily injury to or death of a person caused by the **level-two threat dog**. All owners, keepers or harborers of **level-two threat dogs** shall provide a copy of the policy for liability insurance to the **Animal Control Officer** on a yearly basis.

(b) All persons who presently own, keep or harbor a **level-two threat dog**

must obtain a policy of liability insurance within thirty (30) days of the effective date of this section.

(c) Upon request of the **Animal Control Officer or Police Officer**, the owner of a **level-two threat** dog shall produce proof of liability insurance forthwith. Failure to furnish proof of liability insurance may result in the impounding of the dog by the **Animal Control Officer** until such proof is furnished.

(d) All owners, keepers or harborers of **level-one threat or level-two threat** dogs shall have posted and displayed at each possible entrance onto the premises where the **level-one threat or level-two threat** dog is kept a conspicuous sign, clearly legible, and easily readable by the public warning that there is a level-one threat or level-two threat dog on the premises. Such sign shall be at least eight (8) inches by ten (10) inches in rectangular dimensions and shall contain only the words "**LEVEL-ONE THREAT DOG**" or "**LEVEL-TWO THREAT DOG**" in lettering not less than two (2) inches in height. Such sign should also include a visual symbol for any children or people who cannot read words.

(e)(1) The owner of a **level-one threat or level-two threat** dog shall notify the animal control officer within twenty-four (24) hours if the **level-one threat or level-two threat** dog is on the loose, is unconfined, has attacked another animal, has attacked any person, has died, or transfer of ownership or possession of the dog has occurred.

(2) If there has been a transfer of possession or ownership of a **level-one threat or level-two threat** dog, within ten (10) days after such transfer of ownership or possession, the seller, transferor, owner, keeper or harborer shall provide a completed and **notarized** copy of a written form to the animal control officer on which the seller, transferor, owner, keeper or harborer shall furnish the following information:

A. The name and address of the buyer or other transferee of the dog;

B. The age, sex, color, breed, and registration number of the dog.

C. In addition, the seller, transferor, owner, keeper or harborer shall answer the following questions which shall be specifically stated on the form as follows:

"Has the dog ever chased or attempted to attack or bite a person? If yes, describe the incident(s) in which the behavior occurred."

"Has the dog ever bitten a person? If yes, describe the incident(s) in which the behavior occurred."

"Has the dog ever seriously injured or killed a person or other animal? If yes, describe the incident(s) in which the behavior occurred."

The animal control officer shall furnish the form to the seller or transferor at no cost.

604.05 Miscellaneous

(a) The animal control officer is hereby empowered to make whatever inquiry is deemed necessary to ensure compliance with the provisions of this section, and to seize and impound any **level-one threat or level-two threat** dog whose owner, keeper or harborer fails to comply with the provisions

hereof. In the event that the owner of the dog refuses to surrender the animal to the **animal control officer**, the **animal control officer** may request a law enforcement officer to obtain a search or arrest warrant to seize the dog.

(b) In the event that a law enforcement officer has probable cause to believe that a **level-on threat or level-two threat** dog is being harbored, housed or cared for in violation of this section, the law enforcement officer may petition a court of competent jurisdiction to order the seizure and impoundment of the dog pending trial.

(c) In the event that the owner of the **level-one threat or level-two threat** dog is a minor, the parent or guardian of such minor shall be liable for all injuries and property damage sustained by any person or domestic animal caused by an unprovoked attack by said **level-one threat or level-two threat** dog.

(d) For purposes of division (a) of Section 604.03, testimony that a **level-one threat or level-two threat** dog was unconfined on the premises of its owner, or that a **level-one threat or level-two threat** dog was beyond the premises of its owner and was not secured in accordance with division

(b) of Section 604.03, shall be prima facie evidence that such owner suffered or permitted such dog to go unconfined on the premises of such owner or suffered or permitted such dog to go beyond the premises of such owner when not securely leashed according to Section 604.03.

604.06. Hearing and Appeals Process and Declassification of Dog as Threat to Public Safety

(a) If an owner, keeper, or harborer of a dog is convicted in Cleveland Municipal Court of any offense which qualifies the dog as a **level-one or level-two threat**, the conviction shall evidence the fact that said dog is a **level-one or level-two threat**. Upon such conviction, the owner, keeper or harborer shall be on notice that the dog is a **level-one or level-two threat** and must comply with all restrictions specified in this ordinance.

(b) Regardless of whether the owner, keeper, or harborer of a dog has been convicted of any violation of this ordinance, the **Animal Control Officer, Director of Health and/or Chief of Police** may designate a dog as a **level-one or level-two threat**. The owner, keeper, or harborer shall receive written notice that the dog has been designated a **level-one or level-two threat** by one of the aforementioned designating authorities. The written notice shall specify the appeal rights of the owner, keeper, or harborer of the designated dog.

(1) If a dog is designated a **level-one or level-two threat**, the owner, keeper, or harborer of the dog shall have the right to a hearing to appeal the designation.

(2) Appeals shall be heard by the **Director of Public Safety** or his designee. Any person subject to an adverse decision of the **Director** may appeal that decision to the **Board of Zoning Appeals**. The notice of appeal shall be in writing and shall be filed with the **Board of Zoning Appeals** within ten (10) days of the decision of

the **Director**. The **Board** shall approve, modify or annul the finding from which the appeal is taken.

(3) An owner, keeper, or harborer of a dog designated a **level-one or level-two threat** has twenty-one (21) days from the date listed on the written notice of such designation to inform the **Director** in writing that a hearing date is being requested. The **Director** will schedule the hearing and notify the party requesting the hearing in writing of the time, date, and location of the hearing.

(4) The designating authority must show, by a preponderance of the evidence, that the designated dog is a **level-one or level-two threat**.

(5) Following the hearing, if the **Director** finds the dog a **level-one or level-two threat** dog, the owner, keeper, or harborer shall be on notice that the dog must be kept pursuant to the restrictions specified in this ordinance.

(c) The following conditions for declassification must be met:

(1) **Level-one threat** dogs have been classified for two years without further incident, **Level-two threat** dogs for 5 years without incident; and

(2) There have been no violations of the specified regulations; and

(3) Any other condition ordered by the **Animal Control Officer, Director of Health and/or Chief of Police** or **Director** at the time of classification have been met; and,

(4) The owner, keeper or harborer provides the **Animal Control Officer, Director of Health and/or Chief of Police** with written certification of satisfactory completion of obedience training for the dog classified, with the owner, keeper or harborer; and,

(5) The dog owner, keeper or harborer shall provide written verification that the classified dog has been spayed or neutered.

(d) When the owner, keeper or harborer of a dog meets all of the conditions in this division, the restrictions for dogs classified as a **level-one threat** to public safety shall be removed; restrictions on dogs classified as a **level-two threat** to public safety may be removed, with the exception of the secure enclosure and insurance requirement.

(e) A declassification fee in an amount to be set by City resolution will be assessed when the classification period begins.

604.07 Severability

The provisions of Sections 604.01 to 604.06 are severable, and if any phrase, clause, sentence, or provision is declared to be invalid or is preempted by federal or state law or regulation, the validity of the remaining provisions of Sections 604.01 to 604.06 shall not be affected thereby. If any provision of Section is declared inapplicable in any specific way, the remaining provisions shall nonetheless continue to apply and be in full force and effect.

604.99 Penalties

(a) If a violation of division (a), (b) or (c) of Section 604.03 involved a **level-one threat dog**, whoever violates that Section is guilty of a misdemeanor of the second degree on a first offense and of a misdemeanor of the first degree on each subsequent

offense and shall be fined one thousand dollars (\$1,000.00) which fine shall be mandatory, and shall not be suspended or remitted. Additionally, the Court may order the offender: (i) to personally supervise the dangerous dog that he owns, keeps or harbors, (ii) to cause that dog to complete dog obedience training, (iii) to attend a class on responsible pet ownership and dog behavior, or (iv) to do all three. The Court, in the alternative, may order the **level-one threat** dog to be humanely destroyed by a licensed veterinarian, the County Dog Warden, or the County Humane Society. For repeat offenders of animal control laws under Sections **603.01**, **603.02** and **603.04**, the Court may require the owner to attend a class on responsible pet ownership and dog behavior.

(b) If a violation of division (a), (b) or (c) of Section 604.03 involved a **level-two threat** dog, whoever violates that section may be found guilty of a misdemeanor of the first degree on a first offense. When any person is found guilty of a misdemeanor of the first degree such person shall be fined one thousand dollars (\$1,000.00) which fine shall be mandatory, and shall not be suspended or remitted. The Court may order the dog to be spayed or neutered at the owner's, keeper's or harbinger's expense. Additionally, the Court may order the **level-two threat** dog to be humanely destroyed by a licensed veterinarian, the County Dog Warden, or the County Humane Society.

(c) Any owner who does not obtain the liability insurance coverage required under divisions (a) or (b) of Section 604.04 shall be found guilty of a misdemeanor of the first degree.

(d) Any owner that is found to be in violation of division (d) of Section 604.03 shall be found guilty of a misdemeanor of the first degree.

(e) Any owner who is found guilty of violating divisions (c) or (d) of Section 604.04 shall be found guilty of a misdemeanor of the first degree and shall be fined one hundred dollars (\$100.00) on each subsequent offense which fine shall be mandatory and shall not be suspended or remitted.

(f) Any owner found guilty of violating this chapter shall pay all expenses, including shelter, food, veterinary expenses for identification or certification of the breed of the animal or boarding and veterinary expenses necessitated by the seizure of the vicious or dangerous dog for the protection of the public, and such other expenses as may be required for the destruction of any such dog.

(g) An amount equal to the amount of fines and penalties imposed pursuant to this section shall annually be contributed to and used for the benefit of the Division of **Animal Control Services**.

(h) This Section shall not apply whenever the conduct proscribed in this chapter constitutes a felony under RC 955.99.

603.04 Dog Nuisances

(a) No owner or person in charge or control of a dog, or owner or person in charge of such premises upon which a dog is located, shall permit a dog nuisance to occur or continue within the City.

(b) For the purposes of this section, each of the following constitutes a dog nuisance:

(1) **Permitting any dog unreasonably to cause annoyance, alarm or noise disturbance to any person or neighborhood by barking, whining, screeching, howling, or other like sounds which may be heard beyond the boundary of the owner, keeper or harbinger's property under conditions wherein the animal sounds are shown to have occurred either as an episode of continuous noise lasting for a minimum period of fifteen (15) minutes, or repeated episodes of intermittent noise lasting for a minimum period of thirty (30) minutes. It shall be an affirmative defense under this subsection that the animal was intentionally provoked by a party other than the owner to make such noise.**

(2) a dog which scratches or digs in urinates upon any lawn, tree, shrub, plant, building, or any other public or private property other than the property of the dog's owner or the property of a person in charge or control of the dog.

(3) **a dog which damages or causes damage to any public or private property other than the property of a person in charge or control of the dog.**

(4) **a dog that jumps on the fence of the dog's owner or person in charge or control of the dog, in a way that scares and intimidates any person.**

(5) **Permitting a dog, without provocation, to bite or otherwise inflict serious injury to a person or companion animal.**

(c) On complaint of any person to the police that a dog nuisance has occurred or is continuing, a police officer or **animal control officer** shall issue notice of such complaint to the owner or person in charge or control of the dog which constitutes the nuisance complained of, or to the owner or person in charge of such premises upon which the dog nuisance complained of occurs.

(d) Any person who fails to abate a dog nuisance after having received a notice pursuant to division (c) of this section shall be guilty of creating a dog nuisance. Each day upon which the dog nuisance occurs or continues shall constitute a separate offense, and the offender shall be subject to the following penalties:

(1) for a first offense, a fine of fifty dollars (\$50.00);

(2) for a second offense occurring within four (4) months of the first offense, a fine of seventy-five dollars (\$75.00);

(3) for a third offense occurring within four (4) months of the first offense, a fine of one hundred dollars (\$100.00);

(4) for a fourth and any subsequent offense occurring within four (4) months of the first offense, the dog which constitutes the nuisance shall be impounded pursuant to Section 603.03.

(5) **Whoever violates 603.04(5) of this section is guilty of a misdemeanor of the first degree, and such owner's dog will be considered a level-two threat under Section 604.01.**

(e) In addition to any other method of enforcement provided in this section, the offense created herein may be enforced upon a first, second, or third offense by the issuance of a citation in compliance with Rule 4.1 of the Ohio Rules of Criminal Procedure.

603.091 Neglect of Animals

(a) No owner or keeper of a dog, cat, or other domestic animal shall cause any condition that may lead to permanent injury, death, or harm to such animal.

(1) **Confining an animal in a motor vehicle under any conditions that may endanger the well being of the dog.**

(b) No person shall keep any animal in a place that is unsanitary, including any place where there is an accumulation of feces or other waste, or foul odor, or insect or rodent infestation.

(c) No person who owns or keeps an animal shall fail to provide the animal all of the following needs:

(1) Clean, potable drinking water at all times, and suitable food, of sufficient quality and quantity as to ensure normal growth and the maintenance of normal body weight;

(2) Food and water receptacles that are kept clean and disinfected, and located so as to avoid contamination by feces or other wastes;

(3) Regular exercise sufficient to maintain the animal's good health;

(4) Necessary veterinary care;

(5) Shelter from the elements.

(d) No person who shelters an animal from the elements by means of an animal shelter, a cage, or a pen shall fail to conform it to the following requirements:

(1) The shelter, cage or pen shall be appropriate to the animal's size, weight, and other characteristics, with sufficient space to allow the animal to turn about freely and lie in a normal position;

(2) The shelter, cage or pen shall provide sufficient shade to allow the animal to escape the direct rays of the sun at all times;

(3) The shelter, cage or pen shall be regularly cleaned and sanitized.

(e) Whoever violates this section is guilty of neglect of animals, a misdemeanor of the first degree.

Section 2. That the following Sections of the Codified Ordinances Cleveland, Ohio 1976: Sections 604.01, 604.02, 604.03, and 604.04, as amended by Ordinance No. 957-99, passed August 11, 1999, Reprinted October 20, 1999 CR, Section 604.05, as amended by Ordinance No. 304-A-89, passed June 19, 1989, Reprinted August 2, 1989 CR, Section 604.99, as amended by Ordinance No. 305-10, passed May 10, 2010, Section 603.04, as amended by Ordinance No. 728-02, passed June 10, 2002, and Section 603.091, as amended by Ordinance No. 214-01, passed December 10, 2001, are repealed.

Section 3. That Chapter 604 of the Codified Ordinances of Cleveland, Ohio 1976 be renamed "Dogs that Pose a Threat to Public Safety".

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

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

Ord. No. 727-11.

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

An emergency ordinance authorizing the Director of Public Works to transfer Permanent Parcel Nos. 131-17-003 and 131-17-004 to the control, possession, and use of the Department of Economic Development for environmental remediation and development; authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use to the Greater Cleveland Community Improvement Corporation to improve site development; and authorizing the Director of Economic Development to enter into one or more agreements with the Greater Cleveland Community Improvement Corporation.

Whereas, the Department of Public Works desires to transfer certain properties under its control to the Department of Economic Development; and

Whereas, Section 183.14 of the Codified Ordinances of Cleveland, Ohio, 1976, requires that such transfer be preceded by an ordinance of Council approving the transfer; and

Whereas, the properties to be transferred will become a component of the City of Cleveland's industrial land reutilization program, as established by Ordinance No. 717-05, passed July 13, 2005, and, as such, will be regulated by Chapter 5722 of the Revised Code and Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, regarding acquisition and disposition of the properties; and

Whereas, the properties will be sold to the Greater Cleveland Community Improvement Corporation to improve site development

Whereas, this ordinance constitutes an emergency measure providing for the usual daily operation of

a municipal department; now, therefore,

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

Section 1. That under Section 183.14 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Works is authorized to transfer the following described property to the control, possession, and use of the Department of Economic Development:

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

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 60, Sublot Nos. 99 through 106, inclusive, and Sublot Nos. 110 through 115, inclusive, of the Joseph Stanley's Subdivision of part of Original One Hundred Acre Lot No. 284 as shown by the recorded plat in Volume 13 of maps, Page 14 of Cuyahoga County Records, and all of the vacated portion of Vivian Avenue, S.E. as shown by the vacation plat in Volume 185 of Maps, page 39 of Cuyahoga County Records, and parts of vacated Barkwill Avenue, S.E., Devoy Road, S.E., Dot Road, S.E. and Glenroy Road, S.E. as shown by the vacation plat in Volume 184 of Maps, Page 22 of Cuyahoga County Records.

Section 2. That on consummation of the transfer referenced above, the directors participating in the transaction shall initial and date a copy of this ordinance and deliver the copy to the custody of the Division of Property Management of the Department of Public Works.

Section 3. That the Director of Economic Development is authorized to enter into one or more agreements to with the Greater Cleveland Community Improvement Corporation to implement this ordinance.

Section 4. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified

Ordinances of Cleveland, Ohio, 1976, it is found and determined that the property described in Section 1 of this ordinance is no longer needed for public use.

Section 5. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to sell the above-described property to the Redeveloper at a price not less than fair market value as determined by the Board of Control, taking into account all restrictions, reversionary interests and similar encumbrances placed by the City of Cleveland in the deed of conveyance.

Section 6. That the conveyance shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain necessary provisions, including restrictive reversionary interests as may be specified by the Board of Control or Director of Law, which shall protect the parties as their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

Section 7. That the purchase payments will be deposited into Fund No. 17 SF 965.

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

Referred to Directors of Public Works, Economic Development, City Planning Commission, Finance, Law; Committees on Public Parks, Properties, and Recreation, Community and Economic Development, City Planning, Finance.

**FIRST READING
ORDINANCES REFERRED**

Ord. No. 710-11.

By Council Member J. Johnson.

An ordinance changing the Use, Area and Height Districts of land located on the northeast corner of Parkgate Avenue and East Boulevard to a Multi-Family Residential Use District, a 'D' Area District and a '2' Height District (Map Change No. 2364; Sheet No. 4).

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

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

Beginning in the centerline of East Boulevard at its intersection with the westerly prolongation of the centerline of Parkgate Avenue;

Thence northerly along said centerline of East Boulevard to its intersection with the westerly prolongation of the northerly line of a parcel of land conveyed to Famicos Foundation by deed dated July 23rd, 2008 and recorded in Auditor's File Number 200807290274, said parcel also being known as Cuyahoga County's Permanent Parcel Number 109-01-008;

Thence easterly along said westerly prolongation of said northerly line to its intersection with the easterly most line thereof;

Thence southerly along said easterly line and along its southerly prolongation to its intersection with the centerline of Parkgate Avenue;

Thence westerly along said centerline of Parkgate Avenue and along its westerly prolongation to its intersection with the centerline of East Boulevard and the principal place of beginning, and as shaded on the attached map is changed to a Multi-Family Residential Use District, a 'D' Area District and a '2' Height District.

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2364, Sheet No. 4 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

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



Referred to Directors of City Planning Commission, Law; Committee on City Planning.

FIRST READING EMERGENCY RESOLUTION REFERRED

Res. No. 704-11.

By Council Member Cimperman.

An emergency resolution appointing an assessment equalization board to hear objections to estimated assessments with respect to the Market District — Cleveland Business Improvement District plan to provide additional security for the Market District - Cleveland Business Improvement District, additional cleaning and maintenance of the public rights-of-way within the Market District - Cleveland Business Improvement District, and declaring an emergency.

Whereas, by Resolution No. 590-11 adopted on May 9, 2011, this Council approved the formation of the Market District - Cleveland Business Improvement District (the "District") and the Articles of Incorporation of the Market District Improvement Corporation, accepted the petition of the property owners in the District, approved an initial plan for public services benefitting the District, determined and declared it necessary and conducive

to the public health, convenience and welfare of the City of Cleveland to provide additional cleaning and maintenance of the public rights-of-way within the District and additional safety and security services for the District, and provided for the assessment of the cost and expenses of such work upon benefited property in the District; 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 Council as File No. 590-11-A; and

Whereas, notice of the adoption of the resolution and of the filing of the estimated assessments will be duly served on all property owners to be assessed in the manner provided by law; and

Whereas, under Section 727.16 of the Revised Code, in the event the owner of any lot or parcel of land to be assessed in the District objects to the amount or apportionment of the estimated assessment or to the assessment against such lot or parcel, this Council is to appoint an assessment equalization board, consisting of three disinterested free-

holders of the City, and shall fix the time and place for the hearing by such board of such objections, and the Clerk of Council shall notify, by certified mail, the persons so objecting of the time and place of such hearing; and

Whereas, written objections 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;

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

Section 1. That Fran DiDonato, Ellen Evans, and Karen Moss, three disinterested freeholders of the City, and Angela Lowery and John Gest, two alternate disinterested freeholders of the City, are appointed as an assessment equalization board to hear and determine all written objections filed under the law to the estimated assessments heretofore filed with the Clerk of Council under Resolution No. 590-11, adopted May 9, 2011.

Section 2. That the assessment equalization board shall meet at 2:00 p.m. on Wednesday, June 29, 2011, in Room 220, Cleveland City Hall, for the

purpose 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, to this Council.

Section 3. That the Clerk of Council is authorized and directed to notify, certified mail, each person who has filed timely written objection to the estimated assessments of the time, date and place of the hearing of the assessment equalization board. Such notice shall be mailed at least five days before the date of such hearing.

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.

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

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

Ord. No. 669-11. By Council Members Pruitt and Sweeney (by departmental request).

An emergency ordinance approving the collective bargaining agreement with the Cleveland Fire Fighters, Local 93.

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

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

Section 1. That under division (B) of Section 4117.10 of the Revised Code, this Council approves the collective bargaining agreement with the Cleveland Fire Fighters, Local 93, under the terms contained in File No. 669-11-A, for the period from April 1, 2010 through March 31, 2013, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit under the following schedule:

Increase	Approximate Date of Increase*
0%	April 1, 2010
0%	April 1, 2011
3%	April 1, 2012

* Wage increases shall be effective as follows:

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

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

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

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

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

Ord. No. 670-11. By Council Members Pruitt and Sweeney (by departmental request).

An emergency ordinance approving the collective bargaining agreement with the Cleveland Police Patrolmen's Association (Civilian).

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

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

Section 1. That under division (B) of Section 4117.10 of the Revised Code, this Council approves the collective bargaining agreement with the Cleveland Police Patrolmen's Association (Civilian), under the terms contained in File No. 670-11-A, for the period from April 1, 2010 through March 31, 2013, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit under the following schedule:

Increase	Approximate Date of Increase*
0%	April 1, 2010
0%	April 1, 2011
3%	April 1, 2012

* Wage increases shall be effective as follows:

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

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

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

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

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

Ord. No. 671-11. By Council Members Pruitt and Sweeney (by departmental request).

An emergency ordinance approving the collective bargaining agreement with the International Union of Operating Engineers (IUOE), Local 10.

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

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

Section 1. That under division (B) of Section 4117.10 of the Revised

Code, this Council approves the collective bargaining agreement with the International Union of Operating Engineers (IUOE), Local 10, under the terms contained in File No. 671-11-A, for the period from April 1, 2010 through March 31, 2013, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit under the following schedule:

Increase	Approximate Date of Increase*
0%	April 1, 2010
0%	April 1, 2011
3%	April 1, 2012

* Wage increases shall be effective as follows:

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

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

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

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

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

Ord. No. 672-11. By Council Members Pruitt and Sweeney (by departmental request).

An emergency ordinance approving the collective bargaining agreement with the Longshoreman Association, Local 1317.

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

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

Section 1. That under division (B) of Section 4117.10 of the Revised Code, this Council approves the collective bargaining agreement with the Longshoreman Association, Local 1317, under the terms contained in File No. 672-11-A, for the period from April 1, 2010 through March 31, 2013, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit under the following schedule:

Increase	Approximate Date of Increase*
0%	April 1, 2010
0%	April 1, 2011
3%	April 1, 2012

* Wage increases shall be effective as follows:

(a) If April 1st falls in the first week of a pay period, then the wage

increase shall be effective commencing at the beginning of that pay period; or

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

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

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

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

**Ord. No. 673-11.
By Council Members Pruitt and Sweeney (by departmental request).
An emergency ordinance approving the collective bargaining agreement with Local 27.**

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

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

Section 1. That under division (B) of Section 4117.10 of the Revised Code, this Council approves the collective bargaining agreement with the Local 27, under the terms contained in File No. 673-11-A, for the period from April 1, 2010 through March 31, 2013, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit under the following schedule:

Increase	Approximate Date of Increase*
0%	April 1, 2010
0%	April 1, 2011
3%	April 1, 2012

* Wage increases shall be effective as follows:

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

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

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

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

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

**Ord. No. 674-11.
By Council Members Pruitt and Sweeney (by departmental request).
An emergency ordinance approving the collective bargaining agreement with the Ohio Patrolmen's Benevolent Association - Utilities - Security Officers.**

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

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

Section 1. That under division (B) of Section 4117.10 of the Revised Code, this Council approves the collective bargaining agreement with the Ohio Patrolmen's Benevolent Association - Utilities - Security Officers, under the terms contained in File No. 674-11-A, for the period from April 1, 2010 through March 31, 2013, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit under the following schedule:

Increase	Approximate Date of Increase*
0%	April 1, 2010
0%	April 1, 2011
3%	April 1, 2012

* Wage increases shall be effective as follows:

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

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

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

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

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

**Ord. No. 713-11.
By Council Member Brady.
An emergency ordinance authorizing and directing the director of Public Service to issue a permit to the West 117th Merchant Association to stretch banners at West 117th (west-side); 3384 W. 117; Governor & W. 117th; 3474 W. 117th; W. 117th & Linnet; Dairyland Ice Cream Shop; Milan & W. 117th; 3726 W. 117th; and 3782 W. 117th; for the period of time from July 11, 2011 to August 10, 2011, inclusive, publicizing the Summer Concert at Halloran Gazebo.**

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Service is hereby authorized and directed to issue a permit to the West 117th Merchant Association, to install, maintain and remove banners at West 117th (westside); 3384 W. 117; Governor & W. 117th; 3474 W. 117th; W. 117th & Linnet; Dairyland Ice Cream Shop; Milan & W. 117th; 3726 W. 117th; and 3782 W. 117th; for the period of time from July 11, 2011 to August 10, 2011, inclusive, publicizing the Summer Concert at Halloran Gazebo, for the period from July 11, 2011 to August 10, 2011, inclusive. Said banners shall be approved by the Director of Public Safety, as to type, method of affixing and location so as to not interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banners shall be removed promptly upon the expiration of said permit.

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

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

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

**Ord. No. 714-11.
By Council Member Brancatelli.
An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Slavic Village Development to stretch banners at Broadway Avenue (No. Side 2PW of East 65th and Broadway So. Side 3PW of 65th) for the period from May 23, 2011 to June 22, 2011, inclusive, publicizing the Broadway Farmer's Market.**

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to the Slavic Village Development to install, maintain and remove banners at Broadway Avenue (No. Side 2PW of East 65th and Broadway So. Side 3PW of 65th) for the period from May 23, 2011 to June 22, 2011, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner

of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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

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

Ord. No. 715-11.

By Council Member Zone.

