

The City Record

Official Publication of the Council of the City of Cleveland



October the Twenty-Sixth, 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 – Jomarie Wasik, Director

DIVISIONS:

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

Engineering and Construction – _____, Manager

Real Estate – _____, Commissioner

DEPT. OF LAW – Barbara A. Langhenry, Interim Director, _____, Chief Counsel,

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

Room 106; Michael Ruffing, Law Librarian, Room 100

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

Frank Badalamenti, Manager, Internal Audit

DIVISIONS:

Accounts – Lonya Moss Walker, Interim Commissioner, Room 19

Assessments and Licenses – Dedrick Stephens, Commissioner, Room 122

City Treasury – _____, Treasurer, Room 115

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

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

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

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

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

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

DIVISIONS:

Cleveland Public Power – Ivan Henderson, Commissioner

Street Lighting Bureau – _____, Acting Chief

Utilities Fiscal Control – Dennis Nichols, Commissioner

Water – Bernardo Garcia, Commissioner

Water Pollution Control – Rachid Zoghaib, Commissioner

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

International Airport, 5300 Riverside Drive

DIVISIONS:

Burke Lakefront Airport – Khalid Bahhur, Commissioner

Cleveland Hopkins International Airport – Fred Szabo, Commissioner

DEPT. OF PUBLIC WORKS – Michael Cox, Director

OFFICES:

Administration – John Laird, Manager

Special Events and Marketing – Tangee Johnson, Manager

DIVISIONS:

Motor Vehicle Maintenance – Daniel A. Novak, Commissioner

Park Maintenance and Properties – Richard L. Silva, Commissioner

Parking Facilities – Leigh Stevens, Commissioner

Property Management – Tom Nagle, Commissioner

Recreation – Kim Johnson, Commissioner

Streets – _____, Commissioner

Traffic Engineering – Robert Mavec, Commissioner

Waste Collection and Disposal – Ron Owens, Commissioner

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

Erievue Plaza

DIVISIONS:

Air Quality – George Baker, Commissioner

Environment – Pamela Cross, Commissioner, Mural Building, 75 Erievue Plaza

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

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

DIVISIONS:

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

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

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

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

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

DEPT. OF COMMUNITY DEVELOPMENT – Daryl Rush, Director

DIVISIONS:

Administrative Services – Jesus Rodriguez, Commissioner

Fair Housing and Consumer Affairs Office – _____, Manager

Neighborhood Development – Chris Garland, Commissioner

Neighborhood Services – Louise V. Jackson, Commissioner

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

DIVISIONS:

Code Enforcement – Tyrone L. Johnson, Commissioner

Construction Permitting – Timothy R. Wolosz, Commissioner

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

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

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

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

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

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

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

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

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

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

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

Michael Flickinger.

SINKING FUND COMMISSION – Frank G. Jackson, President; Council President Martin

J. Sweeney; Betsy Hruby, Asst. Sec'y.; Sharon Dumas, Director.

BOARD OF ZONING APPEALS – Room 516, Carol A. Johnson, Chairman; Members; John

Myers, Ozell Dobbins, Joan Shaver Washington, Tim Donovan, Jan Huber, Secretary.

BOARD OF BUILDING STANDARDS AND BUILDING APPEALS – Room 516, J. F.

Denk, Chairman; _____, Arthur Saunders, Alternate Members – D. Cox, P.

Frank, E. P. O'Brien, Richard Pace, J.S. Sullivan.

BOARD OF REVISION OF ASSESSMENTS – Interim Law Director Barbara A.

Langhenry, President; Finance Director Sharon Dumas, Secretary; Council President

Martin J. Sweeney.

BOARD OF SIDEWALK APPEALS – Service Director Jomarie Wasik, Interim Law

Director Barbara A. Langhenry; Council Member Eugene R. Miller.

BOARD OF REVIEW – (Municipal Income Tax) – Interim Law Director Barbara A.

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

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

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

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

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

Render, Genesis O. Brown.

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

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

David Perkowski, Joan Shaver Washington, Keith Sutton.

CLEVELAND BOXING AND WRESTLING COMMISSION – Robert Jones, Chairman;

Clint Martin, Mark Rivera.

MORAL CLAIMS COMMISSION – Interim Law Director Barbara A. Langhenry;

Chairman; Finance Director Sharon Dumas; Council President Martin J. Sweeney;

Councilman Kevin Kelley.

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

Whalen, Nancy Cronin, Elvin Vauss.

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

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

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

Keiser, Secretary.

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

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

Barbara A. Langhenry.

CLEVELAND MUNICIPAL COURT

JUSTICE CENTER – 1200 ONTARIO STREET

JUDGE COURTROOM ASSIGNMENTS

Judge Courtroom

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

Judge Marilyn B. Cassidy – Courtroom 12B

Judge Michelle Denise Earley – Courtroom 12C

Judge Emanuella Groves – Courtroom 14B

Judge Anita Laster Mays – Courtroom 14C

Judge Lynn McLaughlin-Murray – Courtroom 12A

Judge Lauren C. Moore – Courtroom 14A

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

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

Judge Michael John Ryan – Courtroom 13A

Judge Angela R. Stokes – Courtroom 15C

Judge Pauline H. Tarver – Courtroom 13C

Judge Joseph J. Zone – Courtroom 14D

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

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

Magistrate, Victor Perez – City Prosecutor

The City Record

71 OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 98

WEDNESDAY, OCTOBER 26, 2011

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CITY COUNCIL

MONDAY, OCTOBER 24, 2011

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

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2010-2013

MONDAY — Alternating

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

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

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

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

MONDAY

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

TUESDAY

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

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

WEDNESDAY — Alternating

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

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

WEDNESDAY — Alternating

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

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

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

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

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, October 24, 2011

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

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

Also present were Mayor Frank G. Jackson, Ken Silliman, Chief of Staff, 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, and Interim Law Director Langhenry, Directors Dumas, Withers, Smith, Wasik, Butler, Cox, Rush, Southerington, Nichols, Griffin, Fumich, Mundy Workman, and Teresa Stevenson of Legislative Affairs.

Pursuant to Ordinance No. 2926-76, the opening prayer was offered by Cheryl Lindsey, Chaplin of the Cleveland Chapter of Delta Sigma Theta Sorority located in Ward 8. Pledge of Allegiance.

MOTION

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

COMMUNICATIONS

File No. 1531-11.
From: Department of Economic Development. Request for Proposal Publication — qualified developer to complete a plan for the redevelopment of the Variety Theatre Building located at 10313 Lorain Avenue. (Ward 17). Received.

FROM THE DEPARTMENT OF LIQUOR CONTROL

File No. 1532-11.

Re: #8202311 — D5, D6 Transfer of Ownership Application, 627 Prospect, LLC, d.b.a., Caddyshack Lounge and Patio, 668 Euclid Avenue, Unit 8P. (Ward 3). Received.

File No. 1533-11.

Re: #1128498 — D5, D6 Transfer of Ownership Application, Burson Restaurant Management, d.b.a. Huron Point Tavern, 1st floor and basement and patio, 828 Huron Road. (Ward 3). Received.

File No. 1534-11.

Re: #5378773 — D5, D6 Transfer of Ownership and Location Application, MGFFG LLC, d.b.a., Enigma, 1313 West 6th Street. (Ward 3). Received.

CONDOLENCE RESOLUTIONS

Res. No. 1536-11—Angeline "Angie" Ferchill.

Res. No. 1537-11—Horace Jones, Jr.
Res. No. 1538-11—Mrs. Helen Miller.

Res. No. 1539-11—Theodore Edward Huey, Sr.

CONGRATULATION RESOLUTIONS

Res. No. 1540-11—Donn R. Nottage.
Res. No. 1541-11—Social Action Committee of Delta Sigma Theta Sorority, Inc.

Res. No. 1542-11—The Call & Post — 95th Anniversary.

Res. No. 1543-11—Thomas F. Zenty III.

Res. No. 1544-11—Mayor Frank G. Jackson.

Res. No. 1545-11—Bellaire Puritas Development Corporation.

Res. No. 1546-11—AMLA Lodge No. 6, Slovenski Dom.

RECOGNITION RESOLUTIONS

Res. No. 1547-11—National Hospice/Palliative Care Month.

Res. No. 1548-11—32nd degree Masons of the Ancient and Accepted Scottish Rite, Valley of Cleveland.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 1515-11.
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. 66946 with the Cleveland National Airshow, Inc. to conduct an air show and related events.

Whereas, under the authority of Ordinance No. 130-07, passed May 14, 2007, the Director of Port Control entered into Contract No. 66946 with the Cleveland National Airshow, Inc. for the use of certain portions of the airfield and facilities at Cleveland Burke Lakefront Airport to conduct an air show and related events for a period of five years, with five one-year options to renew, all of which require additional legislative authority to exercise; and

Whereas, Ordinance No. 130-07 requires further legislation before exercising any 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. 66946 for an additional year with Cleveland National Airshow, Inc. for the use of certain portions of the airfield and facilities at Cleveland Burke Lakefront Airport to conduct an air show and related events. This ordinance constitutes the additional legislative authority required by Ordinance No. 130-07 to exercise this option.

Section 2. That the remaining four one-year options to renew on Contract No. 66946 may be exercised by the Director of Port Control without the necessity of obtaining additional authority of this Council.

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

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

Ord. No. 1516-11.
By Council Members Cimperman, K. Johnson, Mitchell and Sweeney (by departmental request).

An emergency ordinance to amend Sections 131.02, 131.06, 131.07, 131.15, and 131.19, as enacted and amended by various ordinances; and to repeal Section 131.16, as enacted by Ordinance No. 1330-A-10, relating to the Manager of Special Events and the Management of Public Auditorium.

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, upon the concurrence of the Board of Control, as required by Sections 77 and 79 of the Charter of the City of Cleveland, existing Section 131.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1330-A-10, passed December 6, 2010, is amended to read as follows.

Section 131.02 Duties of the Director of Public Works

The Director of Public Works either directly or through the appropriate divisions established in the Department of Public Works, shall

manage and supervise all public improvements, works and undertakings of the City except as otherwise provided by the Charter and ordinances of the City. He shall have charge of the planning, construction, improvement, repair and maintenance of streets, boulevards, sidewalks, alleys, lanes and other public highways; of the planning, construction, improvement, repair and maintenance and the operation of bridges and viaducts; of drains, ditches, culverts; the cleaning and sprinkling of streets, boulevards and public places; the collection and disposal of waste; the preservation of tools, equipment and other property belonging to the City and pertaining to the Department of Public Works; charge and management of City Hall buildings; **charge and management of The Public Hall, the Music Hall, the Little Theater, the main arena, Mall Units 1 and 2 (Malls B and C), and all meeting rooms which shall comprise and be known as "The Public Auditorium Building," and Cleveland Browns Stadium;** all City parks, recreation facilities and markets; all City off-street parking facilities not under the jurisdiction of another department; all other real estate belonging to the City and not under the jurisdiction of another department; the installation and maintenance of parking meters in parking meter zones established by the Commissioner of Traffic Engineering; and the issuance of parking infraction tickets and the impoundment of vehicles to the extent that the Codified Ordinances specifically authorize employees of the Division of Parking Facilities to perform said tasks.

The Director of Public Works and his designees, which shall include only supervisory or higher ranking officials in the Department of Public Works, when commissioned by the Director of Public Safety as special police, may enforce minor misdemeanor offenses related to solid waste collection and disposal through the issuance of citations in accordance with Rule 4.1 of the Rules of Criminal Procedure. He shall further perform all other duties pertaining to the Department which may be required of him by ordinance or by the Mayor.

Section 2. That, upon the concurrence of the Board of Control, as required by Sections 77 and 79 of the Charter of the City of Cleveland, existing Section 131.02 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1330-A-10, passed December 6, 2010, is repealed.

Section 3. That the following existing Sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 131.06 as enacted by Ordinance No. 1330-A-10, passed December 6, 2010,

Section 131.07, as amended by Ordinance No. 135-11, passed January 31, 2011, and

Sections 131.15 and 131.19, as enacted by Ordinance No. 1330-A-10, passed December 6, 2010,

are amended to read as follows:

Section 131.06 Duties of the Manager of Special Events and Marketing

The Manager of Special Events and Marketing shall:

(a) make recommendations to the Director regarding the issuance and conditions of issuance for all permits governing special events occurring within the corporate boundaries of the city;

(b) prior to and during every spe-

cial event, coordinate the permitting process of all city departments providing services to the special event;

(c) provide technical assistance and information to special event applicants;

(d) recommend to the Director appropriate risk management measures to protect the city during each special event;

(e) administer all special event concession agreements and all special event permits under this chapter excepting only those concession agreements which apply to property under the control of the Directors of Port Control and Public Utilities;

(f) have the authority to determine and require events promoters to provide essential services, including but not limited to, adequate on-site safety and traffic control, fire protection, first-aid services, sanitation and clean up; and

(g) preside over such special events steering committees of City personnel from more than one City department as may be appointed by the directors of the affected city departments and record all actions taken by the committees.

Section 131.07 Special Event Permits

For purposes of this Chapter, "special event" means a preplanned event or series of events of less than a week's duration, sponsored by a public or private person or entity, which is: (1) located wholly or partially on property which is owned or maintained by the City of Cleveland; or (2) located on any other property and requires for its successful execution, the provision and coordination of municipal services to a degree significantly over and above that which the City of Cleveland routinely provides under ordinary everyday circumstances.

City buildings, parks and all other real estate under control of the Director which have been constructed or maintained for the benefit of the public shall be for the use of the public in general under the Charter and ordinances of the City of Cleveland. To that end, no person or entity shall be given any special or exclusive privilege to use any public property under the control of the Director without first obtaining a permit under this section. Additionally, the Director shall ensure that proper coordination occurs among necessary city departments to facilitate the use of city streets for special event activities including parades, marathons, foot races/bike-a-thons, and all other events requiring closure of a right-of-way.

