

The City Record

Official Publication of the Council of the City of Cleveland



April the Twenty-Seventh, Two Thousand and Eleven

Frank G. Jackson
Mayor

Martin J. Sweeney
President of Council

Patricia J. Britt
City Clerk, Clerk of Council

Ward Name

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

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www.clevelandcitycouncil.org

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

Ward Name Residence

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

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

First Assistant Clerk – Sandra Franklin

MAYOR – Frank G. Jackson

Ken Silliman, Secretary to the Mayor, Chief of Staff

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

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

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

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

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

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

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

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

OFFICE OF CAPITAL PROJECTS – Jonmarie Wasik, Director

DIVISIONS:

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

Engineering and Construction – _____, Manager

Real Estate – _____, Commissioner

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

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

Room 106; Michael Ruffing, Law Librarian, Room 100

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

Frank Badalamenti, Manager, Internal Audit

DIVISIONS:

Accounts – Richard W. Sensenbrenner, Commissioner, Room 19

Assessments and Licenses – Dedrick Stephens, Commissioner, Room 122

City Treasury – _____, Treasurer, Room 115

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

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

Avenue

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

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

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

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

DIVISIONS:

Cleveland Public Power – Ivan Henderson, Commissioner

Street Lighting Bureau – _____, Acting Chief

Utilities Fiscal Control – Dennis Nichols, Commissioner

Water – _____, Commissioner

Water Pollution Control – Ollie Shaw, Commissioner

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

International Airport, 5300 Riverside Drive

DIVISIONS:

Burke Lakefront Airport – Khalid Bahhur, Commissioner

Cleveland Hopkins International Airport – Fred Szabo, Commissioner

DEPT. OF PUBLIC WORKS – Michael Cox, Director

OFFICES:

Administration – John Laird, Manager

Special Events and Marketing – Tangee Johnson, Manager

DIVISIONS:

Motor Vehicle Maintenance – Daniel A. Novak, Commissioner

Park Maintenance and Properties – Richard L. Silva, Commissioner

Parking Facilities – Leigh Stevens, Commissioner

Property Management – Tom Nagle, Commissioner

Recreation – Kim Johnson, Commissioner

Streets – _____, Commissioner

Traffic Engineering – Robert Mavec, Commissioner

Waste Collection and Disposal – Ron Owens, Commissioner

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

Erievue Plaza

DIVISIONS:

Air Quality – Richard L. Nemeth, Commissioner

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

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

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

DIVISIONS:

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

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

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

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

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

DEPT. OF COMMUNITY DEVELOPMENT – Daryl Rush, Director

DIVISIONS:

Administrative Services – Terrence Ross, Commissioner

Fair Housing and Consumer Affairs Office – _____, Manager

Neighborhood Development – _____, Commissioner

Neighborhood Services – Louise V. Jackson, Commissioner

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

DIVISIONS:

Code Enforcement – Tyrone L. Johnson, Commissioner

Construction Permitting – Timothy R. Wolosz, Commissioner

DEPT. OF PERSONNEL AND HUMAN RESOURCES – _____, Director, Room 121

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

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

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

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

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

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

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

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

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

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

Michael Fluckinger.

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

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

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

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

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

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

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

BOARD OF REVISION OF ASSESSMENTS – Law Director Robert J. Triozzi, President;

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

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

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

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

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

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

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

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

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

Render, Genesis O. Brown.

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

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

David Perkowski, Joan Shaver Washington, Keith Sutton.

CLEVELAND BOXING AND WRESTLING COMMISSION – Robert Jones, Chairman;

Clint Martin, Mark Rivera.

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

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

Kelley.

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

Whalen, Nancy Cronin, Elvin Vauss.

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

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

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

Keiser, Secretary.

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

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

J. Triozzi.

CLEVELAND MUNICIPAL COURT

JUSTICE CENTER – 1200 ONTARIO STREET

JUDGE COURTROOM ASSIGNMENTS

Judge Courtroom

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

Judge Marilyn B. Cassidy – Courtroom 12B

Judge Michelle Denise Earley – Courtroom 12C

Judge Emanuella Groves – Courtroom 14B

Judge Anita Laster Mays – Courtroom 14C

Judge Lynn McLaughlin-Murray – Courtroom 12A

Judge Lauren C. Moore – Courtroom 14A

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

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

Judge Michael John Ryan – Courtroom 13A

Judge Angela R. Stokes – Courtroom 15C

Judge Pauline H. Tarver – Courtroom 13C

Judge Joseph J. Zone – Courtroom 14D

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

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

Magistrate, Victor Perez – City Prosecutor

The City Record

71 OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 98

WEDNESDAY, APRIL 27, 2011

No. 5081

CITY COUNCIL

MONDAY, APRIL 25, 2011

The City Record
Published weekly by the City Clerk,
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Address all communications to
PATRICIA J. BRITT
City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2010-2013

MONDAY — Alternating

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

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

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

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

MONDAY

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

TUESDAY

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

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

WEDNESDAY — Alternating

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

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

WEDNESDAY — Alternating

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

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

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

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

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio
Monday, April 25, 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, Dow, J. Johnson, K. Johnson, Keane, Kelley, Miller, Mitchell, Polensek, Pruitt, Reed, Sweeney, Westbrook and Zone.

Also present were Mayor Frank G. Jackson, Ken Silliman, Chief of Staff, Darnell Brown, Chief Operating Officer, Valarie J. McCall, Chief of Governmental Affairs, Chris Warren, Chief of Regional Development, Monyka S. Price, Chief of Education, Maureen Harper, Chief of Communications, Natoya J. Walker-Minor, Chief of Public Affairs, Directors Triozzi, Withers, Cox, Butler, Flask, Rush, Rybka, Southerington, Nichols, Fumich, Brown, Lucille Ambroz, Secretary, Civil Service, and Teresa Stevenson of Legislative Affairs.

Pursuant to Ordinance No. 2926-76, the opening prayer was offered by Dr. Robin Hedgeman of Bethany Christian Church, 3940 Martin Luther King Jr. Drive, located in Ward 2. Pledge of Allegiance.

MOTION

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

MAYOR'S APPOINTMENT COMMITTEE

File No. 538-11-A.

April 25, 2011

To the Honorable Council of the City of Cleveland

Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointment to the Citizens Industrial Air Pollution Advisory Committee.

We have before us the Mayor's Letter wherein he names his appointment to the Citizens Industrial Air Pollution Advisory Committee:

James Bristol
Reappointment - Term expires on
March 10, 2012

The Mayor's Appointment Committee hereby recommends that Council approve the appointment as stated above.

Mayor's Appointment Committee

T.J. Dow, Chair
Phyllis Cleveland
Eugene R. Miller
Kevin J. Kelley
Martin J. Sweeney

Received.

Without objection, Mayor's Appointment approved. Yeas 18. Nays 0.

File No. 538-11-B.

April 25, 2011

To the Honorable Council of the City of Cleveland

Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointment to the Citizens Industrial Air Pollution Advisory Committee.

We have before us the Mayor's Letter wherein he names his appointment to the Citizens Industrial Air Pollution Advisory Committee:

Christianne Trepal
Reappointment - Term expires on
March 10, 2012

The Mayor's Appointment Committee hereby recommends that Council approve the appointment as stated above.

Mayor's Appointment Committee

T.J. Dow, Chair
Phyllis Cleveland
Eugene R. Miller
Kevin J. Kelley
Martin J. Sweeney

Received.

Without objection, Mayor's Appointment approved. Yeas 18. Nays 0.

File No. 538-11-H.

April 25, 2011

To the Honorable Council of the City of Cleveland

Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointment to the Greater Cleveland Regional Transit Authority.

We have before us the Mayor's Letter wherein he names his appointment to the Greater Cleveland Regional Transit Authority:

George Dixon
Reappointment - Term expires on
March 3, 2014

The Mayor's Appointment Committee hereby recommends that Council approve the appointment as stated above.

Mayor's Appointment Committee

T.J. Dow, Chair
Phyllis Cleveland
Eugene R. Miller
Kevin J. Kelley
Martin J. Sweeney

Received.

Without objection, Mayor's Appointment approved. Yeas 18. Nays 0.

File No. 538-11-L.

April 25, 2011

To the Honorable Council of the City of Cleveland

Ladies and Gentlemen:

Report of the Mayor's Appointment Committee's consideration of the Mayor's Appointment to the Housing Advisory Board.

We have before us the Mayor's Letter wherein he names his appointment to the Housing Advisory Board:

John Shaver Washington
Reappointment - Term expires on
February 28, 2013

The Mayor's Appointment Committee hereby recommends that Council approve the appointment as stated above.

Mayor's Appointment Committee

T.J. Dow, Chair
Phyllis Cleveland
Eugene R. Miller
Kevin J. Kelley
Martin J. Sweeney

Received.

Without objection, Mayor's Appointment approved. Yeas 18. Nays 0.

COMMUNICATIONS**File No. 570-11.**

From: Office of John R. Kasich, Governor of the State of Ohio — Re: acknowledgement receipt of Cleveland City Council Resolution No. 209-11; regarding a claimant's ability to received an award of reparations regardless of past crimes. Received.

File No. 571-11.

From Director of Department of Public Works — Notification of

intent to accept and expend a grant in the amount of \$1,000 from Reader's Digest for the Going Back to School Summit, scheduled for August 13, 2011 at Public Auditorium. Received.

**STATEMENT OF WORK
ACCEPTANCE****File No. 572-11.**

From Director of Department of Public Utilities — Contract 66759 with The Great Lakes Construction Company for Morgan East Reservoir Project for the Division of Water. Received.