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

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to the Detroit Shoreway Community Development Organization to install, maintain and remove a banner across West 65th Street south of Detroit Avenue and north of Franklin Boulevard for the period from August 15, 2011 to September 14, 2011, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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

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

Ord. No. 716-11.

By Council Member Conwell.

An emergency ordinance to add the name Farinacci Court as a secondary name to Fairview Court and to repeal Ordinance No. 1050-10 passed August 18, 2010.

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

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

Section 1. That, notwithstanding and as an exception to the Codified Ordinances of the City of Cleveland, 1976, the name "Farinacci Court" shall be added as a secondary name to Fairview Court.

Section 2. That Ordinance No. 1050-10 passed August 18, 2010 is hereby repealed.

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

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

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

Ord. No. 717-11.

By Council Member Dow.

An emergency ordinance authorizing the Director of the Department of Public Safety to enter into an agreement with Ziva Community Connections, Inc. for the Safe Neighborhood Initiative Project through the use of Ward 7 Neighborhood Equity Funds.

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

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

Section 1. That the Director of the Department of Public Safety be authorized to enter into an agreement with Ziva Community Connections, Inc. for the Safe Neighborhood Initiative Project for the public purpose of educating city residents on understanding the process of addressing complaints regarding those neighborhood liquor establishments that violate the State liquor code, and how to process such complaints through the use of Ward 7 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$21,910 and shall be paid from Fund No. 10 SF 166.

Section 3. That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

Section 4. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all

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

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

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

Ord. No. 718-11.

By Council Member Dow.

An emergency ordinance authorizing the Director of the Department of Building and Housing to enter into an agreement with Ziva Community Connections, Inc. for the Vacant Properties Initiative Project through the use of Ward 7 Neighborhood Equity Funds.

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

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

Section 1. That the Director of the Department of Building and Housing be authorized to enter into an agreement with Ziva Community Connections, Inc. for the for the Vacant Properties Initiative Project for the public purpose of educating city residents on how to take action in regards to handling and addressing vacant nuisance properties in Cleveland neighborhoods and understanding the process of addressing such complaints with the city of Cleveland as it pertains to such properties as well as providing a database of vacant properties that are in the city through the use of Ward 7 Neighborhood Equity Funds.

Section 2. That the cost of said contract shall be in an amount not to exceed \$31,910 and shall be paid from Fund No. 10 SF 166.

Section 3. That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

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

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

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

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 719-11.

By Council Member Cimperman.

An emergency resolution withdrawing objection to the renewal of a D5 and D6 Liquor Permit at 1740 East 17th Street and repealing Resolution No. 1110-10 objecting to said renewal.

Whereas, this Council objected to a D5 and D6 Liquor Permit to 1740

East 17th Street by Resolution No. 1110-10 adopted by the Council on August 18, 2010; and

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

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

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

Section 1. That objection to a D5 and D6 Liquor Permit to 1740 East Seventeenth Street, LLC, DBA Moe's Bar, 1740 East 17th Street, 1st floor and basement, Cleveland, Ohio 44114, Permanent Number 6548846 be and the same is hereby withdrawn and Resolution No. 1110-10, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

Res. No. 720-11.

By Council Member Cimperman.

An emergency resolution withdrawing objection to the transfer of ownership and location of a D5 Liquor Permit at 240 Euclid Avenue and repealing Resolution No. 374-11, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a D5 Liquor Permit to 236 Euclid Retail, LLC, 240 Euclid Avenue, Cleveland, Ohio 44114, Permanent No. 9115395 by Resolution No. 374-11 adopted by the Council on May 21, 2011; and

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

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

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

Section 1. That objection to a D5 Liquor Permit to 236 Euclid Retail, LLC, 240 Euclid Avenue, Cleveland, Ohio 44114, Permanent Number 9115395, be and the same is hereby withdrawn and Resolution No. 374-11, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

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

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

Res. No. 721-11.

By Council Member Cimperman.

An emergency resolution withdrawing objection to the renewal of a D5 and D6 Liquor Permit at 2710 Lorain Avenue and repealing Resolution No. 1084-10.

Whereas, this Council objected to a D5 and D6 Liquor Permit to 2710 Lorain Avenue by Resolution No. 1084-10 adopted by the Council on August 18, 2010; and

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

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

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

Section 1. That objection to a D5 and D6 Liquor Permit to 2710, Inc., DBA Touch Supper Club, 2710 Lorain Avenue, Cleveland, Ohio 44113, Permanent Number 9116883 be and the same is hereby withdrawn and Resolution No. 1084-10, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

Res. No. 722-11.

By Council Member Cimperman.

An emergency resolution withdrawing objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit at 21 Prospect Avenue and repealing Resolution No. 1082-10 objecting to said renewal.

Whereas, this Council objected to a D1, D2, D3, D3A and D6 Liquor Permit to 21 Prospect Avenue by Resolution No. 1082-10 adopted by the Council on August 18, 2010; and

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

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

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

Section 1. That objection to a D1, D2, D3, D3A and D6 Liquor Permit to FFB Cleveland, LLC, DBA Fat Fish Blue, 21 Prospect Avenue, Cleveland, Ohio 44115, Permanent Number 2600072 be and the same is hereby withdrawn and Resolution No. 1082-

10, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

Res. No. 723-11.

By Council Member Kelley.

An emergency resolution withdrawing objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit at 5100 Pearl Road and repealing Resolution No. 1089-10, objecting to said renewal.

Whereas, this Council objected to a D1, D2, D3, D3A and D6 Liquor Permit at 5100 Pearl Road by Resolution No. 1089-10 adopted by the Council on August 18, 2010; and

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

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

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

Section 1. That objection to a D1, D2, D3, D3A and D6 Liquor Permit to A & E Investments, Co., DBA Its Station, 5100 Pearl Road, Cleveland, Ohio 44129, Permanent Number 00094580005 be and the same is hereby withdrawn and Resolution No. 1089-10, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

Res. No. 724-11.

By Council Member Miller.

An emergency resolution objecting to a New C1 Liquor Permit at 17229 Euclid Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at 17229 Corporation, 17229 Euclid Avenue, Cleveland, Ohio 44112, Permanent Number 6549661; 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 17229 Corporation, 17229 Euclid Avenue, Cleveland, Ohio 44112, Permanent Number 6549661; 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.

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

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

Res. No. 725-11.

By Council Member Miller.

An emergency resolution withdrawing objection to the renewal of a C2 and C2X Liquor Permit at 453 Dundee Drive, southwest corner, 1st floor and basement and repealing Resolution No. 961-10, objecting to said renewal.

Whereas, this Council objected to a C2 and C2X Liquor Permit at 453 Dundee Drive, southwest corner, 1st floor and basement by Resolution No. 961-10 adopted by the Council on July 14, 2010; and

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

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

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

Section 1. That objection to a C2 and C2X Liquor Permit to M & M Allan, Inc., DBA Central Fox Market, 453 Dundee Drive, southwest corner, 1st floor and basement, Cleveland, Ohio 44108, Permanent Number 5380275 be and the same is hereby withdrawn and Resolution No. 961-10, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

Res. No. 726-11.

By Council Member Zone.

An emergency resolution withdrawing objection to the transfer of stock of a D1, D2, D3 and D3A Liquor Permit at 2240 Fulton Road, 1st floor, basement and patio and repealing Resolution No. 28-11, objecting to said transfer.

Whereas, this Council objected to the transfer of stock of a D1, D2, D3 and D3A Liquor Permit to 2240 Fulton Road, 1st floor, basement and patio by Resolution No. 28-11 adopted by the Council on January 10, 2011; and

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

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

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

Section 1. That objection to a D1, D2, D3 and D3A Liquor Permit to Tombstone Tavern, Inc., 2240 Fulton Road, 1st floor, basement and patio, Cleveland, Ohio 44113, Permanent Number 8981727 be and the same is hereby withdrawn and Resolution No. 28-11, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

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

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

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

SECOND READING EMERGENCY ORDINANCES PASSED

Ord. No. 934-10.

By Council Member Sweeney.

An emergency ordinance to amend Sections 350.13 through 350.15 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances, relating to electronically-changeable signs.

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

1. In Section 1, at amended Section 350.13, page 3, strike lines 9 and 10 in their entirety and insert: **"3 Identification or Bulletin Board signs using electronically changeable copy may be permitted for Community Facility Uses only in accordance with the regulations of division (g) of this section."**

2. In Section 1, at amended Section 350.13, insert new division (g) to read as follows:

"(g) Community Facility Uses. A variance shall be required and may be granted for Identification or Bulletin Board signs using electronically changeable copy to display information pertinent to a Community Facility use on the premises of such Community Facility use only if the Board of Zoning Appeals determines that the sign will provide community information without adversely affecting the character of nearby residential properties, in accordance with the following provisions.

(1) Community Facility Uses, for purposes of these provisions, shall include schools, places of worship, libraries, museums, hospitals, municipal recreation centers, parks, playgrounds, police stations, fire stations and other principal uses determined to be similar uses by the Board of Zoning Appeals.

(2) Information displayed on the sign shall be limited to information that pertains to the community facility use on which property the sign is located. Each display of information shall remain static or fixed for a minimum of twenty (20) seconds, thereby prohibiting flashing, scrolling, animated or other copy that gives the appearance of motion.

(3) The sign using electronically changeable copy shall be either a wall sign or a freestanding sign or portion of such sign and shall be a maximum of thirty (30) square feet in area.

(4) The placement and design of the sign using electronically changeable copy shall be approved by the City Planning Commission and Landmarks Commission, as applicable, in accordance with the design review guidelines established in this Zoning Code for signs and, specifically, with the intent of ensuring compatibility with the

character of nearby residential properties.

(5) **The Board of Zoning Appeals may approve a sign that varies from these provisions if both the Board and the City Planning Commission or Landmarks Commission, as applicable, determine that the sign will meet a community need without adversely impacting the character of nearby residential properties.**

3. In Section 1, at amended Section 350.14(a), line 6, strike "+" and insert "+".

4. In Section 1, at amended Section 350.14, page 5, last line, strike "(W □ 1.5)" and insert "(W x 1.5)".

5. In Section 1, at amended Section 350.14, page 6, line 8, strike "Local Retail, General Retail" and insert "Local Retail Districts subject to the provisions of division (h) of this section, General Retail Districts".

6. In Section 1, at amended Section 350.14, insert new division (h) to read as follows:

"(h) Automatic Changeable Copy Signs in Local Retail Districts. Automatic changeable copy signs shall be permitted in a Local Retail District only if the Board of Zoning Appeals grants a Variance in accordance with the following standards.

(1) **The Board of Zoning Appeals determines that the proposed sign will not adversely impact the character of nearby properties and will not cause disturbances to users of those properties.**

(2) **The design and placement of the sign has been approved by the City Planning Commission or Landmarks Commission, as applicable, in accordance with the general design guidelines established for use by each Commission.**

(3) **Each display of information shall remain static or fixed for a minimum of twenty (20) seconds, thereby prohibiting flashing, scrolling, animated or other copy that gives the appearance of motion, unless the City Planning Commission or Landmarks Commission, as applicable, determines that animated or more frequently changing displays can be accommodated in a particular location without causing disturbances to nearby properties.**

7. In Section 1, at amended section 350.14, reletter existing division (h) to new division "(i)".

8. In Section 1, at amended Section 350.15(a), line 6, strike "+" and insert "+".

Amendments agreed to.

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 1.

Those voting yea: Council Members Sweeney, Brady, Brancatelli, Cimperman, Conwell, Dow, J. Johnson, K. Johnson, Keane, Kelley, Miller, Mitchell, Polensek, Pruitt, Reed, Westbrook and Zone.

Those voting nay: Council Member Cummins.

Absent: Council Member Cleveland.

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

Ord. No. 1198-10.

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

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976 by enacting

new Section 601.061, relating to the imposition of strict criminal liability for offenses in the Building and Housing Codes that do not specify a degree of culpability.

Approved by Directors of Building and Housing, Finance, Law; Passage recommended by Committees on Community and Economic Development, Legislation, Finance, when amended, as follows:

1. Insert the following new whereas clauses before the existing one:

"Whereas, it was always the intent of this Council that offenses contained in the Building Code or Housing Code that do not specify a degree of culpability be strict liability offenses; and

Whereas, in the case of Parma vs. Mackay, No. 92858, a panel of the Eighth District Court of Appeals found, with respect to a building code offense of another municipality, that recklessness must be proved to convict an offender where the offense did not specify a degree of culpability; and

Whereas, it is the desire of this Council to reaffirm its consistent and longstanding intent that offenses contained in the Building Code or Housing Code be strict liability offenses unless another degree of culpability is specified; and"

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.

Ord. No 223-11.

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

An emergency ordinance authorizing the Director of Capital Projects to issue a permit to Rockwell Property, LLC, to encroach into the public right-of-way beneath Rockwell Avenue and East 6th Street by installing, using, and maintaining a sidewalk vault.

Approved by Directors of Capital Projects, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Service, 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. 408-11.

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

An emergency ordinance to vacate a portion of Perry Court N.E. (12 feet wide).

Approved by Directors of Capital Projects, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Service, 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. 447-11.

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

An emergency ordinance authorizing the Director of Capital Projects to issue a permit to the 25th Street Partnership, LLC to encroach into the pub-

lic right-of-way of West 25th Street by installing, using, and maintaining two six-inch T1 duct banks.

Approved by Directors of Capital Projects, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Service, 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. 452-11.

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

An emergency ordinance determining the method of making the public improvement of constructing, rehabilitating, renovating, replacing or otherwise improving recreation facilities, buildings, and other similar structures, and parks and playgrounds, on City-owned and City-leased park property, including site improvements and appurtenances; authorizing the Director of Public Works to enter into one or more contracts for the making of the improvements; to employ one or more architectural, landscape architectural or engineering firms and other consultants necessary to provide professional services relating to the improvement; and authorizing the Director to enter into one or more contracts for the making of the improvement to parks and to proceed with the improvement to recreation facilities not otherwise improved by the direct employment of the necessary labor, for the Department of Public Works.

Approved by Directors of Public Works, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Service, 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. 453-11.

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

An emergency ordinance determining the method of making the public improvement of constructing, rehabilitating, renovating, replacing or otherwise improving public facilities, buildings, and other similar structures, including site improvements and appurtenances; authorizing the Director of Public Works to enter into one or more contracts for the making of the improvements; to employ one or more architectural, landscape architectural or engineering firms and other consultants necessary to provide professional services relating to the improvement; and authorizing the Director to enter into one or more contracts for the making of the improvement to public facilities not otherwise improved by the direct employment of the necessary labor, for the Department of Public Works.

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 1.

Those voting yea: Council Members Sweeney, Brady, Brancatelli, Cimperman, Conwell, Cummins,

Dow, K. Johnson, Keane, Kelley, Miller, Mitchell, Polensek, Pruitt, Reed, Westbrook and Zone.

Those voting nay: Council Member J. Johnson.

Absent: Council Member Cleveland.

Ord. No. 454-11.

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

An emergency ordinance determining the method of making the public improvement of constructing, reconstructing, and rehabilitating cemetery facilities, buildings, structures and grounds; and authorizing the Director of Public Works to enter into one or more public improvement contracts for the making of the improvement.

Approved by Directors of Public Works, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Service, 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. 457-11.

By Council Member Cimperman.

An emergency ordinance to repeal Section 2 of Ordinance No. 29-10, passed March 8, 2010, to remove the expiration date of June 1, 2011 on Section 347.02, relating to restrictions on the keeping of farm animals and bees.

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

The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 1.

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

Those voting nay: Council Member Brady.

Absent: Council Members Cleveland.

Ord. No. 564-11.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an amendment to Contract No. 58287 with 3500 Group, Ltd. to modify certain terms and conditions of the contract.

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

Ord. No. 565-11.

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

An emergency ordinance authorizing the Director of Economic Development to enter into one or more contract amendments with various original UDAG loan recipients which have a scheduled balloon payment during the loan term to accept discount prepayments of their UDAG loans.

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

1. Insert a fourth whereas clause to read as follows:

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

2. In Section 1, at the end, insert **"A Legislative Summary for this ordinance has been placed in File No. 565-11-A."**

3. In Section 2, line 7, strike "by June 30, 2011" and insert **"within 90 days of final passage of the ordinance"**.

4. In Section 5, strike the second line in its entirety and insert **"the prepayments as follows: \$5,000,000 into the Rainy Day Reserve Account Fund No. 11 SF 150; \$1,425,000 into the to-be-created New Neighborhood Development Fund; and the balance into the Department of Economic Development UDAG Repayment Fund No. 17 SF 006."**

5. Insert new Section 6 to read as follows:

"Section 6. That the Director of Economic Development shall notify this Council within five business days of receipt of any repayments made under this ordinance."

6. Renumber existing Section 6 to new **"Section 7"**.

Amendments 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.

Ord. No. 601-11.

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

An emergency ordinance giving the Director of Economic Development the authority to consent to the sale of a 525 space parking garage located at 515 Euclid Avenue, as part of the Lower Euclid Avenue Project, owned by AmTrust Real Estate Investments, Inc., formerly known as OSF Properties, Inc.

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

1. In the title, line 2, and in Section 1, line 1, strike "Director of Economic Development" and insert **"Directors of Economic Development and Finance"**.

2. In the title, line 6; in the second Whereas clause, line 1, and in Section 1, line 3, strike "AmTrust" and insert **"AmFin"**.

3. In the title, line 3; in the first whereas clause, line 5; and in Section 1, line 2, strike "a 525" and insert **"an approximately 525"**.

4. In Section 1, line 4, after "OSF Properties, Inc." insert **"release AmFin Real Estate Investments, Inc."**.

5. In Section 1, line 9, after "City's consent" insert **"to the sale and the City's release of AmFin Real Estate Investments, Inc. from all obliga-**

tions under that TIF Agreement, the referenced loan agreement, and under any related document".

Amendments 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.

Ord. No. 626-11.

By Council Member Sweeney (by departmental request).

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

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

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

Ord. No. 646-11.

By Council Member Zone.

An emergency ordinance authorizing the Director of Finance to apply for and accept a grant from the National League of Cities for the USCIS Citizenship and Integration National Capacity Building Grant Program and to enter into one or more agreements with the National League of Cities and the Global Cleveland Initiative to implement the program.

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

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

Ord. No. 647-11.

By Council Member Sweeney (by departmental request).

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

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

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

MOTION

By Council Member Pruitt, seconded by Council Member Cummins and unanimously carried that the absence of Council Member Phyllis E. Cleveland be and is hereby authorized.

MOTION

The Council Meeting adjourned at 9:15 p.m. to meet on Monday, May 23, 2011 at 7:00 p.m. in the Council Chambers.



Patricia J. Britt
City Clerk, Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

May 11, 2011

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, May 11, 2011, at 10:36 a.m. with Director Triozzi presiding.

Present: Directors Triozzi, Withers, Smith, Cox, Rush, Southerington, Acting Director Thornton, Directors Fumich and Rybka.

Absent: Mayor Jackson, Directors Dumas, Butler and Flask.

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

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

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

Resolution No. 211-11.

By Directors Wasik.

Whereas, under authority of Ordinance Nos. 1425-08, 812-09, and 1273-09, passed by the Cleveland City Council on December 8, 2008, June 1, 2009 and December 7, 2009 respectively, this Board of Control, by its Resolution No. 133-11, adopted March 30, 2011, approved Terrace Construction Co., Inc. as lowest responsible bidder for the public improvement of Cedar Ave. (E. 21st St. to E. 55th St.), for the Division of Engineering and Construction, Department of Public Service, in the aggregate amount of \$4,037,440.49; and

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

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

- Ronyak Paving
(Other) — \$187,733.90 (4.65%)
- Geo-Sci
(Other) — \$12,860.00 (0.32%)

Yeas: Directors Triozzi, Withers, Smith, Cox, Rush, Southerington,

Acting Director Thornton, Directors Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Dumas, Butler and Flask.

Resolution No. 212-11.

By Directors Cox.

Whereas, under the authority of Ordinance No. 502-10, passed by the Council of the City of Cleveland on May 10, 2010, and Board of Control Resolution No. 229-10, adopted by this Board on June 2, 2010, the City, through the Director of Parks, Recreation and Properties, now known as the Director of Public Works, ("Director") entered into City Contract No. 2010*154 with Nationwide Protective Services, Inc. ("Nationwide") to provide armed security services at various indoor and outdoor recreation facilities for an amount not to exceed \$400,000.00 at \$28.50 per officer-hour, and the Director terminated the agreement due to Nationwide's default, effective October 18, 2010; and,

Whereas, under the authority of Board of Control Resolution No. 450-10, adopted by this Board on October 27, 2010, the City, through the Director, entered into City Contract No. 2010*358 with R-Cap, Ltd dba R-Cap Security ("R-Cap") to provide armed security services at various indoor and outdoor recreation facilities for an amount not to exceed \$240,000.00 at \$31.50 per officer-hour to cover Nationwide's default under City Contract No. 2010-154; and,

Whereas, the City, as a result of an increase in the hourly rate paid to R-Cap over the hourly rate paid to Nationwide under its contract in default and the additional officer-hours required to fulfill the City's needs for armed security services at various indoor and outdoor recreation facilities, desires to modify the City Contract No. 2010*358 to increase in the total amount payable under the contract; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland, that the Director of Public Works is authorized to enter into a first modification to City Contract No. 2010*358 with R-Cap, Ltd dba R-Cap Security for the above-mentioned security services increasing the contract for all services by \$200,000.00 for a new total not to exceed \$440,000.00.

Be it further resolved, that the Director of Public Works is authorized to execute all documents and to do all things necessary to effect the first modification to Contract No. 2010*358 authorized above.

Yeas: Directors Triozzi, Withers, Smith, Cox, Rush, Southerington, Acting Director Thornton, Directors Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Dumas, Butler and Flask.

Resolution No. 213-11.

By Directors Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 125-12-115 located at 6529 Philetus Avenue in Ward 12; and

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

Whereas, Gerald W. Denham and Terry Denham, abutting/adjacent landowners, have proposed to the City to purchase and develop the parcel for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 12 has consented to the proposed sale;
2. The parcel is either less than 4,800 square feet or less than 40 feet frontage;
3. The proposed purchasers of the parcel are neither tax delinquent nor in violation of the Building and Housing Code; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland, to Gerald W. Denham and Terry Denham for the sale and development of Permanent Parcel No. 125-12-115 located at 6529 Philetus Avenue, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

Yeas: Directors Triozzi, Withers, Smith, Cox, Rush, Southerington, Acting Director Thornton, Directors Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Dumas, Butler and Flask.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

Application blanks and information, regarding minimum entrance qualifications, scope of examination, and suggested reference materials may be obtained at the office of the Civil Service Commission, Room 119, City Hall, East 6th Street, and Lakeside Avenue.

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

EXAMINATION RESULTS: Each applicant whether passing or failing will be notified of the results of the examination as soon as the commission has graded the papers. Thereafter, eligible lists will be established which will consist of the

names of those candidates who have been successful in all parts of the examination.

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

ROBERT BENNETT,
President

CIVIL SERVICE NOTICE

ANNOUNCEMENTS — 2011 5/27/11 – 6/3/11

Announ- ment No.	Exam Method	Classi- fication	Exam Type
34	WR	Airport Maintenance Supervisor	Open
35	WR	Airport Maintenance Worker	Open
36	EE	Assistant Contract Compliance Officer	Open
37	EE	Commissioner Of Code Enforcement	N/C
38	WR	Correctional Supervisor	Open
39	EE	Redevelopment Advisor	Open
40	EE	Senior Development Officer	Open
41	WR	Senior Draftsman	Open
42	WR	Senior Lineman	Open
43	EE	Senior Systems Analyst	Open

PROOF OF CITY RESIDENCY

Any applicant wishing to receive residency credit will be asked to show that he/she is a bona fide resident of the City of Cleveland. The following list gives examples of items that an applicant may present **at the time of filing**. The Civil Service Commission requires a minimum of three items from at least three **different** categories, where applicable. All items must be **current**. Please note that presentation of these items does not constitute conclusive proof of bona fide residency. Acceptable categories include, but are not limited to, the following:

Lease - from rental agency.

Lease - from independent party. Must include copy of cancelled check or money order receipts for previous rent and/or security deposit, and fully executed; otherwise, it is unacceptable.

Utility bills bearing the property address **and** your name.

Post Office change of address form properly date stamped.

Official documents relating to home ownership including deed, purchase agreement, or insurance policy.

Bank statements (Within last three months).

School registration of children.

Car insurance documents.

Car registration **or** Driver's License **or** Ohio I.D. (**One only**).

Loans and credit card statements (Within last three months).

Rental contracts (e.g.: furniture, tools, car, etc.).

Current bills not listed above (Within last three months).

The following are examples of **unacceptable** categories of proof:

Library cards.

Voter registration cards.

Birth certificates.

Notarized letters or affidavits.

Social Security card.

Rental receipts from independent party without cancelled checks or money order receipt.

APPROVED C.S.C. MINUTES ANNOUNCEMENT NO. 34

AIRPORT MAINTENANCE SUPERVISOR (OPEN)

Public notice is hereby given by the Civil Service Commission of Cleveland, Ohio of a open examination for the above mentioned classification.

SALARY

The prevailing salary range for this position as established by Ordinance of the Council of the City of Cleveland is \$21,019.66 – \$ 59,067.25 per year.

FILING OF APPLICATION

Application must be made on the regular application form available at the Office of the Civil Service Commission, 601 Lakeside Avenue, Room 119. No other form will be accepted. APPLICATIONS WILL BE AVAILABLE FOR PICK-UP IN THE CIVIL SERVICE OFFICE TO APPLY TO TAKE THE CIVIL SERVICE EXAMINATION – APPLICATIONS WILL BE AVAILABLE FROM 8:30 A.M. ON FRIDAY, MAY 27, 2011 UNTIL 4:30 P.M. ON FRIDAY JUNE 3, 2011.

NOTE: APPLICATIONS WILL NOT BE ACCEPTED AFTER 4:30 P.M. ON FRIDAY, JUNE 3, 2011.

THE CIVIL SERVICE COMMISSION'S POLICY IS THAT NO LATE FILING WILL BE ALLOWED.

EXAMINATION INFORMATION

TYPE: WRITTEN EXAMINATION:

NOTE: THE CIVIL SERVICE COMMISSION RESERVES THE RIGHT TO REVIEW AND EVALUATE ANY AND ALL INFORMATION CONTAINED IN THE APPLICATION OR

RESUME, LACK OF HONESTY WILL RESULT IN IMMEDIATE REMOVAL FROM THE ELIGIBLE LIST.

DUTIES OF THE POSITION

Under general supervision, coordinates daily departmental activities. Assigns work to maintenance personnel and schedules overtime as necessary. Manages the daily activities of general, maintenance, or trades personnel. Orders maintenance equipment and supplies. Generates, completes and processes airport maintenance and other reports and performs other administrative tasks. Writes procurement requests and tallies invoices. May interpret architectural, structural, mechanical blueprint, and plumbing isometric drawings and be familiar with the operation and mechanism of the subjects of such building appliances, hand held power tools, and larger power equipment used in facilities maintenance work. Performs other job related duties as required. Follows all operations and safety policies and safe work practices. Attends and participates in operations and safety training classes and demonstrates competence (demonstration of competence may be determined by exam.) Wears and properly utilizes safety equipment in accordance with Divisional policy at all times.