All closures of city streets in conjunction with a special event shall be approved by the Police Traffic Commissioner, Commissioner of Streets, and Manager of Special Events, and Marketing.

(a) The Director may establish rules and regulations for the use of public property under his control. Such rules and regulations shall become effective ten days after publication in the City Record and shall be enforced as ordinances of the City. **The Director of Public Works shall have the authority to make, amend, alter or rescind rules and regulations governing use of the facilities of the Public Auditorium Building and Cleveland Browns Stadium not in conflict with the ordinances or laws regulating such conduct. The Director may require in any rental agreement that the event be required to pay for**

or provide security personnel within and without the rental premises.

(b) The Director may place reasonable time restrictions on the issuance of special event permits, including without limitation a prior notice requirement, first-come, first-served scheduling, limitations on frequency of use, and limitation of permits to normal operating hours for City property. Use of the City Hall Rotunda for events other than City-sponsored events, shall be limited to after normal business hours and weekends. The Director's prior notice requirement may not exceed five days for special event permits not subject to the requirements of Section 131.08.

(c) The Director may place reasonable place restrictions on the issuance of special event permits, which restrictions may consider the historic use of the property, recreational use policies adopted in the director's rules and regulations, the size of the property and the degree to which the special event would interfere with the historic use and adopted recreational use policies for the property.

(d) The Director may deny or revoke a special event permit whenever he finds:

(1) the applicant person or entity has previously violated the provisions of a special event permit or has submitted materially false or incomplete information on any special event permit application; or

(2) the special event would unreasonably interfere with the movement of or service capability of police vehicles, firefighting equipment or ambulance service; or

(3) the special event would unreasonably interfere with the historic recreational use and the adopted recreational use policies for a neighborhood park; or

(4) the special event would unreasonably interfere with another special event for which a permit has been issued; or

(5) the special event would unreasonably interfere with the City activities that occur on or at the property.

The Director may charge a permit application fee, subject to approval of Board of Control, in an amount not to exceed the Director's cost in administering such application.

Section 131.15 Concession Agreements for Rental of the Public Auditorium Building

(a) The Director of Public Works shall have the authority to enter into contracts to rent all or any portion of the Public Auditorium Building or Cleveland Browns Stadium. Every contract for renting all or any portion of the Public Auditorium Building shall be reduced to writing and shall contain all the terms and conditions of the agreement including without limitation, the exact amount and location of space to be granted, the amount of the rental therefor, and a separate charge or rate for any labor, materials, or equipment which is to be supplied by the City to the grantee.

(b) Every grant or concession agreement for the use of the Public Auditorium Building shall be reduced to writing and shall be executed by the parties thereto at least thirty (30) days prior to the scheduled opening date of the event or show, except in emergencies; the Director of Public Works shall review and approve each concession agreement.

(c) No grant or concession agreement for the use of the Public Auditorium Building shall be modified or changed in any manner, after it is signed by the parties, except if such modification or change is in writing and signed by the parties and is in all respects clear, complete and in conformity with all existing laws of the City of Cleveland including the rules and regulations of the Director of Public Works and applicable resolutions of the Board of Control.

(d) Every such grant or concession agreement for the use of the Public Auditorium Building shall also be approved in writing by the Director of Law.

(e) All deposits required of any person to secure the use of the Public Auditorium Building shall be nonreturnable.

(f) Every person, firm, company or organization using or renting space at the Public Auditorium Building shall be required to pay for such use at the rates established by the Board of Control.

(g) The Director of Public Works may offer to grantees the acceptance of Mastercard and Visa and other credit cards for ticket purchases.

The Director of Finance may contract for credit card services with any financial institution designated as a depository for active funds of the City of Cleveland. The Director of Finance is authorized to pay all credit card fees and enter into a contract for credit card services and purchase or lease of equipment. The Director of Public Works shall charge any grantee requesting credit card services all costs of such services including but not limited to bank handling fees to recover for the City the costs of the contracts executed by the Director of Finance.

The Director of Public Works is authorized to impose on ticket purchases a \$1.50 service charge on all telephone and mail order charge purchases to cover Public Auditorium Building costs.

Section 131.19 Withdrawal of Funds by the Director of Public Works

All money deposited in a special trust fund account shall be withdrawn only on a warrant executed and approved by the Director of Public Works, under which warrant a check may be drawn on the depository in which the special trust fund account is placed, in the manner prescribed by ordinance for the withdrawal of city funds from City depositories.

Section 4. That the following existing Sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 131.06 as enacted by Ordinance No. 1330-A-10, passed December 6, 2010,

Section 131.07, as amended by Ordinance No. 135-11, passed January 31, 2011, and

Sections 131.15, 131.16, and 131.19, as enacted by Ordinance No. 1330-A-10, passed December 6, 2010, are repealed.

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

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

Ord. No. 1517-11.

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

An emergency ordinance approving the Tax Incentive Review Council's Year 2010 recommendations.

Whereas, under Section 5709.83 of the Revised Code, if a municipal corporation grants an exemption from taxation, they shall create a Tax Incentive Review Council ("TIRC"); and

Whereas, one of the functions of the TIRC is to annually review all agreements granting exemptions from property taxation and to make recommendations to either continue, modify, or cancel their agreements based on various factors, including fluctuations in the business cycle unique to the owner's business; and

Whereas, in compliance with Section 5709.83 of the Revised Code, the City of Cleveland has created a TIRC and the TIRC has made written recommendations on exemptions to be approved by the legislative authority; and

Whereas, under division (D) of Section 5709.83 of the Revised Code, once a legislative authority receives written recommendations from a tax incentive review council, that legislative authority has sixty days after receiving the recommendations, to hold a meeting and vote to accept, reject, or modify, all or any portion of the recommendations; 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 TIRC's Year 2010 recommendations contained File No. 1517-11-A are approved.

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 Economic Development, Finance, Law; Committees on Community and Economic Development, Finance.

Ord. No. 1518-11.

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

An emergency ordinance authorizing the of Director Human Resources to employ one or more professional consultants for services necessary to provide group medical, and dental insurance coverage, vision and life insurance coverage, the medical reimbursement accounts, dependent care accounts, and premium pass-through benefits under Internal Revenue Code Section 125 for City of Cleveland employees, for a period up to one year, with a one-year option to renew, exercisable by the Director of Human Resources.

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 Human Resources is authorized to enter into one or more contracts in order to provide professional consultants for services necessary to provide group medical, and dental insurance coverage, vision and life insurance coverage, the medical reimbursement accounts, dependent care accounts, and premium pass-through benefits under Internal Revenue Code Section 125 for City of Cleveland employees, for a period up to one year, with a one-year option to renew, exercisable by the Director of Human Resources.

The selection of the carriers shall be made by the Board of Control on the nomination of the Director of Human Resources from a list of qualified carriers as may be determined after a full and complete canvass by the Director of Human Resources for the purpose of compiling a list. The cost to be paid for the contracts 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 Human Resources, and certified by the Director of Finance.

Section 2. That the contracts shall be prepared by the Director of Law and shall contain any conditions and provisions that the Director deems necessary to protect and benefit the public interest.

Section 3. That the cost of the contract or contracts authorized shall be paid from funds appropriated in budget year 2012 for this purpose, RQN 0402, RL 2011-51.

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 Human Resources, Finance, Law; Committees on Employment, Affirmative Action and Training, Finance.

Ord. No. 1519-11.

By Mayor Jackson and Council Members Westbrook and Brancatelli.

An emergency ordinance to amend Section 3103.09 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1112-A-07, passed June 2, 2008 and Section 367.08, as amended by Ordinance No. 54-94, passed June 6, 1994, relating to cost recovery from all owners jointly from the time of notice of condemnation to demolition for demolition costs.

Whereas, the City of Cleveland, Building and Housing Department has demolished 5,152 condemned buildings between 2006 and 2010; and

Whereas, the City of Cleveland, Building and Housing Department has only been able to recover a fraction of its demolition costs despite efforts to collect from owners of such buildings; and

Whereas, many condemned buildings are transferred between multiple owners during the time from when the City condemns the building to when the building is demolished; and

Whereas, many property owners transfer properties with condemned structures in order to avoid liability and without ensuring that the purchaser will abate the nuisance; and

Whereas, both state and local laws require sellers or property to provide written notice to purchasers of building and housing code violations and require purchasers to obtain notice of building and housing code violations; and

Whereas, under Section 5301.253 of the Revised Code, "The owner of any property who has received written notice that the property is in violation of any building or housing code shall give the purchaser or grantee of the property written notice or the code violations prior to entering into an agreement for the transfer of title to the property, or if the owner does not enter into a written agreement for the transfer, prior to filing for record of a deed to the property."; and

Whereas, under Section 5301.253 of the Revised Code, "Any notice or order of a court or of a housing or building authority of the state or a political subdivision that relates to a violation of the building or housing code of the state or any political subdivision and the appears on the public records of the issuing authority is notice to all subsequent purchasers, transferees, or any other persons who acquire any interest in the real property in which the violation exists and may be enforced against their interest in the real property without further notice or order to them."; and

Whereas, Section 367.12 of the Codified Ordinances of Cleveland, Ohio, 1976, requires a seller of any structure of five or more units to provide a purchaser and place in escrow prior to sale a current Certificate of Occupancy or Statement of Authorized Use from the Department of Building and Housing along with any outstanding notice of violation from the City or outstanding notice of the City's intention to demolish or effectively board; and

Whereas, Section 367.12 requires a seller of a one, two, three or four unit structure to provide the purchaser with a Certificate of Disclosure form prescribed by the Director of Building and Housing addressing the condition of the property, and if the purchaser does not receive the Certificate of Disclosure prior to sale, the purchaser may rescind the purchase contract prior to sale; and

Whereas, division (e)(4)A. of Section 3103.09 forbids any seller from selling any interest in a structure "without furnishing the buyer, prior to sale a copy of any outstanding notice or order from the City, including any notice of violation or any outstanding notice to make corrections to the minimum standards of the Codified Ordinances... applicable City rules and regulations, the Revised Code, including the Ohio Building Code, or any outstanding notice to demolish and remove." It also forbids any buyer or grantee from obtaining any interest in a structure "without obtaining from the seller, prior to sale, the documents described above"; 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 Section 3103.09 of the Codified Ordinances of Cleveland, Ohio 1976, as amended by Ordinance No. 1112-A-07, passed June 2, 2008 and Section 367.08, as amended by Ordinance No. 54-94, passed June

6, 1994 are amended, respectively, as follows:

Section 3103.09 Unsafe Structures and Exterior Property Nuisances; Violations and Remedial Notices; Cost Recovery

(a) *Legislative Findings.*

Council of the City of Cleveland finds that:

(1) Structures that are vacant and open to entry at doors, windows or other points accessible to the general public:

- A. Attract children to enter;
- B. Become harborage for vermin;
- C. Serve as temporary abode for derelicts, vagrants and criminals; and
- D. Are likely to be damaged by vandals or set ablaze by arsonists.

(2) Unkept grounds surrounding vacant, open structures invite the dumping of garbage and rubbish;

(3) Thousands of structures in this City are made of wood-frame construction that is more combustible than other building types;

(4) Thousands of structures in this City are situated on narrow lots and in close proximity to one another, increasing the risk of conflagration and spread of insect and rodent infestation;

(5) Population loss and economic decline experienced by the City in recent years has caused the incidence of vacant, open structures, high grass, weeds, junk, debris, and junk motor vehicles to increase significantly;

(6) Vacant, open structures often become dilapidated because they are not repaired by the owners or persons in control of the structures;

(7) Structures that are vacant and open to entry, high grass, weeds, junk, debris, and junk motor vehicles depress the market value of surrounding properties;

(8) Vacant and unsafe structures in which utility services have not been shut-off create a serious risk of explosion, accidental fire and flood.

(9) The existence of certain hazardous conditions may require a structure to be vacated; these conditions include but are not limited to:

- A. Danger of structural collapse;
- B. Inadequate heat or use of dangerous heating mechanism;
- C. Danger of fire; and
- D. Lack of plumbing in safe working order.

(10) Structures that remain boarded for an extended period of time contribute to blight, cause a decrease in neighboring property values, create targets for arson, and lead to the cancellation of homeowners' insurance for neighboring property owners.

(11) The following conditions provide harborage and breeding grounds for pests or otherwise create human-health problems:

- A. Grass over 8 inches in height.
- B. Noxious weeds including Russian, Canadian, or common thistle; wild lettuce; wild mustard; wild parsley; ragweed; milk weed; iron weed; wild plants that can cause skin reaction upon contact or produce or aggravate hay fever, asthma, allergic respiratory reaction, or similar conditions; and all other noxious weeds.

C. Refuse, including but not limited to, trash, junk, garbage and food waste, offal, animal wastes, tires, and all other waste materials.

D. Stagnant surface water.

(12) As used in this Chapter "junk" motor vehicle means a motor vehicle

that meets all of the following criteria:

- A. Three model years' old or older;
- B. Apparently inoperable; and
- C. Extensively damaged, including, but not limited to, any of the following: missing wheels, tires, engine, motor, or transmission. (R.C. §505.173)

(b) *Declaration of Nuisance.*

(1) All buildings or structures that are injurious to or a menace to the public health, safety or welfare, or are structurally unsafe, unsanitary or not provided with adequate safe egress, or constitute a fire hazard, or are vacant and open to public entry, or are otherwise dangerous to human life or injurious to the public, or in relation to existing use constitute a hazard to the public health, safety or welfare by reason of inadequate maintenance, dilapidation, obsolescence or abandonment, are, severally, for the purposes of this Building Code, declared to be "unsafe structures." All unsafe structures or conditions are declared to be public nuisances. The public nuisance shall be abated by correction of the violations to the minimum standards of the Codified Ordinances of Cleveland, Ohio, 1976, applicable City rules and regulations, the Revised Code, and Ohio Administrative Code, including the Ohio Building Code, or by demolition.