File No. 573-11.

From Director of Department of Public Utilities — Contract 67932 with Terrance Construction Company for Cleaning and Cement Mortar Lining of Distribution Mains 2008 Area B for the Division of Water. Received.

File No. 574-11.

From Director of Department of Public Utilities — Contract Nos. PI69353A and SA69353A with The Petty Group for Henninger Avenue Sewer Replacement Project for the Division of Water Pollution Control. Wards 3 and 13. Received.

File No. 575-11.

From Director of Department of Public Works — Contract PI2010000000041 with SJA, LLC for Collinwood Athletic Complex Locker Room Improvement. Ward 10. Received.

File No. 576-11.

From Director of Department of Public Works — Contract PI2010000000032 with Dodson & Associates, Inc. for Zelma Watson George Recreation Center Exterior Door Replacement. Ward 6. Received.

**FROM THE DEPARTMENT OF
LIQUOR CONTROL****File No. 577-11.**

Re: #6549661 C1 New Application — 17229 Corporation, 17229 Euclid Avenue. (Ward 10). Received.

File No. 578-11.

Re: #3345297 D4 New Application — Greek Corners Acoustic LLC, d.b.a. Greek American Brotherhood, 4916 Pearl Road. (Ward 13). Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 579-11—Marie R. Romine.

Res. No. 588-11—Thelma Redmond.

Res. No. 589-11—Mary Lou Jaworski.

CONGRATULATION RESOLUTIONS

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

Res. No. 580-11—Brenda M. Ware-Abrams.

Res. No. 581-11—Ollie Shaw.

RECOGNITION RESOLUTION

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

Res. No. 582-11—Foursquare Day.

APPRECIATION RESOLUTIONS

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

Res. No. 583-11—David F. Perse, M.D.

Res. No. 584-11—Carrie Carpenter.

Res. No. 585-11—Robert W. Shores.

Res. No. 586-11—Kenneth E. Marblestone.

COMMEMORATION RESOLUTION

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

Res. No. 587-11—Vietnamese Community in Greater Cleveland (36th Anniversary of the Fall of Saigon).

**FIRST READING EMERGENCY
ORDINANCES REFERRED****Ord. No. 557-11.**

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

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts with Kubra Data Transfer Ltd. for professional services necessary to provide online bill payment and bill presentation services, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of one year with three one-year options to renew, the second of which is exercisable through additional legislative authority.

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

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

Section 1. That the Director of Public Utilities is authorized to enter into one or more contracts with Kubra Data Transfer Ltd. for professional services necessary to provide online bill payment and bill presentation services, for the Division of Cleveland Public Power, in the total sum of \$75,000, for the Department of Public Utilities, for a period of one year with three one-year options to renew. The first of the one-year options to renew may be exercised by the Director of Public Utilities, without the necessity of obtaining additional authority of this Council. The second of the one-year options to renew may not be exercised without additional legislative authority. If such additional legislative authority is granted and the second of the one-year options to renew is exercised, then the third of the one-year options to renew may be exercisable at the option of the Director of Public Utilities, without the necessity of obtaining additional authority of this Council. The contract or contracts shall be paid from Fund No. 58 SF 001, Request No. RQS 2004, RL 2011-35.

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

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

Ord. No. 558-11.

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

An emergency ordinance authorizing the Director of Public Utilities to purchase various wattage LED streetlights, including any materials necessary to retrofit or replace existing outdoor streetlights, to be installed on a limited number of poles for a pilot program up to two years, for the Division of Cleveland Public Power, Department of Public Utilities.

Whereas, the Department of Public Utilities desires to implement a pilot program for up to two years on a limited number of poles to evaluate the performance, photometry, aesthetic ambiance, and energy and cost savings of LED streetlights; and

Whereas, the pilot program will sample LED streetlights, including fixtures, of several common sizes from multiple vendors; and

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

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

Section 1. That, notwithstanding and as an exception of the Charter and Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Utilities is authorized to make one or more written contracts with not more than the seven (7) lowest and best bidders for each or all of the following items: equal quantities of LED equivalent 150-watt streetlights, LED equivalent 250-watt streetlights, and LED equivalent 400-watt streetlights, including any materials necessary to retrofit or replace existing outdoor streetlights, to implement a pilot program for up to two years on a limited number of poles to evaluate the performance, photometry, aesthetic ambiance, and energy and cost savings of LED streetlights, for the Division of Cleveland Public Power, Department of Public Utilities.

Section 2. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Public Utilities may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 3. That the cost of the contract or contracts authorized shall not exceed \$200,000 and shall be paid from Fund No. 20 SF 670, Request No. RQS 2004, RL 2011-27.

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

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

Ord. No. 559-11.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into an amendment to Contract No. 69292 with Brown and Caldwell, Inc. to perform additional energy management services to help reduce energy consumption of the municipal water plants and pumping stations, for the Division of Water, Department of Public Utilities, for a one year period.

Whereas, under Ordinance No. 1966-07, passed March 10, 2008, this Council authorized the Director of Public Utilities to enter into Contract No. 69292 with Brown and Caldwell, Inc. to perform energy management services to help reduce energy consumption of the municipal water plants and pumping stations, for the Division of Water, Department of Public Utilities, for a period of two years; and

Whereas, additional services are necessary; 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 Public Utilities is authorized to enter into an amendment to Contract No. 69292 with Brown and Caldwell, Inc. to perform additional energy management services to help reduce energy consumption of the municipal water plants and pumping stations, for the Division of Water, Department of Public Utilities, for a one year period.

Section 2. That the amendment shall be prepared by the Director of Law.

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

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

Ord. No. 560-11.

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

An emergency ordinance to amend Section 1 of Ordinance No. 732-07, passed June 11, 2007, as amended by Ordinance No. 51-09, passed March 2, 2009, relating to applying for and accepting grants and gifts from public and private entities to facilitate sustainability projects, and authorizing various contracts to implement.

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 1 of Ordinance No. 732-07, passed June 11, 2007 as amended by Ordinance No. 51-09, passed March 2, 2009, is amended to read as follows:

Section 1. That the Director of Public Utilities, or other appropriate Director, is authorized to apply for and accept grants and gifts from any

source for sustainability program-related projects **until June 15, 2013**, including but not limited to the following projects: Solar Thermal Pilot Project; Curbside Recycling Pilot Project; Biodiesel and Renewable Fuels Pilot Project; Sustainability Program Marketing and Education Materials; LEED Certification and Green Building Guidebook; and Car Sharing Pilot Program. That the appropriate Director is authorized to file all papers and execute all documents necessary to receive the funds under this ordinance; and that the funds are appropriated for the purposes described in this ordinance.

Section 2. That existing Section 1 of Ordinance No. 732-07, passed June 11, 2007 as amended by Ordinance No. 51-09, passed March 2, 2009, 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 Utilities, Finance, Law; Committees on Public Utilities, Finance.

Ord. No. 561-11.

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

An emergency ordinance authorizing the Director of Port Control to enter into one or more leases or leases by way of concession and one or more agreements for the purpose of designing, constructing, managing, operating, maintaining, repairing, and upgrading a gas station and related amenities on selected Cleveland Hopkins International Airport property at or near the intersection of Brookpark Road and Rocky River Drive, for a period up to thirty years, with one ten year option to renew, exercisable through additional legislative authority.

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

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

Section 1. That the Director of Port Control is authorized to enter into one or more leases or leases by way of concession with an entity selected by the Board of Control for the purpose of designing, constructing, managing, operating, maintaining, repairing, and upgrading a gas station and related amenities on selected Cleveland Hopkins International Airport property at or near the intersection of Brookpark Road and Rocky River Drive, for a period up to thirty years, with one ten year option to renew, exercisable through additional legislative authority.

Section 2. That the Director of Port Control is authorized to enter into one or more additional agreements with the selected entity to effectuate this project as described in this ordinance, including but not limited to development agreements, agreements relating to right-of-way and pole attachments.

Section 3. That the selection of the entity for the project shall be made by the Board of Control on the nomina-

tion of the Director of Port Control from a list of entities available as may be determined after a full and complete canvass by the Director of Port Control for the purpose of compiling a list. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Port Control, and certified by the Director of Finance.

Section 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 Port Control, City Planning Commission, Finance, Law; Committees on Aviation and Transportation, City Planning, Finance.

Ord. No. 562-11.

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

An emergency ordinance authorizing the Directors of Public Works and Finance to enter into one or more contracts with the Cleveland Metropolitan School District to conduct recreational, cultural, and extracurricular programs for the benefit of school children during the 2010-11 school year.

Whereas, under Ordinance No. 1025-A-95, passed June 28, 1995, tax revenues from levying the parking facility tax and increases in the motor vehicle lessor tax and the admission tax can be used to fund recreational, cultural, and extracurricular programs within the Cleveland School system; and

Whereas, the Joint Board established by Ordinance No. 1025-A-95 has recommended that a portion of the tax proceeds be used to fund a number of recreational, cultural, and extracurricular programs for City school children during the 2010-11 school year, including dance, drama, instrumental, vocal, cheerleading, aquatic, sports, and academic enrichment programs; 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 Directors of Public Works and Finance are authorized to enter into one or more contracts with the Cleveland Metropolitan School District to conduct various recreational, cultural and extracurricular programs for the benefit of City school children during the 2010-11 school year, under the program description contained in File No. 562-11-A. The cost of the contract or contracts shall not exceed \$1,000,000 and shall be paid from Fund No. 11 SF 035, Request No. RQS 7001, RL 2011-76.

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

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

Ord. No. 563-11.