MINIMUM QUALIFICATIONS FOR ENTRANCE TO THIS EXAMINATION AS ESTABLISHED BY THE CIVIL SERVICE COMMISSION FOR THE CITY OF CLEVELAND ARE AS FOLLOWS:

(A) BUILDING: A High School Diploma from an accredited high school program or GED is required. A two year accredited technical degree is required. (Substitutions for degree: completion of a two year accredited technical apprenticeship program; Completion of a vocational school HVAC/R, plumbing program, or commercial maintenance training program; A current State of Ohio Stationary Engineer's License. The equivalent of two years full time paid employment working commercial or industrial maintenance is required. One year of experience in a supervisory position is required. A valid State of Ohio Driver's License is required. Must be able to lift and carry 50 pounds, climb and descend ladders, as well as enter confined spaces and below grade vaults. Must have strong verbal communication, writing, interpersonal, and effective leadership skills. Must be proficient in Microsoft Office Suite. Must be willing to work any shift, take days off assigned, and work weekends and holidays if required. Must comply with a Transportation Security Administration (TSA) ten-year employment background check and fingerprint-based criminal history records check.

(B) FIELD: A High School Diploma from an accredited high school program or GED is required. A Bachelor's Degree from an accredited aviation college or university is required. (Substitution: Three years of unit leader supervision experience directly related to CHIA airfield configuration and CLE FAA tower communications for traversing the CLE runway and taxiway system may substitute for degree.) The equivalent of three years of full time paid experience in airport field operations is required.

Must have FAR Part 139 basic knowledge. A valid State of Ohio Driver's License is required. Must be able to lift and carry 50 pounds. Must have strong verbal communication, writing, interpersonal, and effective leadership skills and have an expert knowledge of runway circuit routes. Must be computer proficient. Must be willing to work any shift, take days off assigned, and work weekends and holidays if required. Must comply with a Transportation Security Administration (TSA) ten-year employment background check and fingerprint-based criminal history records check.

(C) INVENTORY: A High School Diploma from an accredited high school program or GED is required. The equivalent of three years of full time paid warehouse experience including ordering, tallying, generating specifications, and cycle counting is required. Must have strong verbal communication, writing, interpersonal, and effective leadership skills. A valid State of Ohio Driver's License is required. Must comply with a Transportation Security Administration (TSA) ten-year employment background check and fingerprint-based criminal history records check.

NOTE: Applicants will be required to pay a \$10.00 (TEN DOLLARS) filing fee. Applicants who are currently employed in this position with the City Of Cleveland are exempt. However, that when an applicant is disqualified from taking an examination on the basis of age, education or failure to meet other minimum entrance requirements, the fee paid by such applicant shall be refunded to such applicant upon the applicant's request in writing made within ten (10) days after the date of examination. Any applicant who can provide proof of unemployment, public assistance, or indigence is exempt from the filing fee. A copy of such proof must be included with the application.

NOTE: Applications must be returned in person. All copies of diplomas, licenses, certificates, and resumes must be presented at the time of filing.

NOTE: Any applicant who resigns or is dismissed from employment with the City of Cleveland will have his/her name removed from the eligible list.

AN EQUAL OPPORTUNITY EMPLOYER

APPROVED C.S.C. MINUTES
ANNOUNCEMENT NO. 35

AIRPORT MAINTENANCE WORKER (OPEN)

Public notice is hereby given by the Civil Service Commission of Cleveland, Ohio of an open examination for the above mentioned classification.

SALARY

The prevailing salary range for this position as established by Ordinance of the Council of the City of Cleveland is \$11.97 to \$18.35 per hour.

FILING OF APPLICATION

Application must be made on the regular application form available at the

Office of the Civil Service Commission, 601 Lakeside Avenue, Room 119. No other form will be accepted. APPLICATIONS WILL BE AVAILABLE FOR PICK-UP IN THE CIVIL SERVICE OFFICE TO APPLY TO TAKE THE CIVIL SERVICE EXAMINATION - APPLICATIONS WILL BE AVAILABLE FROM 8:30 A.M. ON FRIDAY, MAY 27, 2011 UNTIL 4:30 P.M. ON FRIDAY, JUNE 3, 2011.

NOTE: APPLICATIONS WILL NOT BE ACCEPTED AFTER 4:30 P.M. ON FRIDAY, JUNE 3, 2011.

THE CIVIL SERVICE COMMISSION'S POLICY IS THAT NO LATE FILING WILL BE ALLOWED.

EXAMINATION INFORMATION

TYPE: WRITTEN EXAMINATION

NOTE: THE CIVIL SERVICE COMMISSION RESERVES THE RIGHT TO REVIEW AND EVALUATE ANY AND ALL INFORMATION CONTAINED IN THE APPLICATION OR RESUME. LACK OF HONESTY WILL RESULT IN IMMEDIATE REMOVAL FROM THE ELIGIBLE LIST.

DUTIES OF THE POSITION

Under supervision, assists in maintenance and repair work requiring mechanical ability and familiarity with airport equipment, facilities, and buildings. Duties may include but are not limited to snow removal, landscaping, concrete, asphalt, fencing, sewer, grass cutting, and crack-sealing repairs. Must be familiar with the operation and mechanism of building appurtenances, hand held power tools, and larger power equipment and vehicles used in facilities maintenance work. Performs other job-related duties as required. Follows all operations and safety policies and safe work practices. Attends and participates in operations and safety training classes and demonstrates competence (demonstration of competence may be determined by exam). Wears and properly utilizes safety equipment in accordance with Divisional policy at all times.

MINIMUM QUALIFICATIONS FOR ENTRANCE TO THIS EXAMINATION AS ESTABLISHED BY THE CIVIL SERVICE COMMISSION OF THE CITY OF CLEVELAND ARE AS FOLLOWS:

(A) BUILDING - A High School Diploma from an accredited high school program or GED is required. A two year accredited technical degree is required. (Substitutions for degree: completion of a two year accredited technical apprenticeship program; Completion of a vocational school HVAC/R, plumbing program, or commercial maintenance training program; A current State of Ohio Stationary Engineer's License; The equivalent of two years full time paid employment working commercial or industrial maintenance.) A valid State of Ohio Class "B" Commercial Driver's License is required and must be obtained within 6 months of the date of hire (In which case a valid State of Ohio Driver's License is required at hire.) Must be able to lift and carry 50 pounds, climb and descend ladders, as well as enter confined spaces and below grade vaults.

Must have good verbal communication, average writing, and basic computer skills. Must be willing to work any permanently assigned shift in a three shift 24/7 schedule, with weekdays off as assigned. Must comply with a Transportation Security Administration (TSA) ten-year employment background check and fingerprint-based criminal history records check.

(B) FIELD - A High School Diploma from an accredited high school program or GED is required. The equivalent of one year of full time paid experience in the operation of heavy duty equipment and construction related equipment and other vehicles is required. A valid State of Ohio Class "B" Commercial Driver's License is required, a Class "A" CDL is preferred. Must be able to lift and carry 90 pounds. Must have basic writing, communication, and computer skills. Must be able to work non-standard work weeks/shifts including holidays within a 24-hour operation in all weather conditions and work overtime during snow removal operations. Must comply with a Transportation Security Administration (TSA) ten-year employment background check and fingerprint-based criminal history records check.

NOTE: Applicants will be required to pay \$10.00 (TEN DOLLARS) filing fee. Applicants who are currently employed in this position with the City of Cleveland are exempt. However, that when an applicant is disqualified from taking an examination on the basis of age, education or failure to meet other minimum entrance requirements, the fee paid by such applicant shall be refunded to such applicant upon the applicant's request in writing made within ten (10) days after the date of examination. Any applicant who can provide proof of unemployment, public assistance, or indigence is exempt from the filing fee. A copy of such proof must be included in the application.

NOTE: Applications must be returned in person. All copies of diplomas, licenses, certificates, and resumes must be presented at the time of filing.

NOTE: Any applicant who resigns or is dismissed from employment with the City of Cleveland will have his/her name removed from the eligible list.

NOTE: Those persons who are residents of the City of Cleveland for one year and who received passing scores shall have ten (10) additional points added to their grades. A list of acceptable forms of proof of residency is included with the application.

AN EQUAL OPPORTUNITY EMPLOYER

APPROVED C.S.C. MINUTES
ANNOUNCEMENT NO. 36

ASSISTANT CONTRACT COMPLIANCE OFFICER (OPEN)

Public notice is hereby given by the Civil Service Commission of Cleveland, Ohio of an OPEN examination for the above mentioned classification.

SALARY

The prevailing salary range for this position as established by Ordinance of the Council of the City of Cleveland is \$20,092.80 - \$55,191.48 per year.

FILING OF APPLICATION

Application must be made on the regular application form available at the Office of the Civil Service Commission, 601 Lakeside Avenue, Room 119. No other form will be accepted. **APPLICATIONS WILL BE AVAILABLE FOR PICK-UP IN THE CIVIL SERVICE OFFICE TO APPLY TO TAKE THE CIVIL SERVICE EXAMINATION - APPLICATIONS WILL BE AVAILABLE FROM 8:30 A.M. ON FRIDAY, MAY 27, 2011 UNTIL 4:30 P.M. ON FRIDAY, JUNE 3, 2011.**

NOTE: APPLICATIONS WILL NOT BE ACCEPTED AFTER 4:30 P.M. ON FRIDAY, JUNE 3, 2011.

THE CIVIL SERVICE COMMISSION'S POLICY IS THAT NO LATE FILING WILL BE ALLOWED.

EXAMINATION INFORMATION

TYPE: EXPERIENCE EVALUATION: Applicant's grade will be determined based on education and experience found in Resume. And **ORAL INTERVIEW**

NOTE: Each applicant is required to submit a detailed resume of his/her education and experience at the time of filing application.

NOTE: Applicants will be notified of the percentage each component of the exam will be weighted at a later date.

NOTE: THE CIVIL SERVICE COMMISSION RESERVES THE RIGHT TO REVIEW AND EVALUATE ANY AND ALL INFORMATION CONTAINED IN THE APPLICATION OR RESUME. LACK OF HONESTY WILL RESULT IN IMMEDIATE REMOVAL FROM THE ELIGIBLE LIST.

DUTIES OF THE POSITION

Under supervision, provides assistance with contract compliance, monitoring and enforcement of city goals. Reviews and evaluates project specifications and requests for proposals. Schedules and conducts pre-bid, pre-award, and pre-construction meetings to ensure compliance with City programs. Monitors projects through payroll records, on site evaluations and in person conferences. Provides program information and technical assistance to businesses and City departments regarding participation, employment, and training of minorities and women. Certifies minorities, women and disadvantaged firms through review of required documentation and conduct of on-site review of company to determine program eligibility. Prepares monthly reports, compliance letters, and other general clerical duties. Performs other job-related duties as required. Follows all operations and safety policies and safe work practices. Attends and participates in operations and safety training classes and demonstrates competence (demonstration of competence may be determined by exam.) Wears and properly utilizes safety equipment in accordance with Divisional policy at all times.

MINIMUM QUALIFICATIONS FOR ENTRANCE TO THIS EXAMINATION AS ESTABLISHED BY THE CIVIL SERVICE COMMISSION OF THE CITY OF CLEVELAND ARE AS FOLLOWS:

A High School Diploma or GED is required. A Bachelor's Degree in Business or Public Administration or a related field is required. Two years experience in contract compliance, case management or business administration or a related field is required. (Substitution: Two years of experience may substitute for each year of college education lacking.) Knowledge of federal, state and local laws ordinances and regulations relating to labor standards, Minority and Female Enterprises, and equal employment opportunity is required. Must be proficient in various software applications including Microsoft Office Suites. A valid State of Ohio Driver's License is required.

NOTE: Applicants will be required to pay a \$10.00 (TEN DOLLARS) filing fee. Applicants who are currently employed in this position with the City of Cleveland are exempt. However, that when an applicant is disqualified from taking an examination on the basis of age, education or failure to meet other minimum entrance requirements, the fee paid by such applicant shall be refunded to such applicant upon the applicant's request in writing made within ten (10) days after the date of examination. Any applicant who can provide proof of unemployment, public assistance or indigence is exempt from the filing fee. A copy of such proof must be included in application.

NOTE: Applications must be returned in person. All copies of diplomas, licenses, certificates, and resumes must be presented at the time of filing.

NOTE: Any applicant who resigns or is dismissed from employment with the City of Cleveland will have his/her name removed from the eligible list.

AN EQUAL OPPORTUNITY EMPLOYERAPPROVED C.S.C. MINUTES ANNOUNCEMENT NO. 37COMMISSIONER OF CODE ENFORCEMENT (NON-COMP)

Public notice is hereby given by the Civil Service Commission of Cleveland, Ohio of a Non-Competitive examination for the above mentioned classification.

SALARY

The prevailing salary range for this position as established by Ordinance of the Council of the City of Cleveland is \$42,758.15 - \$133,845.38 per year.

FILING OF APPLICATION

Application must be made on the regular application form available at the Office of the Civil Service Commission, 601 Lakeside Avenue, Room 119. No other form will be accepted. **APPLICATIONS WILL BE AVAILABLE FOR PICK-UP IN THE CIVIL SERVICE OFFICE TO APPLY TO**

TAKE THE CIVIL SERVICE EXAMINATION FROM 8:30 A.M. ON FRIDAY, MAY 27, 2011 UNTIL POSITION IS FILLED.

THE CIVIL SERVICE COMMISSION'S POLICY IS THAT NO LATE FILING WILL BE ALLOWED.

EXAMINATION INFORMATION

TYPE: EXPERIENCE EVALUATION: Applicant's grade will be determined based on Education and Experience found in Resume.

NOTE: Each applicant is required to submit a detailed resume of his/her education and experience at the time of filing application.

NOTE: THE CIVIL SERVICE COMMISSION RESERVES THE RIGHT TO REVIEW AND EVALUATE ANY AND ALL INFORMATION CONTAINED IN THE APPLICATION OR RESUME. LACK OF HONESTY WILL RESULT IN IMMEDIATE REMOVAL FROM THE ELIGIBLE LIST.

DUTIES OF THE POSITION

Under the supervision of the Director of Building and Housing, manages the Department's inspection staff which includes building, residential-building, electrical-safety, plumbing, mechanical, and elevator inspectors. Oversees the inspection of all City of Cleveland residential and commercial buildings and structures and any appurtenances connected or attached to such buildings or structures. Supervises employees to ensure compliance with laws, ordinances, rules, and regulations relating to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal, and maintenance of buildings and structures. Performs related duties as required to enforce the Cleveland Housing, Building, and Zoning Codes as well as the Ohio Building, Mechanical, Electrical, Plumbing, Elevator, and Residential Codes. Follows all operations and safety policies and safe work practices. Attends and participates in operations and safety training classes and demonstrates competence (demonstration of competence may be determined by exam.) Wears and properly utilizes safety equipment in accordance with Divisional policy at all times.

MINIMUM QUALIFICATIONS FOR ENTRANCE TO THIS EXAMINATION AS ESTABLISHED BY THE CIVIL SERVICE COMMISSION OF THE CITY OF CLEVELAND ARE AS FOLLOWS:

A High School Diploma or GED is required. The equivalent of ten years of full time paid experience as a contractor or superintendent of buildings or structures dealing with all phases and trades of construction including the responsibility for obtaining approvals and inspections is required. (Substitution: One year of inspection experience on work regulated by the Ohio Building Code, can be substituted for each year of experience as a contractor or superintendent lacking, up to five years.) A valid State of Ohio Driver's License is required. A State of Ohio Board of Building Standards (OBBS) certification as a Building Inspector as well as an OBBS certifi-

cation as a Residential Building Official or Residential Building Inspector is required. (Must have and maintain required certifications throughout employment.) The following are preferred: Additional certification as a building official, electrical safety inspector, and/or plumbing inspector; supervisory experience.

NOTE: Applicants will be required to pay a \$10.00 (TEN DOLLARS) filing fee. Applicants who are currently employed in this position with the City of Cleveland are exempt. However, that when an applicant is disqualified from taking an examination on the basis of age, education or failure to meet other minimum entrance requirements, the fee paid by such applicant shall be refunded to such applicant upon the applicant's request in writing made within ten (10) days after the date of examination. Any applicant who can provide proof of unemployment, public assistance, or indigence is exempt from the filing fee. A copy of such proof must be included with the application.

NOTE: All copies of diplomas, licenses, certificates, and resumes must be presented at the time of filing.

NOTE: Any applicant who resigns or is dismissed from employment with the City of Cleveland will have his/her name removed from the eligible list.

AN EQUAL OPPORTUNITY EMPLOYER

**APPROVED C.S.C. MINUTES
ANNOUNCEMENT NO. 38**

**CORRECTIONAL SUPERVISOR
(OPEN)**

Public notice is hereby given by the Civil Service Commission of Cleveland, Ohio of an Open examination for the above mentioned classification.

SALARY

The prevailing salary range for this position as established by Ordinance of the Council of the City of Cleveland is \$20,800.00 - \$49,696.99 per year.

FILING OF APPLICATION

Application must be made on the regular application form available at the Office of the Civil Service Commission, 601 Lakeside Avenue, Room 119. No other form will be accepted. APPLICATIONS WILL BE AVAILABLE FOR PICK-UP IN THE CIVIL SERVICE OFFICE TO APPLY TO TAKE THE CIVIL SERVICE EXAMINATION - APPLICATIONS WILL BE AVAILABLE FROM 8:30 A.M. ON FRIDAY, MAY 27, 2011 UNTIL 4:30 P.M. ON FRIDAY, JUNE 3, 2011.

NOTE: APPLICATIONS WILL NOT BE ACCEPTED AFTER 4:30 P.M. ON FRIDAY, JUNE 3, 2011.

THE CIVIL SERVICE COMMISSION'S POLICY IS THAT NO LATE FILING WILL BE ALLOWED.

EXAMINATION INFORMATION

TYPE: WRITTEN EXAMINATION

NOTE: THE CIVIL SERVICE COMMISSION RESERVES THE RIGHT TO REVIEW AND EVALUATE ANY

AND ALL INFORMATION CONTAINED IN THE APPLICATION OR RESUME. LACK OF HONESTY WILL RESULT IN IMMEDIATE REMOVAL FROM THE ELIGIBLE LIST.

DUTIES OF THE POSITION

Under direction, supervises and coordinates the work performed by correctional workers. Assigns daily work to security staff. Reviews and records staff attendance records in compliance with City policies. Ensures minimum coverage exists for security functions. Audits and maintains a journal of security activities. Reviews reports, logs, and other records prepared by personnel for clarity, completeness, accuracy, and conformance with institutional policies and procedures. Writes reports and routes approved reports and records to Commissioner or designee for action. Coordinates security staff and other units. Directs activity during an emergency. May assist in planning and delivery of staff training and indoctrination. Approves leave requests. Evaluates personnel performance and initiates subordinate staff disciplinary actions. Performs other job-related duties as required. Follows all operations and safety policies and safe work practices. Attends and participates in operations and safety training classes and demonstrates competence (demonstration of competence may be determined by exam). Wears and properly utilizes safety equipment in accordance with Divisional policy at all times.

MINIMUM QUALIFICATIONS FOR ENTRANCE TO THIS EXAMINATION AS ESTABLISHED BY THE CIVIL SERVICE COMMISSION OF THE CITY OF CLEVELAND ARE AS FOLLOWS:

A High School Diploma or G.E.D. is required. A Bachelor's Degree from a four (4) year accredited college or university in Criminal Justice or a closely related field is required. Three (3) years of full time paid experience in a correctional institution or related justice component is required. A valid State of Ohio Driver's License is required. (Substitution: One year of full time paid experience will substitute for each year of college education lacking.) Must obtain certification for minimum standards for full service jails within one year of appointment. Must pass an extensive background check. Must be able to become LEADS certified.

NOTE: Applicants will be required to pay a \$10.00 (TEN DOLLARS) filing fee. Applicants who are currently employed in this position with the City of Cleveland are exempt. However, that when an applicant is disqualified from taking an examination on the basis of age, education or failure to meet other minimum entrance requirements, the fee paid by such applicant shall be refunded to such applicant upon the applicant's request in writing made within ten (10) days after the date of examination. Any applicant who can provide proof of unemployment, public assistance, or indigence is exempt from the filing fee. A copy of such proof must be included in the application.

NOTE: Applications must be returned in person. All copies of diplomas,

licenses, certificates, and resumes must be presented at the time of filing.

NOTE: Any applicant who resigns or is dismissed from employment with the City of Cleveland will have his/her name removed from the eligible list.

AN EQUAL OPPORTUNITY EMPLOYER

**APPROVED C.S.C. MINUTES
ANNOUNCEMENT NO. 39**

**REDEVELOPMENT ADVISOR
(OPEN)**

Public notice is hereby given by the Civil Service Commission of Cleveland, Ohio of an OPEN examination for the above mentioned classification.

SALARY

The prevailing salary range for this position as established by Ordinance of the Council of the City of Cleveland is \$10.00 - \$23.87 per hour.

FILING OF APPLICATION

Application must be made on the regular application form available at the Office of the Civil Service Commission, 601 Lakeside Avenue, Room 119. No other form will be accepted. APPLICATIONS WILL BE AVAILABLE FOR PICK-UP IN THE CIVIL SERVICE OFFICE TO APPLY TO TAKE THE CIVIL SERVICE EXAMINATION - APPLICATIONS WILL BE AVAILABLE FROM 8:30 A.M. ON FRIDAY, MAY 27, 2011 UNTIL 4:30 P.M. ON FRIDAY, JUNE 3, 2011.

NOTE: APPLICATIONS WILL NOT BE ACCEPTED AFTER 4:30 P.M. ON FRIDAY, JUNE 3, 2011.

THE CIVIL SERVICE COMMISSION'S POLICY IS THAT NO LATE FILING WILL BE ALLOWED.

EXAMINATION INFORMATION

TYPE: EXPERIENCE EVALUATION

NOTE: Each applicant is required to submit a detailed resume of his/her education and experience at the time of filing application.

NOTE: THE CIVIL SERVICE COMMISSION RESERVES THE RIGHT TO REVIEW AND EVALUATE ANY AND ALL INFORMATION CONTAINED IN THE APPLICATION OR RESUME. LACK OF HONESTY WILL RESULT IN IMMEDIATE REMOVAL FROM THE ELIGIBLE LIST.

DUTIES OF THE POSITION

Under supervision, has a responsible role for the acquisition and disposition of land in urban renewal areas that is to be made available for redevelopment. Performs other job-related duties as required. Follows all operations and safety policies and safe work practices. Attends and participates in operations and safety training classes and demonstrates competence (demonstration of competence may be determined by exam.) Wears and properly utilizes safety equipment in accordance with Divisional policy at all times.

MINIMUM QUALIFICATIONS FOR ENTRANCE TO THIS EXAMINATION AS ESTABLISHED BY THE CIVIL SERVICE COMMISSION OF THE CITY OF CLEVELAND ARE AS FOLLOWS:

A High school Diploma or GED is required. Five years of full time paid experience in the contract compliance, basic accounting, or finance areas of the community development industry with a working knowledge of and demonstrated ability to implement federal statutory and/or regulatory requirements is required. One year of real estate experience involving the acquisition and/or disposition of real property is preferred. An understanding of real estate transactions is required. Must have the ability to review, understand, and evaluate financial data such as funding proposals, balance sheets, as well as sources and uses statements that are critical in analyzing prospective real estate transactions. A valid State of Ohio Driver's License is required. Must own or have access to a properly insured vehicle. Land use analysis and planning is a plus.

NOTE: Applicants will be required to pay a \$10.00 (TEN DOLLARS) filing fee. Applicants who are currently employed in this position with the City of Cleveland are exempt. However, that when an applicant is disqualified from taking an examination on the basis of age, education or failure to meet other minimum entrance requirements, the fee paid by such applicant shall be refunded to such applicant upon the applicant's request in writing made within ten (10) days after the date of examination. Any applicant who can provide proof of unemployment, public assistance, or indigence is exempt from the filing fee. A copy of such proof must be included with the application.

NOTE: All copies of diplomas, licenses, certificates, and resumes must be presented at the time of filing.

NOTE: Any applicant who resigns or is dismissed from employment with the City of Cleveland will have his/her name removed from the eligible list.

AN EQUAL OPPORTUNITY EMPLOYER

**APPROVED C.S.C. MINUTES
ANNOUNCEMENT NO. 40**

**SENIOR DEVELOPMENT OFFICER
(OPEN)**

Public notice is hereby given by the Civil Service Commission of Cleveland, Ohio of an Open examination for the above mentioned classification.

SALARY

The prevailing salary range for this position as established by Ordinance of the Council of the City of Cleveland is \$12.63 - \$34.88 per hour.

FILING OF APPLICATION

Application must be made on the regular application form available at the Office of the Civil Service Commission, 601 Lakeside Avenue, Room 119. No other form will be accepted. APPLICATIONS WILL BE AVAILABLE FOR PICK-UP IN THE CIVIL

SERVICE OFFICE TO APPLY TO TAKE THE CIVIL SERVICE EXAMINATION - APPLICATIONS WILL BE AVAILABLE FROM 8:30 A.M. ON FRIDAY, MAY 27, 2011 UNTIL 4:30 P.M. ON FRIDAY, JUNE 3, 2011.

NOTE: APPLICATIONS WILL NOT BE ACCEPTED AFTER 4:30 P.M. ON FRIDAY, JUNE 3, 2011.

THE CIVIL SERVICE COMMISSION'S POLICY IS THAT NO LATE FILING WILL BE ALLOWED.

EXAMINATION INFORMATION

TYPE: EXPERIENCE EVALUATION

NOTE: Each applicant is required to submit a detailed resume of his/her education and experience at the time of filing application.

NOTE: THE CIVIL SERVICE COMMISSION RESERVES THE RIGHT TO REVIEW AND EVALUATE ANY AND ALL INFORMATION CONTAINED IN THE APPLICATION OR RESUME. LACK OF HONESTY WILL RESULT IN IMMEDIATE REMOVAL FROM THE ELIGIBLE LIST.

DUTIES OF THE POSITION

Under minimal direction, is responsible for the development, negotiation, and implementation of economic and neighborhood revitalization projects by analyzing and documenting the nature of the project's physical impact on the community, extent of the developer's risk, the amount of potential profits, the cash flow of the project, the relationship of private financing to the amount of public assistance requested, and such related work as required. Follows all operations and safety policies and safe work practices. Attends and participates in operations and safety training classes and demonstrates competence (demonstration of competence may be determined by exam.) Wears and properly utilizes safety equipment in accordance with Divisional policy at all times.

MINIMUM QUALIFICATIONS FOR ENTRANCE TO THIS EXAMINATION AS ESTABLISHED BY THE CIVIL SERVICE COMMISSION OF THE CITY OF CLEVELAND ARE AS FOLLOWS:

A High School Diploma or GED is required. A Bachelor's Degree in Business, Public Administration, Economics, Urban Studies, or Planning from an accredited four-year college or university is required. Three years of full time paid experience in Commercial, Residential, or Small Business Lending, Financial Services, Real Estate, Economic or Community Development, Public Administration, Urban Planning, or in Community-based Local Development Corporation Work is required. (Substitution: Three years of experience may substitute for two years of college education.) A valid State of Ohio Driver's License is required.