(2) The condition described under division (a) (8) of this section is declared to be a nuisance because of the risk of harm from explosion, accidental fire or flooding and shall be abated by shut-off of the services.

(3) The conditions listed in division (a) (11) of this section are declared to be nuisances that shall be removed, destroyed, or abated from any property on which they are found.

(4) Junk motor vehicles as defined in division (a) (12) of this section are declared to be nuisances that shall be removed or abated from any property on which they are found. Junk motor vehicles are declared to be a nuisance because:

- A. They harbor rodents, vermin, and other pests;
- B. They contain toxic substances and flammable liquids and fumes;
- C. They attract children to enter;
- D. They serve as temporary abode for derelicts, vagrants and criminals;
- E. They diminish neighboring property values; and
- F. They are likely to be damaged by vandals or set ablaze by arsonists.

(c) *Effective Boarding Pending Rehabilitation.*

(1) *Permits.* Pending the correction of the violations to the minimum standards of the Codified Ordinances of Cleveland, Ohio, 1976, applicable City rules and regulations, the Revised Code, and the Ohio Administrative Code, including the Ohio Building Code, the owner of a structure may secure the structure through effective boarding. In order to effectively board the structure, the owner of the structure shall apply, within 3 days of receiving a notice of violation, to the Department of Building and Housing for a permit to board. The Department of Building and Housing shall review the condition of the structure, determine if it can be effectively boarded, and grant or deny the owner's permit to board, setting forth special requirements, if any, necessary for compliance with minimum standards for effective boarding. The owner shall effectively board the structure within

3 days of the issuance of a boarding permit, or within any other time limit that the Director deems appropriate. Structures that are boarded without first obtaining a boarding permit or structures that do not comply with the boarding permit shall continue to be considered public nuisances subject to demolition. Within thirty (30) days of the issuance of a permit to board, the owner of the structure shall apply for a rehabilitation permit under Section 3105.06 of the Codified Ordinances of Cleveland, Ohio, 1976. The Director may grant an extension of time for acquiring a rehabilitation permit on the owner's written request and for good cause shown. Failure of the owner to obtain a rehabilitation permit after effective boarding will result in the structure being deemed a public nuisance, and scheduled for demolition.

(2) *Materials.* The effective boarding of a structure shall include, but not be limited to, doors, windows, or other areas of the structure open to ingress and egress and to weather elements at any and all levels of the structure. The openings shall be secured by plywood, not less than 1/2 thick, or other material of equal strength, cut and fit into the openings. Openings in excess of forty-eight inches wide shall be framed with 2" x 4" lumber and plywood, or equivalent material fastened twenty-four inches on center onto frame. The plywood or equivalent material shall be fastened into the openings by screw type nails or lag screws.

(3) *Maintenance.* Upon effectively boarding the structure, the owner shall monitor and maintain the structure and its surrounding premises in a safe, sanitary and secured condition. Any portion of the exterior structure that is deemed to be potentially hazardous due to deteriorated conditions, or to be structurally unsound, shall be removed or treated in a manner so as to eliminate the hazard. The exterior premises shall be maintained free of high weeds, debris, junk vehicles, and conditions that may provide harborage for rodents. Failure of the owner to properly maintain the building in the above condition, will result in the structure being deemed a public nuisance, and scheduled for demolition.

(4) *Rehabilitation.* Rehabilitation of the structure shall begin within 30 days of receiving a rehabilitation permit under Section 3105.06 of the Codified Ordinances of Cleveland, Ohio, 1976 unless the time period is extended with permission from the Director. If rehabilitation of the effectively boarded structure does not begin within this time period, or if the rehabilitation permit is otherwise invalidated or revoked, then the Director may declare that the nuisance has not been abated and schedule the structure for demolition.

(d) *Examination and Condemnation.*

(1) The Director is authorized to examine or cause to be examined every building or other structure reported to be unsafe or damaged or injurious to or a menace to the public, and shall make a written record of the examination.

(2) The Director may designate as a public nuisance those particular structures or conditions found to be unsafe under division (b) of this section.

(3) The Director may also declare that a nuisance structure which, due

to its advanced state of dilapidation, substantial fire damage or structural infirmity, is an immediate hazard to human life or health, may only be abated by immediate repair and rehabilitation to the minimum standards of the Codified Ordinances of Cleveland, Ohio, 1976, applicable City rules and regulations, the Revised Code, and Ohio Administrative Code, including the Ohio Building Code, or by demolition.

(4) Whenever the Director finds a vacant structure open to entry at doors, windows or other points accessible to the general public, he may cause the structure to be secured at those points of entry. The Director shall be authorized at any time to enter the premises to secure the structure in order to lessen the severity of the public nuisance. In securing the structure, the Director may call any department, division or bureau of the City for whatever assistance may be necessary, or may, by private contract, secure such structure and may notify Utilities to shut-off service to the property under Section 3103.091. This securing shall not be deemed to constitute "effective boarding" under division (b) of this section, and it does not abate the nuisance condition of an unsafe structure, as declared under division (d) (2) of this section, unless so declared in writing by the Director. Later notice, issued under division (e) (1) below, shall include the fact that the Director has found it necessary to take appropriate action to secure the structure.

(e) *Notice of Violation.*

(1) Whenever the Director finds a building, structure or a portion of those to be unsafe and determines it or the property on which it is located to be a public nuisance as defined in this Chapter, he shall forward by certified mail to the owner, agent or person in control of the building, structure or portion and to any mortgagee of record a written notice of violation stating the defects in the building or structure. The notice of violation shall require the owner within a stated time to abate the nuisance condition of the building or structure by correction of the violations and defects to the minimum standards of the Codified Ordinances of Cleveland, Ohio, 1976, applicable City rules and regulations, the Revised Code, and Ohio Administrative Code, including the Ohio Building Code, or by demolition and removal of the building, structure, or a portion of those. The notice also shall state that if the nuisance is not abated within the required time that the Director may take appropriate action to repair, remove, or otherwise abate the public nuisance and that the owner, agent or person in control shall be responsible for the costs. The handing of the violation notice to the owner, agent or person in control of the building, structure or a portion of those shall be deemed actual notice and is legal and valid service and no other form of service is necessary.

(2) If the person to whom the notice and order is addressed is not found after a reasonable and diligent search, then the notice and order shall be sent by certified mail to his tax mailing address, if available, as indicated on the County tax duplicate, and a copy of the notice shall be posted in a conspicuous place on the premises to which it relates. The mailing and posting shall be deemed legal service of the notice.

(3) An owner, agent or person in control of the structure or building, a mortgagee of record, or a lien holder of record who has received a notice of violation or a notice to make corrections to the minimum standards of the Codified Ordinances of Cleveland, Ohio, 1976, applicable City rules and regulations, the Revised Code, and Ohio Administrative Code, including the Ohio Building Code, or to demolish and remove, as provided for in this section, shall inform prospective purchasers, vendees, grantees, assignees, lessees, or land contractees of the notice of violation or the notice to make corrections, or to demolish and remove. No person shall transfer to a vendee, grantee, assignee, lessee, land contractee or any other transferee any interest in a building, structure or a portion of those after receiving a notice of violation to make corrections, or to demolish and remove the same, without first providing the transferee with a copy of the notice.

(4) A. No person, agent, firm or corporation shall sell, by land contract or otherwise, any interest in any structure or building without furnishing the buyer, prior to the sale a copy of any outstanding notice or order from the City, including any notice of violation or any outstanding notice to make corrections to the minimum standards of the Codified Ordinances of Cleveland, Ohio 1976, applicable City rules and regulations, the Revised Code, including the Ohio Building Code, or any outstanding notice to demolish and remove.

No buyer or grantee, by land contract or otherwise, shall obtain any interest in any structure or building without obtaining from the seller, prior to sale, the documents described above.

B. No person, agent, firm or corporation acting in the capacity of an escrow agent in any real estate transaction involving the sale of a structure or building situated in the City, shall disburse any funds unless the provisions of this division have been met.

C. Any buyer or grantee, by land contract or otherwise, of a structure or building, shall begin at the date of transfer to comply with any notice or order obtained or to be obtained under this division and, within ten days of the date of transfer, shall notify the Director, in writing, of the actions that will be taken to comply. The Director may then establish a reasonable time to comply.

(f) *Vacating Buildings and Prohibiting Use.* The Director may also require in the notice issued under division (e) (1) of this section that the building, structure or a portion of those be vacated, not be reoccupied, or used until the specified repairs and improvements are completed, inspected, and approved by the Director. The Director may cause to be posted at each entrance to the building or structure a notice as follows: "THIS STRUCTURE IS IN A DANGEROUS CONDITION AND HAS BEEN CONDEMNED AND ITS USE HAS BEEN PROHIBITED BY THE DIRECTOR OF BUILDING AND HOUSING." The notice shall remain posted until the required corrections are made or demolition is completed. No person shall remove the notice without written permission of the Director, nor shall any person use or enter the building or structure except for the

purpose of making the required corrections or demolishing or effectively boarding the building or structure, or securing the structure under division (d) (4) of this section.

(g) *Right to Appeal.* The owner, agent or person in control shall have a right to appeal from the notice and decision of the Director as provided in this section and appear before the Board of Building Standards and Building Appeals at a specified time and place to show cause why he should not comply with the notice. Any notice served by the Director shall automatically become a final order if a written notice of appeal before the Board is not filed in the office of the Board within the time set forth in the notice from the Director. In the absence of an appeal, all actions taken shall constitute a valid exercise of the police powers of the City of Cleveland.

(h) *Noncompliance with Notice.*

(1) *Director Authorized To Demolish, Remove, or Abate.* In case the owner, agent or person in control fails, neglects or refuses to comply with the notice to repair or rehabilitate, or to demolish and remove a public nuisance or unsafe building, structure or a portion of those, the Director may take appropriate action to demolish and remove an unsafe structure or to remove or abate any condition that is defined as a nuisance under this Chapter.

(2) *Action by Director of Law.* The Director may advise the Director of Law of the facts in the case, who may institute appropriate action in the court to cause correction of the violations and defects, or demolition and removal, or effective boarding of the building or structure pending rehabilitation.

(3) *Rehabilitation Permits Not Bar To Director's Action To Abate.* The securing of rehabilitation permits for the building or structure shall not in and of itself bar the Director from taking action to abate the nuisance.

(4) *Effective Boarding by Director.* The Director may, with respect to any condemned structure, also take appropriate action to effectively board the structure, or to secure it under division (d) (4) of this section. The Director shall specifically state in writing his findings with respect to the structure, and shall determine whether to secure or to effectively board, based on factors which may include the following: the distance of the structure from neighboring structures, the type of structure, the extent to which the structure is secured, the likelihood of vandalism or arson, the extent of the deterioration, the economic likelihood of eventual rehabilitation of the structure, or cost of securing or effectively boarding the structure.

(5) *Failure To Comply with Notice.* In case the owner, agent or person in control fails, neglects or refuses to comply with the notice to repair or rehabilitate, or to demolish and remove a public nuisance or unsafe building, structure or a portion of those, or to remove or abate any other condition that is defined as a nuisance under this Chapter, the Director may take appropriate action to take repair or maintenance measures or cause Utility services to be shut-off under Section 3103.091 or to otherwise abate the public nuisance. The Director shall specifically state in writing the findings with respect to the structure, and shall determine whether to

perform repair or maintenance based on factors which may include the following: the distance of the structure from neighboring structures, the type of structure, the extent of deterioration, the likelihood of vandalism or arson, the economic likelihood of eventual complete rehabilitation of the structure, the cost of repair or maintenance.

(6) *Notice of Intent To Demolish.* Except as provided in division (1) of this section, the Director shall give written notice informing the owner, agent, or person in control, mortgagee of record and lien holders of record of the City's intention to demolish and remove the unsafe building or structure at least 30 days before the intended action by the City. The notice may be effective concurrently with the violation notice. A condemned structure, once effectively boarded by the owner pending rehabilitation that later becomes open to entry, may then be demolished and removed, subject to the Director giving written notice as stated in divisions (e) (1) and (h) of this section, upon a finding by the Director that the structure can no longer be effectively boarded.

(i) *Junk Motor Vehicle Removal.*

(1) *Notice.* The Director shall send written notice, by certified mail with return receipt requested, to the person having the right of possession of the property on which a junk motor vehicle, as defined in this Chapter, is left. This notice shall notify the person having right of possession of the property that within ten days of mailing of the notice, the junk motor vehicle either shall be covered by being housed in a garage or other suitable structure or removed from the property. The notice shall also be posted in a conspicuous place on the property.

(2) *Director Authorized To Remove Junk Motor Vehicles.* The Director is authorized to provide for and order the removal of a junk motor vehicle when the junk motor vehicle has not been either covered by being housed in a garage or other suitable structure or removed from the property, within ten days of the date of mailing and posting of the notice as set forth above.

(j) *Cases of Emergency.* In cases of emergency that, in the opinion of the Director, involve immediate danger to human life or health, the Director shall promptly cause the building, structure or a portion of those to be made safe or removed. For this purpose he may at once enter the structure or land on which it stands, or any abutting land or structure, with assistance and at the cost as he deems necessary. He may request the Director of Public Safety to enforce the orders he gives that are necessary to cause the building, structure or a portion of those to be made safe or removed. The Director of Public Safety has the authority to enforce the orders. He may order adjacent structures and premises to be vacated, and protect the public by an appropriate fence or other means as may be necessary, and for this purpose may close a public or private way.