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

An emergency ordinance authorizing the Director of Public Health to enter into an agreement or memorandum of understanding with the Cuyahoga County Tapestry System of Care for outpatient substance abuse treatment and other clinical services performed by the Department of Public Health; and to accept payments for clinical services provided to the referred individuals.

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

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

Section 1. That the Director of Public Health is authorized to enter into an agreement or memorandum of understanding, as appropriate, with the Cuyahoga County Tapestry System of Care for outpatient substance abuse treatment and other clinical services performed by the Department of Public Health; and to accept payments for clinical services provided to the referred individuals.

Section 2. That the Director of Public Health shall deposit the payments accepted under this ordinance into a fund or funds designated by the Director of Finance and appropriated for the purposes described in this ordinance.

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

Ord. No. 564-11.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an amendment to Contract No. 58287 with 3500 Group, Ltd. to modify certain terms and conditions of the contract.

Whereas, under Ordinance No. 1025-01, passed June 19, 2001, this Council authorized the Director of Economic Development to enter into Contract No. 58287 with 3500 Group, Ltd. to provide economic development assistance to partially finance the acquisition and renovation of a building at 3500 Lorain Avenue, Cleveland, Ohio; and

Whereas, under Ordinance No. 1892-02, passed November 11, 2002, this Council authorized an amendment to the contract to change certain terms and conditions of the original contract; and

Whereas, additional changes are necessary; 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 Economic Development is authorized to enter into an amendment to Contract No. 58287 with 3500 Group, Ltd. to modify certain terms and conditions of the contract as stated in File No. 564-11-A.

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. 565-11.

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

An emergency ordinance authorizing the Director of Economic Development to enter into one or more contract amendments with various original UDAG loan recipients which have a scheduled balloon payment during the loan term to accept discount prepayments of their UDAG loans.

Whereas, some current recipients of original UDAG loans have requested the opportunity to prepay their original UDAG loans which have a scheduled balloon payment during the loan term, at its net present value determined by discounting their loans; and

Whereas, the discount rate which will be used by the City will be 9.75%; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health, and welfare in that its enactment is a necessary prerequisite to provide immediate assistance to create and preserve additional job opportunities and to advance and promote commercial and economic development in the City of Cleveland; 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 contract amendments with various original UDAG loan recipients which have a scheduled balloon payment during the loan term to accept discount prepayments of their UDAG loans.

Section 2. That the Director of Economic Development is authorized to accept, on behalf of the City, discounted prepayments from original UDAG loan recipients which have a scheduled balloon payment during the loan term, to be paid to the City, in an amount equal to the net present value of the loan using a 9.75% discount rate in full satisfaction of the loans, provided that the original UDAG loan has a scheduled balloon payment during the loan term, and provided that the discounted prepayments are received by June 30, 2011. That the Director of Economic Development is authorized to file all papers and execute all documents necessary to receive the funds under the prepayments.

Section 3. That the contract amendments shall be prepared by the Director of Law.

Section 4. That the Director of Economic Development is authorized to release any and all collateral taken to secure repayments of the loans and to execute all documents necessary to release the collateral. Any release of security instruments shall be prepared and approved by the Director of Law.

Section 5. That the Director of Economic Development is authorized to deposit the prepayments into Fund No. 17 SF 006.

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

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

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

Ord. No. 556-11.

By Council Member Sweeney.

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to seek bids for print and mailing services for the Clerk of Council, Cleveland City Council.

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

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

Section 1. That the Commissioner of Purchases and Supplies is hereby authorized to seek bids for the requirements for a period of two years for the necessary items for print and mailing services for the Clerk of Council, to be purchased on a unit basis for Cleveland City Council. Bids shall be taken in such manner as to permit an award to be made for all items as a single contract, or by separate contract for each or any combination of said items as the Clerk may determine. Alternate bids for a period less than two years may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for two years. Said contract or contracts shall have two one year options to renew exercisable by the Clerk of Council.

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

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

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

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

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

Ord. No. 566-11.

By Council Member Miller.

An emergency ordinance authorizing the issuance of a Temporary Sidewalk Occupancy Permit to Monica Cater to engage in peddling in Ward 10.

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

Whereas, this Council has considered the request of Monica Cater to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow Monica Cater peddle in Ward 10; and

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

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

Section 1. That this Council consents, as required by, Section 675.07 of the Codified Ordinances to allow to Monica Cater to engage in mobile peddling in the public rights of way of Ward 10 at East 156th Street and Sylvia Avenue.

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

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

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

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

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

Ord. No. 569-11.

By Council Member Zone.

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

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to the Detroit Shoreway Community Development Organization to install, maintain and remove a banner across West 65th Street south of Detroit Avenue and north of Franklin Boulevard for the period from May 15, 2011 to June 14, 2011, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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

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

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 567-11.

By Council Member Reed.

An emergency resolution withdrawing objection to the transfer of ownership of a D1 and D2 Liquor Permit at 4568 Warner Road and repealing Resolution No. 376-11, objecting to said transfer.

Whereas, this Council objected to the transfer of ownership of a D1 and D2 Liquor Permit to Martin J. Martina, DBA Cozy Inn, 4568 Warner Road, Cleveland, Ohio 44105, Permanent No. 5588648 by Resolution No. 376-11 adopted by the Council on March 14, 2011; and

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

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

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

Section 1. That objection to a D1 and D2 Liquor Permit to Martin J. Martina, DBA Cozy Inn, 4568 Warner Road, Cleveland, Ohio 44105, Permanent Number 5588648 be and the same is hereby withdrawn and Resolution No. 376-11, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

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

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

Res. No. 568-11.

By Council Member Sweeney.

An emergency resolution objecting to a New C1 Liquor Permit at 4798 West 130th Street.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Belaell Seder, 4798 West 130th Street, Cleveland, Ohio 44135, Permanent Number 7951783; 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 Belaell Seder, 4798 West 130th Street, Cleveland, Ohio 44135, Permanent Number 7951783, 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 resolu-

tion, together with two copies of a letter of objection and two copies of a letter requesting that the hearing be held in Cleveland, Cuyahoga County.

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

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

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

SECOND READING EMERGENCY ORDINANCES PASSED

Ord. No. 92-11.

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

An emergency ordinance to amend Sections 143.01, 143.02, 143.03, 171.03, 171.241, 171.242, and 171.37 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by various ordinances, to effectuate changing the name of the Department of Personnel and Human Resources to the Department of Human Resources.

Approved by Directors of Personnel and Human Resources, Finance, Law; Passage recommended by Committees on Employment, Affirmative Action, and Training, Legislation, Finance.

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

Ord. No. 143-11.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into a contract with EnerNOC Inc. for participation in EnerNOC's demand response program by the Division of Water for a period of two years with one two-year option to renew exercisable by the Director of Public Utilities.

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

1. In the title, strike line 7 in its entirety and insert ", exercisable through additional legislative authority."

2. In Section 1, line 4, strike "by the Director of Public Utilities" and insert "through additional legislative authority".

Amendments agreed to.

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

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

Ord. No. 210-11.

By Council Members Cimperman, J. Johnson and Mitchell.

An emergency ordinance to amend various sections of Chapters 241, 508,

and 675 of the codified Ordinances of Cleveland, Ohio, 1976, as amended and enacted by various ordinances relating to vendors; to supplement the codified ordinances by enacting new Sections 241.051, 241.36, 241.37, and 241.38, relating to mobile food shops; and to rename Chapter 675 to "Street Vendors."

Approved by Directors of Public Health, Capital Projects, Public Safety, Economic Development, City Planning Commission, Finance, Law; Relieved of Committee on City Planning; Passage recommended by Committees on Health and Human Services, Public Service, Public Safety, Community and Economic Development, Legislation, Finance, when amended, as follows:

1. In Section 1, at amended Section 241.02, first paragraph, line 1, strike "Commissioner of Environment" and insert "Director of Public Health"; in lines 7 and 11, strike "Commissioner" and insert "Director of Public Health" in both places; and in line 18, strike "or Commissioner of Environment".

2. In Section 1, at amended Section 241.03(e), line 1, strike "mean" and insert "means".

3. In Section 1, at amended Section 241.05, insert new division (j) to read as follows: "(j) On receipt of an application for a mobile food shop license, the Commissioner of Assessments and Licenses shall notify the Council member or members in whose ward or wards the mobile food shop will be located that the application has been received. A completed application shall contain the signature of the Council member or members in whose ward or wards the mobile food shop will be located."; and reletter existing division (j), (k), and (l), to new divisions "(k)", "(l)", and "(m)".

4. In Section 1, at amended Section 241.06(d), line 1, after "revocation of" insert "a"; and in line 2, after "revocation of" insert "a"; insert new division 241.06(e) to read as follows: "(e) A mobile food shop permit may be suspended or revoked for violations of Section 241.38. The permittee or applicant may appeal a suspension, revocation, or disapproval of a permit to the Commissioner of Assessments and Licenses within 20 days of the date of notice of suspension, revocation, or disapproval. The permittee or applicant may appeal the Commissioner's decision to the Board of Zoning Appeals established pursuant to Charter Section 76-6. Notice of such appeal shall be in writing and shall be filed with the Board within ten days from the date of the written decision of the Commissioner."; and reletter existing division (e) to "(f)".

5. In Section 1, at amended Section 241.99(b), line 2, strike "one hundred dollars (\$100.00) and insert "one hundred fifty dollars (\$150.00)".

6. In Section 1, at amended Section 508.03(h), strike lines 12, 13, 14, and 15 in their entirety and insert "be without prejudice to coverage otherwise existing therein, and shall include the City of Cleveland, its officers and employees, as additional insured, before conducting"; and in line 16, strike "name" and insert "include".