NOTE: Applicants will be required to pay a \$10.00 (TEN DOLLARS) filing fee. Applicants who are currently employed in this position with the City of Cleveland are exempt. However, that when an applicant is disqualified from taking an examination on the basis of age, education or failure

to meet other minimum entrance requirements, the fee paid by such applicant shall be refunded to such applicant upon the applicant's request in writing made within ten (10) days after the date of examination. Those individuals presenting proof of unemployment or public assistance AT THE TIME OF FILING will be exempt from the fee. A copy of such proof must be included with the application.

NOTE: Applications must be returned in person. All copies of diplomas, licenses, certificates, and resumes must be submitted at the time of filing.

NOTE: Any applicant who resigns or is dismissed from employment with the City of Cleveland will have his/her name removed from the eligible list.

AN EQUAL OPPORTUNITY EMPLOYER

**APPROVED C.S.C. MINUTES
ANNOUNCEMENT NO. 41**

SENIOR DRAFTSMAN (OPEN)

Public notice is hereby given by the Civil Service Commission of Cleveland, Ohio of an Open examination for the above mentioned classification.

SALARY

The prevailing salary range for this position as established by Ordinance of the Council of the City of Cleveland is \$10.00 - \$19.25 per hour.

FILING OF APPLICATION

Application must be made on the regular application form available at the Office of the Civil Service Commission, 601 Lakeside Avenue, Room 119. No other form will be accepted. APPLICATIONS WILL BE AVAILABLE FOR PICK UP IN THE CIVIL SERVICE OFFICE TO APPLY TO TAKE THE CIVIL SERVICE EXAMINATION - APPLICATIONS WILL BE AVAILABLE FROM 8:30 A.M. ON FRIDAY, MAY 27, 2011 UNTIL 4:30 P.M. ON FRIDAY, JUNE 3, 2011.

NOTE: APPLICATIONS WILL NOT BE ACCEPTED AFTER 4:30 P.M. ON FRIDAY, JUNE 3, 2011.

THE CIVIL SERVICE COMMISSION'S POLICY IS THAT NO LATE FILING WILL BE ALLOWED.

EXAMINATION INFORMATION

TYPE: WRITTEN EXAMINATION

NOTE: THE CIVIL SERVICE COMMISSION RESERVES THE RIGHT TO REVIEW AND EVALUATE ANY AND ALL INFORMATION CONTAINED IN THE APPLICATION OR RESUME. LACK OF HONESTY WILL RESULT IN IMMEDIATE REMOVAL FROM THE ELIGIBLE LIST.

DUTIES OF THE POSITION

Under indirect supervision, prepares one or more of the following: detailed engineering drawings, graphic layouts and designs, maps, plans and charts of City property, mechanical equipment, distribution facilities, zoning areas, street and building constructions, and the like using manual

methods and/or Computer Aided Drafting (CAD) and Geographic Information Systems (GIS). Makes mathematical and engineering calculations. Reads and checks legal descriptions. Checks the work of Junior Draftsmen. Performs other job-related duties as required. Follows all operations and safety policies and safe work practices. Attends and participates in operations and safety training classes and demonstrates competence (demonstration of competence may be determined by exam.) Wears and properly utilizes safety equipment in accordance with Divisional policy at all times.

MINIMUM QUALIFICATIONS FOR ENTRANCE TO THIS EXAMINATION AS ESTABLISHED BY THE CIVIL SERVICE COMMISSION OF THE CITY OF CLEVELAND ARE AS FOLLOWS:

A High School Diploma or GED is required. An Associate's Degree in Engineering, Drafting, or related field with AutoCAD and GIS coursework from an accredited college or university is required. Two years of full time paid experience in drafting or a related field is required. (Substitution: Two years of experience may substitute for each year of college education lacking.)

NOTE: Applicants will be required to pay a \$10.00 (TEN DOLLARS) filing fee. Applicants who are currently employed in this position with the City of Cleveland are exempt. However, that when an applicant is disqualified from taking an examination on the basis of age, education or failure to meet other minimum entrance requirements, the fee paid by such applicant shall be refunded to such applicant upon the applicant's request in writing made within ten (10) days after the date of examination. Any applicant who can provide proof of unemployment, public assistance, or indigence is exempt from the filing fee. A copy of such proof must be included with the application.

NOTE: Applications must be returned in person. All copies of diplomas, licenses, certificates, and resumes must be presented at the time of filing.

NOTE: Any applicant who resigns or is dismissed from employment with the City of Cleveland will have his/her name removed from the eligible list.

AN EQUAL OPPORTUNITY EMPLOYER

APPROVED C.S.C. MINUTES
ANNOUNCEMENT NO. 42

SENIOR LINEMAN (OPEN)

Public notice is hereby given by the Civil Service Commission of Cleveland, Ohio of an Open examination for the above mentioned classification.

SALARY

The prevailing salary range for this position as established by Ordinance of the Council of the City of Cleveland is \$19.71 - \$30.84 per hour.

FILING OF APPLICATION

Application must be made on the regular application form available at the

Office of the Civil Service Commission, 601 Lakeside Avenue, Room 119. No other form will be accepted. APPLICATIONS WILL BE AVAILABLE FOR PICK-UP IN THE CIVIL SERVICE OFFICE TO APPLY TO TAKE THE CIVIL SERVICE EXAMINATION - APPLICATIONS WILL BE AVAILABLE FROM 8:30 A.M. ON FRIDAY, MAY 27, 2011 UNTIL 4:30 P.M. ON FRIDAY, JUNE 3, 2011.

NOTE: APPLICATIONS WILL NOT BE ACCEPTED AFTER 4:30 P.M. ON FRIDAY, JUNE 3, 2011.

THE CIVIL SERVICE COMMISSION'S POLICY IS THAT NO LATE FILING WILL BE ALLOWED.

EXAMINATION INFORMATION

TYPE: WRITTEN EXAMINATION

NOTE: THE CIVIL SERVICE COMMISSION RESERVES THE RIGHT TO REVIEW AND EVALUATE ANY AND ALL INFORMATION CONTAINED IN THE APPLICATION OR RESUME. LACK OF HONESTY WILL RESULT IN IMMEDIATE REMOVAL FROM THE ELIGIBLE LIST.

DUTIES OF THE POSITION

Under directive supervision and occasionally under general directive supervision, in addition to performing all the duties of a Lineman, engages in any of the work on construction, maintenance, and repair of overhead distribution and sub-transmission areas which may be energized up to and including 15,000 volts. Carries through assignments. Follows all operations and safety policies and safe work practices. Attends and participates in operations and safety training classes and demonstrates competence (demonstration of competence may be determined by exam.) Wears and properly utilizes safety equipment in accordance with Divisional policy at all times.

MINIMUM QUALIFICATIONS FOR ENTRANCE TO THIS EXAMINATION AS ESTABLISHED BY THE CIVIL SERVICE COMMISSION OF THE CITY OF CLEVELAND ARE AS FOLLOWS:

A High School Diploma or GED is required. Must have completed a four-year Apprenticeship Program or Electrical Lineman program. Two years of full time paid experience as a High Tension Lineman or equivalent is required. A valid State of Ohio Class "A" Commercial Driver's License with Air Brake Endorsement is required. May be required to work overtime during emergencies and for emergency call outs. Must be able to lift and carry 75 pounds.

NOTE: Applicants will be required to pay a \$10.00 (TEN DOLLARS) filing fee. Applicants who are currently employed in this position with the City of Cleveland are exempt. However, that when an applicant is disqualified from taking an examination on the basis of age, education or failure to meet other minimum entrance requirements, the fee paid by such applicant shall be refunded to such applicant upon the applicant's request in writing made within ten (10) days after the date of examination. Any applicant who can provide proof of unemployment, public assis-

tance, or indigence is exempt from the filing fee. A copy of such proof must be included in the application.

NOTE: Applications must be returned in person. All copies of diplomas, licenses, certificates, and resumes must be presented at the time of filing.

NOTE: Any applicant who resigns or is dismissed from employment with the City of Cleveland will have his/her name removed from the eligible list.

AN EQUAL OPPORTUNITY EMPLOYER

APPROVED C.S.C. MINUTES
ANNOUNCEMENT NO. 43

SENIOR SYSTEMS ANALYST (OPEN)

Public notice is hereby given by the Civil Service Commission of Cleveland, Ohio of an Open examination for the above mentioned classification.

SALARY

The prevailing salary range for this position as established by Ordinance of the Council of the City of Cleveland is \$20,800.00 - \$79,298.79 per year.

FILING OF APPLICATION

Application must be made on the regular application form available at the Office of the Civil Service Commission, 601 Lakeside Avenue, Room 119. No other form will be accepted. APPLICATIONS WILL BE AVAILABLE FOR PICK UP IN THE CIVIL SERVICE OFFICE TO APPLY TO TAKE THE CIVIL SERVICE EXAMINATION - APPLICATIONS WILL BE AVAILABLE FROM 8:30 A.M. ON FRIDAY, MAY 27, 2011 UNTIL 4:30 P.M. ON FRIDAY, JUNE 3, 2011.

NOTE: APPLICATIONS WILL NOT BE ACCEPTED AFTER 4:30 P.M. ON FRIDAY, JUNE 3, 2011.

THE CIVIL SERVICE COMMISSION'S POLICY IS THAT NO LATE FILING WILL BE ALLOWED.

EXAMINATION INFORMATION

TYPE: EXPERIENCE EVALUATION

NOTE: Each applicant is required to submit a detailed resume of his/her education and experience at the time of filing application.

NOTE: THE CIVIL SERVICE COMMISSION RESERVES THE RIGHT TO REVIEW AND EVALUATE ANY AND ALL INFORMATION CONTAINED IN THE APPLICATION OR RESUME. LACK OF HONESTY WILL RESULT IN IMMEDIATE REMOVAL FROM THE ELIGIBLE LIST.

DUTIES OF THE POSITION

Under supervision, analyzes existing methods and procedures as well as designs methods for the conversion of new data to electronic data processing requirements. Prepares flow-of-work diagrams and assignment outlines. Coordinates work performed by Programmers. Prepares and writes programs, routines, flow charts, and diagrams. Prepares draft and final reports. Supervises all phases of sys-

tems project work. Performs other job-related duties as required. Follows all operations and safety policies and safe work practices. Attends and participates in operations and safety training classes and demonstrates competence (demonstration of competence may be determined by exam.) Wears and properly utilizes safety equipment in accordance with Divisional policy at all times.

MINIMUM QUALIFICATIONS FOR ENTRANCE TO THIS EXAMINATION AS ESTABLISHED BY THE CIVIL SERVICE COMMISSION OF THE CITY OF CLEVELAND ARE AS FOLLOWS:

A High School Diploma or GED is required. A Bachelor's Degree in Computer Science, Information Science, or a closely related field from an accredited four year college or university is required. Two years of full time paid experience in a Windows environment and Network platform is required. (Substitution: Two years of experience may be substituted for each year of college education lacking.) Must be able to lift a minimum of thirty (30) pounds. A valid State of Ohio Driver's License is required.

NOTE: Applicants will be required to pay a \$10.00 (TEN DOLLARS) filing fee. Applicants who are currently employed in this position with the City of Cleveland are exempt. However, that when an applicant is disqualified from taking an examination on the basis of age, education or failure to meet other minimum entrance requirements, the fee paid by such applicant shall be refunded to such applicant upon the applicant's request in writing made within ten (10) days after the date of examination. Those individuals presenting proof of unemployment or public assistance AT THE TIME OF FILING will be exempt from the fee. A copy of such proof must be included with the application.

NOTE: Applications must be returned in person. All copies of diplomas, licenses, certificates, and resumes must be presented at the time of filing.

NOTE: Any applicant who resigns or is dismissed from employment with the City of Cleveland will have his/her name removed from the eligible list.

AN EQUAL OPPORTUNITY EMPLOYER

ROBERT BENNETT,
President

May 18, 2011

SCHEDULE OF THE BOARD OF ZONING APPEALS

TUESDAY, MAY 31, 2011

9:30 A.M.

Calendar No. 11-61: 12302 Chesterfield Avenue (Ward 9)
Gary Warner, owner, and Marcela Simmons, prospective purchaser, appeal to establish use as an Adult Care Center in an existing residential dwelling located on a corner lot

in a General Retail Business District and no accessory off-street parking space is provided contrary to Section 349.04(d) that requires 9 spaces, one for each doctor or nurse plus one for each other three employees; and an 8 foot wide landscaping transition strip is required at the rear and side lot lines where the lot abuts a Two-Family District according to Sections 352.10-11 in the Cleveland Codified Ordinances.

Calendar No. 11-65: 3812 West 152nd Street (Ward 19)
Clinton McCor, owner, appeals to build a front porch 30' x 10' on a 90.11' x 311.62' lot in a B1 Two-Family District and a 10 foot projection is proposed where an open porch may not project more than 6 feet as stated in Section 357.13(b)(4) of the Cleveland Codified Ordinances.

Calendar No. 11-66: 10601-35 St. Clair Avenue (Ward 8)
Shirley Russell, owner, appeals to change use from storage to a motor vehicle major repair shop on a 132.27' x 134.27' corner lot in a C2 Local Retail Business District; subject to the limitations of Section 343.01, the proposed use is not permitted and first allowed in a Semi-Industry District under Section 345.03, if the use is located not less than 100 feet from a residence district; and 3 parking spaces are provided contrary to Section 349.04(g) that requires one space for each 500 square feet of gross floor area or 13 parking spaces, and a permit for signage is required in accordance with Section 350.04 in the Cleveland Codified Ordinances.

Calendar No. 11-68: 4501 Spokane Avenue (Ward 13)
Donald Prather, owner, appeals to install approximately 78 lineal feet of 6 feet high, wood shadowbox fence along the actual side street yard of a 40' x 120' lot in a B1 Two-Family District contrary to Section 358.04(a) that prohibits a fence to exceed 4 feet in height and that it shall be at least 50 percent open except that in an actual side street yard a fence that is set back 4 feet from the side street property line may be a maximum of 6 feet high, open or solid; and no portion of a fence located within 30 feet of the intersection of two street right-of-way lines shall exceed two and one-half feet in height unless all portions of the fence above two and one-half feet are at least 75 percent open and the same restriction shall apply to any portion of a fence along and parallel to a driveway within 15 feet of its intersection with a public sidewalk or street if no sidewalk is present, pursuant to Section 358.03(a) in the Cleveland Codified Ordinances.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, MAY 16, 2011

At the meeting of the Board of Zoning Appeals on Monday, May 16, 2011, the following appeals were heard by the Board.

The following appeals were **Approved:**

Calendar No. 11-50: 17024 Dorchester Drive
Michael Jenovic appealed to erect a frame attached garage on a corner lot in an A1 One-Family District; subject to condition.

Calendar No. 11-56: 2900 Martin Luther King Drive
The Benedictine Order of Cleveland appealed to erect a new bus garage and football field complex on acreage in a B1 Two-Family District.

The following appeals were **Withdrawn:**

None.

The following appeal was **Dismissed:**

Tow Truck Drivers License
Calendar No. 11-41: Jeffrey Andrew Gordon

The following appeals were **Postponed:**

Calendar No. 11-55: 12103 Union Avenue postponed to June 13, 2011.

Calendar No. 11-57: 2605 Detroit Avenue postponed to June 6, 2011.

Calendar No. 11-58: 2719 Detroit Avenue postponed to June 6, 2011.

The following appeals heard by the Board on May 9, 2011 were adopted and approved on May 16, 2011.

The following appeals were **Approved:**

Calendar No. 11-49: 4204 West 24th Street
City of Cleveland, owner, and Old Brooklyn Community Development Corporation, appealed to operate an agricultural product sales stand in a C2 Multi-Family District.

Calendar No. 11-51: 5151 Pearl Road
White Castle System, Incorporated appealed to erect one secondary single faced illuminated menu board sign on corner lot in a C1 Semi-Industry District.

Calendar No. 11-52: 3255 West 117th Street
White Castle System, Incorporated appealed to erect a second menu board sign at an existing drive through restaurant in a C1 General Retail Business District.

The following appeals were **Denied:**

Calendar No. 10-242: 4210 Franklin Boulevard
Joe Zimmerman, a neighboring property owner, appealed from the Building and Housing decision dated September 13, 2010 granting permission to establish use as a boarding house in a B1 Two-Family District; Ohio City Near West Development Corporation having withdrawn as an appellant party to the appeal.

Calendar No. 10-251: 2606 Martin Luther King Drive Church of God in Christ, Inc. appealed to construct an addition to a legal nonconforming church in a General Retail Business District.

On May 16, 2011 the motions granted for rehearing of the following appeals were ratified with a stipulation:

Calendar No. 10-194: 4300 Bradley Road W.B. and M.E. Bauman and Bradley Road, Incorporated appealed for grading, filling and excavation, including mining, removal, transfer and sale of soils and minerals on acreage in a General Industry District, where the proposed use is subject to the limitations in Section 345.04(b)(21) of the Cleveland Codified Ordinances.

Calendar No. 10-260: 4300 Bradley Road W.B. and M.E. Bauman and Bradley Road, Incorporated appealed under Sections 329.03 and 329.04 for a use variance to allow grading, filling and excavation, including mining, removal, transfer and sale of soils and minerals on acreage in a General Industry District.

Calendar No. 10-259: 4300 Bradley Road W.B. and M.E. Bauman and Bradley Road Incorporated appealed under Sections 329.01(e) and 329.02(d) of the Cleveland Codified Ordinances from the decision of the Zoning Administrator to deny an application for grading, filling and excavation, including mining, removal, transfer and sale of soils and minerals on acreage in a General Industry District.

On May 16, 2011 the following appeal filed September 2, 2010 was withdrawn by the prospective tenant appellant:

Calendar No. 10-162: 2141 Broadview Road Joe Coreno, owner, and Joe Phillips, prospective tenant, appealed to establish use for an electronic sweepstakes amusement parlor as the permitted use of an internet café.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of May 11, 2011

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-379-10.
RE: Appeal of Nicholas Gory, Owner of the Two Dwelling Units Two-Family Residence Two Story Frame Property located on the

premises known as 1425 West 114th Street from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated June 2, 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 ninety (90) days 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. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

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

* * *

Docket A-381-10.

RE: Appeal of Larry Crowley, Owner of the One Dwelling Unit Single Family Residence Two Story Frame Property located on the premises known as 5701 Linton Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated June 10, 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 find that the Violation Notice was properly issued, the appeal is DENIED; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action, noting the inactivity of the Appellant and the condition of the property as described by the inspector and the photographs. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

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

* * *

Docket A-382-10.

RE: Appeal of Ardella Cassidy, Owner of the Residential Property located on the premises known as 11718 Browning Avenue from a LIMITATION ON THE PERMIT, dated September 1, 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).

Docket A-382-10 has been WITHDRAWN at the request of the Appellant.

* * *

Docket A-383-10.

RE: Appeal of Fred D. McKissack, Owner of the One Dwelling Unit Single-Family Residence One & One-half Story Frame Property located on the premises known as 2318 East 86th Street from a CONDEMNATION ORDER — MAIN STRUCTURE dated August 6, 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 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, Saunders, Gallagher, Saab, Bradley. Nays: None. Absent: Mr. Maschke.

* * *

Docket A-386-10.

RE: Appeal of Jacqueline Matinez, Owner of the Two Dwelling Units Two-Family Residence Three Story Wood Frame/Siding/Masonry Veneer Property located on the premises known as 1830 Brainard Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE dated August 30, 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 find that the Violation Notice was properly issued, the appeal is DENIED. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action, noting that the evidence presented supports the Violation Notice. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

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

* * *

Docket A-388-10.

RE: Appeal of Michelle Ann Heimburger, Owner of the One Dwelling Unit Single Family Residence Three Story Masonry Walls/Wood Frame Property located on the premises known as 4308 Franklin Boulevard from a CONDEMNATION ORDER — MAIN STRUCTURE, dated August 31, 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 ninety (90) days in which to submit plans to the Building Department for abatement of all violations and six (6) months in which to complete abatement of all violations; failure to meet either date will REMAND the property to the Department of Building and Housing supervision and any required further action, noting that the Violation Notice was properly issued. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

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

* * *

Docket A-391-10.

RE: Appeal of Joseph Johnson, Owner of the One Dwelling Unit Single Family Residence Two Story

Frame Property located on the premises known as 8103 Amos Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated August 5, 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 permit the Appellant thirty (30) days in which to obtain all required permits and six (6) months in which to complete abatement of all violations, noting that partial occupancy is to be permitted when one of the units is considered, by the inspect, to be in habitable condition. 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. Saunders and seconded by Mr. Gallagher.

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

* * *

Docket A-399-10.

RE: Appeal of Woodrow Garrick, Owner of the M Mercantile - Retail Shops, Carry-out Food Shops One Story Masonry Property located on the premises known as 1795 East 55th Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated September 9, 2009 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-399-10 have been POSTPONED; to be rescheduled for May 25, 2011.

* * *

Docket A-400-10.

RE: Appeal of Blanch Newton, Owner of the Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property located on the premises known as 1498 East 118th Street from a NOTICE OF VIOLATION — INTERIOR/EXTERIOR MAINTENANCE, dated September 14, 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 obtain all permits and six (6) months in which to complete abatement of the violations, with no occupancy of the premises is permitted until the inspections are signed off and the occupancy permit is obtained. 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. Saunders and seconded by Mr. Saab.

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

* * *

Docket A-419-10.

RE: Appeal of Paul Bures, Owner of the Property located on the premises known as 2344 Prospect

Avenue from a NOTICE OF VIOLATION — INTERIOR / EXTERIOR MAINTENANCE, dated September 16, 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 to complete abatement of the violations and to grant the variance, to allow window screens at grade level with the requirement that one screen and one window in each suite should be operable from the interior, to grant the variances to delete closers on the doors that were cited for the laundry room and other common areas that had the metal doors and to find that the original wood door panels are equivalent to current day required ratings. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

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

* * *

Docket A-420-10.

RE: Appeal of Abe Shehadeh, Owner of the M Mercantile - Retail Shops, Carry-Out Food Shops One Story Masonry Property located on the premises known as 4380 State Road from a NOTICE OF VIOLATION — POOR WORKMANSHIP, dated August 31, 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 find that the Violation Notice was properly issued, but that the final condition of the property did not, by testimony of the architect and visual inspection, represent safety hazards; and to grant any variances required to allow the workmanship to remain as it is, with the condition that the owner submit updated drawings to the Building Department indicating the changes that have been made to the project within thirty (30) days, and noting that the contractor will extend the warranty to a two (2) year material workmanship warranty. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

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

* * *

Docket A-421-10.

RE: Appeal of Almon L. Harris/MCD Propertys Ltd., Owner of the Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property located on the premises known as 2352 East 88th Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated April 30, 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 sixty (60) days in which to complete abatement of all viola-

tions, noting that permits have been obtained but have not been signed off, occupancy is not permitted until a Certificate of Occupancy is obtained or sign offs of all documents. 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, Saunders, Gallagher, Saab, Bradley. Nays: None. Absent: Mr. Maschke.

* * *

Docket A-447-10.

RE: Appeal of Coleman Trucking Inc., Owner of the R-2 Residential - Non-transient; Apartments (Shared Egress) Two Story Masonry Walls/Wood Floors Property located on the premises known as 1271 East 124th Street from a NOTICE OF VIOLATION — INTERIOR/EXTERIOR MAINTENANCE, dated July 30, 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 find that the Violation Notice was properly issued, but that the final condition of the property did not, by testimony of the architect and visual inspection, represent safety hazards; and to grant any variances required to allow the workmanship to remain as it is, with the condition that the owner submit updated drawings to the Building Department indicating the changes that have been made to the project within thirty (30) days, and noting that the contractor will extend the warranty to a two (2) year material and labor warranty. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

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

* * *

Docket A-92-11.

RE: Appeal of Imran Abdul-Adil, Owner of the One Dwelling Unit Single-Family Residence One & One/half Story Frame Property located on the premises known as 12509 Matherson Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated June 3, 2009 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 all required permits within sixty (60) days and to grant the Appellant six (6) months in which to complete abatement of all violations and with additional time obtained from the inspector if progress is satisfactory. 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. Saab.

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

Docket A-132-11.

RE: Appeal of MMPI Cleveland Development LLC, Owner of the Property located on the premises known as 1 St. Clair Avenue from ADJUDICATION ORDERS, dated January, 28, 2011, February 28, 2011, and March 29, 2011 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 variances to the code requirements for the following conditions:

OBC Sections 1020.1.5 — to allow exit signs to indicate the differential between discharge levels of exits rather than requiring gates.

OPC Sections 701.3 — to allow the sewers with signage to be coordinated with the City requirements and to allow sewers to be installed in the easement, per the agreement with the City and Count on the west side of the Public Auditorium.

OBC Table 2902.1 and OBC Section 2902.4.1 — to grant the variance and find that the complementary bolted water and water stations around the facility will be adequate for both ADA and general public usage as described; and to find that the toilet fixture requirement in all areas for ADA and public use will be adequate, noting that all areas will be non-simultaneous usage.

OBC Section 3201.1 and the City of Cleveland Building Code Sections 3109.05 and 3109.09 — to permit the footings to encroach beyond the code allowed 3 feet to 4-1/2 feet to avoid existing utilities in the area.

OBC Sections 1005 including 1005.2 and 1024.6 — to grant the variances to the existing code for marquees, to permit the canopies to be constructed as described on the drawings, to allow the exit requirements on the East Mall Drive from the building to be maintained only to the east building wall; noting that the parking on the East Mall Drive will be posted as a fire lane.

OBC Sections 1014.2(2) and 1021.1 — to permit the described storage in the refuge to include designated areas for carting and other services for the occupants provided that there are no open flame or similar hazards; noting that the remaining area does comply with the three square foot per person area of refuge requirement. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

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

* * *

Docket A-133-11.

RE: Appeal of University Hospitals, Owner of the Property located on the premises known as 11100 Euclid Avenue from ADJUDICATION ORDER, dated April 21, 2011 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 variances and permit the manually operating door to be installed as described on the drawings and per

the conditions noted by the Appellant. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

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

* * *

Docket A-139-11.

RE: Appeal of Almon L. Harris, Owner of the Two Dwelling Units Two-Family Residence Two Story Wood Frame/Siding/Masonry Veneer Property located on the premises known as 5606 White Avenue from a NOTICE OF VIOLATION — INTERIOR/EXTERIOR MAINTENANCE, dated April 26, 2011 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 Violation Notice was properly issued; the Appellant is granted fourteen (14) days in which to abate the safety violations and sixty (60) days in which to abate the exterior and interior maintenance 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. Saab.

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

* * *

Docket A-140-11.

RE: Appeal of Almon L. Harris, Owner of the Two Dwelling Units Two-Family Residence Two Story Wood Frame/Siding/Masonry Veneer Property located on the premises known as 5604 White Avenue from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated April 26, 2011 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 Violation Notice was properly issued; the Appellant is granted fourteen (14) days in which to abate the safety violations and sixty (60) days in which to abate the exterior and interior maintenance 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. Saab.

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

* * *

Docket A-153-11.

RE: Appeal of Pearl Development, Owner of the Property located on the premises known as 3881 Pearl Road from ADJUDICATION ORDER, dated May 5, 2011 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 submit the materials and the specifications and the standards to which it has been tested to indicate that it complies with similar material previously approved by the Board and the Department of Building and Housing. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Gallagher.