(k) *Costs to be paid by property owner.*

(1) Any and all expenses or costs, including but not limited to attorneys fees, costs of inspection, administrative staff and support staff, property maintenance costs, court costs, title search fees, process server fees, skip tracing expenses, and costs of collec-

tion or prosecution, including discovery and deposition expenses, incurred under this section relating to the demolition, repair, alteration, securing or boarding of a building or structure or for abating any other nuisance shall be paid by the owner of such building or structure, except when such expenses or costs are incurred with respect to a government or school building owned by a governmental entity or political subdivision and are funded by federal money. **Any and all owners of a building or structure, who appear in the chain of title from the time of receipt of a notice of condemnation until demolition of the building or structure, shall be jointly and severally responsible for the all costs and expenses incurred relating to the demolition and all costs and expenses of prosecution or collection related thereto.** In the case of a junk motor vehicle, any and all expenses or costs incurred under this section to remove the vehicle shall be paid by the person having the right of possession of the premises where the vehicle is located.

(2) Whenever an inspection is made after the compliance date stated on a Notice of Violation of the Building Code, the Housing Code, or the Zoning Code or after a compliance date determined by a court of competent jurisdiction to determine whether the violation has been remedied and the violation has not been remedied, or an additional permit is obtained for work previously permitted and the original permit has expired or was appropriately voided, a fee of \$100.00 shall be charged for each inspection, except that this fee shall not apply to one-family and two-family owner-occupied dwelling structures.

(3) If within 30 days from the date the Director of Building and Housing sends a statement of charges and costs incurred to the last known address of the property owner or the tax mailing address listed at the Cuyahoga County Recorder's office and its successor in interest as the custodian of the real property tax records for Cuyahoga County, the owner fails to pay for the costs of removal, repair, alteration, securing or boarding or of inspections of violations that have not been remedied, or the person having possession fails to pay for the cost of removing a junk vehicle, the Director may certify the amount to the Commissioner of Assessments and Licenses, including collection agency fees. The Commissioner of Assessments and Licenses may make written return to the County Auditor of the action under this section with a statement of the charges for services, the amount paid for the performing of labor and a proper description of the premises. Certification to the County Auditor is for the purpose of making expenses and costs a lien upon the lands, to be collected as other taxes and returned to the City with the General Fund, with special accounting under Section 715.261 of the Revised Code.

(4) Notwithstanding the method of collection set forth in this division, the Director of Law, in the Director's sole discretion, may take any action necessary to collect the costs of demolition, boarding, or other nuisance abatement from the owner or other responsible party, including but not limited to filing of legal proceedings, referring the amount due to outside

counsel by the Law Director for collection action, including filing civil complaints, and initiating post judgment execution actions.

Section 367.08 Recovery of Expenses and Costs

(a) Any expenses or costs, including but not limited to attorneys fees, costs of inspection, administrative staff and support staff, property maintenance costs, court costs, title search fees, process server fees, skip tracing expenses, and costs of collection or prosecution, including discovery and deposition expenses, incurred under the provisions for demolition or boarding contained in this Housing Code shall be paid by the owner of the dwelling structure or premises. **Any and all owners of a building or structure, who appear in the chain of title from the time of receipt of a notice of condemnation until demolition of the building or structure, shall be jointly and severally responsible for the all costs and expenses incurred relating to the demolition and all costs and expenses of prosecution or collection related thereto.**

(b) Whenever an inspection is made after the compliance date stated on a notice of violation of the Housing Code or the Zoning Code or after a compliance date determined by a court of competent jurisdiction for compliance to determine whether the violation has been remedied and the violation has not been remedied, there shall be charged a fee of fifty dollars (\$50.00) for each such inspection, except that this fee shall not apply to one-family and two-family owner-occupied dwelling structures.

(c) If the owner fails to pay for the cost of demolition or boarding or of inspections of violations that have not been remedied within thirty days after the receipt from the Director of Community Development of a statement of the charges and costs incurred therein, then the Director of Community Development may certify the amount to the Commissioner of Assessments and Licenses. The Commissioner shall make written return to the County Auditor of the action, under this Code, with a statement of the charges for their services, the amount paid for the performing of such labor and a proper description of the premises for the purpose of making the same lien upon such lands, to be collected as other taxes and returned to the City with the General Fund with special accounting thereof in accordance with RC 715.261.

(d) Notwithstanding the method of collection set forth above, the Director of Law, in the Director's sole discretion, may take any action necessary to collect the costs of demolition or boarding from the owner or other responsible party or parties, including but not limited to filing of legal proceedings, referring the amount due to outside counsel by the Law Director for collection action, including filing civil complaints, and initiating post judgment execution actions.

Section 2. That existing Section 3103.09 of the Codified Ordinances of Cleveland, Ohio 1976, as amended by Ordinance No. 1112-A-07, passed June 2, 2008 and Section 367.08, as amended by Ordinance No. 54-94, passed June 6, 1994 are repealed.

Section 3. That this ordinance is declared to be an emergency measure and, provided it receives the affirma-

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

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

Ord. No. 1520-11.

By Mayor Jackson and Council Members Westbrook and Brancatelli.

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Sections 3103.092 and 367.131, prohibiting corporations from buying, owning, selling or transferring real property without registering and identifying a statutory agent with the Ohio Secretary of State.

Whereas, numerous domestic and foreign businesses that are not registered with the Ohio Secretary of State buy, own, sell, or transferring real property in the City of Cleveland;

Whereas, finding the proper entity for service of process and enforcing the Building and Housing codes is difficult or impossible when businesses are not registered with the Ohio Secretary of State; 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 Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Sections 3103.092 and 367.131 to read as follows:

Section 3103.092 Prohibiting Corporations from Owning or Transferring Real Property without Registering with the Ohio Secretary of State.

(a) No corporation, partnership, limited-liability company or other business entity, whether domestic or foreign, shall buy, own, sell, or transfer real property in the City of Cleveland without filing articles of incorporation and identifying a statutory agent, filing articles of organization and identifying a statutory agent, or being licensed by the Ohio Secretary of State and identifying a statutory agent in accordance with Revised Code Chapters 1701, 1702, 1703 and 1705.

(b) No officer of a corporation, partnership, limited-liability company or any other business entity shall transact business to buy, own, sell or transfer real property in the City of Cleveland unless the business entity has filed articles of incorporation and identified a statutory agent, filed articles of organization and identified a statutory agent, or been licensed by the Ohio Secretary of State and identified a statutory agent in accordance with Revised Code Chapters 1701, 1702, 1703 and 1705.

(c) Any corporation, partnership, limited-liability company or any other business entity or officer who fails to comply with the requirements of divisions (a) and (b) of this section is in violation of this chapter and shall be charged as an organization or individual with a first degree misdemeanor. Each property bought, owned, sold or transferred by a business entity that is not in compliance with these requirements is a separate violation.

Section 367.131 Prohibiting Corporations from Owning or Transferring Real Property without Registering with the Ohio Secretary of State.

(a) No corporation, partnership, limited-liability company or other business entity, whether domestic or foreign, shall buy, own, sell, or transfer real property in the City of Cleveland without filing articles of incorporation and identifying a statutory agent, filing articles of organization and identifying a statutory agent, or being licensed by the Ohio Secretary of State and identifying a statutory agent in accordance with Revised Code Chapters 1701, 1702, 1703 and 1705.

(b) No officer of a corporation, partnership, limited-liability company or

any other business entity shall transact business to buy, own, sell, or transfer real property in the City of Cleveland unless the business entity has filed articles of incorporation and identified a statutory agent, filed articles of organization and identified a statutory agent, or been licensed by the Ohio Secretary of State and identified a statutory agent in accordance with Revised Code Chapters 1701, 1702, 1703 and 1705.

(c) Any corporation, partnership limited-liability company or any other business entity or officer who fails to comply with the requirements of divisions (a) and (b) of this section is in violation of this chapter and shall be charged as an organization or individual with a first degree misde-

meanor. Each property bought, owned, sold, or transferred by a business entity that is not in compliance with these requirements is a separate violation.

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 Building and Housing, Finance, Law; Committees on Community and Economic Development, Legislation, Finance.

Ord. No. 1521-11.

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

An emergency ordinance to amend Section 131.42 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1330-A-10, passed December 6, 2010, relating to cemetery rates.

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 131.42 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1330-A-10, passed December 6, 2010, is amended to read as follows:

Section 131.42 Cemetery Rates

The Commissioner of Park Maintenance and Properties shall collect the following charges for services, space, and supplies at City-owned cemeteries **effective January 1st of each year:**

		2012		2013	
		<u>Tues-Fri.</u>	<u>Sat.</u>	<u>Tues-Fri.</u>	<u>Sat.</u>
(a)	Single grave section				
(1)	Adult grave	\$501.00	\$501.00	\$551.00	\$551.00
	Open & Close	\$464.00	\$647.00	\$514.00	\$697.00
	Total	\$965.00	\$1,148.00	\$1,065.00	\$1,248.00
(2)	Infant grave (4 feet or less)	\$116.00	\$116.00	\$116.00	\$116.00
	Open & Close	\$102.00	\$153.00	\$102.00	\$153.00
	Total	\$218.00	\$269.00	\$218.00	\$269.00
(3)	Oversized Grave	\$1,002.00	\$1,002.00	\$1,102.00	\$1,102.00
	Open & Close	\$464.00	\$647.00	\$514.00	\$697.00
	Total	\$1,466.00	\$1,649.00	\$1,616.00	\$1,799.00
(b)	Flush Marker Lot Sections				
(1)	One grave	\$743.00	\$743.00	\$793.00	\$793.00
	Open & Close	\$647.00	\$921.00	\$697.00	\$971.00
	Total	\$1,390.00	\$1,664.00	\$1,490.00	\$1,764.00
(2)	Family Lot (Two Graves)	\$1,486.00	\$1,486.00	\$1,586.00	\$1,586.00
	Open & Close	\$647.00	\$921.00	\$697.00	\$971.00
	Total	\$2,133.00	\$2,407.00	\$2,283.00	\$2,557.00
(3)	Oversized Grave	\$1,486.00	\$1,486.00	\$1,586.00	\$1,586.00
	Open & Close	\$647.00	\$921.00	\$697.00	\$971.00
	Total	\$2,133.00	\$2,407.00	\$2,283.00	\$2,557.00
(c)	Raised Marker Lot Sections				
(1)	One Grave	\$873.00	\$873.00	\$923.00	\$923.00
	Open & Close	\$647.00	\$921.00	\$697.00	\$971.00
	Total	\$1,520.00	\$1,794.00	\$1,620.00	\$1,894.00
(2)	Family Lot (Two Graves)	\$1,746.00	\$1,746.00	\$1,846.00	\$1,846.00
	Open & Close	\$647.00	\$921.00	\$697.00	\$971.00
	Total	\$2,393.00	\$2,667.00	\$2,543.00	\$2,817.00
(3)	Oversized Grave	\$1,746.00	\$1,746.00	\$1,846.00	\$1,846.00
	Open & Close	\$647.00	\$921.00	\$697.00	\$971.00
	Total	\$2,393.00	\$2,667.00	\$2,543.00	\$2,817.00
(d)	Open & Closing for Lot Sections				
(1)	Adult grave	\$647.00	\$921.00	\$697.00	\$971.00
(2)	Extra deep adult grave (depth of 8 feet)	\$872.00	\$1,207.00	\$922.00	\$1,257.00

(3)	On top of extra deep adult grave	\$872.00	\$1,207.00	\$922.00	\$1,257.00
(4)	Infant grave or still born on top	\$102.00	\$153.00	\$102.00	\$153.00
(5)	Cremated remains in urn	\$334.00	\$450.00	\$334.00	\$450.00
(6)	Cremated remains in vault	\$392.00	\$538.00	\$392.00	\$538.00
(e)	Urn Garden Section				
	Grave	\$363.00	\$363.00	\$363.00	\$363.00
	Open & Close (includes marker setting and vault)	\$421.00	\$589.00	\$421.00	\$589.00
	Total	\$784.00	\$952.00	\$784.00	\$952.00
(f)	Veterans' Sections				
(1)	Full Body Open & Close	\$464.00	\$647.00	\$514.00	\$697.00
(2)	Cremains in Urn	\$334.00	\$450.00	\$334.00	\$450.00
(3)	Cremains in Vault	\$392.00	\$538.00	\$392.00	\$538.00
(g)	Memorial Park Indigent Burial				
(1)	Adult	\$464.00	NA	\$464.00	NA
(2)	Infant	\$102.00	NA	\$102.00	NA
(h)	Additional services available:				
(1)	Disinterments				
	A. Adult grave	\$2,500.00	NA	\$2,500.00	NA
	B. Adult grave—extra deep	\$2,700.00	NA	\$2,700.00	NA
	C. Infant grave	\$700.00	NA	\$700.00	NA
	D. Cremated remains - located in urn garden	\$700.00	NA	\$700.00	NA
	E. Cremated remains - located other than urn garden	\$600.00	NA	\$600.00	NA
(2)	Setting and foundation charges				
	A. Headstones				
	1. 18" x 10"				
	(Infant)	\$160.00	\$160.00	\$160.00	\$160.00
	2. 2' x 1'				
	(Single)	\$260.00	\$260.00	\$260.00	\$260.00
	3. 3' x 1' or 4' x 1'				
	(Double)	\$350.00	\$350.00	\$350.00	\$350.00
	4. Resetting	one-half (1/2) of price listed above for replacement of same size markers			
	5. Foundation (per cubic ft)	\$28.00	\$28.00	\$28.00	\$28.00
	6. Veteran stones	\$260.00	\$260.00	\$260.00	\$260.00
	B. Flower container				
	1. Purchase	\$40.00	\$40.00	\$40.00	\$40.00
	2. Installation	\$30.00	\$30.00	\$30.00	\$30.00
	3. Purchase & Installation	\$70.00	\$70.00	\$70.00	\$70.00
(3)	Miscellaneous services				
	A. Opening and closing grave for inspection				
	1. Identify without disturbing remains	\$1,185.00	NA	\$1,185.00	NA
	2. Remove for autopsy; replace in open grave	\$1,273.00	NA	\$1,273.00	NA
	B. Private mausoleums: receipt and discharge	\$667.00	NA	\$667.00	NA
	C. Highland Chapel Park Mausoleum				
	1. Crypts: seal or unsealed	\$587.00	\$587.00	\$587.00	\$587.00
	2. Niches: seal or unsealed	\$448.00	\$448.00	\$448.00	\$448.00
	D. Resale of repurchased niches and crypts				
	1. Niches in Highland Park Mausoleum	\$1,415.00	\$1,415.00	\$1,415.00	\$1,415.00
	2. Crypts In Highland Park Mausoleum	\$3,575.00	\$3,575.00	\$3,575.00	\$3,575.00
	E. Placement of additional remains in casket at time of burial (recording fee)	\$150.00	\$150.00	\$150.00	\$150.00
(i)	Administrative Charges				
(1)	Bad Check Charge	\$30.00	\$30.00	\$30.00	\$30.00
(2)	Late Payments				
	A. Payments received after interment including checks that cannot be processed because of errors	\$65.00	\$65.00	\$65.00	\$65.00
	B. Late/same day interment orders	\$100.00	\$100.00	\$100.00	\$100.00

(j) The cemetery rates in this Section shall thereafter remain at their 2013 amounts until further Council action.