7. In Section 1, at amended Section 508.07(a), line 1, underline the word "occupy".

8. In Section 1, at amended Section 675.03(a), line 2, after "675.02", strike the hyphen.

9. In Section 1, at amended Section 675.04, insert a new division (f) to read as follows: "**(f) No person shall engage in vending in more than five wards plus zones established under Section 241.37.**"

10. In Section 1, at amended Section 675.99(a), line 2, strike "one hundred dollars (\$100.00) and insert "**one hundred fifty dollars (\$150.00)**".

11. In Section 3, at new Section 241.36(a), line 1, and in (b), line 1, strike "may" and insert "**shall**" in both places.

12. In Section 3, at new Section 241.38(a), strike division (2) in its entirety and insert: "**(2) from any trailer, including a trailer hitched to a motor vehicle, structure or other device, that is situated in any portion of a street which is designed or ordinarily used for vehicular travel, except a motorized vehicle on the portion of a street where and during the hours that parking is permitted;**" in division (a)(4), line 2, strike "or"; in division (a)(5), line 3, after "Association", strike the period and insert "; **or**"; and insert a new division (a)(6) to read as follows: "**(6) from a vehicle, structure or device that is more than 40 feet in length.**"

13. In Section 3, at new Section 241.38(b)(6), line 3, after "renewal" insert "**and during its hours of operation**".

14. In Section 3, at new Section 241.38(d)(3), line 1, after "offering" insert "**pre-packaged**"; and in line 2, strike "by this Code" and insert "**under Chapter 675**".

15. In Section 3, at new Section 241.38(d)(4), line 3, strike "and"; in division (d)(5), line 3, strike the period and insert "; and"; and add new division (d)(6) to read as follows: "**(6) Directly handling food must be free of communicable disease to reduce the risk of food borne disease transmission and adhere to all provisions of OAC 3717-1-02.1 pertaining to management and employee health.**"

16. In Section 3, at new Section 241.38(e)(1), line 5, after "must" insert "**be**"; and in division (e)(5), line 1, after "food" insert "**shop**"; and in lines 2 and 3, strike "Parks, Recreation and Properties" and insert "**Public Works**".

17. Insert new Sections 5 and 6, to read as follows:

"Section 5. That the Director of Public Health shall report to the members of Council on the effectiveness of this ordinance no later than September 28, 2011.

Section 6. That Sections 241.05, 241.051, 241.36, 241.37 and 241.38, as amended and enacted by this ordinance, shall expire and be of no further force and effect on November 28, 2011."

18. Renumber existing Section 5 to new "**Section 7**".

Amendments agreed to.

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

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

Ord. No. 218-11.

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

An emergency ordinance authorizing the Director of the City Planning Commission to apply for and accept one or more grants from Northeast Ohio Area Coordinating Agency for the Transportation for Livable Communities Grant Program; authorizing the Director to enter into one or more contracts with various entities to implement the grant.

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

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

Ord. No. 329-11.

By Council Members Conwell, Mitchell, Sweeney, Brady, Dow, Polensek and Cummins (by departmental request).

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Sections 676.06, 676.061, 676.062, 676.063, 676.064, 676.08 and 676.09 relating to the regulation of scrap metal dealers, recordkeeping requirements, electronic reporting to the Division of Police, electronic recording of identification, special purchase items, exempt transactions, recordkeeping by secondhand dealers, and the sale of plastic crates or trays; to repeal existing section 676.06, as amended by Ordinance No. 66-08, passed June 2, 2008; to repeal Sections 676.08, 676.09, 676.10 and 676.11, as enacted by Ordinance No. 104769, passed November 9, 1936; and to amend Section 676.01, relating to definitions, as amended by Ordinance No. 66-08, passed June 2, 2008; and to amend Section 676.99, as amended by Ordinance No. 1304-97, passed December 14, 1998, relating to penalties.

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

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

Ord. No. 332-11.

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

An emergency ordinance to enact Section 131.081 of the Codified Ordinances of Cleveland, Ohio, 1976, relating to rates for rental of the City Hall Rotunda; and to amend Section 131.78 of the codified ordinances, relating to parking.

Approved by Directors of Public Works, Finance, Law; Passage recommended by Committees on Public Parks, Properties, and Recreation, Legislation, Finance.

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

Ord. No. 357-11.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more contracts with Youth Opportunities Unlimited for the administration, implementa-

tion, and management of the 2011 Cleveland Youth Summer Employment Program.

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

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

Ord. No. 358-11.

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

An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to provide general environmental, health, safety, sustainability, engineering, and other services needed for the Divisions of Water, Water Pollution Control and Cleveland Public Power, Department of Public Utilities, on an as-needed basis, for a period up to two years.

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

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

Ord. No. 364-11.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the United States Department of Homeland Security for the 2010 SAFER Grant.

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

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

Ord. No. 459-11.

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

An emergency ordinance authorizing the Director of Economic Development to consent to assignment of Enterprise Zone Agreement No. 65521 from the Cleveland-Cuyahoga County Port Authority to 4500 Division LLC.

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

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

Ord. No. 460-11.

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

An emergency ordinance to amend Section 4 of Ordinance No. 172-A-05, passed July 13, 2005, as amended by Ordinance No. 714-10, passed June 7, 2010, and to amend Sections 2, 4, and 6 of Ordinance No. 646-08, passed June 2, 2008, relating to funding for the Job Creation Incentive Grant Program, the Green Technology Business Grant Program, and the Technology Business Grant Program, and the Downtown and City-wide Business Grant Program.

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

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

Ord. No. 461-11.

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

An emergency ordinance authorizing the Director of Economic Development to apply for and accept a Clean Ohio grant from the State of Ohio Department of Development for environmental assistance in connection with the proposed redevelopment of the former Brookpark landfill located at Kolthoff Road and I-X Center Drive; and authorizing the director to employ one or more professional consultants or one or more firms of consultants who employ an Ohio VAP-Certified professional for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to implement the grant project.

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

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

Ord. No. 473-11.

By Council Members Cimperman, J. Johnson and Mitchell.

An emergency ordinance repealing sections 235.01 through 235.09 and 235.99 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 279-A-86, passed February 9, 1987 relating to the Clean Indoor Air Act and to supplement the codified ordinances by enacting new Sections 235.01, 235.02 and 235.99 thereof relating to a smoking ban in city-owned outdoor areas and within 150 feet of city places of employment.

Approved by Directors Public Health, Finance, Law; Relieved of Committee on Legislation; Passage recommended by Committees on Health and Human Services, Finance, when amended, as follows:

1. In Section 1, between lines 3 and 4 insert the following:

"CHAPTER 235 SMOKING BAN - CITY PROPERTY".

2. In Section 2, at amended Section 235.01(a), at the end, strike the period after "place" and insert ", **except areas specifically designated by the Director of Public Works as a designated smoking area.**"

3. In Section 2, at amended Section 235.01(c), line 1, after "The Director of Public Health" insert "**or Director of Public Works**"; and in line 3, after "places", strike the period and insert "**and shall post signs to designate smoking areas where appropriate.**"

4. In Section 2, at amended Section 235.01(d), strike lines 4 and 5 in their entirety and insert: "**open to the public; and other City-owned areas adjacent to City-owned and occupied buildings that are used by the public not including the public**

right-of-way. "Outdoor Area" does not include the City-owned golf courses, North Coast Harbor, Voinovich Park, and 9th Street Pier, and City-owned fishing piers and breakwalls, City-owned cemeteries; and designated smoking areas at City airports as designated by the Director of Port Control and City buildings, as designated by the Director of Public Works."

5. In Section 2, at amended Section 235.02(a), line 2, between "employment" and the period, insert "**except as it affects real property not owned by the City or is otherwise permitted under RC Chapter 3794. A smoking area within the restricted zone at City airports as designated by the Director of Port Control, and City buildings, as designated by the Director of Public Works, are not included in this prohibition**"; and in 235.02(c), strike lines 3, 4, and 5 in their entirety and insert "**purpose, and that may also be open to the public.**"

6. In Section 2, at amended Section 235.99(a), line 4, strike "the penalties" and insert "**a civil fine**".

7. In Section 2, at amended Section 235.99, strike division (b) in its entirety and insert "**(b) Whoever violates Sections 235.01(a) or 235.02(b) is liable to the City of Cleveland for a civil offense and shall receive a warning on the first offense; on the second offense, shall be fined \$150.00; on a third offense shall be fined \$250.00; and beginning with the fourth offense, shall be fined \$350.00 and each day a violation occurs shall be a separate offense. Any person charged with the commission of a civil offense under this section may appeal to the Director of Public Health, or his or her designee. The appeal shall be taken not later than 20 days from the date of the civil charge. Failure to file an appeal or pay the costs imposed within this time period shall constitute a waiver of the right to contest the charge and shall be considered an admission.**"

8. In Section 2, at amended Section 235.99, insert new division (c) to read as follows:

"(c) The Director of Public Health may issue rules and regulations to carry out the provisions of these sections which shall be effective 30 days after their publication in the City Record."

9. Insert new Section 2 to read as follows:

"Section 2. That Sections 235.01, 235.02, and 235.99 as enacted by this ordinance shall take effect sixty days after the passage of this ordinance."

10. Renumber existing Section 2 to new "Section 3".

Amendments agreed to.
The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 2.

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

Those voting nay: Council Members Brancatelli and Cleveland.

Absent: Council Member Cummins.
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. 474-11.

By Council Member Cimperman, J. Johnson and Mitchell.

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 241.42, relating to foods containing artificial trans fat restricted.