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

* * *

EXTENSION OF TIME:

Docket A-86-10.

Anthony C. DiFrancesco — 15007 Ridpath Avenue:

A motion is in order at this time to grant the Appellant ninety (90) days in which to obtain the required permits and 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, noting that extensions should be gr. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Bradley.

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

* * *

APPROVAL OF AMENDED RESOLUTION:

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

Docket A-404-10.

Willie Coleman — 12508 Griffing Avenue:

FROM:..to find that the Search Warrant was improperly issued. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action...

TO:..to find that the Violation Notice was improperly issued. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action...

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

* * *

APPROVAL OF RESOLUTIONS:

Resolutions from the April 27, 2011 Board Meeting will be Adopted May 25, 2011.

* * *

APPROVAL OF MINUTES:

Minutes from the April 27, 2011 Board Meeting will be Adopted May 25, 2011.

* * *

JOSEPH F. DENK
Chairman

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING**Notice of Public Hearing
By the Council Committee
On City Planning****Mercedes Cotner
Committee Room 217
City Hall, Cleveland, Ohio
On Monday, May 23, 2011
9:00 a.m.**

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

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

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

Phyllis E. Cleveland
Chair
Committee on City Planning

May 11, 2011 and May 18, 2011

NOTICE OF PUBLIC HEARING**Notice of Public Hearing
By the Council Committee
On City Planning****Mercedes Cotner
Committee Room 217
City Hall, Cleveland, Ohio
On Wednesday, May 25, 2011
1:00 p.m.**

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

Ord. No. 333-11.

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

Ord. No. 336-11.

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

Ord. No. 412-11.

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

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

Phyllis E. Cleveland
Chair
Committee on City Planning

May 11, 2011 and May 18, 2011

CITY OF CLEVELAND BIDS**For All Departments**

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

FRIDAY, MAY 27, 2011**THIS BID HAS BEEN CANCELLED**

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

May 11, 2011 and May 18, 2011

WEDNESDAY, JUNE 1, 2011

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

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

THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, MAY 19, 2011 AT 2:00 P.M. THE PUBLIC AUDITORIUM, 500 LAKESIDE AVENUE, DIRECTOR'S CONFERENCE ROOM, THIRD FLOOR, CLEVELAND, OHIO 44114.

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

May 11, 2011 and May 18, 2011

WEDNESDAY, JUNE 8, 2011

File No. 76-11 — Repair and Replace Fire Extinguishers, for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 897-10, passed by the Council of the City of Cleveland, August 18, 2010.

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

File No. 78-11 — Snow and Ice Removal Contract, for the Division of Health, Department of Public Health, as authorized by Ordinance No. 897-10, passed by the Council of the City of Cleveland, AUGUST 18, 2010.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING WEDNESDAY, MAY 19, 2011 AT 10:00 A.M. THE J. GLENN SMITH

HEALTH CENTER, 11100 ST. CLAIR AVENUE, CLEVELAND, OHIO 44108.

May 11, 2011 and May 18, 2011

THURSDAY, JUNE 9, 2011

File No. 79-11 — Class I Chemical Protective Suits, for the Division of Fire, Department of Public Safety, as authorized by Ordinance No. 808-10, passed by the Council of the City of Cleveland, July 14, 2010. THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** TUESDAY, MAY 24, 2011 AT 10:00 A.M. THE FIRE DEPARTMENT, HEADQUARTERS, BASEMENT CONFERENCE ROOM, 1645 SUPERIOR AVENUE, CLEVELAND, OHIO 44114.

File No. 80-11 — MSA Air Purifying Respirator (APR) and Powered Air Purifying Respirator (PAPR), for the Division of Fire, Department of Public Safety, as authorized by Ordinance No. 808-10, passed by the Council of the City of Cleveland, July 14, 2010. THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** TUESDAY, MAY 24, 2011 AT 11:00 A.M. THE FIRE DEPARTMENT, HEADQUARTERS, BASEMENT CONFERENCE ROOM, 1645 SUPERIOR AVENUE, CLEVELAND, OHIO 44114.

File No. 81-11 — MT 94 Multithreat Garment, for the Division of Fire, Department of Public Safety, as authorized by Ordinance No. 808-10, passed by the Council of the City of Cleveland, July 14, 2010. THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** TUESDAY, MAY 24, 2011 AT 12:00 P.M. THE FIRE DEPARTMENT, HEADQUARTERS, BASEMENT CONFERENCE ROOM, 1645 SUPERIOR AVENUE, CLEVELAND, OHIO 44114.

May 11, 2011 and May 18, 2011

FRIDAY, JUNE 3, 2011

File No. 85-11 — East 78th Street Relocation (from Marble to Osage), for the Division of Engineering and Construction, Mayor's Office of Capital Projects, as authorized by Ordinance No. 625-11, passed by the Council of the City of Cleveland, May 9, 2011. THERE WILL BE A **NON-REFUNDABLE FEE FOR PLANS AND SPECIFICATIONS IN THE AMOUNT OF FIFTY DOLLARS (\$50.00) IN THE FORM OF A CASHIER'S CHECK AND OR MONEY ORDER ONLY (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED)**. THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, MAY 26, 2011 AT 10:00 A.M. THE CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, ROOM 518, CLEVELAND, OHIO 44114.

May 18, 2011 and May 25, 2011

WEDNESDAY, JUNE 8, 2011

File No. 86-11 — Various Bulk Multi-Purpose Bond Paper, for the Division of Printing and Reproduction, 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** THURSDAY, MAY 26, 2011 AT 10:30 A.M. THE DIVISION OF PRINTING AND REPRODUCTION, 1735 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

May 18, 2011 and May 25, 2011

THURSDAY, JUNE 9, 2011

File No. 83-11 — Lubricants, for the Divisions of Water, Cleveland Public Power and Water Pollution Control, Department of Public Utilities, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976. THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, MAY 26, 2011 AT 2:30 P.M. THE CARL B. STOKES PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, 4TH FLOOR ATRIUM CONFERENCE ROOM, CLEVELAND, OHIO 44114.

May 18, 2011 and May 25, 2011

WEDNESDAY, JUNE 15, 2011

File No. 84-11 — Lake to Lake Bike Trail Extension, for the Division of Engineering and Construction, Department of Public Works, as authorized by Ordinance No. 310-10, passed by the Council of the City of Cleveland, June 7, 2010. THERE WILL BE A **NON-REFUNDABLE FEE FOR PLANS AND SPECIFICATIONS IN THE AMOUNT OF FIFTY DOLLARS (\$50.00) IN THE FORM OF A CASHIER'S CHECK AND OR MONEY ORDER ONLY (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED)**. THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, JUNE 2, 2011 AT 10:00 A.M. THE CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, ROOM 518, CLEVELAND, OHIO 44114.

File No. 87-11 — Purchase of Transformers and Accessories, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Section 129.26 of the Codified Ordinances of Cleveland, Ohio, 1976. THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, MAY 27, 2011 AT 11:00 A.M. THE TOM L. JOHNSON BUILDING, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

May 18, 2011 and May 25, 2011

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 533-11. By Council Members Brancatelli and Sweeney (by departmental request). An emergency resolution supporting Cuyahoga County's grant application to the Clean Ohio Council for Clean Ohio Assistance Funds to be used for the redevelopment of the Emerald Alliance VII site.

Whereas, the State of Ohio, through the Clean Ohio Council, provides financial assistance to local governments for the purpose of addressing local needs; and

Whereas, Cuyahoga County is submitting a Clean Ohio Assistance Fund Program application to complete eligible activities, including but not limited to the performance of remedial activities at the future Emerald Alliance VII Permanent Supportive Housing Redevelopment site; and

Whereas, the redevelopment of the future Emerald Alliance VII Permanent Supportive Housing project area is in an approximately 0.5242-acre property located principally at 9431 Lorain Avenue and 3147 West 95th Street identified as Permanent Parcel Numbers 017-03-012 and 017-03-114 in the City of Cleveland; and

Whereas, Cuyahoga County intends to remediate the property, known as the Emerald Alliance VII project site, consisting of a three story, 34,000 square foot brick/concrete commercial-retail structure (circa 1918) which formerly housed a Masonic Temple Hall, a funeral home, and a furniture and casket manufacturing and sales operation (along with a second structure used as a garage), for redevelopment into forty units of permanent supportive housing with ancillary services including case management offices, property management offices, laundry, and community room areas; and

Whereas, the Clean Ohio Assistance Fund grant is vital to making the completion of the redevelopment of the Emerald Alliance VII site project economically feasible; and

Whereas, the City of Cleveland approves and authorizes Cuyahoga County to submit a Clean Ohio Assistance Fund application for work to redevelop the Emerald Alliance VII site, and that the District 1 Integrating Committee of the Ohio Public Works Commission and the Clean Ohio Council are encouraged to fund this innovative and worthwhile project; 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 supports Cuyahoga County's grant application to the Clean Ohio Council for Clean Ohio Assistance funds to be used for the redevelopment of the Emerald Alliance VII site.

Section 2. That the Clerk of Council is directed to send copies of this resolution to the Board of Cuyahoga County Commissioners and to the Clean Ohio Council.

Section 3. That this resolution is declared to be an emergency measure

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

Adopted May 9, 2011.

Effective May 17, 2011.

Res. No. 590-11.

By Council Member Cimperman.

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

Whereas, Chapter 1710 of the Ohio Revised Code (the "Revised Code") authorizes the formation of special improvement districts within the boundaries of a municipality by petition of property owners in a district and approval by the municipality for the purpose of developing and implementing plans for public improvements and public services that benefit a district; and

Whereas, owners of sixty percent or more of the front footage of property that abuts upon any street, alley, public road, place, boulevard, parkway, park entrance, easement, or other existing public improvement located within the proposed Market District — Cleveland Business Improvement District (the "District") excluding certain property as provided in Section 1710.02(E) of the Revised Code, have signed a petition (the "Petitions") requesting that the City of Cleveland, Ohio (the "City") create the District consisting of a portion of the City in the Ohio City neighborhood, bounded on the North by Jay Avenue and Bridge Avenue; on the South by Chatham Avenue and Lorain Avenue; on the West by West 28th Street and West 26th Place; and on the East along West 24th Street, West 25th Street and Gehring Avenue; and

Whereas, the District is to be governed by the Market District Improvement Corporation (the "Corporation"), an Ohio nonprofit corporation to be formed under Chapters 1702 and 1710 of the Revised Code; and

Whereas, under Section 1710.02(F) of the Revised Code, the petitioners have proposed an initial plan for public services benefitting all of the District (the "Plan") and have submitted the Plan as part of its petitions proposing creation of the District; and

Whereas, the Petitions, with the Articles of Incorporation of the Corporation (the "Articles") and the Plan, have been filed with the Clerk of Council and the Mayor of the City; and

Whereas, under Section 1710.02(E) of the Revised Code, the Petition, including the Articles of Incorporation, are to be approved or disapproved by resolution of the Council within sixty days of the filing of the Petitions with the City; and

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

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

Section 1. That the Petitions and the Articles referred to in the preambles of this resolution and on file in File No. 590-11-A are approved.

Section 2. That, under Chapter 1710 of the Revised Code, the Petitions and the Articles, there is hereby established in the City a special improvement district to be known as the Market District — Cleveland Business Improvement District, whose boundaries shall be as follows:

**MARKET DISTRICT —
CLEVELAND BUSINESS
IMPROVEMENT DISTRICT**

Bounded on the North by Jay Avenue and Bridge Avenue; on the South by Chatham Avenue and Lorain Avenue; on the West by West 28th Street and West 26th Place; and on the East along West 24th Street, West 25th Street and Gehring Avenue, all as more particularly described in the Articles of Incorporation on file with the Clerk of Council.

Section 3. That the Plan submitted as part of the Petition placed in the above-mentioned file is approved.

Section 4. That it is determined and declared necessary and conducive to the public health, convenience and welfare of the City to provide additional cleaning and maintenance of the public rights-of-way within the District and additional safety and security services for the District for a five-year period commencing after passage of the ordinance to proceed in this matter.

Section 5. That it is determined that the property contained within the District will be specially benefited by the above described public services and shall be assessed to pay for the cost of the services, calculated based on a combination of a percentage of the tax value of the property assessed and the foot front of the property bounding and abutting upon the improvement.

Section 6. That the Plan placed in the above-mentioned file is approved at an estimated cost of \$125,000.00 for the first year, with three percent (3%) annual increases thereafter, and at a total cost of \$663,639.00.

Section 7. That the entire cost of the Plan in the District be specially assessed in combination of foot front of the property bounding and abutting upon the improvement (sixty-five percent) and percentage of the tax value of the property assessed (thirty-five percent) of the property, as more specifically described in the Plan. The cost of the Plan shall include the cost of printing, serving, and publishing notices, resolutions, and ordinances, the costs incurred in

connection with the preparation, levy, and collection of the special assessments, expenses of legal services, the cost of all labor and materials and all other necessary expenditures allowed by law.

Section 8. That the assessments to be levied shall be paid when levied in five annual installments. The first through fifth annual installments shall be payable in cash on or before January 15 in each of the years 2012 through 2016. All assessments and installments which have not been paid shall be certified by the Clerk of Council to the County Fiscal Officer on or before September 1 of each year, to be placed by him on the tax duplicate and collected the same as other taxes, as provided by law.

Section 9. That no notes or bonds of the City of Cleveland shall be issued in anticipation of the levy or collection of the special assessments.

Section 10. That the Commissioner of Assessments and Licenses is authorized to prepare and file in the Office of the Clerk of Council an estimated assessment under the provisions of this resolution showing the amount of the assessment against each lot or parcel of land to be assessed. Such estimated assessment shall be based on the estimated cost of the Plan which is now on file in the Office of the Clerk of Council. When the estimated special assessments have been filed, the Clerk of Council shall cause notice of the adoption of this Resolution and the filing of the estimated special assessments to be served in the manner provided by law on the owners of all lots and parcels to be assessed.

Section 11. That this Council finds and determines that all formal actions of this Council concerning and relating to the passage of this resolution 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 those formal actions were in meetings open to the public in compliance with the law.

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

Adopted May 9, 2011.

Effective May 17, 2011.

Res. No. 649-11.

By Council Member Cleveland.

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

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

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

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

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

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

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

Adopted May 9, 2011.

Effective May 17, 2011.

Res. No. 650-11.

By Council Member Cummins.

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

Whereas, this Council objected to a D5 Liquor Permit to 3129 West 25th Street by Resolution No. 1121-10 adopted by the Council on August 18, 2010; and

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

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

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

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

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

Adopted May 9, 2011.

Effective May 17, 2011.

Res. No. 651-11.

By Council Member Zone.

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

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

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

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

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

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

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

Adopted May 9, 2011.

Effective May 17, 2011.

Ord. No. 16-11.

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

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

Whereas, the City of Cleveland desires to create and preserve jobs and employment opportunities for and improve the economic welfare of the residents of the City; and

Whereas, Lake Erie Energy Development Corporation ("LEEDCo") was formed for charitable, educational, and scientific purposes, including, without limitation, to support economic development by promoting alternative sources of energy in Northeast Ohio and to facilitate the production of energy from renewable sources, specifically in the area of wind energy conversion technologies, which aids compliance with federal, state, and local Advanced Energy Portfolio Standards; and

Whereas, in furtherance of its purposes, LEEDCo has decided to support an initial project to install 20 megawatts ("MW") of wind energy capacity (the "Initial Project") in the waters of Lake Erie, with the goal of installing the first 1,000 MW of offshore wind energy capacity in North America; and

Whereas, the success of the Initial Project has the potential to attract investment in Ohio that can create jobs, especially in the City and the counties located along the shore of Lake Erie; and

Whereas, LEEDCo plans to acquire the submerged land leases necessary for the Initial Project in order to leverage economic development opportunities for Ohio through,

among other things, a sublease with a developer; and

Whereas, LEEDCo seeks the support of the City and lakefront counties to prioritize acquisition of the submerged land leases necessary for the Initial Project; and

Whereas, LEEDCo seeks to collaborate with the City and other organizations to support the efforts of LEEDCo to accomplish its purpose; 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 City of Cleveland supports the Initial Project and approves LEEDCo's application for a Lake Erie Wind Powered Electric Generation Facility Option to Lease filed with the Ohio Department of Natural Resources on or about September 14, 2010.

Section 2. That the Mayor may appoint a City official in their official capacity, or a private citizen, to LEEDCo's Board of Directors, and instructs them to represent the City and the City's interests. The term of the appointment shall be in accordance with the Board's governing regulations.

Section 3. That the Clerk of Council is directed to transmit a copy of this ordinance to Richard T. Steubi, Treasurer and Secretary of LEEDCo, Lake Erie Energy Development Corporation, 1938 Euclid Avenue, Suite 200, Cleveland, Ohio 44115.

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

Passed May 9, 2011.

Effective May 17, 2011.

Ord. No. 243-11.

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

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

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 514.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 884-10, passed August 18, 2010, is amended to read as follows:

Section 514.04 Permit Fee, Issuance and Duration

(a) An application for a permit shall be accompanied by a fee of one hundred and fifty dollars (\$150.00), plus \$10.00 for each individual amenity for which a permit is desired.

(b) On approval of the application by the Director of Public Service,

Director of the City Planning Commission, the Secretary of the Landmarks Commission, and any other Director that the Director of Public Service deems applicable, and in compliance with the Council notification provision described below, the Director of Public Service shall issue a permit under this Chapter.

(c) No permit shall be issued until the members of Council of the wards affected have been provided with written notice by the Director of Public Service and until the expiration of thirty (30) days from the date of this notice, unless the period of thirty (30) days is expressly waived by the Council members in writing.

(d) Permits shall be valid for not more than a twelve month period. No permit shall extend beyond March 31st of any year. Permits may be renewed, on a form provided by the Director, provided all the requirements of this Chapter are met, and no changes have been made from the previous approved application. The permit renewal fee shall be one hundred dollars (\$100.00), plus \$10.00 for each individual amenity. If there are changes to the application, a new application must be made under this application and the appropriate permit fee shall accompany the application.

Section 2. That existing Section 514.04 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by

Ordinance No. 884-10, passed August 18, 2010, is repealed.

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

Passed May 9, 2011.

Effective May 17, 2011.

Ord. No. 251-11.
By Council Members Conwell and Sweeney (by departmental request).
An emergency ordinance authorizing the Director of Public Safety to enter into an amendment to Contract No. 64776 with ACS State & Local Solutions, Inc. to extend the term up to two years and to add additional services for traffic photo enforcement.

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 an amendment to Contract No. 64776 with ACS State & Local Solutions, Inc. to extend the term up to two years and

to add additional services for traffic photo enforcement.

Section 2. That the amendment shall be prepared by the Director of Law.

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

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

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

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

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

Passed May 9, 2011.

Effective May 17, 2011.

Ord. No. 334-11.

By Council Member Cimperman.

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

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

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

Beginning in the centerline of Lorain Avenue at its intersection with the southeasterly prolongation of the centerline of West 24th Street;

Thence northwesterly along said prolongation and said centerline to its intersection with the centerline of Bridge Avenue;

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

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

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

Thence southeasterly along said centerline of West 26th Street to its intersection with the centerline of Bridge Avenue;

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

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

Thence southwesterly along said centerline of Lorain Avenue to its intersection with the southerly prolongation of the easterly line of Sublot Number 3 in the David Pollock D.B. Subdivision as shown on the recorded plat in Volume 45, Page 453 of Cuyahoga County Map Records, said parcel also being known as Cuyahoga County's Permanent Parcel Number 003-37-051;

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

Thence westerly along said northerly line and along its westerly prolongation to its intersection with the westerly line of Sublot Number 5 in said David Pollock Subdivision, said parcel also being known as Cuyahoga County's Permanent Parcel Number 003-37-053;

Thence northerly along the northerly prolongation of said westerly line to its intersection with the easterly prolongation of the centerline of Penn Court;

Thence westerly along said centerline of Penn Court and along its westerly prolongation to its intersection with the centerline of West 32nd Street;

Thence southerly along said centerline of West 32nd Street to its intersection with the westerly prolongation of the southerly line of Sublot Number 215 in the Barber and Lord Subdivision as shown on the recorded plat in Volume 11, Page 26 in Cuyahoga County Map Records;

Thence northeasterly along said southerly line and along its northeasterly prolongation to its intersection with the centerline of West 30th Street;

Thence continuing easterly along said easterly prolongation along the southerly lines of Sublot Number 138, 139, 140 & 141 and along the easterly prolongation of the southerly line of said Sublot Number 141 to its intersection with the centerline of West 29th Street;

Thence continuing along said easterly prolongation which is approximately 139 feet southerly of and parallel to the southerly line of Lorain Avenue to its intersection with the centerline of West 28th Street;

Thence southerly along said centerline of West 28th Street to it intersection with the westerly prolongation of the northerly line of Sublot Number 779 in said Barber & Lord Subdivision;

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

Thence southeasterly along said centerline of West 26th Street to its intersection with the centerline of Chatham Road;

Thence northeasterly along said centerline of Chatham Road and along its northeasterly prolongation to its intersection with the centerline of West 25th Street;

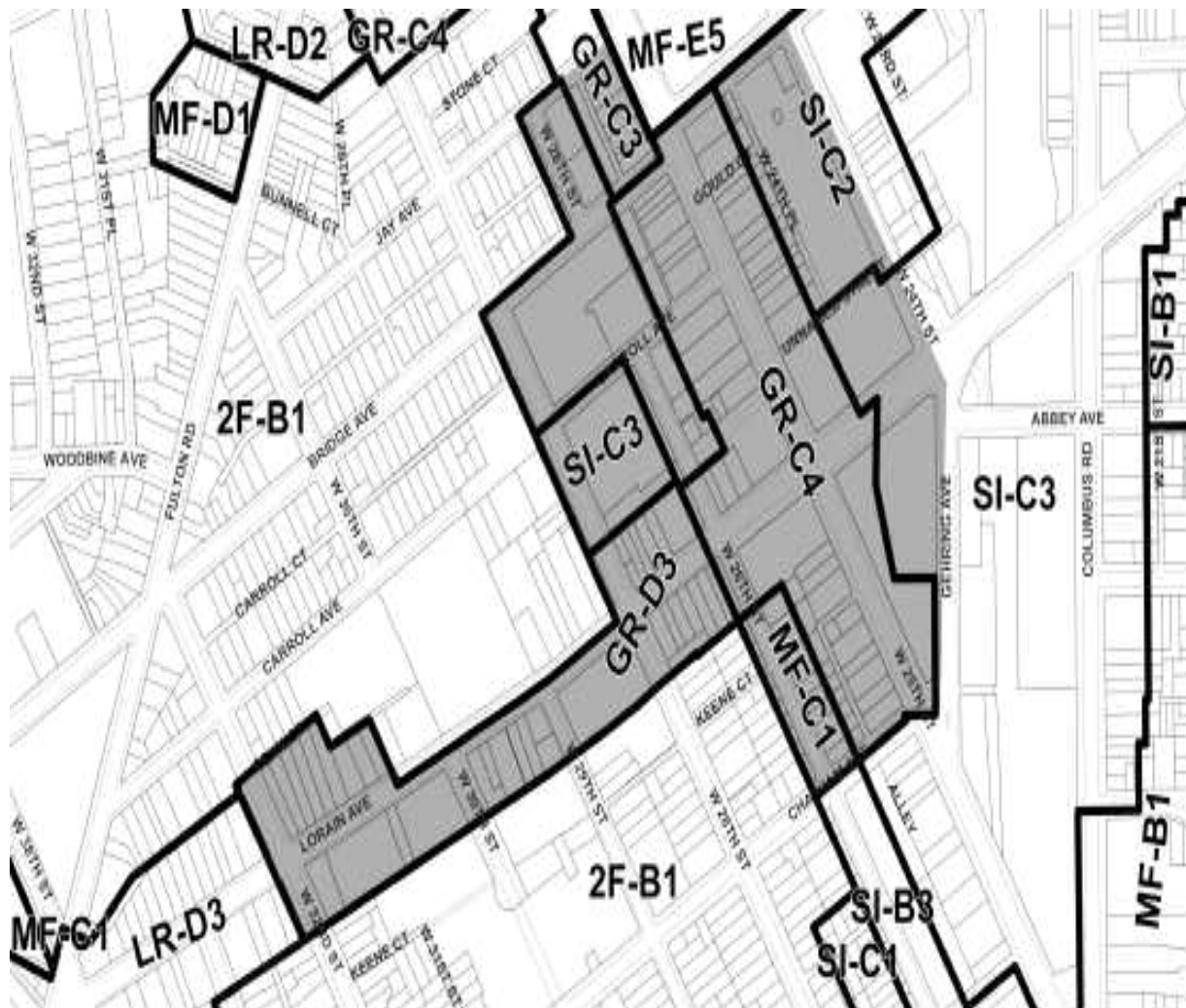
Thence southerly along said centerline of West 25th Street to its intersection with the southerly prolongation of the centerline of Gehring Street;

Thence northerly along said centerline of Gehring Street and along its northerly prolongation to its intersection with the centerline of Lorain Avenue;

Thence southwesterly along said centerline of Lorain Avenue to its intersection with the southerly prolongation of the centerline of West 24th Street and the principal place of beginning, and as shaded on the attached map is changed to a Local Retail Business District and a 'C' Area District.

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2356, Sheet No. 1 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

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



AREA TO BE REZONED LOCAL RETAIL

Passed May 9, 2011.
Effective June 8, 2011.

Ord. No. 335-11.**By Council Member Cimperman.**

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

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

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

Beginning in the centerline of West 29th Street at its intersection with the centerline of Detroit Avenue;
Thence southerly along said centerline of West 29th Street to its intersection with the centerline of Church Avenue;
Thence northeasterly along said centerline of Church Avenue and along its northeasterly prolongation to its intersection with the centerline of West 25th Street;

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

Thence southwesterly along said centerline of Detroit Avenue to its intersection with the centerline of West 29th Street and the principal place of beginning,

and as shaded on the attached map is changed to a 'D' Area District and a '3' Height District.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Thence southwesterly along said centerline of Detroit Avenue to its intersection with the northerly prolongation of the centerline of West 33rd Street and the principal place of beginning;

and as shaded on the attached map is changed to a Local Retail Business District.

Section 3. That the Area District of lands bounded and described as follows;

Beginning in the centerline of West 29th Street at its intersection with the centerline of Detroit Avenue;

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

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

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

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

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

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

Thence southwesterly along said centerline of Detroit Avenue to its intersection with the centerline of West 29th Street and the principal place of beginning,

and as shaded on the attached map is changed to a 'D' Area District.

Section 4. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2358, Sheet No. 1 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

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



Passed May 9, 2011.
Effective June 8, 2011.

Ord. No. 337-11.

By Council Member Zone.