Section 2. That existing Section 131.42 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 1330-A-10, passed December 6, 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.

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

Ord. No. 1523-11.
By Council Members Cleveland, Brancatelli and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into a Tax Increment Financing Agreement with Garson Victory, LLC, or its designee, to provide improvements to the Victory Building located at 7012 Euclid Avenue, Permanent Parcel No. 118-14-005; to provide for payments to the Cleveland City School District; and to declare certain improvements to real property to be a public purpose.

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

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

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

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

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

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

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

Section 1. That the improvements to be constructed by Garson Victory, LLC, or its designee ("Redeveloper"), as more fully described in File No. 1523-11-A ("Improvements") on the Real Property, are declared to be a public purpose for purposes of Section 5709.41 of the Revised Code.

Section 2. That one hundred percent (100%) of the Improvements are declared exempt from real property taxation for a period of 30 years; and that in no event shall the exemption period extend beyond 2042.

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 30 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 in the file mentioned above.

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

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

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

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

Ord. No. 1514-11.
By Council Members Cleveland, 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 Garson Victory, LLC, or its designee, located at 7012 Euclid 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 Garson Victory, 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, Garson Victory, 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:

Permanent Parcel
 Nos. 118-14-005 and 006

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Parcel A in the Plat of Consolidation of 7012 Euclid

Avenue, 2036 East 71st Street of part of Original 100 Acre Lot No. 336 as shown by the recorded plat in Volume 357 of Maps, Page 68 of Cuyahoga County Records, as appears by said plat.

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 Garson Victory, 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.

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

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

Ord. No. 1522-11.
By Council Members Cleveland, Brancatelli and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into contract with Garson Victory LLC, or its designee, to provide economic development assistance as an incentive to redevelop the property known as the Victory Building located at 7012 Euclid Avenue, and other associated costs necessary to redevelop the property.

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

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

Section 1. That, the Director of Economic Development is authorized to enter into one or more various types of loan agreements and forgivable loan agreements under the Vacant Property Initiative with Garson Victory LLC, or its designee, to provide economic development assistance as an incentive to redevelop the property known as the Victory Building located at 7012 Euclid Avenue, and other associated costs necessary to redevelop the property.

Section 2. That the terms of the loan shall be according to the terms set forth in the Summary contained in File No. 1522-11-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, and are approved in

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

Section 3. That the costs of the loan shall not exceed \$540,000 and the costs of forgivable loan agreements shall not exceed \$180,000, for a total amount of \$720,000, and shall be paid from Fund No. 17 SF 008, RQS 9501, RL 2011-137.

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

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

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

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

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

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

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

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

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 1524-11.

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

An emergency resolution declaring opposition to Issue Three.

Whereas, in the General Election of November 8, 2011 voters will be asked to vote 'yes' or 'no' on the so-called Health Care Freedom Amendment on the ballot as Issue Three; and

Whereas, the Amendment to the Ohio Constitution says, "No federal, state, or local law or rule shall compel, directly or indirectly, any person, employer, or health care provider to participate in a health care system"; and

Whereas, the Amendment defines a 'health care system' as "... any public or private entity or program whose function or purpose includes the management of, processing of, enrollment of individuals for, or payment for, in full or in part, health care services, health care data, or health care information for its participants; and

Whereas, the City of Cleveland has responsibility for the public health; and

Whereas, the City of Cleveland's population includes thousands of uninsured people and underinsured people; and

Whereas, the Health Care Freedom Amendment is worded so that it could make it more difficult for the City to carry out its duty to its residents in providing needed vaccines during potential epidemics or sharing data on health issues with government entities; and

Whereas, the Amendment was originally designed to undermine the national health reform act known as the Affordable Care Act which is already providing benefits to the people of Cleveland; and

Whereas, benefits already being provided by the Affordable Care Act include the following: young adults can gain coverage through their parent's group policies; preventive and primary care procedures must now be given without co-pays or deductibles; the doughnut hole is being closed for our senior citizens; small businesses that provide coverage are receiving tax breaks; and the pre-existing condition insurance plan is covering some Clevelanders; and

Whereas, Cleveland City Council calls upon the voters of Cleveland to "Vote No" on Issue Three in order to protect the gains we have already won and those yet to be under the Affordable Care Act and to protect the City's ability to protect the public health; and

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

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

Section 1. That this Council declares its opposition to Issue Three.

Section 2. That the Clerk of Council is hereby directed to transmit copies of this resolution to UHCAN Ohio, and Mayor Jackson.

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 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 1525-11. By Council Member Cimperman. An emergency resolution objecting to a New C1 Liquor Permit at 2101 Denison Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Mohammed Hmeidan, DBA Johnny's, 2101 Denison Avenue, Cleveland, Ohio 44109, Permanent Number 3877735; 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 Mohammed Hmeidan, DBA Johnny's, 2101 Denison Avenue, Cleveland, Ohio 44109, Permanent Number 3877735, 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 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 1526-11.**By Council Member Cimperman.****An emergency resolution objecting to the transfer of ownership of a D5 and D6 Liquor Permit to 668 Euclid Avenue, unit 8P.**

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D5 and D6 Liquor Permit from RG Caddy, LLC, DBA Caddyshack Lounge & Patio, 668 Euclid Avenue, Unit 8P, Cleveland, Ohio 44115, Permanent Number 7146923 to 627 Prospect, LLC, DBA Caddyshack Lounge & Patio, 668 Euclid Avenue, Unit 8P, Cleveland, Ohio 44115, Permanent Number 8202311; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D5 and D6 Liquor Permit from RG Caddy, LLC, DBA Caddyshack Lounge & Patio, 668 Euclid Avenue, Unit 8P, Cleveland, Ohio 44115, Permanent Number 7146923 to 627 Prospect, LLC, DBA Caddyshack Lounge & Patio, 668 Euclid Avenue, Unit 8P, Cleveland, Ohio 44115, Permanent Number 8202311; 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.

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

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

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

Res. No. 1527-11.**By Council Member Cimperman.****An emergency resolution objecting to the transfer of ownership of a D1, D2, D3, and D3A Liquor Permit to 2102 Freeman Avenue.**

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit from Thinema Group, Ltd., DBA Duck Island Club, 2102 Freeman Avenue, 1st floor, Cleveland, Ohio 44113, Permanent Number 8871268 to Cull Long & Michalak, LLC, DBA Duck Island Club, 1st floor, 2102 Freeman Avenue, Cleveland, Ohio 44113, Permanent Number 1845797; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit from Thinema Group, Ltd., DBA Duck Island Club, 2102 Freeman Avenue, 1st floor, Cleveland, Ohio 44113, Permanent Number 8871268 to Cull Long & Michalak, LLC, DBA Duck Island Club, 1st floor, 2102 Freeman Avenue, Cleveland, Ohio 44113, Permanent Number 1845797; 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 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 1528-11.**By Council Member Cimperman.****An emergency resolution objecting to the transfer of ownership of a D5 and D6 Liquor Permit to 828 Huron Road, 1st floor, basement and patio.**

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D5 and D6 Liquor Permit from Alescis Gateway Café, Ltd., 828 Huron Road, 1st floor, basement and patio, Cleveland, Ohio 44115, Permanent Number 0103905 to Burson Restaurant Management, DBA Huron Point Tavern, 828 Huron Road, 1st floor, basement and patio, Cleveland, Ohio 44115, Permanent Number 1128498; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D5 and D6 Liquor Permit from Alescis Gateway Café, Ltd., 828 Huron Road, 1st floor, basement and patio, Cleveland, Ohio 44115, Permanent Number 0103905 to Burson Restaurant Management, DBA Huron Point Tavern, 828 Huron Road, 1st floor, basement and patio, Cleveland, Ohio 44115, Permanent Number 1128498; 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 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 1529-11.

By Council Member Cimperman.

An emergency resolution objecting to the transfer of Liquor License of a D5 and D6 Liquor Permit to 1313 West 6th Street.

Whereas, Council has been notified by the Department of Liquor Control of an application for a transfer of Liquor License of a D5 and D6 Liquor Permit from Dujmovic Enterprises, LLC, DBA Mrkis Place, 5379 St. Clair Avenue, 1st floor, Cleveland, Ohio 44103, Permanent Number 2337798 to MGFG, LLC, DBA Enigma, 1313 West 6th Street, Cleveland, Ohio 44113, Permanent Number 5378773; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a transfer of Liquor License of a D5 and D6 Liquor Permit from Dujmovic Enterprises, LLC, DBA Mrkis Place, 5379 St. Clair Avenue, 1st floor, Cleveland, Ohio 44103, Permanent Number 2337798 to MGFG, LLC, DBA Enigma, 1313 West 6th Street, Cleveland, Ohio 44113, Permanent Number 5378773, 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 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 1530-11.

By Council Member Cummins.

An emergency resolution objecting to the transfer of ownership of a D5 Liquor Permit to 3194 West 25th Street, 1st floor and basement.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D5 Liquor Permit from 2109 Tate, Inc., DA Teri O's Lounge, 3194 West 25th Street, 1st floor and basement, Cleveland, Ohio 44109, Permanent Number 91163200005 to 3194 Tavern, LLC, DBA Stumble Inn, 3194 West 25th Street, 1st floor and basement, Cleveland, Ohio 44109, Permanent Number 8917129; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D5 Liquor Permit from 2109 Tate, Inc., DA Teri O's Lounge, 3194 West 25th Street, 1st floor and basement, Cleveland, Ohio 44109, Permanent Number 91163200005 to 3194 Tavern, LLC, DBA Stumble Inn, 3194 West 25th Street, 1st floor and basement, Cleveland, Ohio 44109, Permanent Number 8917129; 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 19. Nays 0. Read second time. Read third time in full. Adopted. Yeas 19. Nays 0.

Res. No. 1535-11.

By Council Members Keane, Sweeney, Kelley, Zone, Brady, Brancatelli, Miller, Pruitt and Cummins.

An emergency resolution urging the City Planning Commission, the Group Plan Commission, NOACA's Northeast Ohio Sustainable Communities Regional Planning, and other planning efforts to incorporate Chicago-East Coast passenger rail services, rights of way and facilities in their efforts to support Amtrak's ridership growth and future expansion plans; and further urging the Ohio Congressional Delegation to support the President's funding recommendations for Amtrak and high-speed rail in order to support the development of Amtrak's rapidly growing Chicago-East Coast services and future high-speed rail planning through Cleveland and Northeast Ohio.

Whereas, Greater Cleveland has long been one of the nation's largest and most dynamic economies; and

Whereas, Northeast Ohio offers a diverse base of manufacturing, agriculture, academic and government research, and business services that are often too distant from our cities and from one another for effective business development and sharing of intellectual capital; and

Whereas, Greater Cleveland's economic recovery is ahead of the nation's as measured in unemployment rates, but is still below rates experienced during more prosperous times; and

Whereas, fast, convenient and affordable travel is needed to facilitate a stronger and more vibrant economy; and

Whereas, existing Amtrak services through Ohio, linking Chicago to the East Coast, have seen significant ridership increases in recent years, with Amtrak forecasting it to grow from 500,000 riders per year in 2010 to more than 900,000 riders by 2013; and

Whereas, a trunk line of improved Amtrak service between Chicago and the East Coast via Cleveland, operating at 90-110 mph with affordable fares would provide a strong foundation for future high-speed trains of up to 220 mph in the region; and

Whereas, high-speed trains would transform the way we travel and do business by making travel more affordable and better connecting our business, manufacturing, agricultural, and research and development centers; and

Whereas, high-speed trains would strengthen our economy, drive productivity in the Region's existing commercial arenas, encourage job growth, and help foster potential for business investment, entrepreneurship, technology development and advanced manufacturing; and

Whereas, the investment in a high-speed train network would lower our consumption of foreign oil, saving nearly 130 million gallons of gasoline a year; and

Whereas, the construction of a high-speed network would create nearly 300,000 high quality construction, engineering and manufacturing jobs; and

Whereas, The President has proposed an authorization of \$53 billion over the next 6 years for high-speed and inter-city passenger rail development as part of the Administration's surface transportation reauthorization proposal outline in its February budget; and

Whereas, The President has proposed \$8 billion be appropriated in the 2012 budget in order to accelerate the development of a high-speed rail network and its subsequent benefits; and

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

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

Section 1. That this Council urges the City Planning Commission, the Group Plan Commission, NOACA's Northeast Ohio Sustainable Communities Regional Planning, and other planning efforts to incorporate Chicago-East Coast passenger rail services, rights of way and facilities in their efforts to support Amtrak's ridership growth and future expansion plans.