Approved by Directors Public Health, Finance, Law; Passage recommended by Committees on Health and Human Services, Legislation, Finance, when amended, as follows:

1. In the title, lines 4 and 5; in the second whereas clause, line 2; in the third whereas clause, line 1; in the fourth whereas clause, line 3; in Section 1, at new Section 241.42 in the title; in Section 1, at new Section 241.42(a), line 1; in Section 1, at new Section 241.42(b), line 1; and in Section 1, at new Section 241.42(e), line 2 and in line 4, strike "artificial" and insert "**industrially-produced**".

2. In the fourth whereas clause, line 5, strike "artificial trans" and insert "**these**".

3. In Section 1, at new Section 241.42(b), line 2, between "as" and the comma, insert "**containing**"; in line 4, strike "lists" and insert "**notes**"; and strike line 5 in its entirety and insert "**is 0 grams as labeled then it shall not be deemed to contain industrially-produced trans fat.**"

4. In Section 1, at new Section 241.42(c), line 2, after "content or" insert "**an affidavit provided the food supplier identifying the trans fat content of the food products supplied, or other**"; and in line 8, strike "Documentation acceptable to the Director" and insert "**Documentation Instead of Labels. Documentation acceptable to the Director, and based upon information**"; strike line 12 in its entirety and insert "**Documentation required when food products are not labeled. If baked goods, or**"; and in line 15, after "Director," insert "**and based upon information.**"

5. In Section 1, at new Section 241.42, insert new division (e) to read as follows:

"(e) Whoever violates this Section is liable to the City of Cleveland for a civil offense and shall receive a warning on the first offense; on the second offense, shall be fined \$150.00; on a third offense shall be fined \$250.00; and beginning with the fourth offense, shall be fined \$350.00 and each day a violation occurs shall be a separate offense. Any person charged with the commission of a civil offense under this section may appeal to the Director of Public Health, or his or her designee. The appeal shall be taken not later than 20 days from the date of the civil charge. Failure to file an appeal or pay the costs imposed within this time period shall constitute a waiver of the right to contest the charge and shall be considered an admission."

6. In Section 1, at new Section 241.42, reletter existing division (e) to new division "**(f)**".

Amendments agreed to.
The rules were suspended. Yeas 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 1.

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

Those voting nay: Council Member Cleveland.

Absent: Council Member Cummins. 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. 502-11.

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

An emergency ordinance authorizing the Director of Public Utilities to exercise the second option to renew Contract No. 69139 with Hylant Group to provide fire and extended property insurance for facilities and equipment, for the Division of Cleveland Public Power, Department of Public Utilities; and to enter into an amendment to Contract No. 69139 to provide additional services.

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

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

Ord. No. 505-11.

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 Ohio Emergency Management Agency for the 2010-13 Metropolitan Medical Response System Program; authorizing the Director to employ one or more professional consultants to implement the grant; authorizing the Director to enter into one or more contracts with various agencies, entities, or individuals and Cuyahoga County; authorizing the purchase by one or more requirement or standard contracts of materials, equipment, services, and supplies, including training, conducting exercises, and program planning 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 18. Nays 0. Read second time. Read third time in full. Passed. Yeas 18. Nays 0.

Ord. No. 506-11.

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

An emergency ordinance authorizing the Director of Community Development to apply for and accept a grant from the State of Ohio Department of Development for the 2011 Home Weatherization Assistance Program; and to enter into contracts necessary to implement the program.

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

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

SECOND READING EMERGENCY RESOLUTION ADOPTED

Res. No. 144-11.

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

An emergency resolution authorizing participation by Cleveland Public Power customers in demand response programs in the PJM Interconnection

LLC market and determining the initial criteria and conditions governing such participation.

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

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

LAI D ON THE TABLE

Ord. No. 906-10.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a development agreement with MidTown Cleveland, Inc. or its designee, for the development and relocation of the Third District Police Station from 10660 Chester Avenue to 4501 Chester Avenue; authorizing the Commissioner of Purchases and Supplies to sell City-owned property no longer needed for public use located at 10660 Chester Avenue to J. Christopher Enterprises, Inc., or its designee; and authorizing the Director to lease back 10660 Chester Avenue from J. Christopher Enterprises, Inc., or its designee, on a month-to-month basis until such time as the new Third District Police Station is built and all operations have moved from 10660 Chester Avenue to 4501 Chester Avenue; and authorizing the Director of Economic Development to enter into an Empowerment Zone Section 108 loan and an Economic Development Initiative Grant Agreement with Midtown Cleveland, Inc., or its designee, to provide economic development assistance to partially finance the redevelopment of 4501 Chester Avenue.

Without objection, Ordinance No. 906-10 was relieved of further consideration of all committees and laid on the table pursuant to Rules of Council.

The rules were suspended. Yeas 18. Nays 0. Ordinance No. 906-10 Laid on the Table.

MOTION

By Council Member Miller, seconded by Council Member Zone and unanimously carried that the absence of Council Member Brian J. Cummins, be and is hereby authorized.

MOTION

The Council Meeting adjourned at 9:15 p.m. to meet on Monday, May 2, 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

April 20, 2011

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, April 20, 2011, at 10:40 a.m. with Director Triozzi presiding.

Present: Directors Triozzi, Dumas, Withers, Acting Director Dangerfield, Director Cox, Acting Director H. Smith, Directors Rush, Southerington, Nichols, Fumich and Rybka. Absent: Mayor Jackson and Director Butler.

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

Natoya Walker-Minor, Interim Director, Office of Equal Opportunity.

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

Resolution No. 165-11.

By Director Withers.

Whereas, under the authority of Ordinance No. 1036-07, passed by the Council of the City of Cleveland on August 8, 2007, and Resolution No. 291-08, adopted by this Board on June 25, 2008, the City, through its Director of Public Utilities, entered into City Contract No. 68187 with IBM Corporation to provide professional Hosting and Managed Services for the Customer Information System/Customer Relations Management System ("CIS/CRM") for a period of three years with an option to renew for two additional one-year terms, for the Division of Water, Department of Public Utilities; and

Whereas, under the authority of Ordinance No. 1036-07, passed by the Council of the City of Cleveland on August 8, 2007, the Director of Public Utilities intends to exercise the first option to renew for an additional one-year term starting July 31, 2011 and to amend City Contract No. 68187, on the basis of IBM Corporation's February 2, 2011 project change request authorization, to provide that the fee for IBM's services for the additional one-year term shall be \$2,849,979.00, increasing the total fee for services under Contract No. 68187 authorized in Resolution No. 291-08 from \$6,048,217.00 to \$8,898,196.00, and employing additional sub-consulting services; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland, that the employment of the following sub-consultants by IBM Corporation for services under the first amendment to Contract No. 68187 for the above-mentioned professional consulting services is approved

<u>SUB-CONSULTANT</u>	<u>WORK PERCENTAGE</u>
Brite Systems, Inc.	\$158,400.00 5.558%
Om Consulting Group, LLC (MBE)	\$335,200.00 11.761%

Yeas: Directors Triozzi, Dumas, Withers, Acting Director Dangerfield, Director Cox, Acting Director H. Smith, Directors Rush, Southerington, Nichols, Fumich and Rybka. Nays: None.

Absent: Mayor Jackson and Director Butler.

Resolution No. 166-11.

By Director Smith.
 Be it resolved by the Board of Control of the City of Cleveland that, under the authority of Ordinance No. 1404-07, passed by the Council of the City of Cleveland on November 12, 2007, HLH Sanitary Maintenance Consulting, Inc. d/b/a HLH Systems ("HLH Systems"), is selected upon the nomination of the Director of Port Control from a list of qualified persons or firms determined after a full and complete canvass by the Director of Port Control as the firm of consultants available to be employed by contract to supplement the regularly employed staff of the several departments of the City to provide professional services necessary to provide performance enhancement content, methodologies and systems to meet current and future needs of the Custodial Service Section of the Department of Port Control, for a period of one year.

Be it further resolved that the Director of Port Control is authorized to enter into a written contract with HLH Systems for the above-mentioned services, based upon its proposal dated July 12, 2010, which contract shall be prepared by the Director of Law, shall provide that the compensation to HLH Systems for the services authorized shall not exceed \$25,000.00 and shall contain such other provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved by the Board of Control that the employment of the following subconsultant by HLH Systems is approved:

<u>Subconsultant</u>	<u>Percentage</u>	<u>Amount</u>
JDD, Inc.	10.00%	CSB/MBE \$2,500.00

Yeas: Directors Triozzi, Dumas, Withers, Acting Director Dangerfield, Director Cox, Acting Director H. Smith, Directors Rush, Southerington, Nichols, Fumich and Rybka.
 Nays: None.
 Absent: Mayor Jackson and Director Butler.

Resolution No. 167-11.

By Director Cox.
 Whereas, by Resolution No. 117-03, adopted on February 26, 2003, under the authority of Section 133.14(a) of the Codified Ordinances of Cleveland, Ohio 1976, this Board of Control established the rental rates for the Cleveland Public Auditorium, its various rooms, halls, and portions thereof and

Whereas, the City of Cleveland will sponsor Senior Day 2011 to be held on May 12, 2011.

Whereas, SENIOR DAY 2011 is open to the public free of charge; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland, that notwithstanding and as an exception to the terms of Resolution No. 117-03, adopted by this Board of Control on February 26, 2003, the use of the space at Cleveland Public Auditorium for Senior Day 2011 shall be provided at no charge.

Be it further resolved that the Cleveland Public Auditorium shall charge the Department of Aging at the prevailing rate for any labor, materials, and equipment supplied.