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

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

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

Beginning in the centerline of Lake Avenue at its intersection with the southerly prolongation of the centerline of West 78th Street;

Thence northerly along said prolongation and said centerline of West 78th Street to its intersection with the Westerly prolongation of the Southerly line of Sublot No. 128 in W.J. Gordon's Allotment of part of Original Brooklyn Township Lot Nos. 29 and 30 as shown on the plat recorded in Volume 17, Page 9 of Cuyahoga County Map Records;

Thence Easterly along said Southerly line of Sublot No. 128, its Westerly prolongation and its Easterly prolongation to its intersection with the centerline of West 76th Street;

Thence Southerly along said centerline of West 76th Street to its intersection with the Westerly prolongation of the Southerly line of Sublot No. 14 in said W.J. Gordon's Allotment;

Thence Easterly along said Southerly line of Sublot No. 14 to the Easterly line of Sublot No. 12 in said W.J. Gordon's Allotment;

Thence Southerly along said Easterly line of Sublot No. 12 to the Southeasterly line of land conveyed to Mark J. Leiden by deed recorded in Auditor's File Number 200306190135 of Cuyahoga County Deed Records, said parcel also being known as Cuyahoga County's Permanent Parcel Number 002-05-110;

Thence Northeasterly along said Southeasterly line of land conveyed to Mark J. Leiden and along the Southeasterly line of land conveyed to James M. Flippen by deed recorded in Auditor's File Number 200306261552 of Cuyahoga County Deed Records, said parcel also being known as Cuyahoga County's Permanent Parcel Number 002-05-109 and along the Southeasterly line of land conveyed to Lawrence McGowan by deed recorded in Auditor's File Number 200210030258 of Cuyahoga County Deed Records, said parcel also being known as Cuyahoga County's Permanent Parcel Number 002-05-108 and along the Southeasterly line of land conveyed to Sever Magda, Transfer on death to Nathalia Sever, Lydia Sever

and Aaron Sever III by deed recorded in Auditor's File Number 200311200958 of Cuyahoga County Deed Records, said parcel also being known as Cuyahoga County's Permanent Parcel Number 002-05-116 and along the Southeasterly lines of Sublot Nos. 4 thru 7 inclusive in the Taft, Smith, Marshall and Wagner Allotment of part of Original Brooklyn Township Lot No. 29 as shown on the plat recorded in Volume 9, Page 14 of Cuyahoga County Map Records to the Southwesterly line of land conveyed to Jack E. Shultz by deed recorded in Auditor's File Number 200106150777 of Cuyahoga County Deed Records, said parcel also being known as Cuyahoga County's Permanent Parcel Number 002-05-047;

Thence Southerly along said Southwesterly line of land conveyed to Jack E. Shultz to a Southeasterly line thereof;

Thence Northeasterly along said Southeasterly line of land conveyed to Jack E. Shultz to the Westerly right-of-way of West 74th Street;

Thence Northeasterly to a Northwesterly corner of land conveyed to Neal T. Farrell and Marie Ann Farrell by deed recorded in Auditor's File Number 200310071285 of Cuyahoga County Deed Records, said parcel also being known as Cuyahoga County's Permanent Parcel Number 002-05-028;

Thence Easterly along said Northerly line of land conveyed to Neal T. and Marie Ann Farrell to an Easterly line of land conveyed to Alevtina Cherepanova by deed recorded in Auditor's File Number 200309300998 of Cuyahoga County Deed Records, said parcel also being known as Cuyahoga County's Permanent Parcel Number 002-05-046;

Thence Northerly along said Easterly line of land conveyed to Alevtina Cherepanova to the Southerly line of land conveyed to Joseph Bush by deed recorded in Auditor's File Number 200803190792 of Cuyahoga County Deed Records, said parcel also being known as Cuyahoga County's Permanent Parcel Number 002-05-030;

Thence Easterly along said Southerly line of land conveyed to Joseph Bush and its Easterly prolongation to its intersection with the centerline of West 73rd Street;

Thence Northerly along said centerline of West 73rd Street to its intersection with the Westerly prolongation of the Southerly line of land conveyed to ET & ST Investments LLC by deed recorded in Auditor's File Number 200810230070 of Cuyahoga County Deed Records, said parcel also being known as Cuyahoga County's Permanent Parcel Number 002-07-004;

Thence Easterly along said Southerly line of land conveyed to ET & ST Investments LLC to a Westerly line land conveyed to John O'Donnell by deed recorded in Volume 97-13544, Page 40 of Cuyahoga County Deed Records, said parcel also being known as Cuyahoga County's Permanent Parcel Number 002-07-047;

Thence Southerly along said Westerly line of land conveyed to John O'Donnell to a Southerly line thereof;

Thence Easterly along said Southerly line of land conveyed to John O'Donnell to a Southwesterly line thereof;

Thence Southeasterly along said Southwesterly line of land conveyed John O'Donnell to the Westerly prolongation of a Southerly line thereof;

Thence Easterly along the said Southerly line of land conveyed to John O'Donnell, its Westerly prolongation and its Easterly prolongation to its intersection with the centerline of West 70th Street;

Thence Southerly along said centerline of West 70th Street to its intersection with the centerline of Detroit Avenue;

Thence Southwesterly along said centerline of Detroit Avenue to its intersection with the Northerly prolongation of the Westerly line of land conveyed to McDonald's Corporation by deed recorded in Volume 90-0643, Page 12 of Cuyahoga County Deed Records, said parcel also being known as Cuyahoga County's Permanent Parcel Number 002-18-078;

Thence Southerly along said Westerly line of land conveyed to McDonald's Corporation and its Northerly prolongation to the Southeasterly line of land conveyed to Ibrali Company Inc. by deed recorded in Auditor's File Number 200003140679 of Cuyahoga County Deed Records, said parcel also being known as Cuyahoga County's Permanent Parcel Number 002-18-002, 002-18-003 and 002-18-004;

Thence Southwesterly along said Southeasterly line of land conveyed to Ibrali Company Inc. to a Southwesterly line thereof;

Thence Northwesterly along said Southwesterly line of land conveyed to Ibrali Company Inc. to the Northwesterly line of Sublot No. 77 in the Jane E. Jones' Allotment of part of Original Brooklyn Township Lot No. 29 as shown on the plat recorded in Volume 13, Page 38 of Cuyahoga County Map Records;

Thence Southwesterly along said Northwesterly line of Sublot No. 77 and the Northwesterly lines of Sublot Nos. 78 thru 82 inclusive in said Jane E. Jones' Allotment and its Southwesterly prolongation to its intersection with the centerline of West 74th Street;

Thence Southerly along said centerline of West 74th Street to its intersection with the Easterly prolongation of the Northerly line of Sublot No. 91 in said Jane E. Jones' Allotment;

Thence Westerly along said Northerly line of Sublot No. 91 to the Easterly line of Sublot No. 3 in the W.A. Poyer Subdivision of part of Original Brooklyn Township Lot No. 29 as shown on the plat recorded in Volume 13, Page 48 of Cuyahoga County Map Records;

Thence Northerly along said Easterly line of Sublot No. 3 to a Northerly line thereof;

Thence Westerly along said Northerly line of Sublot No. 3 and its Westerly prolongation to the centerline of West 75th Street;

Thence Southerly along said centerline of West 75th Street to its intersection with the Easterly prolongation of the Northerly line of Sublot No. 30 in said W.A. Poyer Subdivision;

Thence Westerly along said Northerly line of Sublot No. 30 and its Easterly prolongation to the Westerly line thereof;

Thence Southerly along said Westerly line of Sublot No. 3 to a Northerly line of Sublot No. 3 in the proposed Henry Grombacher Subdivision of part of Original Brooklyn Township Lot No. 29;

Thence Westerly along said Northerly line of Sublot No. 3 in said proposed Henry Grombacher Subdivision to a Westerly line thereof;

Thence Southerly along said Westerly line of Sublot No. 3 to a Northerly line thereof;

Thence Westerly along said Northerly line of Sublot No. 3 and its Westerly prolongation to its intersection with the centerline of West 77th Street;

Thence Southerly along said centerline of West 77th Street to its intersection with the Easterly prolongation of the Northerly line of Sublot No. 32;

Thence Westerly along said Northerly line of Sublot No. 32 and its Easterly prolongation to the Westerly line thereof;

Thence Southerly along the Westerly line of said Sublot No. 32 to its intersection with a line parallel with the centerline of Detroit Avenue and Northeasterly from the Northeasterly corner of Sublot No. 2 in Herman Junge's Re-Subdivision of part of Original Brooklyn Township Lot No. 29 as shown on the plat recorded in Volume 21, Page 26 of Cuyahoga County Map Records;

Thence Southwesterly and parallel to the centerline of Detroit Avenue to the said Northeasterly corner of Sublot No. 2;

Thence Southwesterly along the Northwesterly line of said Sublot No. 2 to the Westerly line thereof;

Thence Southerly along said Westerly line of Sublot No. 2 to the Northerly line of Sublot No. 4 in Herman Junge's Re-Subdivision of part of Original Brooklyn Township Lot No. 29 as shown on the plat recorded in Volume 21, Page 26 of

Cuyahoga County Map Records;

Thence Easterly along said Northerly line of Sublot No. 4 and its Westerly prolongation to its intersection with the centerline of West 81st Street;

Thence Northerly along said centerline of West 81st Street to its intersection with the said centerline of Detroit Avenue;

Thence Southwesterly along said centerline of Detroit Avenue to its intersection the centerline of West 84th Street;

Thence Southerly along said centerline of West 84th Street to its intersection with the Easterly prolongation of the Northerly line of land conveyed to Kerby O. Williams by deed recorded in Auditor's File Number 200502280683 of Cuyahoga County Deed Records, said parcel also being known as Cuyahoga County's Permanent Parcel Number 002-20-073;

Thence Westerly along the said Northerly line of land conveyed to Kerby O. Williams and its Easterly prolongation to the Westerly line of Sublot No. 2 in James F. Rhodes Subdivision of part of Original Brooklyn Township Lot No. 29 as shown on the plat recorded in Volume 15, Page 2 of Cuyahoga County Map Records;

Thence Southerly along said Westerly line of Sublot No. 1 to a Southerly line of the said James F. Rhodes Subdivision;

Thence Westerly along said Southerly line of the James F. Rhodes Subdivision to an Easterly line thereof;

Thence Southerly along said Easterly line of the James F. Rhodes Subdivision to the Northerly line of Sublot No. 5 in said James F. Rhodes Subdivision;

Thence Westerly along said Northerly line of Sublot No. 5 and its Westerly prolongation to its intersection with the centerline of West 85th Street;

Thence Northerly along said centerline of West 85th Street to its intersection with the centerline of Detroit Avenue;

Thence Northeasterly along said centerline of Detroit Avenue to its intersection with the centerline of West 85th Street;

Thence Northerly along said centerline of West 85th Street to its intersection with the Westerly prolongation of the Southerly lines of lands conveyed to Dennis Haydanka by deed recorded in Auditor's File Number 200104120435 of Cuyahoga County Deed Records, said parcels also being known as Cuyahoga County's Permanent Parcel Numbers 001-08-047 and 001-08-151;

Thence Easterly along said Southerly lines of lands conveyed to Dennis Haydanka and their Westerly prolongation to an Easterly line thereof;

Thence Northerly along said Easterly line of lands conveyed to Dennis Haydanka and the Easterly line of land conveyed to Opportunity Housing Cleveland, LLC by deed recorded in Auditor's File Number 200904020452 of Cuyahoga County Deed Records, said parcel also being known as Cuyahoga County's Permanent Parcel Number 001-08-045;

Thence Northerly along said Easterly line of land conveyed to Opportunity Housing Cleveland, LLC to a Southerly line of land conveyed to the City of Cleveland by deed recorded in Volume 9079, Page 645 of Cuyahoga County Deed Records, said parcel also being known as Cuyahoga County's Permanent Parcel Number 001-08-015;

Thence Easterly along the said Southerly line of land conveyed to the City of Cleveland to a Northerly line of the Lot Consolidation for James E. Larson of part of Original Brooklyn Township Lot No. 29 as shown on the plat recorded in Volume 272, Page 37 of Cuyahoga County Map Records;

Thence Easterly along said Northerly line of the said Lot Consolidation for James E. Larson to an Easterly line thereof;

Thence Southerly along said Easterly line of said Lot Consolidation for James E. Larson to a Northerly line thereof;

Thence Easterly along said Northerly line of said Lot Consolidation for James E. Larson and its Easterly prolongation to its intersection with the centerline of West 83rd Street;

Thence Northerly along said centerline of West 83rd Street to its intersection with the Westerly prolongation of the Southerly line of land conveyed to Luz Maria Santos by deed recorded in Auditor's File Number 200905220042 of Cuyahoga County Deed Records, said parcel also being known as Cuyahoga County's Permanent Parcel Number 002-01-030 to an Easterly line thereof;

Thence Easterly along said Southerly line of land conveyed to Luz Maria Santo and its Westerly prolongation to an Easterly line thereof;

Thence Northerly along said Easterly line of land conveyed to Luz Maria Santos to a Southerly line thereof;

Thence Easterly along said Southerly line of land conveyed to Luz Maria Santos to an Easterly line thereof;

Thence Northerly along said Easterly line of land conveyed to Luz Maria Santos to a Southerly line of land conveyed to Donnell M. Rogers by deed recorded in Auditor's File Number 200601110701 of Cuyahoga County Deed Records, said parcel also being known as Cuyahoga County's Permanent Parcel Number 002-01-028;

Thence Easterly along said Southerly line of land conveyed to Donnell M. Rogers to the Easterly line of the J. H. Hardy Subdivision of part of Original Brooklyn Township Lot No. 29 as shown on the plat recorded in Volume 7, Page 10 of Cuyahoga County Map Records;

Thence Northerly along said Easterly line of the J. H. Hardy Subdivision to the Southerly line of land conveyed to Detroit Terrace, Ltd. by deed recorded in Volume 85-6275, Page 12 of Cuyahoga County Deed Records, said parcel also being known as Cuyahoga County's Permanent Parcel Number 002-01-031;

Thence Easterly along said Southerly line of land conveyed to Detroit Terrace, Ltd. and its Easterly prolongation to its intersection with the centerline of West 80th Street;

Thence Southerly along said centerline of West 80th Street to its intersection with the Westerly prolongation of the Southerly line of land conveyed to Matthew Malizia and Celestia Terrace, LLC by deed recorded in Auditor's File Number 200906300463 of Cuyahoga County Deed Records, said parcel also being known as Cuyahoga County's Permanent Parcel Number 002-01-048;

Thence Easterly along said Southerly line of land conveyed to Matthew Malizia and Celestia Terrace, LLC and its Westerly prolongation to the Westerly line of Sublot No. 6 in the Lamb and Hooker Allotment of part of Original Brooklyn Township Lot Nos. 29 and 30 as shown on the plat recorded in Volume 2, Page 27 of Cuyahoga County Map Records;

Thence Southerly along said Westerly line of Sublot No. 6 and its Southerly prolongation to its intersection with the centerline of Detroit Avenue;

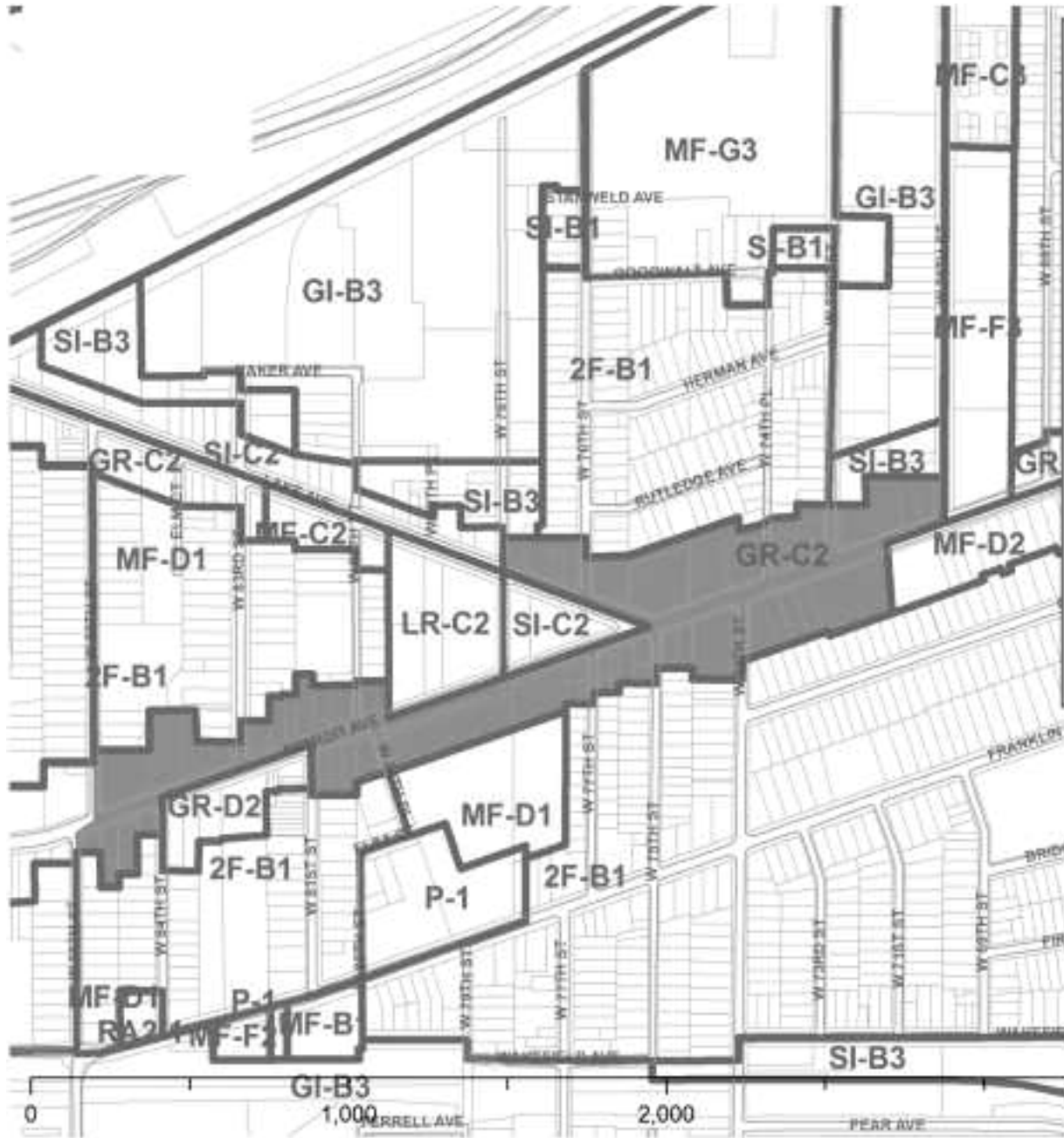
Thence Northeasterly along said centerline of Detroit Avenue to its intersection with the centerline of Lake Avenue;

Thence Northwesterly along said centerline of Lake Avenue to the principal place of beginning.

and as shaded on the attached map is changed to a Local Retail Business District.

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2346, Sheet No. 1 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

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



Passed May 9, 2011.
 Effective June 8, 2011.

Ord. No. 338-11.
By Council Member Zone.
An ordinance changing the Use District of land located on the southwest corner of Lake Avenue and Detroit Avenue to General Retail Business (Map Change Number 2345, Sheet 1).

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

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

Beginning at the intersection of the centerline of Lake Avenue with the centerline of Detroit Avenue;

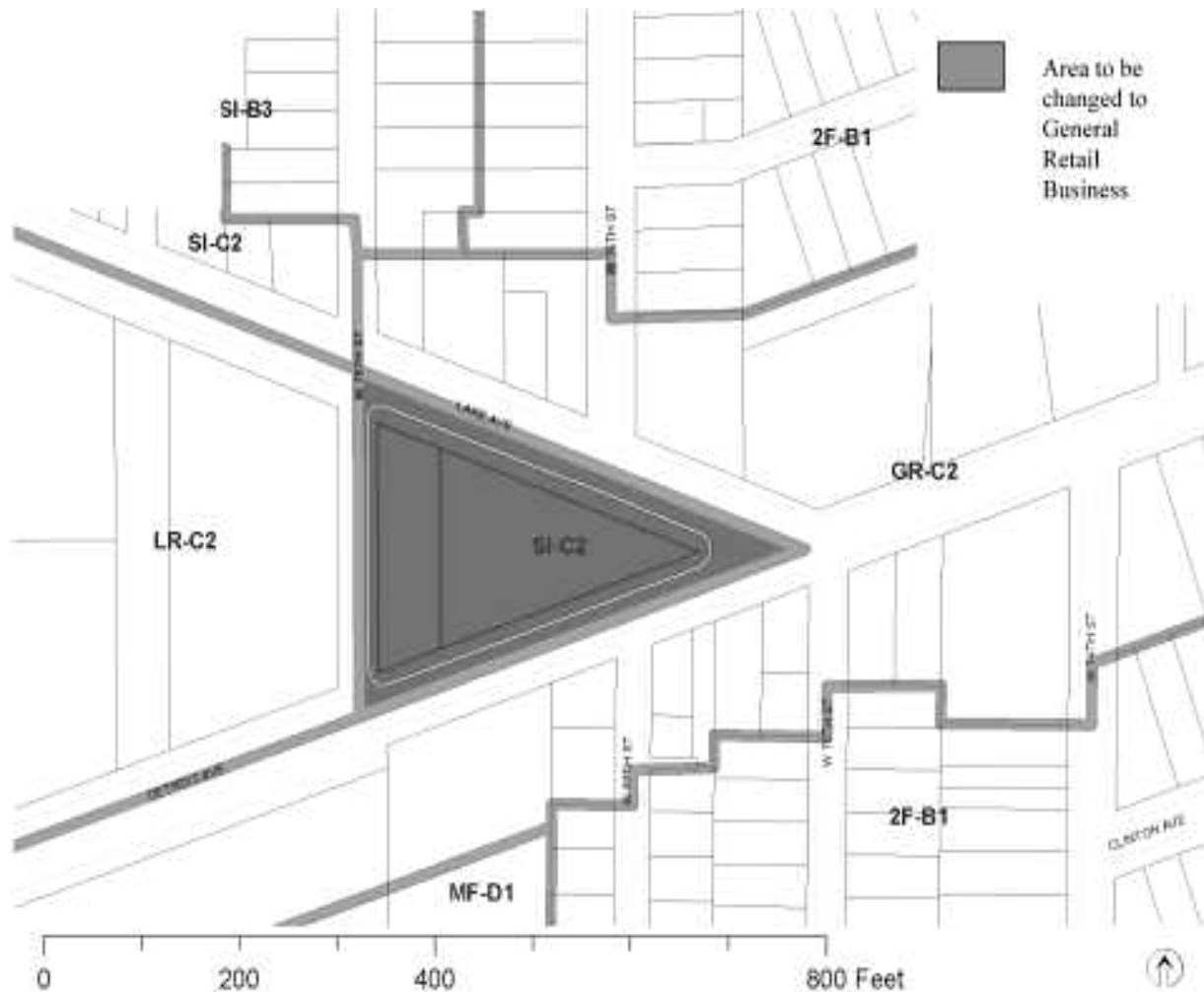
Thence Southwesterly along said centerline of Detroit Avenue to its intersection with the centerline of West 78th Street;

Thence Northerly along said centerline of West 78th Street to its intersection with the said centerline of Lake Avenue;

Thence Southeasterly along said centerline of Lake Avenue to the principal place of beginning, and as shaded on the attached map is changed to a General Retail Business District.

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2345, Sheet No. 1 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

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



Passed May 9, 2011.
Effective June 8, 2011.

Ord. No. 339-11.

By Council Member Zone.

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

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

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

Beginning at the intersection of the centerline of Lake Avenue with the centerline of Detroit Avenue;

Thence Southwesterly along said centerline of Detroit Avenue to its intersection with the centerline of West 78th Street;

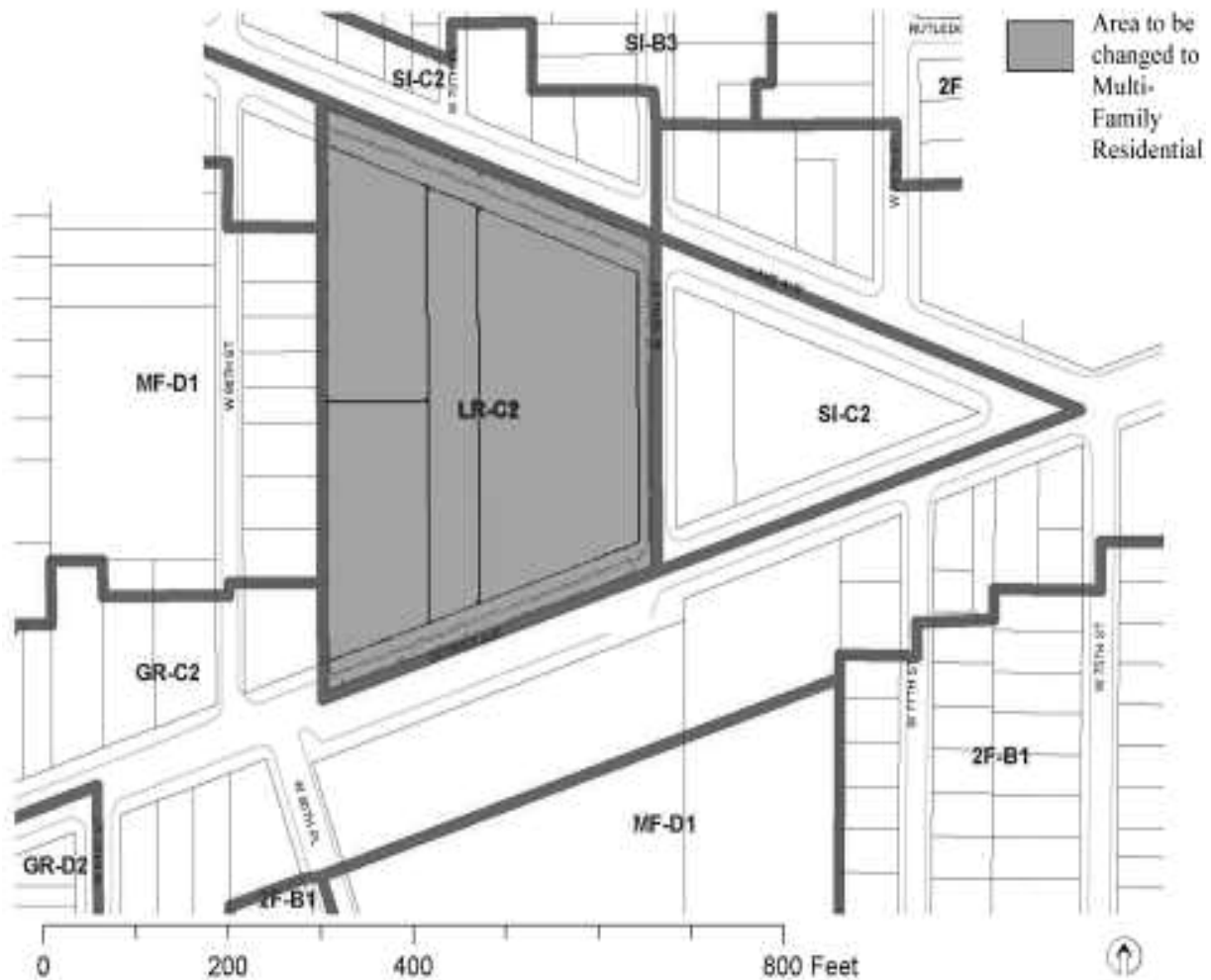
Thence Northerly along said centerline of West 78th Street to its intersection with the said centerline of Lake Avenue;

Thence Southeasterly along said centerline of Lake Avenue to the principal place of beginning.

and as shaded on the attached map is changed to Multi-Family Residential.