Section 2. That this Council further urges the Ohio Congressional Delegation

to support the President's funding recommendations for Amtrak and high-speed rail in order to support the development of Amtrak's rapidly growing Chicago-East Coast services and future high-speed rail planning through Cleveland and Northeast Ohio

Section 3. That the Clerk of Council is directed to transmit copies of this resolution to President Barack Obama, all members of the Ohio congressional delegation, the members of the Group Plan Commission, and the members of NOACA's Northeast Sustainable Communities Regional Planning.

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

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

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

SECOND READING EMERGENCY ORDINANCE PASSED

Ord. No. 957-11.

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

An emergency ordinance to amend various sections of Chapter 557, as amended and enacted by various ordinances, relating to the operation of the Cemetery Endowment Fund, to make certain references gender neutral, and to update the department name.

Approved by Directors of Public Works, Finance, Law; Relieved of Committee on Public Parks, Properties and Recreation; Passage recommended by Committees on Legislation, Finance, when amended, as follows:

1. Insert new Section 2 to read as follows:

"Section 2. That any amount transferred from the Cleveland City Cemetery Endowment Fund under this ordinance shall not exceed \$2,300,000 without further Council action."

2. Renumber existing Sections 2 and 3 to new **"Section 3"** and **"Section 4"**.

Amendments agreed to.

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

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

Ord. No. 1118-11.

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

An emergency ordinance accepting the terms of East Cleveland Ordinance No. 47-11 consenting to the provision of electric service by Cleveland Public Power within the City of East Cleveland and granting CPP a non-exclusive franchise.

Approved by Directors of Public

Utilities, Finance, Law; Passage recommended by Committees on Public Utilities, Legislation, Finance, when amended, as follows:

1. In the third whereas clause, line 1, strike "Ordinance No. 47-11" and insert **"East Cleveland Ordinance No. 47-11, placed in File No. 1118-11-A."**

Amendment agreed to.

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

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

Ord. No. 1294-11.

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

An emergency ordinance authorizing the Director of Economic Development to apply for and accept a Jobs Ready Site grant from the Ohio Department of Development Jobs Ready Sites Program for the clean up and redevelopment of property known as Building 42 located at 3615 Superior Avenue; and authorizing the Director to enter into one or more contracts with consultants or one or more firms of consultants to implement the grant project.

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

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

Ord. No. 1431-11.

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

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

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

1. In the first whereas clause, line 1, strike "October 10" and insert **"October 18"**.

Amendment agreed to.

The rules were suspended. Yeas 19. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 1.

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

Those voting nay: Council Member Polensek.

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. 1432-11.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Finance to exercise the fourth option to renew Contract Nos. 61149, 61150, 61151, and

61152 with AT & T for Centrex support, maintenance, installation, design, and repair of circuits, special circuits, relocation of demarcation sites and to provide for recurring service-related costs, for the various divisions of City government.

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

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

Ord. No. 1433-11.

By Council Member Sweeney (by departmental request).

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

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

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

Ord. No. 1437-11.

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

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

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

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

Ord. No. 1438-11.

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

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

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

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

Ord. No. 1439-11.

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

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

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

Safety, Finance, when amended, as follows:

1. In Section 2, lines 3 and 4, strike "Nos. 10 SF 025, 10 SF 027, and 10 SF 049" and insert "**No. 01-6002-5070**".

Amendment agreed to.

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

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

Ord. No. 1440-11.

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

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

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

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

Ord. No. 1441-11.

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

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

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

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

Ord. No. 1442-11.

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

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

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

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

Ord. No. 1443-11.

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

An emergency ordinance authoriz-

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

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

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

Ord. No. 1444-11.

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

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

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

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

Ord. No. 1445-11.

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

An emergency ordinance authorizing the Director of Economic Development to enter into contract with Tylerville LLC, or its designee, to provide economic development assistance as an incentive to clean up the property known as Building 42 and to redevelop it into office space, located at 3615 Euclid Avenue, and other associated costs necessary to redevelop the property.

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 8, and in Section 1, line 5, strike "Euclid" and insert "**Superior**".

Amendment agreed to.

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

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

Ord. No. 1448-11.

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

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

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

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

Ord. No. 1449-11.

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

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

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

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

Ord. No. 1450-11.

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

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

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

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

Ord. No. 1482-11.

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

An emergency ordinance authorizing the Director of Economic Development to apply for and accept a grant from the Ohio Department of Development, or its successor or designee, for the rehabilitation of the Victory Building located at 7012 Euclid Avenue; and authorizing a contract with Garson Victory, LLC, or its designee, to implement the project.

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

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

LAID ON THE TABLE**Res. No. 1295-11.**

By Council Member Sweeney (by departmental request).

An emergency resolution authorizing the City of Cleveland to offer to pick-up all or part of the voluntary contributions through a payroll deduction for the purchase of service credit by employees of the Division of Police who are members of the Ohio Police & Fire Pension Fund.

Res. No. 1296-11.

By Council Member Sweeney (by departmental request).

An emergency resolution authorizing the City of Cleveland to offer to pick-up all or part of the voluntary contributions through a payroll deduction for the purchase of service credit by employees of the Division of

Fire who are members of the Ohio Police & Fire Pension Fund.

Without objection, Resolution No. 1295-11 and Resolution 1296-11 were relieved of further consideration of all committees and laid on the table pursuant to the Rules of Council.

The rules were suspended. Yeas 19. Nays 0. Resolution No. 1295-11 and Resolution No. 1296-11 Laid on the Table.

MOTION

The Council Meeting adjourned at 8:15 p.m. to meet on Monday, October 31, 2011 at 7:00 p.m. in the Council Chambers.



Patricia J. Britt
City Clerk, Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

October 19, 2011

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, October 19, 2011, at 10:35 a.m. with Interim Director Langhenry presiding.

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

Absent: Mayor Jackson and Director Butler.

Others: Carol Whitaker, Acting Director, Office of Equal Opportunity.

Jim Hardy, Commissioner, Purchases & Supplies.

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

Resolution No. 494-11.

By Director Dumas.

Resolved by the Board of Control of the City of Cleveland, that under Section 101 of the Charter, Section 181.191 of the Codified Ordinances of Cleveland, Ohio, 1976, and Resolution No. 921-52, adopted by the Board of Control on November 26, 1952, the report of the Commissioner of Purchases and Supplies for the sale of scrap, personal property, and by-products during the month of September, 2011 in the amount of \$12,357.75, attached and made a part of this resolution, is received, approved and ordered filed.

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

Nays: None.

Absent: Mayor Jackson and Director Butler.

Resolution No. 495-11.

By Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 747-11, passed by the Council of the City of Cleveland on June 6, 2011, MWH Americas, Inc. is selected from a list of firms determined after a full and complete canvass by the Director of Public Utilities as the firm to be employed by contract to provide professional consulting services for the Water Quality Engineering Services, necessary to identify and resolve water quality problems in the treatment plants or in the distribution system, including but not limited to treatment process optimization, compliance planning for new drinking water regulations, operational data analysis, demonstration studies, design, or regulatory determination, and other related engineering services, for a period of one year, with two one-year options to renew, for the Division of Water, Department of Public Utilities.

Be it further resolved that the Director of Public Utilities is authorized to enter into a contract with MWH Americas, Inc. based upon its proposal dated August 5, 2011, which contract shall be prepared by the Director of Law, shall provide that the compensation for the professional services described in the proposal shall not exceed \$400,000.00, and shall contain such other provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved that the employment of the following sub-consultant by MWH Americas, Inc. under the contract authorized above is approved

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

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

Nays: None.

Absent: Mayor Jackson and Director Butler.

Resolution No. 496-11.

By Director Smith.

Whereas, under the authority of Section No. 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976 and Board of Control Resolution No. 442-11, adopted September 7, 2011, the City through its Director of Port Control, approved the award of a contract to Cleveland Uniform, Inc. "for the necessary items of required employee uniforms, Items 1 (T), (V), (HH) through (LL), through (QQ), 3(F) (H) and 5"; and

Whereas, Resolution No. 442-11, adopted September 7, 2011, inadvertently omitted Items (NN) through (PP); now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 442-11, adopted September 7, 2011, is amended by inserting "(NN)" before "through (QQ)".

Be it further resolved that all other terms of Resolution No. 442-11 not expressly amended by this reso-

lution shall remain unchanged and in full force and effect.

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

Nays: None.

Absent: Mayor Jackson and Director Butler.

Resolution No. 497-11.

By Director Smith.

Resolved, by the Board of Control of the City of Cleveland that the bid of Plantscaping, Inc., for labor and materials necessary to maintain and replace interior plants, all items, for the various divisions of the Department of Port Control, for a period of two years beginning with the date of execution of a contract, received on July 20, 2011, under the authority of Section 181.101 of the Codified Ordinances of Cleveland, Ohio 1976, which on the basis of the estimated quantity would amount to \$34,068.00, is affirmed and approved as the lowest and best bid, and the Director of Port Control is requested to enter into a requirement contract for the labor and materials necessary, which contract shall provide for an initial order, the cost of which shall be certified to the contract in an amount not less than \$34,068.00.

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

Be it further resolved by the Board of Control that the employment of the following subcontractors by Plantscaping, Inc. is approved:

Subcontractor	CSB/MBE/FBE %	Amount
Behnke Associates, Inc.	2.93% CSB	\$1,000.00
Copy King, Inc.	0% CSB	\$ 510.00
Architectural Floors of Cleveland, Inc.	0% CSB	\$6,057.00

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

Nays: None.

Absent: Mayor Jackson and Director Butler.

Resolution No. 498-11.

By Director Cox.

Whereas, by Resolution No. 177-03, adopted on February 26, 2003 this Board of Control established the rental rates for the Cleveland Public Auditorium under the authority of Section 131.15 of the Codified Ordinances of Cleveland, Ohio, 1976; and

Whereas, the City of Cleveland wishes to allow the Convention and Visitors Bureau of Greater Cleveland ("Positively Cleveland") or the Greater Cleveland Sports Commission to use Public Auditorium on a rent-free basis for up to twelve events per calendar year, cumula-

tively, that are conducted for charitable or similar public purposes, that are not for the purpose of generating a profit, and that are open to the public free of charge ("Public Events"); now, therefore,

Be it resolved by the Board of Control of the City of Cleveland, that notwithstanding and as an exception to the Public Auditorium rental rates established by Board of Control Resolution No. 177-03, adopted February 26, 2003, Positively Cleveland and the Greater Cleveland Sports Commission may cumulatively use Public Auditorium for twelve Public Events annually rent-free.

Be it further resolved, that Positively Cleveland and the Greater Cleveland Sports Commission shall pay the actual costs, at the prevailing rates, associated with any labor, materials, or equipment which are provided to them respectively for or at each Public Event, unless the Public Event involves at least two of the following conditions: (1) the use of a minimum of 900 hotel rooms on peak; (2) the use of a minimum of three hotels; or (3) a minimum of 1500 attendees, in which case the Director of Public Works may waive the actual costs for any labor, materials, or equipment the City provides.

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

Nays: None.

Absent: Mayor Jackson and Director Butler.

Resolution No. 499-11.

By Director Cox.

Be it resolved by the Board of Control of the City of Cleveland that the bid of RW Clark Company, Inc., for the Public Safety Buildings Concrete Apron and Platform Replacement, MEP Improvement Package and General Trades Package, Base Bid, A, B, C, D and E, Alternate Nos. 1.1, 1.2, 1.3, 1.4, 2, 3, 4 and 5, for the Department of Public Works, received on September 14, 2011, under the authority of Ordinance No. 888-06, passed August 9, 2006 and Ordinance No. 781-09, passed June 1, 2009, for a gross price for the improvement in the aggregate amount of \$1,317,810, is affirmed and approved as the lowest responsible bid, and the Director of Public Works is authorized to enter into contract for the improvement with the bidder.

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

Subcontractor	CSB/MBE/FBE	Amount	Percentage
Work Best Electric	CSB/FBE	\$ 93,555.00	(7.099%)
R&R Mechanical	CSB/MBE	\$205,100.00	(15.564%)
Cunningham Paving		\$ 55,000.00	(4.17%)
Action Door		\$ 45,600.00	(3.46%)

RJ Heating Co.
\$170,000.00 (12.9%)

Infinity Paving
\$185,000.00 (14.04%)

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

Nays: None.

Absent: Mayor Jackson and Director Butler.

Resolution No. 500-11.

By Director Flask.

Resolved by the Board of Control of the City of Cleveland that the bid of Michigan Police Equipment Company, for an estimated quantity of various Police Rifles, items 3, 4 and 7, for the Division of Police, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on July 7, 2011, under the authority of Section No. 135.065 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$11,545.00, is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for the goods and/or services, which contract shall provide for an initial order, the cost of which shall be certified to the contract in an amount not less than \$11,545.00

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

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

Nays: None.

Absent: Mayor Jackson and Director Butler.

Resolution No. 501-11.

By Director Flask.

Resolved by the Board of Control of the City of Cleveland that the bid of Atwell's Police and Fire Equipment Company, for an estimated quantity of various Police Rifles, items 1, 1A, 2, 5 and 6, for the Division of Police, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on July 7, 2011, under the authority of Section No. 135.065 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$183,650.00, is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for the goods and/or services, which contract shall provide for an initial order, the cost of which shall be certified to the contract in an amount not less than \$183,650.00.

The requirement contract shall further provide that the Contractor shall furnish the remainder of the City's requirements for the goods

and/or services, whether more or less than the estimated quantity, as may be ordered under delivery orders separately certified to the contract.

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

Nays: None.

Absent: Mayor Jackson and Director Butler.

Resolution No. 502-11.

By Director Rush.