Yeas: Directors Triozzi, Dumas, Withers, Acting Director Dangerfield, Director Cox, Acting Director

H. Smith, Directors Rush, Southerington, Nichols, Fumich and Rybka.
 Nays: None.
 Absent: Mayor Jackson and Director Butler.

Resolution No. 168-11.

By Director Cox.
 Resolved, by the Board of Control of the City of Cleveland that the bid of Allied Corporation, Inc. for an estimated quantity of Asphalt Concrete, all items including alternate items 2, 3, and 4, for the Division of Streets, Department of Public Works, for the period of 1 year beginning with the execution of a contract, received on March 23, 2011, under the authority of Ordinance No. 6-11, passed February 7, 2011, which on the basis of the estimated quantity would amount to \$6,011,250.00, is approved as the lowest and best bid, and the Director of Public Works is requested to enter into a requirement contract for the goods and/or services, which contract shall provide for an initial order, the cost of which shall be certified to the contract in an amount not less than \$200,000.00.

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 against the contract.

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

Interstate Safety	CSB/F — \$601,125.00 — 10.00%
Granger Trucking	CSB/M — \$120,225.00 — 2.00%
RAR Construction	CSB/M — \$120,225.00 — 2.00%
Cook Paving	CSB/M — \$360,375.00 — 6.00%

Yeas: Directors Triozzi, Dumas, Withers, Acting Director Dangerfield, Director Cox, Acting Director H. Smith, Directors Rush, Southerington, Nichols, Fumich and Rybka.
 Nays: None.
 Absent: Mayor Jackson and Director Butler.

Resolution No. 169-11.

By Director Cox.
 Be it resolved by the Board of Control of the City of Cleveland, that the bid of Envirocom Construction, Inc., for the public improvement of City Hall Offices, Base Bid Item A and Alternate Items A-1, A-2, A-3 (Civil Service Commission) and Base Bid Item B, Alternate Items A-1, A-2, and Items 1, 6, 7, 8 and 9 (Division of Accounts), including all allowances and contingencies, for the Department of Public Works, received on December 1, 2010, under the authority of Ordinance Nos. 485-07, 1163-08 and 1389-09 passed on June 11, 2007, August 6, 2008 and September 21, 2009, upon a gross price basis for the improvement in the aggregate amount of \$188,875.00, is affirmed and approved as the lowest responsible bid and the Director of Department 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 Envirocom Construction, Inc. for the aforementioned public improvement is approved:

<u>SUBCONTRACTORS</u>	<u>AMOUNT</u>	<u>PERCENTAGE</u>
Corporate Floors (other)	\$13,365.00	7.076%
Carnegie Plastics (CSB/MBE)	\$13,152.00	6.963%
Work Best Electric (CSB)	\$11,900.00	6.300%
Post Painting, Inc. (CSB/FBE)	\$3,100.00	1.641%

Yeas: Directors Triozzi, Dumas, Withers, Acting Director Dangerfield, Director Cox, Acting Director H. Smith, Directors Rush, Southerington, Nichols, Fumich and Rybka.
 Nays: None.
 Absent: Mayor Jackson and Director Butler.

Resolution No. 170-11.

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 Nos. 118-14-019, 118-14-020, 118-14-021 and 118-14-022, located at 2025-2039 East 69th Street under the Land Reutilization Program; and

Whereas, Ordinance No. 1615-10 passed December 6, 2010, authorized the sale of the parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Midtown Acquisition, LLC has proposed to the City to purchase and develop the parcel for a parking lot; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 1615-10, passed by the Cleveland City Council December 6, 2010, the Mayor is authorized to execute an official deed for and on behalf of the City of Cleveland to Midtown Acquisition, LLC for the sale and development of Permanent Parcel Nos. 118-14-019, 118-14-020, 118-14-021 and 118-14-022, 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 \$48,000.00, which amount is determined to be not less than the fair market value of the parcel for uses according to the Land Reutilization Program.

Yeas: Directors Triozzi, Dumas, Withers, Acting Director Dangerfield, Director Cox, Acting Director H. Smith, Directors Rush, Southerington, Nichols, Fumich and Rybka.
 Nays: None.
 Absent: Mayor Jackson and Director Butler.

Resolution No. 171-11.

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 Nos. 133-02-033 and 133-02-034, located at East 75th Street under the Land Reutilization Program; and

Whereas, Ordinance No. 179-11 passed March 21, 2011, authorized the sale of the parcels for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Chad Murray has proposed to the City to purchase and develop the parcels 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. 179-11, passed by the Cleveland City Council March 21, 2011, the Mayor is authorized to execute an official deed for and on behalf of the City of Cleveland to Chad Murray for the sale and development of Permanent Parcel Nos. 133-02-033 and 133-02-034, 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 parcels shall be \$401.00, which amount is determined to be not less than the fair market value of the parcels for uses according to the Land Reutilization Program.

Yeas: Directors Triozzi, Dumas, Withers, Acting Director Dangerfield, Director Cox, Acting Director H. Smith, Directors Rush, Southerington, Nichols, Fumich and Rybka.
Nays: None.

Absent: Mayor Jackson and Director Butler.

Resolution No. 172-11.

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. 116-07-004, located at East 179th Street under the Land Reutilization Program; and

Whereas, Ordinance No. 1549-10 passed February 7, 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, Collinwood and Nottingham Villages Development Corporation has proposed to the City to purchase and develop the parcel for parking lot; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 1549-10, passed by the Cleveland City Council February 7, 2011, the Mayor is authorized to execute an official deed for and on behalf of the City of Cleveland to Collinwood and Nottingham Villages Development Corporation for the sale and development of Permanent Parcel No. 116-07-004, 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 \$12,500.00, 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: Directors Triozzi, Dumas, Withers, Acting Director Dangerfield, Director Cox, Acting Director H. Smith, Directors Rush, Southerington, Nichols, Fumich and Rybka.
Nays: None.

Absent: Mayor Jackson and Director Butler.

Resolution No. 173-11.

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. 108-15-012, located at 524 East 105th Street under the Land Reutilization Program; and

Whereas, Ordinance No. 1563-10 passed February 7, 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, Regina M. Burrell has 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. 1563-10, passed by the Cleveland City Council February 7, 2011, the Mayor is authorized to execute an official deed for and on behalf of the City of Cleveland to Regina M. Burrell for the sale and development of Permanent Parcel No. 108-15-012, as described in the Ordinance according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

Yeas: Directors Triozzi, Dumas, Withers, Acting Director Dangerfield, Director Cox, Acting Director H. Smith, Directors Rush, Southerington, Nichols, Fumich and Rybka.
Nays: None.

Absent: Mayor Jackson and Director Butler.

Resolution No. 174-11.

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. 006-28-093, located at 7278 Wentworth Avenue under the Land Reutilization Program; and

Whereas, Ordinance No. 1566-10 passed February 7, 2010, authorized the sale of the parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Randy L. King has 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. 1566-10, passed by the Cleveland City Council February 7, 2010, the Mayor is authorized to execute an official deed for and on behalf of

the City of Cleveland to Randy L. King for the sale and development of Permanent Parcel No. 006-28-093, as described in the Ordinance according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

Yeas: Directors Triozzi, Dumas, Withers, Acting Director Dangerfield, Director Cox, Acting Director H. Smith, 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, MAY 9, 2011

9:30 A.M.

Calendar No. 11-48: 4034 West 163rd Street (Ward 19)

Mark and Mary Beth Burger, owners, appeal to erect a one-story frame, room addition 22' x 11' to the front of a single family residence on a 40' x 150' lot in an A1 One-Family District; subject to the limitations of Section 357.13, the proposed addition is not a permitted encroachment and projects 11 feet into the front setback contrary to the Cleveland Codified Ordinances.

Calendar No. 11-49: 4204 West 24th Street (Ward 3)

City of Cleveland, owner, and Old Brooklyn Community Development

Corporation, lessee, appeal to operate an agricultural product sales stand on a 40' x 144.05' lot in a C2 Multi-Family District; subject to Section 337.25(d)(3), no agricultural produce no related products may be sold from the property of an agricultural use in a residential district, and no farm stand for the sale of such products may be located on property unless the Board of Zoning Appeals determines, after public notice and hearing, that the farm stand and sales will meet a community need without adversely affecting the neighborhood. In making this determination, the Board shall consider, among others, the following factors:

(A) the nature of nearby uses of land with respect to their sensitivity to the activity associated with farm stand sales;

(B) the proximity of the farm stand to one and two family houses;

(C) traffic volumes on the street where the subject property is located;

(D) availability of off-street or on-street parking to serve the farm stand;

(E) the proximity of other farm stands serving the immediate area; and,

(F) the maintenance of a substantially unobstructed view in the setback area which shall include a clear view through the farm stand above a height of three feet.

Calendar No. 11-51: 5151 Pearl Road (Ward 13)

White Castle System, Incorporated, owner, appeals to erect one secondary 3'-7" x 3'-11" x 6'-5" high single faced illuminated menu board sign on a corner lot in a C1 Semi-Industry District and pursuant to Section 350.14(c), the allowable square footage for a menu board is 40 square feet and the proposed secondary board is a 6'-5" height which exceeds the maximum of 6 feet that is allowed.

Calendar No. 11-52: 3255 West 117th Street (Ward 17)

White Castle System, Incorporated, owner, appeals to erect a second menu board sign 6'-5" high at an existing drive through restaurant on a 40' x 120.82' lot in a C1 General Retail Business District; the second menu board exceeds the restrictions of Section 350.14(f) that allow only one menu board and a sign height of 6'-5" is proposed, contrary to the maximum height of 6 feet that is allowed for a menu board sign according to the Cleveland Codified Ordinances.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, APRIL 25, 2011

At the meeting of the Board of Zoning Appeals on Monday, April 25, 2011, the following appeals were heard by the Board.