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2347, Sheet No. 1 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

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



Passed May 9, 2011.
Effective June 8, 2011.

Ord. No. 340-11.

By Council Member Zone.

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

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

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

Beginning at the centerline of West 55th Street at its Southerly terminus being on a Northerly line of land conveyed to Richard A. Piiparinen and Laura E. Morello by deed recorded in Auditor's File Number 200805280384 of Cuyahoga County Deed Records, said parcel also being known as Cuyahoga County's Permanent Parcel Number 002-15-031;

Thence Northerly along said centerline of West 55th Street to the Westerly prolongation of the Southerly line of land conveyed to JoAnn C. Hunt by deed recorded in Auditor's File Number 200002011142 of Cuyahoga County Deed Records, said parcel also being known as Cuyahoga County's Permanent Parcel Number 002-15-003;

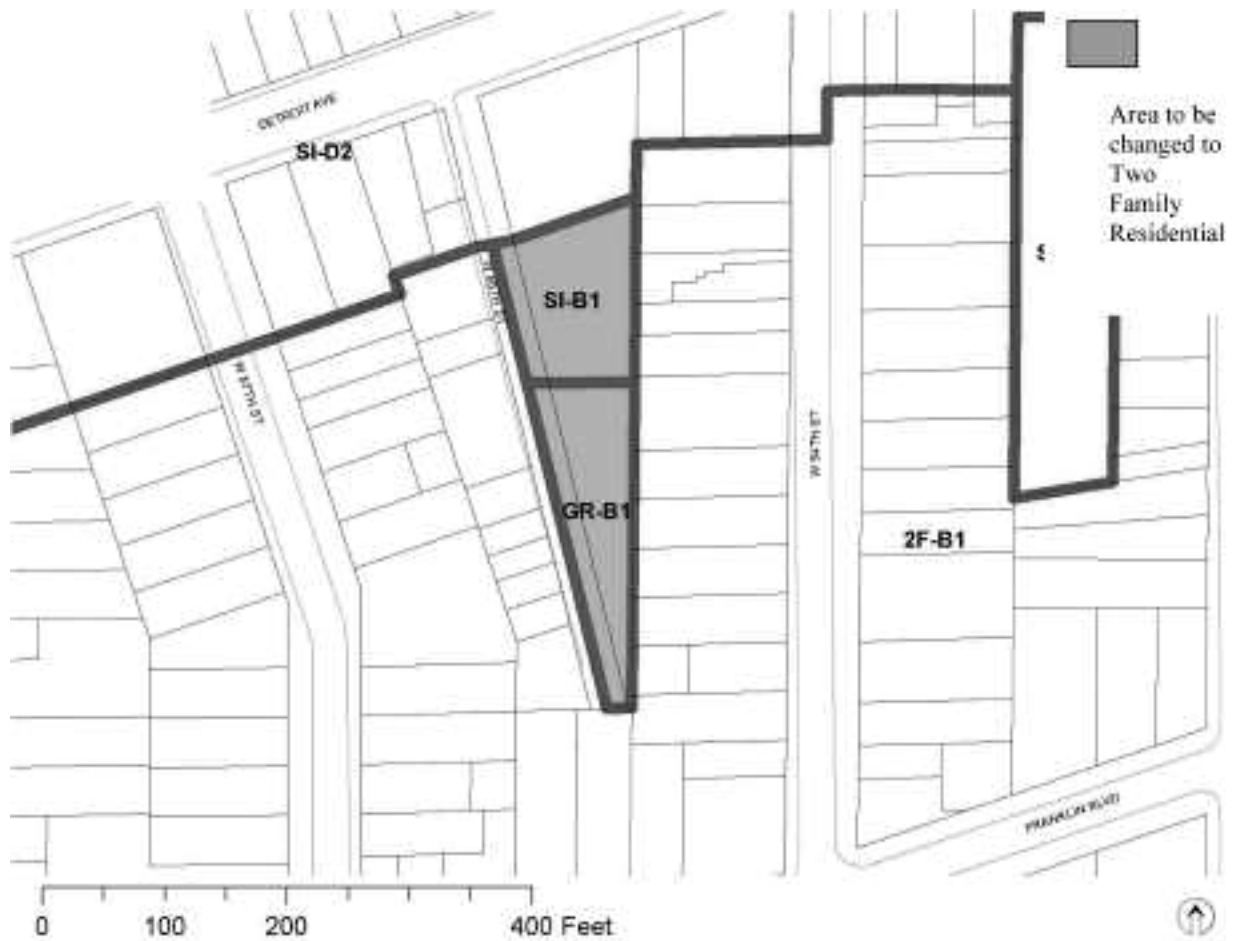
Thence along said Southerly line of said land conveyed to JoAnn C. Hunt and its Westerly prolongation to the Westerly line of the James M. Hoyt and James Wade Jr. Subdivision of part of Original Brooklyn Township Lot Nos. 49 and 50 as shown on the plat recorded in Volume 1, Page 17 of Cuyahoga County Map Records;

Thence Southerly along said Westerly line of the James M. Hoyt and James Wade Jr. Subdivision, to the said Northerly line of land conveyed to Richard A. Piiparinen and Laura E. Morello;

Thence Westerly along said Northerly line of land conveyed to Richard A. Piiparinen and Laura E. Morello and said Southerly terminus of West 55th Street to the principal place of beginning.

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2348, Sheet No. 1 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

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



Passed May 9, 2011.
 Effective June 8, 2011.

Ord. No. 341-11.
By Council Member Zone.

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

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

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

Beginning at the intersection of the centerline of Detroit Avenue with the Southerly prolongation of the Westerly line of the John McCart Subdivision of part of Original Brooklyn Township Lot Nos. 31 and 32 as shown on the plat recorded in Volume 4, Page 14 of Cuyahoga County Map Records;

Thence Northerly along said Westerly line of the John McCart Subdivision and its Southerly prolongation to the Southeasterly line of land conveyed to Joseph P. Isabella as Trustee for The Joseph P. & Angela M. Isabella Revocable Trust by deed recorded in Auditor's File Number 200511020513 of Cuyahoga County Deed Records, and being known as Cuyahoga County's Permanent Parcel Number 002-07-011;

Thence Northeasterly along said Southeasterly line of land conveyed to Joseph P. Isabella as Trustee for The Joseph P. & Angela M. Isabella Revocable Trust and its Northeasterly prolongation thereof to its intersection with the centerline of West 69th Street;

Thence Northerly along said centerline of West 69th Street to its intersection with the Westerly prolongation of the Southerly line of land conveyed to Gheorghe Bera and Maria Bera by deed recorded in Volume 92-0885, Page 59 of Cuyahoga County Deed Records, and being known as Cuyahoga County's Permanent Parcel Number 002-09-011;

Thence Easterly along said Southerly line of land conveyed to Gheorghe and Maria Bera and its Westerly prolongation to its intersection with the Easterly line of the said John McCart Subdivision;

Thence Northerly along the said Easterly line of the John McCart Subdivision to the Westerly prolongation of the Southerly line of land conveyed to Cleveland Housing Network Limited Partnership XXI by deed recorded in Auditor's File Number 200410070801 of Cuyahoga County Deed Records, and being known as Cuyahoga County's Permanent Parcel Number 002-09-112;

Thence Easterly along the said Southerly line of land conveyed to Cleveland Housing Network Limited Partnership XXI, its Westerly prolongation and its Easterly prolongation to its intersection with the centerline of West 67th Street;

Thence Northerly along said centerline of West 67th Street to its intersection with the Westerly prolongation of the Southerly line of Sublot No. 76 in Mary E. Eckart, Oliver Alger and A. A. Marshall's Subdivision of part of Original Brooklyn Township Lot Nos. 31 and 32 as shown on the plat recorded in Volume 17, Page 30 of Cuyahoga County Map Records;

Thence Easterly along said Southerly line of Sublot No. 76, its Westerly prolongation and its Easterly prolongation to its intersection with the Westerly line of Sublot No. 8 in the J. Morrison Allotment of part of Original Brooklyn Township Lot Nos. 31 and 32 as shown on the plat recorded in Volume 1, Page 49 of Cuyahoga County Map Records;

Thence Southerly along said Westerly line of Sublot No. 8 to the Southerly line thereof;

Thence Easterly along said Southerly line of Sublot No. 8 and its Easterly prolongation to the centerline of West 65th Street;

Thence Southerly along said centerline of West 65th Street to its intersection with the Westerly prolongation of the Southerly line of land conveyed to Most Reverend John M. Botean, as Trustee for the Romanian Catholic Diocese by deed recorded in Auditor's File Number 200805280061 of Cuyahoga County Deed Records, and being known as Cuyahoga County's Permanent Parcel Number 002-09-071;

Thence Easterly along said Southerly line of land conveyed to Most Reverend John M. Botean, as Trustee for the Romanian Catholic Diocese and its Easterly prolongation to an Easterly line thereof;

Thence Northerly along said Easterly line of land conveyed to Most Reverend John M. Botean, as Trustee for the Romanian Catholic Diocese to the Southerly line of Sublot No. 4 in the Jacob B. Perkins Subdivision of part of Original Brooklyn Township Lot Nos. 31, 32 and 50 as shown on the plat recorded in Volume 25, Page 19 of Cuyahoga County Map Records;

Thence Easterly along said Sublot No. 4 and the Easterly line of Sublot No. 82 in said Jacob B. Perkins Subdivision and its Easterly prolongation to its intersection with the centerline of West 64th Street;

Thence Northerly along said centerline of West 64th Street to its intersection with the Westerly prolongation of the Southerly line of land conveyed to Jeffrey Eisenberg by deed recorded in Auditor's File Number 200808270236 of Cuyahoga County Deed Records, and being known as Cuyahoga County's Permanent Parcel Number 002-12-019;

Thence Easterly along said Southerly line of land conveyed to Jeffrey Eisenberg and its Westerly prolongation to the Westerly line of Sublot No. 86 in said Jacob B. Perkins Subdivision;

Thence Northerly along said Westerly line of Sublot No. 86 to the Southerly line of Sublot No. 87 in said Jacob B. Perkins Subdivision;

Thence Easterly along said Southerly line of Sublot No. 87 and its Easterly prolongation to the Westerly line of land conveyed to Nadra Henen by deed recorded in Auditor's File Number 200611070415 of Cuyahoga County Deed Records, and being known as Cuyahoga County's Permanent Parcel Number 002-12-099;

Thence Southerly along said Westerly line of land conveyed to Nadra Henen to the Southerly line thereof;

Thence Easterly along said Southerly line of land conveyed to Nadra Henen and its Easterly prolongation to its intersection with the centerline of West 61st Street;

Thence Northerly along said centerline of West 61st Street to its intersection with the Westerly prolongation of the Southerly line of Sublot No. 166 in said Jacob B. Perkins Subdivision;

Thence Easterly along said Southerly line of Sublot No. 166, its Westerly prolongation and its Easterly prolongation to its intersection with the centerline of West 59th Street;

Thence Northerly along said centerline of West 59th Street to its intersection with the Westerly prolongation of the Southerly line of Sublot No. 241 in said Jacob B. Perkins Subdivision;

Thence Easterly along said Southerly line of Sublot No. 241 and its Westerly prolongation to the Easterly line thereof;

Thence Northerly along said Easterly line of Sublot No. 241 to the Southerly line of Sublot No. 307 in said Jacob B. Perkins Subdivision;

Thence Easterly along said Southerly line of Sublot No. 307 and its Easterly prolongation to its intersection with the centerline of West 58th Street;

Thence Northerly along said centerline of West 58th Street to its intersection with the centerline of Tillman Avenue;

Thence Northeasterly along said centerline of Tillman Avenue to its intersection with the centerline of West 54th Street;

Thence Southerly along said centerline of West 54th Street to its intersection with the Southwesterly prolongation of the Southeasterly line Sublot No. 190 in the S.S. Stone Subdivision of part of Original Brooklyn Township Lot No. 50 as shown on the plat recorded in Volume 2, Page 19 of Cuyahoga County Map Records;

Thence Northeasterly along said Southeasterly line Sublot No. 190 and its Southwesterly prolongation and the Southeasterly lines of Sublot Nos. 189 thru 174 inclusive and their Northeasterly prolongation to their intersection with the centerline of West 49th Street;

Thence northerly along said centerline of West 49th Street to its intersection with the centerline of Tillman Avenue;

Thence northeasterly along said centerline of Tillman Avenue to its intersection with the northerly prolongation of the centerline of West 45th Street;

Thence southerly along said prolongation of said centerline of West 45th Street to its intersection with the centerline of Detroit Avenue;

Thence southwesterly along said centerline of Detroit Avenue to its intersection with the northerly prolongation of the centerline of West 50th Street;

Thence Southerly along said northerly prolongation of the centerline of West 50th Street to its intersection with the Easterly prolongation of the Northerly line of Sublot No. 7 in the said Levi Martin Subdivision;

Thence Westerly along said Northerly line of Sublot No. 7 and along a Northwesterly line of said Sublot No. 7 to the Easterly line of Sublot No. 4 in the Sapp Subdivision of part of Original Brooklyn Township Lot Nos. 49 and 50 as shown on the plat recorded in Volume 7, Page 41 of Cuyahoga County Map Records;

Thence Southerly along said Easterly line of Sublot No. 7 to the Northerly line of Sublot No. 5 in said Sapp Subdivision;

Thence Westerly along said Northerly line of Sublot No. 5 and its Westerly prolongation to its intersection with the centerline of West 52nd Street;

Thence Southerly along said centerline of West 52nd Street to its intersection with the Easterly prolongation of the Northerly line of Sublot No. 3 in the Philo Tilden Allotment of part of Original Brooklyn Township Lot Nos. 49 and 50 as shown on the plat recorded in Volume 3, Page 46 of Cuyahoga County Map Records;

Thence Westerly along said Northerly line of Sublot No. 3 and its Easterly prolongation to the Westerly line of the said Philo Tilden Allotment;

Thence Southerly along said Westerly line of the Philo Tilden Allotment to a Southeasterly line of the Lot Consolidation made for Westside Ecumenical Ministry, Inc. of part of Original Brooklyn Township Lot Nos. 49 and 50 as shown on the plat recorded in Volume 313, Page 2 of Cuyahoga County Map Records;

Thence Southwesterly along said Southeasterly line in the Lot Consolidation made for Westside Ecumenical Ministry, Inc. to the Westerly line of the James M. Hoyt and James Wade Jr. Subdivision of part of Original Brooklyn Township Lot Nos. 49 and 50 as shown on the plat recorded in Volume 1, Page 17 of Cuyahoga County Map Records;

Thence Northerly along said Westerly line of the James M. Hoyt and James Wade Jr. Subdivision to its intersection with the Easterly prolongation of a Northerly line of Block "A" in the Consolidation Plat for Herman Belohlavek Jr. and Sherry D. Belohlavek of part of Original Brooklyn Township Lot No. 50 as shown on the plat recorded in Volume 292, Page 29 of Cuyahoga County Map Records;

Thence Westerly along said Northerly line of Block "A" in the Consolidation Plat for Herman Belohlavek Jr. and Sherry D. Belohlavek, its Easterly prolongation and its Westerly prolongation to its intersection with the centerline of West 54th Street;

Thence Southerly along said centerline of West 54th Street to its intersection with the Easterly prolongation of the Northerly line of land conveyed to Mark A. Crook and Joan C. Crook by deed recorded in Volume 94-12235, Page 17 of Cuyahoga County Deed Records, and being known as Cuyahoga County's Permanent Parcel Number 002-15-046;

Thence Westerly along said Northerly line of land conveyed to Mark A. Crook and Joan C. Crook and its Easterly prolongation to the Easterly line of the Goodman-Melcher Subdivision of part of Original Brooklyn Township Lot Nos. 49 and 50 as proposed;

Thence Southerly along said Easterly line of the Goodman-Melcher Subdivision to the Northeasterly line of Sublot No. 22 in said Goodman-Melcher Subdivision;

Thence Southwesterly along said Northeasterly line of Sublot No. 22 and its Southwesterly prolongation to its intersection with the centerline of West 55th Street;

Thence Northwesterly along said centerline of West 55th Street to its intersection with the Northeasterly prolongation of a Northwesterly line of Sublot No. 2 in said Goodman-Melcher Subdivision;

Thence Southwesterly along said Northwesterly line of Sublot No. 2, its Northeasterly prolongation and its Southwesterly prolongation to the Northeasterly line of N.M. Standart's Subdivision of part of Original Brooklyn Township Lot Nos. 49 and 50 as shown on the plat recorded in Volume 1, Page 22 of Cuyahoga County Map Records;

Thence Southeasterly along said Northeasterly line of said N.M. Standart's Subdivision to the Northwesterly line of Sublot No. 108 therein;

Thence Southwesterly along said Northwesterly line of Sublot No. 108, its Southwesterly prolongation, the Northwesterly line of Sublot No. 3, its Northeasterly prolongation, and its Southwesterly prolongation to the centerline of West 58th Street;

Thence Northeasterly along said centerline of West 58th Street to its intersection with the centerline of Waverly Court;

Thence Southwesterly along said centerline of Waverly Court to the Northeasterly line of Sublot No. 4 in Rhodes and Coffinberry's Allotment of part of Original Brooklyn Township Lot Nos. 31, 32, 49 and 50 as shown on the plat recorded in Volume 8, Page 2 of Cuyahoga County Map Records;

Thence Southeasterly along said Northeasterly line of Sublot No. 4 to the Northwesterly line of Sublot No. 11 in said Rhodes and Coffinberry's Allotment;

Thence Southwesterly along said Northwesterly line of Sublot No. 11 and the Northwesterly lines of Sublot No. 10 and its Southwesterly prolongation, and Sublot No. 9 thru Sublot No. 7 inclusive in said Rhodes and Coffinberry's Allotment, and Sublot Nos. 7 thru 12 inclusive in the Johnson, Sacket and Waterbury Allotment of part of Original Brooklyn Township Lot No. 32 as shown on the plat recorded in Volume 9, Page 27 of Cuyahoga County Map Records to the Northeasterly line of Sublot No. 190 in the Gordan Avenue Allotment of part of Original Brooklyn Township Lot No. 32 as shown on the plat recorded in Volume 21, Page 2 of Cuyahoga County Map Records;

Thence Southeasterly along said Northeasterly line of Sublot No. 190 to its Southeasterly line;

Thence Southwesterly along said Southeasterly line of Sublot No. 190, and the Southeasterly lines of Sublot Nos. 191 thru 193 inclusive to the Northerly line of land conveyed to Joyce Seger by deed recorded in Volume 90-3673, Page 8 of Cuyahoga County Deed Records, and being known as Cuyahoga County's Permanent Parcel Number 002-16-075;

Thence Westerly along said Northerly line of land conveyed to Joyce Seger to a Westerly line thereof;

Thence Southerly along said Westerly line of land conveyed to Joyce Seger to a Northerly line thereof;

Thence Westerly along said Northerly line of land so conveyed to Joyce Seger and along the Northerly line of land conveyed to the City of Cleveland, Department of Community Development by deed recorded in Volume 15484, Page 847 of Cuyahoga County Deed Records, and being known as Cuyahoga County's Permanent Parcel Number 002-16-026, and its Westerly prolongation to its intersection with the centerline of West 65th Street;

Thence Southerly along said centerline of West 65th Street to its intersection with the Easterly prolongation of the centerline of Dehner Alley;

Thence Westerly along said centerline of Dehner Alley to its Southwesterly right-of-way terminus;

Thence Southeasterly along said Southwesterly right-of-way terminus to the Northwesterly line of Sublot No. 18 in said Gordan Avenue Allotment;

Thence Southwesterly along said Northwesterly line of Sublot No. 18 to a Southwesterly line thereof;

Thence Southeasterly along said Southwesterly line of Sublot No. 18 to a Northwesterly line of Sublot No. 19 in said Gordan Avenue Allotment;

Thence Southwesterly along said Northwesterly line of Sublot No. 19 and the Northwesterly line of Sublot Nos. 21 thru 25 inclusive in said Gordan Avenue Allotment to a Northeasterly line of Parcel 1 in the Lot Split and Consolidation Map for Bernd W. and Civita Blaske of part of Original Brooklyn Township Lot No. 32 as shown on the plat recorded in Volume 286, Page 94 of Cuyahoga County Map Records;

Thence Northwesterly along said Northeasterly line of Parcel 1 to a Northwesterly line thereof;

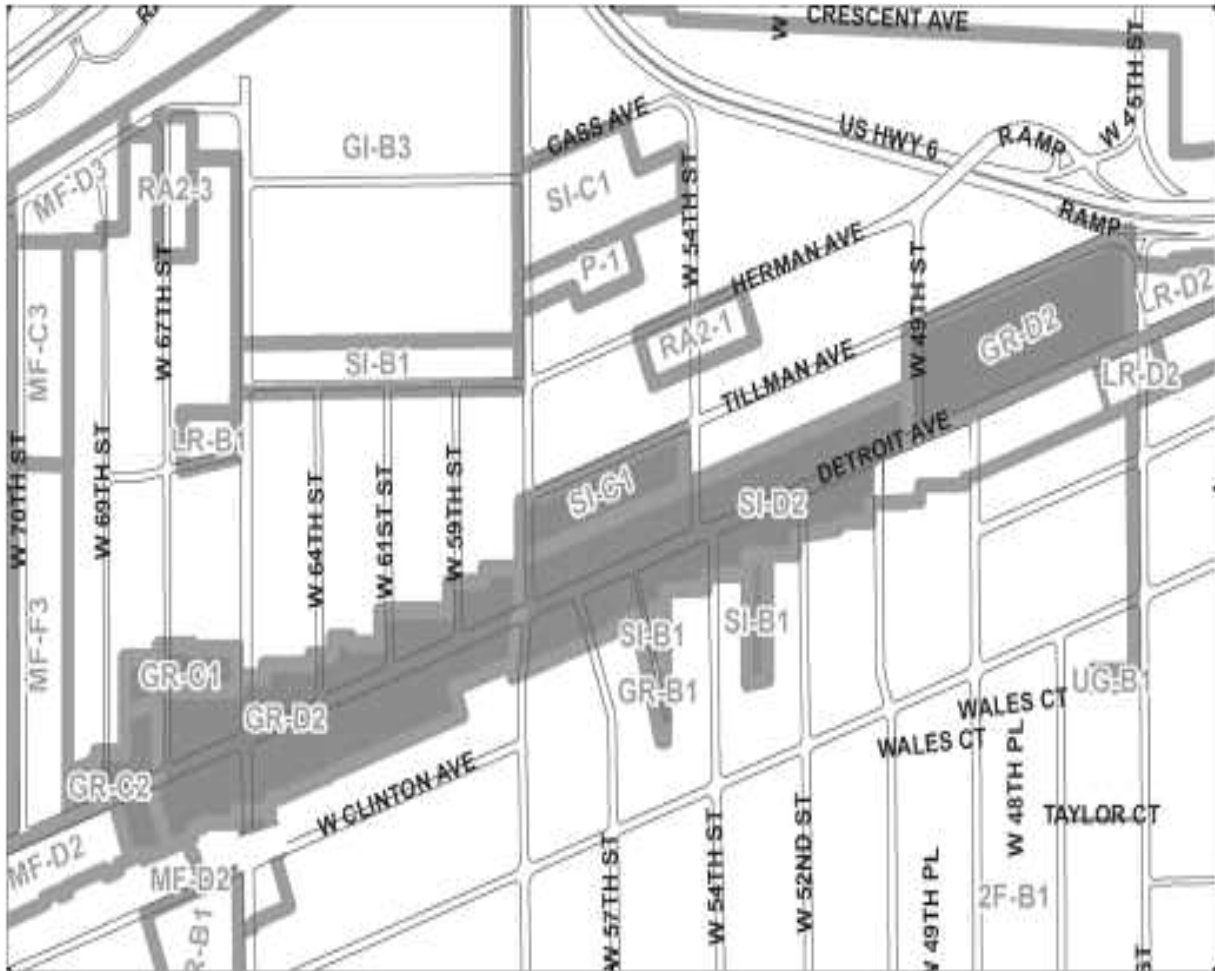
Thence Southwesterly along said Northwesterly line of Parcel 1 to a Northeasterly line of Sublot No. 9 in said Gordan Avenue Allotment;

Thence Northwesterly along said Northeasterly line of Sublot No. 9 and its Northwesterly prolongation to its intersection with the centerline of Detroit Avenue;

Thence Southwesterly along said centerline of Detroit Avenue to the principal place of beginning, and as shaded on the attached map is changed to a Local Retail Business District, a 'C' Area District and a '2' Height District.

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2349, Sheet No. 1 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

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



Passed May 9, 2011.
Effective June 8, 2011.

Ord. No. 342-11.

By Council Member Zone.