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

Whereas, under the Land Reutilization Program, the City has acquired Permanent Parcel No. 016-13-084, located at 3226 West 46th Street under the Land Reutilization Program; and

Whereas, Ordinance No. 1104-11 passed September 26, 2011, authorized the sale of the parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Raed A. and Samah Farah have proposed to the City to purchase and develop the parcel for yard expansion; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 1104-11, passed by the Cleveland City Council September 26, 2011, the Mayor is authorized to execute an official deed for and on behalf of the City of Cleveland to Raed A. and Samah Farah for the sale and development of Permanent Parcel No. 016-13-084, as described in the Ordinance according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for the parcel shall be \$500.00, which amount is determined to be not less than the fair market value of the parcel for uses according to the Land Reutilization Program.

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

Nays: None.

Absent: Mayor Jackson and Director Butler.

Resolution No. 503-11.

By Director Rush.

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

Whereas, under the Land Reutilization Program, the City has acquired Permanent Parcel No. 131-21-056, located at 3416 East 53rd Street under the Land Reutilization Program; and

Whereas, Ordinance No. 1103-11 passed September 26, 2011, authorized the sale of the parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Cuyahoga Metropolitan Housing Authority has proposed to the City to purchase and develop the parcel for New housing construction; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 1103-11, passed by the Cleveland City Council September 26, 2011, the Mayor is authorized to execute an official deed for and on behalf of the City of Cleveland to Cuyahoga Metropolitan Housing Authority for the sale and development of Permanent Parcel No. 131-21-056, as described in the Ordinance according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

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

Nays: None.

Absent: Mayor Jackson and Director Butler.

Resolution No. 504-11.

By Director Smith.

Whereas, under the authority of Ordinance Nos. 2380-02, 468-04, 1853-06 and 1329-08, passed by the Council of the City of Cleveland on December 16, 2002, April 26, 2004, December 11, 2006 and October 20, 2008, respectively, and Board of Control Resolution No. 302-09, adopted July 29, 2009, the City through its Director of Port Control, entered into Contract No. 69535 with URS Corporation ("Consultant"), to provide professional services necessary to prepare planning studies, for a period of two years, with two options to renew for additional two year periods, for the various divisions of the Department of Port Control; and

Whereas, the City has determined it necessary to revise the scope of work to include additional professional services necessary to develop a benefit-cost analysis for the City's TIGER Grant application; and

Whereas, the Consultant has proposed by its letter dated October 4, 2011 to perform the additional work necessary for an amount of \$29,730.00; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the Director of Port Control is authorized to enter into a first modification to City Contract No. 69535 between the City of Cleveland and URS Corporation for additional professional services necessary to develop a benefit-cost analysis for the City's TIGER Grant application as set forth in Consultant's letter dated October 4, 2011. The amount to be paid for all services shall be increased by \$29,730.00 from \$256,666.00 to a total amount not to exceed \$286,396.00.

Be it further resolved that the amount attributed to the following subconsultant approved in Board of Control Resolution No. 302-09, adopted July 29, 2009, is amended as follows:

<u>Subconsultant</u>	<u>Percentage Amount</u>
McGuinness Unlimited, Inc.	3.18% DBE \$9,104.00

Be it further resolved that all other terms of Resolution No. 302-09 not expressly amended by this resolution shall remain unchanged and in full force and effect.

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

Nays: None.

Absent: Mayor Jackson and Director Butler.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

Application blanks and information, regarding minimum entrance qualifications, scope of examination, and suggested reference materials may be obtained at the office of the Civil Service Commission, Room 119, City Hall, East 6th Street, and Lakeside Avenue.

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

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

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

ROBERT BENNETT,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, NOVEMBER 7, 2011

9:30 A.M.

Calendar No. 11-190: 4106 Pearl Road (Ward 13)

Mathile Saad, owner, appeals to establish a motor vehicle repair garage on a 184' x 120' corner lot in a Local Retail Business District and by the provisions in Section 359.01 requires Board of Zoning Appeals approval for a nonconforming substitution of use granted by this Board in Calendar No. 75-3 to convert a service station to installation of muffler and shock absorber systems only, with a requirement that a one and one-half foot high

barrier would be erected at the street lines and no barrier was erected; and subject to the limitations in Section 343.01 a motor vehicle minor repair garage is not permitted and first permitted in a General Retail Business District in accordance with Cleveland Codified Ordinance 343.14. A landscaped frontage strip six (6) feet wide is required where the parking lot borders the street and a landscaping/transition strip ten (10) feet wide is required where the lot abuts a residence district according to Sections 352.08-11 in the Cleveland Codified Ordinances.

Calendar No. 11-191: 3821 Lorain Avenue (Ward 15)
Mig Ltd. Company and Ellen Mueller, owner, appeals to establish use as a motor vehicle service garage (tire installation) on a 111.37' x 82.09' lot in a D3 Local Retail Business District not permitted in the limitations under Section 343.11 and first permitted in a General Retail District subject to the regulations under Section 343.14:

(a) that no motor vehicle service station, service garage or car wash shall be located on a parcel within 100 feet of a residence district unless the following conditions are met: (1) a solid board-on-board wood fence or brick or stone wall at least six (6) feet high is placed along any property line abutting a residence district; (2) no motor vehicle activity occurs within ten (10) feet of a residence district; and (3) no service bay or garage door is oriented toward a residence district;

(b) no service station shall be located on a "mid-block" property except if on a street with a right-of-way that is at least 80 feet wide (mid-block) is any property other than a corner property, which is a property located at the intersection of two streets;

(c) no motor vehicle repairs shall be performed before 7:00 AM nor after 9:00 PM;

(e) all tires, barrels discarded auto parts and other outdoor storage of materials used or sold on the premises must be screened from view from adjacent properties and streets by a "screen barrier" as required under Section 352.10; and a landscaped transition strip eight (8) feet wide is required where the property abuts the adjoining residence district according to Sections 352.08-10 in the Cleveland Codified Ordinances.

Calendar No. 11-192: 3266 East 49th Street (Ward 5)

Hedallooy Die Corporation, owner, and Joseph Susa appeal to expand an existing die company on a 134' x 150' lot in a C1 General Retail Business District; subject to Section 359.01 the proposed project requires the Board of Zoning Appeals approval, if the Board finds after public hearing that the expansion is no more harmful or objectionable than the previous nonconforming use in floor or other space occupied, in volume of trade or production, in kind of goods sold or produced, in daily hours or other period of use, in the type or number of persons to occupy or to be attracted to the premises or any other characteristic

of the new use as compared with the previous use. A landscaping frontage strip 6 feet wide is required along East 49th Street pursuant to Section 352.10 and under the provisions in Section 349.07 accessory off-street parking spaces driveways and maneuvering areas shall be properly graded for drainage so that all water drains within the lot that shall be surfaced with concrete, asphalt or similar surfacing material, and parking spaces shall be provided with wheel or bumper guards, and shall measure 180 square feet as defined in Section 325.03 of the Cleveland Codified Ordinances.

Calendar No. 11-193: 2084 West 25th Street (Ward 3)

United West 25th LLC, owner, and Cleveland Hostel, Inc., tenant, appeal to establish use as a 60 bed hostel in an existing three-story building located on a 51.20' x 112.06' parcel in a C4 Local Retail Business-Pedestrian Retail Overlay District and subject to Section 349.04(a) accessory off-street parking is required at the rate of one(1) space per each four(4) beds, plus one(1) for each employee expected on the premises and three (3) spaces are provided contrary to 11 accessory off-street parking spaces that are required; and in a "C" area district, the maximum gross floor area shall not exceed one-half of the lot area according to Section 355.04 and a gross floor area of 12,750 square feet is proposed contrary to 2,270 that is permitted; and side yards of eight (8) feet are required and not provided contrary to Sections 357.01(c) and 357.09 of the Cleveland Codified Ordinances.

Calendar No. 11-195: 12801 St. Clair Avenue (Ward 10)

Alonso Pagan Jr., owner, appeals to construct a major auto repair shop for installation of security systems, alarms, speakers and air ride technology in automobiles and sale of various related products on a 65' x 120' lot located in a C2 Local Retail Business District; subject to the limitations of Section 343.01 the proposed major motor vehicle repair shop is not permitted and first permitted under Section 345.03 in a Semi-Industry District, provided that it is located not less than 100 feet from a residence district.

Calendar No. 11-201: 10210 Pierpont Avenue (Ward 8)

Lula Harris, owner, appeals to install a wheelchair lift 5' x 5' in the front yard area with a 6' x 10' access deck that will project 10 feet into the front yard setback of a 40' x 110' parcel, contrary to the restrictions under Section 357.13 in the Cleveland Codified Ordinances.

Calendar No. 11-205: 1948 West 58th Street (Ward 15)

Isaac Franks, owner, appeals to install a 4' x 4' manufactured wheelchair lift in the front yard area of a 40' x 77' lot in a B1 Two-Family District contrary to the limitations under Section 329.04(c)(1) in the Cleveland Codified Ordinances.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, OCTOBER 24, 2011

At the meeting of the Board of Zoning Appeals on Monday, October 24, 2011, the following appeals were heard by the Board.

The following appeals were **APPROVED:**

Calendar No. 11-177: 1460 West 29th Street

The Bidwell Foundation appealed for an addition and to establish use as a museum in an existing building in a C2 Semi-Industry District.

Calendar No. 11-178: 3327 West 32nd Street

Dimitri Salivaras appealed to establish a dance studio business in a two-story building in a B1 General Retail Business District; subject to conditions.

Calendar No. 11-179: 1812 West 57th Street

Dimitri Salivaras appealed to erect a one-story frame garage addition to an existing dwelling in a B1 Two-Family District.

Calendar No. 11-182: 14501 Rainbow Drive:

Carol Brown appealed to erect a 20' x 20' one-story frame garage on an irregular shaped corner lot in a B1 Two-Family District.

Calendar No. 11-183: 3920 East 74th Street

Kenneth Cuglewski appealed to erect an L-shaped, wooden wheelchair ramp on a corner lot in a B1 Two-Family District.

Calendar No. 11-155: 4919 Storer Avenue

Gerardo Sanchez, owner, and Siomar Pietri, tenant, appealed to establish use for piercing and tattooing in a two-story building on a corner lot in a B1 General Retail Business District; subject to conditions.

Calendar No. 11-171: 3741 East 146th Street

Cheryl Ladson appealed to install a wheelchair lift and access deck in the front yard portion of a corner parcel in a B1 Two-Family District; subject to condition.

The following appeals were **DISMISSED:**

None.

The following appeals were **POSTPONED:**

Calendar No. 11-176: 3860 West 140th Street postponed to January 9, 2012.

Calendar No. 11-153: 3292 Fulton Road postponed from October 31, 2011 to November 28, 2011.

The following appeals heard by the Board on October 17, 2011 were adopted and approved on October 24, 2011.

The following appeals were **APPROVED:**

Calendar No. 11-170: 11607 Euclid Avenue

Maximum Accessible Housing of Ohio appealed to construct a four (4) story apartment building in a D2 Local Retail Business District.

Calendar No. 11-172: 12645 Lorain Avenue

The Salvation Army appealed to erect a double faced projecting sign on a one-story building in a C2 General Retail Business District.

Calendar No. 11-174: 1306 West 112th Street

Valerie Totire appealed to erect a wooden, open platform front porch to a two family dwelling in a B1 Two-Family District.

Calendar No. 11-123: 9025 Lorain Avenue

The 9019-9025 Lorain Avenue LLC appealed to rebuild and re-establish use of a motor vehicle service garage in a Local Retail Business District; subject to conditions.

The following appeal was **DENIED:**

Calendar No. 11-175: 17722 Groveswood Avenue

Brenda Armstrong-Gary appealed to use as a Type A day care the first floor of a two family dwelling in a C1 Multi-Family District.

Secretary

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

NO MEETING

**PUBLIC NOTICE
REQUEST FOR PROPOSAL
DEPARTMENT OF
ECONOMIC DEVELOPMENT**

Request for Proposals from qualified firms/entrepreneurs/businesses interested in providing services of a neighborhood grocery store including but not limited to fresh produce & vegetables, meats, cheeses, bread, and prepared foods located at the vacant 1.78 acre City-owned property 10505 St. Clair Avenue, Cleveland, OH 44115. Proposals are due by 5:00 p.m. Eastern Standard Time, Friday, December 16, 2011. For more information and to see the Request for Proposals, go to http://www.city.cleveland.oh.us/CityofCleveland/Home/Government/CityAgencies/Finance/RFP?_piref34_136352_34_121844_121844__ora_navig=a_ction%3Ddetails%26rfpId%3D3617 or call (216) 664-3720.

October 19, 2011, October 26, 2011, November 2, 2011, November 9, 2011, November 16, 2011, November 23, 2011, November 30, 2011, December 7, 2011 and December 14, 2011

**PUBLIC NOTICE
REQUEST FOR PROPOSAL
DEPARTMENT OF
ECONOMIC DEVELOPMENT**

Request for Proposals from qualified firms/consultants interested in the redevelopment of the Variety Theatre Building located at 10313 Lorain Avenue. The City is seeking a qualified developer to complete a plan for the redevelopment of the Variety Theatre Building. Proposals are due by 5:00 p.m. Eastern Standard Time, Friday, November 11, 2011. For more information and to see the Request for Proposals, go to http://www.city.cleveland.oh.us/CityofCleveland/Home/Government/CityAgencies/Finance/RFP?_piref34_136352_34_121844_121844__ora_navig=a_ction%3Ddetails%26rfpId%3D3639 or call (216) 664-2202.

October 26, 2011, November 2, 2011 and November 9, 2011

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

Sealed bids will be received at the office of the Commissioner of Purchases and Supplies, Room 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."

THURSDAY, NOVEMBER 10, 2011

File No. 176-11 — Year 2012-A Cleaning and Cement Mortar Lining of Distribution Mains, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 814-11, passed by the Council of the City of Cleveland, July 20, 2011.