The following appeals were **Approved:**

Calendar No. 11-42: 4025 East 131st Street

Jihan LLC, owner, and Mahmoud Zayed appealed to change use from a carryout restaurant to a convenient store and gas station proposed

to be on consolidated parcels in a Local Retail business District.

Calendar No. 11-47: 11125 Magnolia Drive Cleveland Music Settlement appealed from the limitation of 30 days duration to install a temporary tent from May 5 through October 20, 2011.

The following appeal was **Denied:**

Calendar No. 08-220: 4965 Broadview Road

CSX Railroad owner, and CBS Outdoor and Tim Keaton, tenant, appealed to install automatic changeable copy signs on an existing 14' x 48' and 70 foot high billboard in a General Industry District; on remand- Case CV09713005 for evaluation limited to an area variance.

The following appeals were **Withdrawn:**

None.

The following appeals were **Dismissed:**

None.

The following appeals were **Postponed:**

Calendar No. 11-32: 961 Jefferson Avenue postponed to May 31, 2011.

Calendar No. 11-3: 5900 Detroit Avenue postponed to June 6, 2011.

Calendar No. 11-34: 3207 West 65th Street postponed to June 6, 2011.

A Motion for Rehearing was submitted on April 25, 2011 and held pending for the following appeals heard on April 18, 2011:

Calendar No. 10-259: 4300 Bradley Road

W.B. and M.E. Bauman and Bradley Road Incorporated appealed under Sections 329.01(e) and 329.02(d) of the Cleveland Codified Ordinances from the decision of the Zoning Administrator to deny an application for grading, filling and excavation, including mining, removal, transfer and sale of soils and minerals on acreage in a General Industry District.

Calendar No. 10-194: 4300 Bradley Road

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

Calendar No. 10-260: 4300 Bradley Road

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

The following appeal heard by the Board on January 24, 2011 was adopted and approved on April 25, 2011.

The following appeal was **Approved:**

Calendar No. 10-256: 2137-39 West 6th Street

Oscar F. Villarreal, owner, and Joe Chura, prospective purchaser, appealed to erect a three-story frame dwelling in a Multi-Family District; approved lot line reconfiguration submitted.

The following appeal heard by the Board on March 21, 2011 was adopted and approved on April 25, 2011.

The following appeal was **Approved:**

Calendar No. 11-26: 3837 Ridge Road

WHS Realty Services, Inc., owner, and Salim Hasrouni, tenant, appealed to ad entertainment / dance hall use to a tavern / restaurant in a Semi-Industry District; approved plan for site and landscaping improvement submitted.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

NO MEETING

PUBLIC NOTICE

NONE

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

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

fore, any prime contractor wishing to receive credit for using an MBE or FBE should ensure that applications for certification as to MBE or FBE status compliance with the Code, affirmative action in employment and, if applicable, joint venture status, are submitted to the Office of Equal Opportunity ("OEO") prior to the date of bid opening or submission of proposals or as specified by the Director. Failure to comply with the business enterprise code or with representations made on these forms may result in cancellation of the contract or other civil or criminal penalties."

WEDNESDAY, MAY 11, 2011

File No. 71-11 — Labor and Materials to Paint Poles and Other Street Side Elements, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, APRIL 29, 2011 AT 10:00 A.M. CLEVELAND PUBLIC POWER DIVISION, TOM L. JOHNSON BUILDING, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

File No. 72-11 — Labor and Materials for Rigging Services, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 869-10, passed by the Council of City of Cleveland, August 18, 2010.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, APRIL 29, 2011 AT 11:30 A.M. CLEVELAND PUBLIC POWER DIVISION, TOM L. JOHNSON BUILDING, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

April 20, 2011 and April 27, 2011

FRIDAY, MAY 13, 2011

File No. 65-11 — Quicklime, for the Division of Water, Department of Public Utilities, as authorized by Section 129.24 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, APRIL 28, 2011 AT 2:30 P.M. THE CARL B. STOKES PUBLIC UTILITIES BUILDING, 4TH FLOOR CONFERENCE ROOM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

File No. 66-11 — Pipe Repair Clamps, 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** THURSDAY, APRIL 28, 2011 AT 10:30 A.M. THE DISTRIBUTION AND MAINTENANCE, PIPE REPAIR CONFERENCE ROOM, 4600 HARVARD AVENUE, CLEVELAND, OHIO 44105.

April 20, 2011 and April 27, 2011

THURSDAY, MAY 19, 2011

File No. 63-11 — Water Pollution Control Building Storm Water Management Improvements Project, for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Ordinance No. 8-10, passed by the Council of City of Cleveland, April 12, 2010.

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

THERE WILL BE A **MANDATORY PRE-BID MEETING** TUESDAY, MAY 3, 2011 AT 10:00 A.M. THE DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

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

File No. 64-11 — Office Supplies 2011 (Re-bid), for the Various Divisions of City Government, Department of Finance, as authorized by Ordinance No. 897-10, passed by the Council of City of Cleveland, August 18, 2010.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** MONDAY, MAY 2, 2011 AT 10:00 A.M. THE CLEVELAND CITY HALL, DIVISION OF PURCHASES AND SUPPLIES, ROOM 128, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

File No. 67-11 — Purchase of Various Types of Safety Equipment Required for OSHA/PERRP Compliance (Re-Bid), for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 870-10 passed by the Council of City of Cleveland, August 10, 2010.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, APRIL 28, 2011 AT 10:30 A.M. THE CARL B. STOKES PUBLIC UTILITIES BUILDING, 4TH FLOOR ATRIUM CONFERENCE ROOM 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

File No. 68-11 — Neutralization Chemicals (Re-Bid), for the Division of Water, Department of Public Utilities, as authorized by Section 129.24 of the Codified Ordinances of Cleveland, Ohio, 1976.

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

File No. 69-11 — Labor and Materials Necessary to Inspect, Test, Maintain and Repair Elevators

(Re-Bid), for the Division of Water, Department of Public Utilities, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** TUESDAY, MAY 3, 2011 AT 10:00 A.M. THE CARL B. STOKES PUBLIC UTILITIES BUILDING, 4TH FLOOR SOUTH CONFERENCE ROOM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

File No. 70-11 — Purchase Employee Uniforms and Related Items for the Various Divisions of Port Control, for the Various Divisions of Port Control, Department of Port Control, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, APRIL 29, 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.

April 20, 2011 and April 27, 2011

FRIDAY, MAY 20, 2011

File No. 73-11 — Purchase of Air-Flo and Plow Equipment, Parts and Labor and Related Equipment, for the Division of Motor Vehicle Maintenance, Department of Public Works, as authorized by Ordinance No. 1330-A-10, passed by the Council of the City of Cleveland, December 6, 2010.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** MONDAY, MAY 9, 2011 AT 10:00 A.M. THE MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

File No. 74-11 — Tire Repair Road Service, for the Division of Motor Vehicle Maintenance, Department of Public Works, as authorized by Ordinance No. 1330-A-10, passed by the Council of the City of Cleveland, December 6, 2010.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** MONDAY, MAY 9, 2011 AT 10:30 A.M. THE MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

File No. 75-11 — Purchase of Various Automotive and Truck Parts, for the Division of Motor Vehicle Maintenance, Department of Public Works, as authorized by Ordinance No. 1330-A-10, passed by the Council of the City of Cleveland, December 6, 2010.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** MONDAY, MAY 9, 2011 AT 11:00 A.M. THE MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

April 27, 2011 and May 4, 2011

**ADOPTED RESOLUTIONS
AND ORDINANCES**

Res. No. 543-11.

By Council Member Kelley.

An emergency resolution withdrawing objection to the renewal of a D1, D2, D3 and D3A Liquor Permit at 3314 Broadview Road, 1st floor and basement, and repealing Resolution No. 1107-10, objecting to said renewal.

Whereas, this Council objected to a D1, D2, D3 and D3A Liquor Permit to 3314 Broadview Road, 1st floor and basement by Resolution No. 1107-10 adopted by the Council on August 18, 2010; and

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

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

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

Section 1. That objection to a D1, D2, D3 and D3A Liquor Permit to N Yuk Yuk's Bar & Grill, Inc., DBA N Yuk N Yuk's, 3314 Broadview Road, 1st floor and basement, Cleveland, Ohio 44109, Permanent Number 6483695 be and the same is hereby withdrawn and Resolution No. 1107-10, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted April 18, 2011.

Effective April 21, 2011.

Res. No. 544-11.

By Council Members Brancatelli, Westbrook, Zone and Conwell.

An emergency resolution opposing Sub. S.B. 17 that would allow concealed weapons in bars, restaurants other liquor permit premises.

Whereas, last week, the Ohio Senate passed Sub. S.B. 17, allowing concealed weapons in any premises that have been issued a liquor permit, including carry outs, restaurants, nightclubs, clubs, hotels, shopping malls, marinas, museums and sports stadiums; and

Whereas, this Council believes that allowing concealed weapons in establishments such as these will not make workers or clientele any more safe or secure; and

Whereas, this council encourages the Ohio House to use common sense and vote no on this bill because passage would make liquor permit premises unsafe and make patronizing these establishments risky and dangerous; and

Whereas, Sub. S. B. 17 is solidly opposed by the Ohio Association of

Chiefs of Police, the Fraternal Order of Police and by the Ohio Restaurant Association; and

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

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

Section 1. That this Council hereby opposes Sub. S.B. 17 that would allow concealed weapons in bars, restaurants other liquor permit premises.