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

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

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

Beginning in the centerline of West 65th Street and its intersection with centerline of Lorain Avenue;

Thence Northeasterly along said centerline of Lorain Avenue to its intersection with the centerline of West 58th Street;

Thence Southerly along said centerline of West 58th Street to its intersection with the Westerly prolongation of the Northerly line of land conveyed to the Cleveland Regional Transit Authority by deed dated September 5, 1975 and recorded in Volume 13869, Page 547 of Cuyahoga County Deed Records, said parcel also being known as Cuyahoga County's Permanent Parcel Number 006-18-108;

Thence Easterly along said Northerly line of said land conveyed to Cleveland Regional Transit Authority, its Westerly prolongation and its Easterly prolongation to its intersection with the centerline of West 53rd Street;

Thence Southerly along said centerline of West 53rd Street to the irregular Northerly Limited Access right-of-way of State Route 90 as reestablished by deed recorded in Volume 87-5861, Page 42 of Cuyahoga County Deed Records;

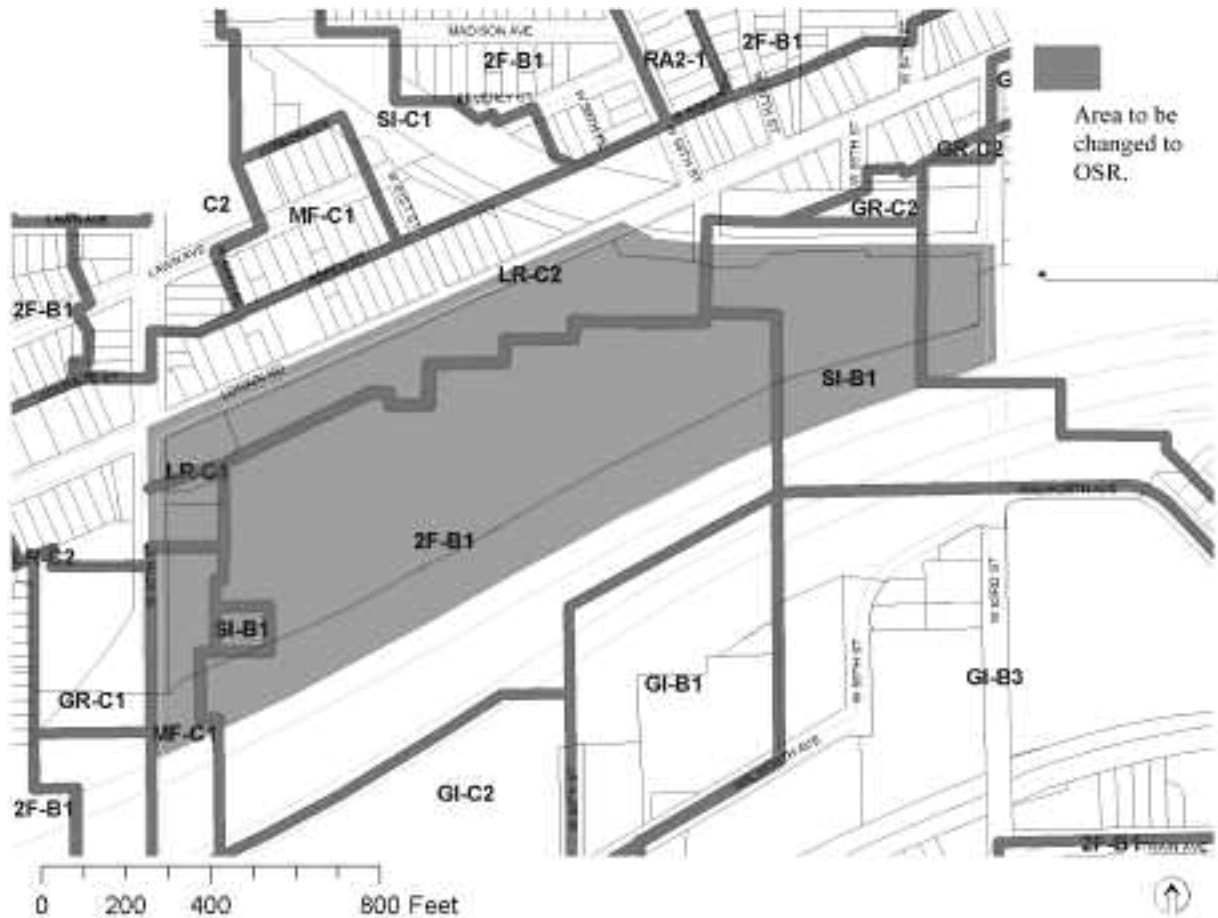
Thence Westerly along said irregular Northerly Limited Access right-of-way of State Route 90 to the said centerline of West 65th Street;

Thence Northerly along said centerline of West 65th Street to the principal place of beginning.

and as shaded on the attached map is changed to an Open Space and Recreation District and a '1' Height District.

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2350, Sheet No.1 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

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



Passed May 9, 2011.
 Effective June 8, 2011.

Ord. No. 343-11.
By Council Member Zone.

An ordinance changing the Use District of land south of Lorain Rd. and on the south side of Lorain between W. 55th Street and W. 52nd Street shown shaded on the attached map to Local Retail Business (Map Change Number 2351, Sheet 1).

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

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

Beginning at the intersection of the centerline of Lorain Avenue with the centerline of West 52nd Street;

Thence Southerly along said centerline of West 52nd Street to its intersection with the Northeasterly prolongation of the Northwestern lines of lands conveyed to Gerardo Orteg by deed recorded in Auditor's File Number 200610100463 of Cuyahoga County Deed Records, said parcels also being known as Cuyahoga County's Permanent Parcel Number 006-19-044 and 006-19-048;

Thence Southwesterly along said Northwestern lines of lands conveyed to Gerardo Orteg, its Northeasterly prolongation and its Southwesterly prolongation to its intersection with the centerline of West 53rd Street;

Thence Southerly along said centerline of West 53rd to its intersection with the Easterly prolongation of the Northerly line of land conveyed to William Bartley and Joan Bartley by deed recorded in Volume 91-6192, Page 34 of Cuyahoga County Deed Records, said parcel also being known as Cuyahoga County's Permanent Parcel Number 006-18-025;

Thence Westerly along said Northerly line of land conveyed to William Bartley and Joan Bartley and its Easterly prolongation to its intersection with the Southeasterly line of Sublot No. 57 in Willard Burnham's Subdivision of part of Original Brooklyn Township Lot No. 49 as shown in the plat recorded in Volume 1, Page 8 of Cuyahoga County Map Records;

Thence Southwesterly along said Southeasterly line of Sublot No. 57 to the Westerly line of Sublot No. 53 in said Willard Burnham's Subdivision;

Thence Southerly along said Westerly line of Sublot No. 53 and the Westerly lines of said Sublot No. 52 and 51 in said Willard Burnham's Subdivision to its intersection with the centerline of the Northerly Railway Tracks of the Norfolk and Western railway;

Thence Westerly along said centerline of the Northerly Railway Tracks of the Norfolk and Western railway to its intersection with the centerline of West 58th Street;

Thence Northerly along said centerline of West 58th Street to its intersection with the centerline of Lorain Avenue;

Thence Northeasterly along said centerline of Lorain Avenue to the principal place of beginning, and as shaded on the attached map is changed to a Local Retail Business District.

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2351, Sheet No. 1 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

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



Passed May 9, 2011.
Effective June 8, 2011.

Ord. No. 344-11.

By Council Member Zone.

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

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

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

Beginning at the intersection of the centerline of West 50th Street with the centerline of Lorain Road;

Thence Northwesterly along said centerline of Lorain Road to its intersection with the centerline of West 48th Street;

Thence Southerly along said centerline of West 48th Street to its intersection with the centerline of Lorain Court;

Thence Easterly and Northeasterly along the said centerline of Lorain Court to its intersection with the centerline of West 48th Place;

Thence Southerly along said centerline of West 48th Place to its intersection with the centerline of Turn Avenue;

Thence Westerly along said centerline of Turn Avenue to its intersection with the centerline of West 48th Street;

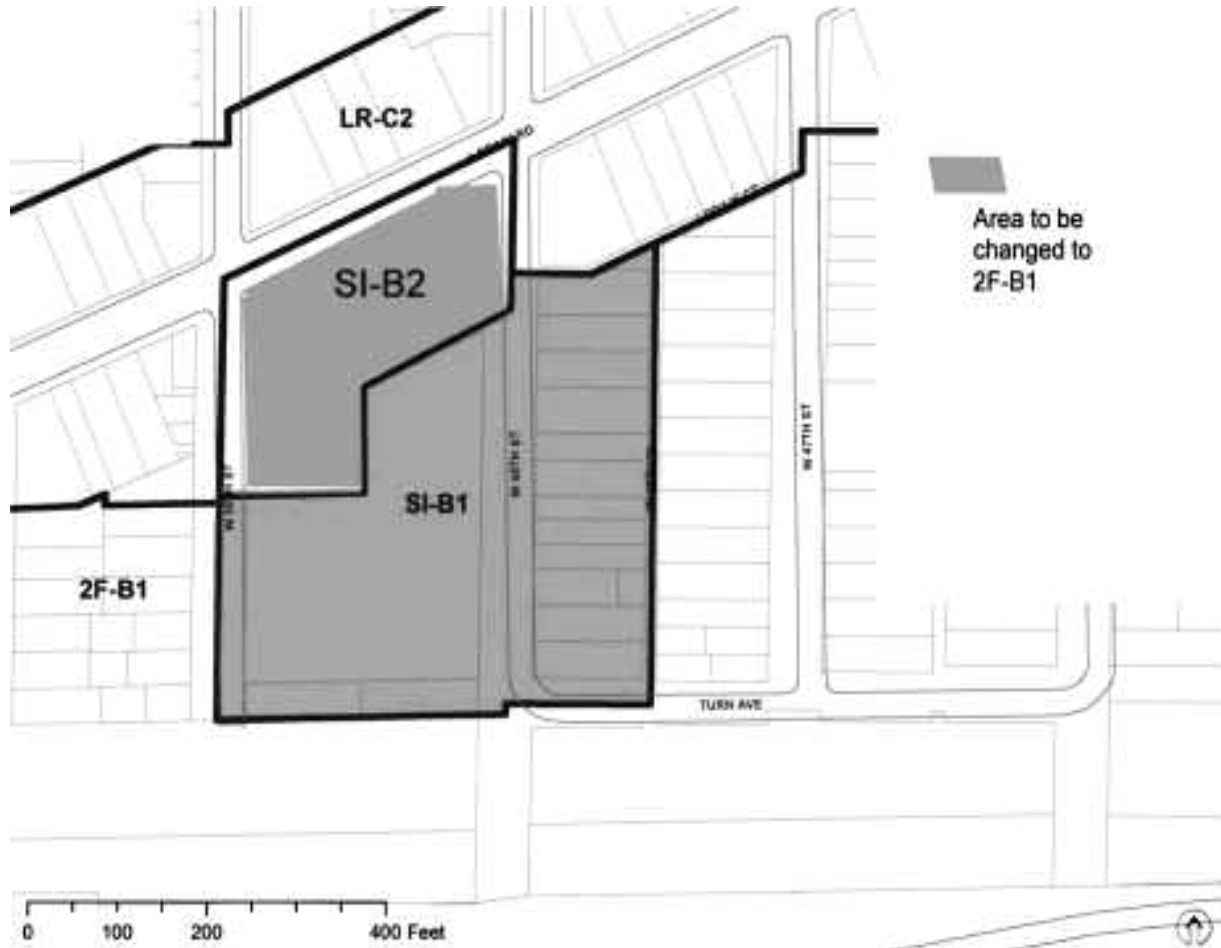
Thence Southerly along said centerline of West 48th Street to its intersection with the Northerly right-of-way of Norfolk Southern Railway;

Thence Westerly along said Northerly right-of-way of Norfolk Southern Railway to its intersection with the centerline of West 50th Street;

Thence Northerly along said centerline of West 50th Street to the principal place of beginning, and as shaded on the attached map is changed to a Two Family Residential District and a '1' Height District.

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2352, Sheet No. 1 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

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



Passed May 9, 2011.
Effective June 8, 2011.

Ord. No. 345-11.

By Council Member Zone.

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

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

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

Beginning in the centerline of Lorain Road east of West 41st Street at its intersection with the northwesterly prolongation of the northeasterly line of Sublot No. 9 in the Levi F. Jackson Subdivision shown on the recorded plat in Volume 2, Page 46 of Cuyahoga County Map Records;

Thence southeasterly along said northeasterly line to its intersection with the southerly line of Sublot No. 8 in the aforementioned Levi F. Jackson Subdivision;

Thence northeasterly along said southerly line to its intersection with the northerly prolongation of the easterly line of a parcel of land conveyed to Cristina Bocirnea by deed dated April 15, 1994 and recorded in Auditor's File Number V9443698002;

Thence southerly along said easterly line and along its southerly prolongation to its intersection with the centerline of Burton Court;

Thence easterly along said centerline of Burton Court and along its easterly prolongation to its intersection with the southerly prolongation of the westerly line of Sublot No. 11 in the Bishop & Jones Subdivision shown on the recorded plat in Volume 1, Page 38 of Cuyahoga County Map Records;

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

Thence southwestward along the centerline of Lorain Avenue to the principal place of beginning, and as shaded on the attached map is changed to Local Retail Business District, 'C' Area District and a '3' Height District.

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2357, Sheet No. 1 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

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



AREA TO BE REZONED LOCAL RETAIL

Passed May 9, 2011.
Effective June 8, 2011.

Ord. No. 346-11.

By Council Members Zone and Cimperman.

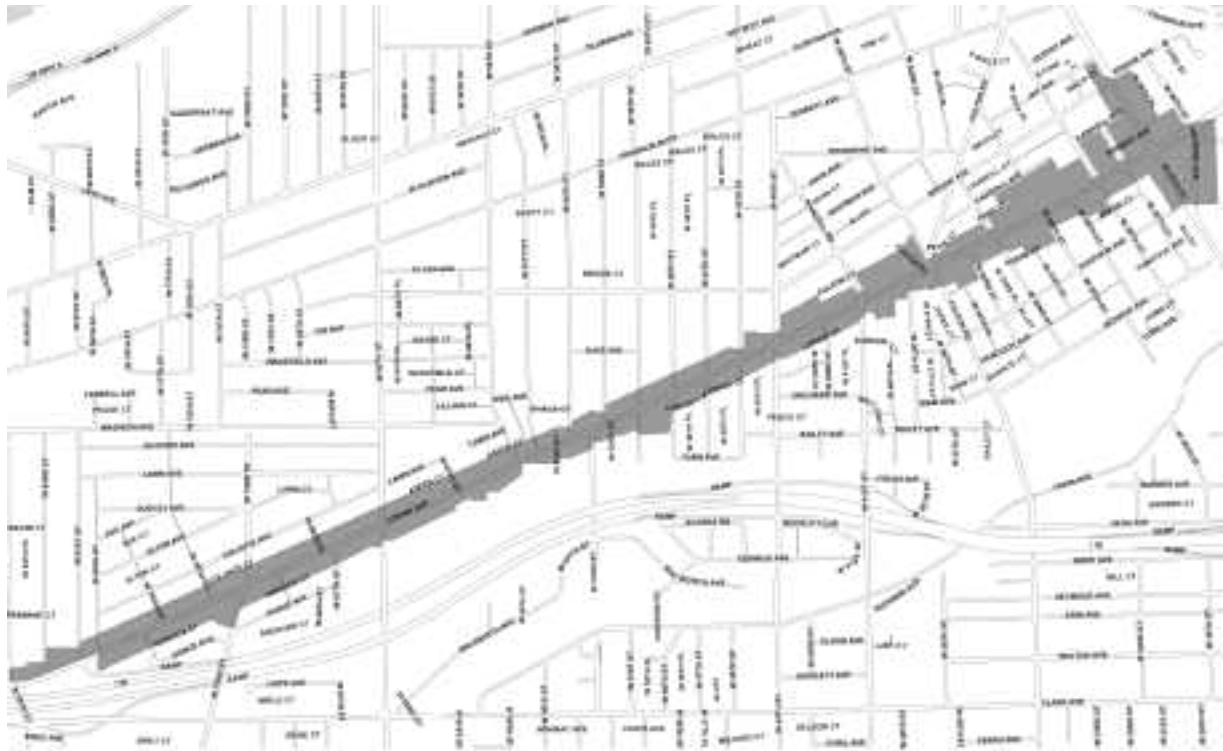
An ordinance establishing a Pedestrian Retail Overlay (PRO) District on Lorain Road between West 85th Street and Gehring Street (Map Change No. 2355, Sheet Number 1)

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

Section 1. That the lands located on the north and south sides of Lorain Road between West 85th Street and Gehring Street shown shaded on the attached map are hereby designated as a Pedestrian Retail Overlay District (PRO).

Section 2. That the designation of the area described in Section 1 shall be identified as Map Change Number 2355, Sheet Number 1, noted on the Building Zone Maps of the City of Cleveland and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.

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



Lorain Avenue Pedestrian Retail Overlay

Passed May 9, 2011.

Effective June 8, 2011.

Ord. No. 359-11.
By Council Members Kelley and Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of diving and underwater inspections, for the Division of Water, Department of Public Utilities, for a period up to two years.

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

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

Section 1. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period up to two years of the necessary items of diving and underwater inspections, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Water, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation

accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RQN 2002, RL 2011-5)

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 May 9, 2011.

Effective May 17, 2011.

Ord. No. 360-11.
By Council Members Kelley and Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of hauling and disposal of water treatment plant

residuals, for the Division of Water, Department of Public Utilities, for a period up to two years.

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

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

Section 1. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period up to two years of the necessary items of hauling and disposal of water treatment plant residuals, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Water, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of

Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RQN 2002, RL 2011-3)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements with other governmental agencies. The Director of Public Utilities may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

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

Passed May 9, 2011.

Effective May 17, 2011.

Ord. No. 361-11.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of water mains, fire hydrants, service connections, and appurtenances, including concrete repair, tree lawn restoration, and labor and installation if necessary, for the Division of Water, Department of Public Utilities, for a period up to two years.

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

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

Section 1. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period up to two years of the necessary items of water mains, fire hydrants, service connections, and appurtenances, including concrete repair, tree lawn restoration, and labor and installation if necessary, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Water, 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.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RQN 2002, RL 2011-2)

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 May 9, 2011.

Effective May 17, 2011.

Ord. No. 362-11.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of various sized PVC and FRE ductline materials, for the Division of Cleveland Public Power, Department of Public Utilities, for a period up to two years.

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

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

Section 1. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period of one or two years of the necessary items of various sized PVC and FRE ductline materials, including but not limited to conduit, fittings, elbows, spacers, expanders, reducers, adhesives and related materials necessary to construct electrical ductlines, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Cleveland Public Power, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Utilities is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Utilities by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a delivery order against the contract or contracts certified by the Director of Finance. (RQN 2004, RL 2011-4)

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 May 9, 2011.

Effective May 17, 2011.

Ord. No. 456-11.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the United States Department of Homeland Security for the 2010 Assistance to Firefighters Grant; and to enter into various written standard purchase and requirement contracts 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 amount of \$358,572, from United States Department of Homeland Security to conduct the 2010 Assistance to Firefighters Grant; that the Director of Public Safety is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the application for the grant contained in the file described below.

Section 2. That the application for the grant, File No. 456-11-A, made a part of this ordinance as if fully rewritten, including the obligation of the City of Cleveland to provide \$89,643 cash matching funds from Fund No. 11 SF 006, as presented to the Finance Committee of this Council at the public hearing on this legislation, and shall not be changed without additional legislative authority, is approved in all respects.

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

Section 4. That the Director of Public Safety is authorized to make one or more written standard purchase contracts and written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, the period of requirements during the grant term, for the necessary items of extrication equipment for use on firefighter trucks, rescue squads and technical rescue units, including labor and materials if necessary for installation, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public Safety. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines.

Section 5. That the costs of the requirement contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which

purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance.

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

Section 7. That the cost of the contracts authorized shall be paid from the fund or funds to which are credited the proceeds of the grant accepted under this ordinance.

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

Passed May 9, 2011.

Effective May 17, 2011.

Ord. No. 458-11.

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

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

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to acquire from and reconvey to, Sage Hospitality, or its designee, for a price of one dollar and other valuable considerations determined as fair market value, the following property for the purpose of entering into the chain-of-title prior to the adoption of tax increment financing legislation authorized under Section 5709.41 of the Revised Code and more fully described as follows:

Parcel No. 1

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being parts of Sublots Nos. 1, 2, 3, 4, 5 and 6 in Lee Canfield's Subdivision of part of Original Two Acre Lots Nos. 45, 46 and 47, as shown by the recorded plat in Volume "U" of Deeds, Page 19 of Cuyahoga County Record and is bounded and described as follows:

Beginning at the intersection of the Easterly line of East 6th Street, (99 feet wide), and the Northerly line of St. Clair Avenue, (99 feet wide), said place of beginning being also the most Southerly corner of said Sublot No. 1.

Course I.

Thence North 33° 57' 46" West along said Easterly line of East 6th Street, 116.20 feet.

Course II.

Thence North 56° 02' 14" East, 256.05 feet.

Course III.

Thence South 33° 57' 46" East, 115.20 feet to the Northerly line of said St. Clair Avenue

Course IV.

Thence South 55° 48' 50" West along the Northerly line of said St. Clair Avenue, 256.05 feet to the place of beginning, according to a survey by E.C. O'Rourke and Associates, Patrick S. Janis, Registered Surveyor, dated October, 1972.

Parcel No. 2

Appurtenant Rights in Declaration of Restrictions recorded in Volume 13183, Page 453 of Cuyahoga County Records, as to height of garage building next Northwest of parcel No. 1 above.

Parcel No. 3

Appurtenant Easement for vehicular deliveries of supplies and services created in Volume 13183, Page 463 of Cuyahoga County Records and as modified in Volume 13821, Page 721 of Cuyahoga County Records within premises next Northwest of parcel No. 1 above.

All of Seller's right, title and interest in the following:

a. 8 foot foundation easement - See Ordinance No. 280-73 passed February 12, 1973.

b. Steam Vault under walk - See Ordinance No. 763-73 passed April 9, 1973.

c. 6 foot "overhang" of building above - See Air Rights Easement in Ordinance No. 281-73 passed February 12, 1973.

d. Foundation, Vault and Area Way - See Ordinance No. 280-73 passed February 12, 1973.

PERMITTED ENCUMBRANCES

1. 1989 real estate taxes and assessments which are a lien against the property but not due and payable as of the date of the Limited Warranty Deed.

2. Restrictions, terms and conditions contained in the Urban Renewal Plan for Erieview Project 1, adopted by the City Planning Commission November 25, 1960, and recorded November 14, 1961, in Miscellaneous Records Volume 97, page 641 of Cuyahoga County Records and as approved and provided for in Ordinance no. 2428-60 passed by the Council of the City of Cleveland, Ohio, December 12, 1960, as modified. Said modification being adopted by the City Planning Commission on October 23, 1962, and recorded in Miscellaneous Record Volume 102, Page 1 of Cuyahoga County Records, and as approved and provided for in Ordinance no. 1865-62 passed by the Council of the City of Cleveland, October 29, 1962.

3. Declaration of covenants and restrictions contained in Instrument recorded in Volume 12710, Page 981 of Cuyahoga County Records, Ohio.

The following matters as shown on the survey prepared by Garrett & Associates, Inc., dated June 15, 1989:

a. 8 foot foundation easement - See Ordinance No. 280-73 passed February 12, 1973.

b. Steam Vault under walk - See Ordinance No. 763-73 passed April 9, 1973.

c. Various metal canopy overhangs as depicted on Survey.

d. 6 foot "overhang" of building above - See Air Rights Easement in Ordinance No. 281-73 passed February 12, 1973.

e. Foundation, Vault and Area Way - See Ordinance No. 280-73 passed February 12, 1973

Section 2. That the Director of Economic Development is authorized to execute on behalf of the City of Cleveland all necessary documents to acquire and to convey the properties and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits, and all other costs necessary for the acquisition of the properties.

Section 3. That this Council finds that the conveyances constitute a public purpose.

Section 4. That the conveyance shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland.

Section 5. That the Director of Economic Development is authorized to enter into an agreement with Sage Hospitality, or its designee, which shall include the terms and conditions of the transaction authorized by this ordinance and contained in File No. 458-11-B.

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 May 9, 2011.

Effective May 17, 2011.

Ord. No. 625-11.

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

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

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

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

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

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

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

An emergency ordinance authorizing the Directors of Economic Development

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

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

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

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

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

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

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

Section 6. That the Director of Capital Projects is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Improvement, provided, however, that each separate trade

and each distinct component part of the Improvement may be treated as a separate improvement, and each, or any combination, of the trades or components may be the subject of a separate contract on a unit basis.

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

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

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

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

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

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

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

Passed May 9, 2011.

Effective May 12, 2011.

Ord. No. 656-11.

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

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

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the RiteAid Cleveland Marathon sponsored by Cleveland Marathon, Inc. on May 15, 2011, with the Full Marathon starting at W. 3rd Street behind northwest corner of Browns Stadium; Straight/South on W.3rd to Lakeside; Right on Lakeside towards on-ramp for Shoreway; Enter Shoreway, following west-bound highway; Shoreway to Edgewater Drive exit follow onto Edgewater; Straight on Edgewater to W. 110th; Left on W. 110th to Lake; Left on Lake to Detroit; Left on Detroit to W. 38th; Right on W. 38th to Lorain; Left on Lorain to W.25th; Right on W. 25th to Barber; Left on Barber to Scranton; Left on Scranton to Starkweather; Right on Starkweather to W. 11th; Left on W. 11th to Abbey; Left on Abbey to W. 20th; Right on W. 20th to Lorain/Carnegie; Right on Lorain/Carnegie to Ontario; Left on Ontario to W. Huron; Soft Left on W. Huron to W. 9th; Soft Right on W. 9th to St. Clair; Right on St. Clair to W. 6th; Right on W. 6th to Superior; Left on Superior to E. 12th; Right on E. 12th to Euclid; Left on Euclid to E.18th; Left on E. 18th to Chester; Right on Chester to E. 21st; Right on E. 21st to Euclid; Left on Euclid to E. 55th; Left on E. 55th to Chester; Right on Chester to MLK Drive; Left on MLK to circle; continue north on MLK to bike path north of Gordon Park; Left onto bike path to N. Marginal; Straight on N. Marginal to E. 55th; Left on E. 55th to St. Clair; Right on St. Clair to E. 40th; Left on E. 40th to Payne; Right on Payne to E. 38th; Left on E. 38th to Kelley; Left on Kelley to E. 40th; Right on E. 40th to Chester; Right on Chester to E. 24th; Right on E. 24th to St. Clair; Left on St. Clair to E. 9th; Right on E. 9th to Erieside; Left on Erieside; Finish: Erieside in front of Great Lakes Science Center and Browns Stadium;

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

on Erieside; Finish: Erieside in front of Great Lakes Science Center and Browns Stadium; 5K Marathon starting at W. 3rd Street by south corner of Browns Stadium; Straight/South on W.3rd to Lakeside; Right on Lakeside to W.6th; Left on W. 6th to Huron; Left on Huron to Prospect; Right on Prospect to Huron; Left on Huron to E. 13th; Left on E. 13th to St. Clair; Left on St. Clair to E. 9th; Right on E. 9th to Erieside; Left on Erieside/Al Lerner Way to W. 3rd; Right on W. 3rd into Browns Stadium; Right into Stadium; Finish: On the field at Browns Stadium; provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed May 9, 2011.
Effective May 17, 2011.

Ord. No. 657-11.

By Council Member Zone.

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

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to the Detroit Shoreway Community Development Organization to install, maintain and remove a banner across West 65th Street south of Detroit Avenue and north of Franklin Boulevard for the period from July 15, 2011 to August 14, 2011, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

Passed May 9, 2011.
Effective May 17, 2011.

COUNCIL COMMITTEE MEETINGS

**Monday, May 16, 2011
9:30 a.m.**

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

11:00 a.m.

Public Service Committee: Present: Miller, Chair; Cummins, Vice Chair;

Dow, K. Johnson, Keane, Polensek, Sweeney. *Authorized Absence:* Cleveland, Pruitt.

2:00 p.m.

City Planning Committee & Finance Committee: Present in Planning: Westbrook, Chair; Brady, Conwell, Dow, Keane. *Authorized Absence:* Cleveland, Chair; Zone Present in Finance: Sweeney, Chair; Kelley, Chair; Brady, Brancatelli, Keane, Miller, Mitchell, Polensek, Pruitt, Westbrook. *Authorized Absence:* Cleveland.

2:00 p.m.

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

**Tuesday, May 17, 2011
9:30 a.m.**

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

1:30 p.m.

Employment, Affirmative Action and Training Committee: Present: Pruitt, Chair; Miller, Vice Chair; Cummins, J. Johnson, Mitchell. *Authorized Absence:* K. Johnson, Westbrook.

**Wednesday, May 18, 2011
10:00 a.m.**

Public Safety Committee: Present: Conwell, Chair; Polensek, Vice Chair; Brady, Cummins, Dow, Mitchell, Zone. *Authorized Absence:* Cleveland, Miller.

1:30 p.m.

Public Utilities Committee: Present: Kelley, Chair; Brady, Vice Chair; Cummins, Dow, Polensek, Pruitt, Westbrook. *Authorized Absence:* Conwell, Miller.

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O—Ordinance; R—Resolution; F—File
Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;
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