THERE WILL BE A **NON-REFUNDABLE FEE FOR PLANS AND SPECIFICATIONS IN THE AMOUNT OF ONE HUNDRED DOLLARS (\$100.00) IN THE FORM OF A CASHIER'S CHECK AND OR MONEY ORDER ONLY (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED).**

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING THURSDAY, OCTOBER 27, 2011 AT 10:00 A.M. THE CARL B. STOKES, PUBLIC UTILITIES BUILDING, 4TH FLOOR ATRIUM CONFERENCE, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114**

File No. 180-11 — Cab and Chassis w/Cable Pulling Unit and Related Equipment, for the Division of Motor Vehicle Maintenance, Department of Public Works, as authorized by Ordinance Nos. 1849-08 and 1602-10, passed by the Council of the City of Cleveland, January 26, 2009 and December 6, 2010, respectively. THERE WILL BE A **NON-MANDATORY PRE-BID MEETING FRIDAY, OCTOBER 28, 2011 AT 10:00 A.M. THE MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.**

File No. 183-11 — Field Force Equipment, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 885-10, passed by the Council of the City of Cleveland, September 27, 2010. THERE WILL BE A **NON-MANDATORY PRE-BID MEETING THURSDAY, OCTOBER 27, 2011 AT 10:00 A.M. THE JUSTICE CENTER, 1300 ONTARIO STREET, ROOM 731, CLEVELAND, OHIO 44113.**

File No. 184-11 — Labor and Materials Necessary to Remove Existing Walk-Off Carpeting and Install, for the Various Divisions of Port Control, Department of Port Control, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING MONDAY, OCTOBER 31, 2011 AT 10:00 A.M. THE DEPARTMENT OF PORT CONTROL, CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S CENTRAL RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135-3193.**

October 19, 2011 and October 26, 2011

FRIDAY, NOVEMBER 11, 2011

File No. 177-11 — Year 2012-B Cleaning and Cement Mortar Lining of Distribution Mains, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 814-11, passed by the Council of the City of Cleveland, July 20, 2011.

THERE WILL BE A **NON-REFUNDABLE FEE FOR PLANS AND SPECIFICATIONS** IN THE AMOUNT OF ONE HUNDRED DOLLARS (\$100.00) IN THE FORM OF A CASHIER'S CHECK AND OR MONEY ORDER ONLY (NO COMPANY CHECKS, NO CASH AND NO CREDIT CARDS WILL BE ACCEPTED).

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, OCTOBER 27, 2011 AT 10:00 A.M. THE CARL B. STOKES, PUBLIC UTILITIES BUILDING, 4TH FLOOR ATRIUM CONFERENCE, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114

October 19, 2011 and October 26, 2011

THURSDAY, NOVEMBER 17, 2011

File No. 178-11 — Repairing and Maintaining Runways, Taxiways, Ramps, Roads and Other Concrete Surfaces, for the Various Divisions of Port Control, Department of Port Control, as authorized by Ordinance No. 1119-11, pending.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, OCTOBER 28, 2011 AT 10:00 A.M. THE DEPARTMENT OF PORT CONTROL, CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S CENTRAL RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135-3193.

File No. 179-11 — Purchase of LED Holiday Decorative Lighting, 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, OCTOBER 28, 2011 AT 2:30 P.M. THE TOM L. JOHNSON BUILDING, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

File No. 181-11 — Replacement of Carpeting Cleveland Public Power, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinances No. N/A passed City Council N/A.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, OCTOBER 28, 2011 AT 11:30 A.M. THE TOM L. JOHNSON BUILDING, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

File No. 182-11 — Stop Cock Boxes, for the Division of Water, Department of Public Utilities, as authorized by Section 129.25 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, OCTOBER 28, 2011 AT 10:30 A.M. THE DISTRIBUTION AND MAINTENANCE, 4600 HARVARD AVENUE, PIPE REPAIR CONFERENCE ROOM, CLEVELAND, OHIO 44105.

October 19, 2011 and October 26, 2011

THURSDAY, NOVEMBER 17, 2011

File No. 185-11 — Glenville Recreation Center Boiler Replacement, for the Division of Architecture & Site Development, Department of Public Works, as authorized by Ordinance No. 453-11, passed by the Council of the City of Cleveland, May 16, 2011.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, NOVEMBER 4, 2011 AT 10:00 A.M. THE CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, DIVISION OF ARCHITECTURE & SITE DEVELOPMENT, CONFERENCE ROOM, ROOM 517A, CLEVELAND, OHIO 44114.

October 26, 2011 and November 2, 2011

FRIDAY, NOVEMBER 18, 2011

File No. 186-11 — 2011 Ball Diamond Improvement (Package B), for the Division of Architecture & Site Development, Department of Public Works, as authorized by Ordinance No. 453-11, passed by the Council of the City of Cleveland, May 16, 2011.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, NOVEMBER 3, 2011 AT 2:00 P.M. THE CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, ROOM 517A, CLEVELAND, OHIO 44114.

October 26, 2011 and November 2, 2011

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 1484-11.
By Mayor Jackson and Council Member Sweeney.
An emergency resolution opposing any effort by the State of Ohio to take over the collection of municipal income taxes in Ohio, and urging our State legislators to reject and oppose

any amendment to pending bills or introduction of new legislation that proposes to transfer collection and/or control of municipal income taxes to the State of Ohio Department of Taxation.

Whereas, income tax is the largest source of revenue for all municipalities and any disruption or interference with the current collection process will be harmful to the financial operations; and

Whereas, the prospect of State control of municipal income tax collection presents numerous administrative difficulties including, but not limited to: how the State will administer Local tax ordinances; how retention of and access to tax records will be handled; the timing and frequency of distribution of collected revenues would have a negative impact on cash flow and financial stability of the municipalities; the reporting of tax collections to municipalities; collection of delinquent taxes and tracking those persons not filing taxes; the impact of planned budget and staffing cuts; and the closing of the Ohio Department of Taxation's regional offices will hinder the ability of the Ohio Department of Taxation to undertake and properly perform such significant new responsibilities; and

Whereas, the State of Ohio is infringing on the Home Rule Rights of municipalities to self-govern as stated in Section 7, Article XVII of the Constitution of the State of Ohio; and

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

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

Section 1. That this Council declares its strong opposition to any effort by the State of Ohio to take over the collection of municipal income taxes in Ohio, and urges our State legislators to reject and oppose any amendment to pending bills or introduction of new legislation that proposes to transfer collection and/or control of municipal income taxes to the State of Ohio Department of Taxation.

Section 2. That the Clerk of Council is authorized and directed to send a certified copy of this resolution to each member of the Ohio General Assembly and Ohio Governor John Kasich.

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 October 17, 2011.
 Effective October 17, 2011.

Res. No. 1493-11.
By Council Member Cimperman.
An emergency resolution objecting to the transfer of ownership of a D2, D2X, D3, D3A, and D6 Liquor Permit to 618 Prospect Avenue, 2nd floor only.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D2, D2X, D3, D3A and

D6 Liquor Permit from View Cleveland, LLC, Lauren Helbling Trustee in Bankruptcy, 618 Prospect Avenue, 2nd floor only, Cleveland, Ohio 44115, Permanent Number 9271909 to DMA Level C, LLC, 618 Prospect Avenue, 2nd floor only, Cleveland, Ohio 44115, Permanent Number 2215582; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D2, D2X, D3, D3A and D6 Liquor Permit from View Cleveland, LLC, Lauren Helbling Trustee in Bankruptcy, 618 Prospect Avenue, 2nd floor only, Cleveland, Ohio 44115, Permanent Number 9271909 to DMA Level C, LLC, 618 Prospect Avenue, 2nd floor only, Cleveland, Ohio 44115, Permanent Number 2215582; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted October 17, 2011.

Effective October 19, 2011.

Res. No. 1494-11.
By Council Member Cimperman.
An emergency resolution objecting to the transfer of ownership of a D2, D2X, D3, D3A and D6 Liquor Permit to 850 Euclid Avenue, Suite 120.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D2, D2X, D3, D3A and D6 Liquor Permit from Cleveland Beverage, LLC, 850 Euclid Avenue, Suite 120, Cleveland, Ohio 44114, Permanent Number 1543280 to Bishoff Management, LLC, 850 Euclid Avenue, Suite 120, Cleveland, Ohio 44114, Permanent Number 0720570; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of a D2, D2X, D3, D3A and D6 Liquor Permit from Cleveland Beverage, LLC, 850 Euclid Avenue, Suite 120, Cleveland, Ohio 44114, Permanent Number 1543280 to Bishoff Management, LLC, 850 Euclid Avenue, Suite 120, Cleveland, Ohio 44114, Permanent Number 0720570; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

Adopted October 17, 2011.

Effective October 19, 2011.

Res. No. 1495-11.
By Council Member Cleveland.
An emergency resolution objecting to a New C1 Liquor Permit at 3400 Carnegie Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Midtown Foods, Inc., 3400 Carnegie Avenue, Cleveland, Ohio 44115, Permanent Number 5928457; 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 Midtown Foods, Inc., 3400 Carnegie Avenue, Cleveland, Ohio 44115, Permanent Number 5928457; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

and after the earliest period allowed by law.

Adopted October 17, 2011.
Effective October 19, 2011.

Res. No. 1496-11.

By Council Member Sweeney.

An emergency resolution withdrawing objection to the renewal of a C1 Liquor Permit at 13939 Lorain Avenue and repealing Resolution No. 1153-11, objecting to said renewal.

Whereas, this Council objected to a C1 Liquor Permit to 13939 Lorain Avenue by Resolution No. 1153-11 adopted by the Council on August 17, 2011; and

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

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

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

Section 1. That objection to a C1 Liquor Permit to AJD Gas, LLC, DBA Liberty Gas USA, 13939 Lorain Avenue, Cleveland, Ohio 44111, Permanent Number 0003708 be and the same is hereby withdrawn and Resolution No. 1153-11, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted October 17, 2011.
Effective October 19, 2011.

Ord. No. 1125-11.

By Council Member Polensek.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 807 East 156th Street to Matthew Adkins and Tenesha Thomas.

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

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

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

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

Section 1. That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is

authorized to sell the real property, more fully described below, to Matthew Adkins and Tenesha Thomas.

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

P. P. No. 115-24-058

Situated in the City of Cleveland County of Cuyahoga and State of Ohio and known as being Sublot No. 40 in Moses and Burton's Subdivision of part of Original Euclid Township Lot No. 42, as shown by the recorded plat in Volume 9 of Maps, Page 33 of Cuyahoga County.

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

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

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

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

Passed October 17, 2011.
Effective October 19, 2011.

Ord. No. 1477-11.

By Mayor Jackson and Council Member Sweeney.

An emergency ordinance allocating 15% of Cleveland Casino Revenues received by the City for use by Cleveland City Council.

Whereas, under the Ohio Constitution and ORC Chapter 5753, the State levies a tax at the rate of 33% of the casino operator's gross casino revenue and the tax proceeds are distributed, in part, as follows: 1) 51% of the tax is distributed among the 88 counties in proportion to their population at the time of the distribution, and Cleveland will receive 50% of the Cuyahoga County share; and 2) 5% of the tax is distributed to the host city, like Cleveland, where the casino facility that generated such gross casino revenue is located; and

Whereas, for purposes of this ordinance, "Cleveland Casino Revenues" is Cleveland's share of the tax on gross casino revenue levied by the

State of Ohio and distributed to Cleveland in accordance with Article XV, Section 6 of the Ohio Constitution and Revised Code Chapter 5753; and

Whereas, the Cleveland Casino Revenues received by the City shall be deposited into the general fund and 15% shall be allocated for use by Cleveland City Council; 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 Cleveland Casino Revenues received by the City shall be deposited into the general fund and fifteen percent (15%) shall be allocated for use by Cleveland City Council.

Section 2. That a copy of the memo distributed at the Finance Committee on October 12, 2011, is placed in File No. 1477-11-A.

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

Passed October 17, 2011.
Effective October 17, 2011.

Ord. No. 1483-11.

By Council Member Sweeney (by departmental request).

An emergency ordinance to supplement Ordinance No. 647-11, passed May 16, 2011, by adding new Section 5; and to renumber existing Section 5 to new Section 6, relating to authorizing the purchase, lease, or lease to purchase by requirement contract of various types of vehicles and apparatus for various divisions in the Departments of Public Works and Public Safety, among others.

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

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

Section 1. That Ordinance No. 647-11, passed May 16, 2011 is supplemented by adding new Section 5 to read as follows:

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

Section 2. That existing Section 5 of Ordinance No. 647-11, passed May 16, 2011 is renumbered to new "Section 6".

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

Passed October 17, 2011.
Effective October 17, 2011.

COUNCIL COMMITTEE MEETINGS

**Monday, October 24, 2011
11:00 a.m.**

Legislation Committee: Present: Mitchell, Chair; K. Johnson, Vice Chair; Brancatelli, Cimperman, Cleveland, Reed, Sweeney.

1:30 p.m.

Community and Economic Development Committee, City Planning Committee, & Finance Committee: Present in CDED: Brancatelli, Chair; Cummins, J. Johnson, Pruitt,

Zone. *Authorized Absence:* Dow, Vice Chair; Cimperman, Miller, Westbrook. Pro tempore: Keane. Present in Planning: Cleveland, Chair; Brady, Keane, Zone. *Authorized Absence:* Westbrook, Vice Chair; Conwell, Dow. Present in: Sweeney, Chair; Kelley, Vice Chair; Brady, Brancatelli, Cleveland, Keane, Mitchell, Polensek, Pruitt. *Authorized Absence:* Miller, Westbrook.

2:00 p.m.

Finance Committee: Present: Sweeney, Chair; Kelley, Vice Chair; Brady, Brancatelli, Cleveland, Keane, Miller, Mitchell, Polensek,

Pruitt. *Authorized Absence:* Westbrook.

**Wednesday, October 26, 2011
10:00 a.m.**

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

1:30 p.m.

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

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