Section 2. That the Clerk of Council is hereby directed to transmit copies of this resolution to Governor John Kasich and all members of the Ohio legislature.

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 April 18, 2011.

Effective April 21, 2011.

Res. No. 553-11.

By Mayor Jackson and Council Member Zone.

An emergency resolution establishing a Citywide taskforce to 1) plan how the City of Cleveland facilities will accept and dispose of phone books in a way that reduces waste and encourages recycling, 2) educate residents on ways to stop the delivery of unwanted phone books, 3) study the economic benefits that phone books provide to the small and mid-sized businesses of Cleveland, and 4) study if legislative solutions are needed to reduce the volume of unwanted phone books and the costs associated with disposing of phone books.

Whereas, unwanted phone books create a tremendous amount of waste and cost the City of Cleveland approximately \$37,000 in 2010 to dispose of 1,100 tons of phone books in land-fills; and

Whereas, in an age when the internet is used increasingly as a method of information-gathering, phone books continue to provide small and mid-sized Cleveland businesses with an effective means of promoting their businesses and providing vital information to consumers; and

Whereas, similar to other opt-out programs with which consumers are familiar, the phone book industry has created www.yellowpagesoptout.com as a single site that permits citizens to stop future directory deliveries; and

Whereas, voluntary industry and individual publisher efforts to reduce waste have resulted in significant reductions in paper usage over the past four years; and

Whereas, the City of Cleveland recognizes that after learning of efforts by phone book publishers to address the unwanted delivery of phone books, some municipalities

and states have rejected a legislative approach to the issue; and

Whereas, the City of Cleveland also recognizes that other municipalities, such as Seattle and San Francisco, have introduced legislation creating opt-out programs, opt-in programs, bans on unsolicited distribution, and reimbursement requirements for publishers to cities for the cost of disposing and recycling, and presently Cambridge, Massachusetts is studying these initiatives; and

Whereas, demonstrating its commitment to reduce waste, the City of Cleveland instituted a curb-side recycling program in 2007 that will be expanded in the third quarter of 2011 to include 40% of Cleveland residents; and

Whereas, although phone books are not currently disposed of through Cleveland's recycling program, the City coordinates with the Cuyahoga County Solid Waste District to offer a phone book round-up program from June 1st through September 30th annually at dumpsters in twelve Cleveland Metroparks locations in Cuyahoga County; and

Whereas, this Council and representatives from the Jackson Administration's Office of Sustainability, Division of Waste Collection, and Department of Law, Cuyahoga County Solid Waste District, and AT&T will study ways for the City and residents to reduce phone book waste; 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 establishes a Citywide taskforce to 1) plan how the City of Cleveland facilities will accept and dispose of phone books in a way that reduces waste and encourages recycling, 2) educate residents on ways to stop the delivery of unwanted phone books, 3) study the economic benefits that phone books provide to the small and mid-sized businesses of Cleveland, and 4) study if legislative solutions are needed to reduce the volume of unwanted phone books and the costs associated with disposing of phone books.

Section 2. That the Clerk of Council is directed to send copies of this resolution to the Product Stewardship Institute Inc., The Yellow Pages Association, AT&T, Cuyahoga County Solid Waste District, Cuyahoga County Managers and Mayors Association, County Executive Ed Fitzgerald, and Zero Waste NEO.

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

Adopted April 18, 2011.

Effective April 21, 2011.

Ord. No. 744-10.**By Council Member Keane.****An ordinance changing the Use District of lands on the north and south sides of Lorain Road between West 150th Street and West 165th Street from General Retail Business to Local Retail Business (Map Change No. 2304; Sheet No. 12).**

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

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

Beginning in the centerline of Lorain Avenue at its intersection with the northerly prolongation of the centerline of West 165th Street;

Thence southerly along said northerly prolongation of said centerline to its intersection with the southwesterly prolongation of the northwesterly line of Sublot No. 3 in the Pasadena Park Subdivision shown on the recorded plat in Volume 56, Page 33 of Cuyahoga County Map Records;

Thence northeasterly along said southwesterly prolongation of said northwesterly line and continuing along its northeasterly prolongation through the northwesterly lines of Sublot Numbers 70, 77 and 146 of the aforementioned Pasadena Park Subdivision to its intersection with the southwesterly line of the Westland Heights Subdivision shown on the recorded plat in Volume 69, Page 19 of Cuyahoga County Map Records;

Thence northwesterly along said southwesterly line to its intersection with the northwesterly line of Sublot No. 4 in the aforementioned Westland Heights Subdivision;

Thence northeasterly along said northwesterly line and along its northeasterly prolongation to its intersection with the centerline of West 158th Street;

Thence northwesterly along said centerline of West 158th Street to its intersection with the southwesterly prolongation of the northwesterly line of Sublot Number 44 in the Westland Heights Subdivision shown on the recorded plat in Volume 69, Page 10 of Cuyahoga County Map Records;

Thence northeasterly along said southwesterly prolongation of said northwesterly line to its intersection with the northeasterly line thereof;

Thence southeasterly along said northeasterly line to its intersection with the northwesterly line of Sublot Number 51 in the aforementioned Westland Heights Subdivision;

Thence northeasterly along said northwesterly line and along its northeasterly prolongation to its intersection with the centerline of West 157th Street;

Thence southeasterly along said centerline of West 157th Street to its intersection with the southwesterly prolongation of the centerline of Silsby Road;

Thence northeasterly along said southwesterly prolongation of said centerline to its intersection with the southwesterly prolongation of the northwesterly line of Sublot Number 139 in the aforementioned Westland Heights Subdivision;

Thence northeasterly along said southwesterly prolongation of said northwesterly line to its intersection with the northeasterly line thereof;

Thence southeasterly along said northeasterly line to its intersection with a line drawn 150 feet southeasterly of and parallel to the southerly line of Lorain Road;

Thence northeasterly along said parallel line to its intersection with the westerly line of a parcel of land conveyed to Raymond G. Herzberger by deed dated December 5th, 1988 and recorded in Auditor's File Number V88863340028, said parcel also being known as Cuyahoga County Auditor's Permanent Parcel Number 025-32-006;

Thence southeasterly along said westerly line and along its southeasterly prolongation to its intersection with the westerly line of Sublot No. 27 in the Alger Subdivision No. 2 Not Recorded, said parcel also being known as Cuyahoga County's Permanent Parcel Number 025-33-037;

Thence northerly along said westerly line and along its northerly prolongation to its intersection with the northerly line of Sublot No. 12 in the aforementioned Alger Subdivision No. 2, said parcel also being known as Cuyahoga County's Permanent Parcel Number 025-33-052;

Thence easterly along said northerly line and along its easterly prolongation to its intersection with the easterly line of Sublot Number 9 in the aforementioned Alger Subdivision Number 2 part of Cuyahoga County Auditor's Permanent Parcel Number 025-33-003;

Thence northerly along said easterly line to its intersection with the northerly line of a parcel of land conveyed to James P. White by deed dated April 14, 1999 and recorded in Auditor's File Number 19904140724, said parcel also being known as Cuyahoga County Auditor's Permanent Parcel Number 025-33-075;

Thence northeasterly along said northerly line and along its easterly prolongation to its intersection with the centerline of West 152nd Street;

Thence southerly along said centerline to its intersection with the westerly prolongation of the southerly line of a parcel of land conveyed to Viking Properties Limited by deed dated October 13, 1978 and recorded in Auditor's File Number V78148610885; said parcel also being known as Cuyahoga County Auditor's Permanent Parcel Number 025-33-008

Thence easterly along said westerly prolongation of said southerly line and continuing along its easterly prolongation to its intersection with the centerline of West 150th Street;

Thence westerly along said northerly line to its intersection with the westerly line of Sublot No. 14 in the aforementioned Alger Subdivision;

Thence southeasterly along said westerly line to its intersection with the northwesterly line of Sublot No. 13 in the aforementioned Alger Subdivision;

Thence southwesterly along said northwesterly line and along its southwesterly prolongation to its intersection with the northeasterly line of Sublot No. 1 in the aforementioned Alger Subdivision;

Thence northwesterly along said northeasterly line and along its northwesterly prolongation to its intersection with the centerline of Triskett Road;

Thence northeasterly along said centerline of Triskett Road to its intersection with the southeasterly prolongation of the centerline of Rockport Avenue;

Thence northwesterly along said southerly prolongation of said centerline to its intersection with the northeasterly prolongation of the northwesterly line of Sublot Number 24 in the Herman Sixt Subdivision shown on the recorded plat in Volume 43, Page 20 of Cuyahoga County Map Records;

Thence southwesterly along said northeasterly prolongation of said northwesterly line to its intersection with the northeasterly line thereof;

Thence southeasterly along said northeasterly line to its intersection with the southeasterly line thereof;

Thence southwesterly along said southeasterly line to its intersection with the northeasterly line of Sublot No. 25 in the aforementioned Herman Sixt Subdivision;

Thence southeasterly along said northeasterly line to its intersection with the southeasterly line thereof;

Thence southwesterly along said southeasterly line and along its southwesterly prolongation to its intersection with the centerline of West Park Avenue;

Thence northwesterly along said centerline of West Park Avenue to its intersection with a line drawn approximately 100 feet from and parallel to the southeasterly line of Sublot No. 3 in the W.D Sixt Subdivision Not Recorded;

Thence southwesterly along said parallel line to its intersection with the southwesterly line of the aforementioned W.D. Sixt Subdivision;

Thence northwesterly along said southwesterly line to its intersection with the southeasterly line of the aforementioned Sublot No. 3 in the W.D. Sixt Subdivision;

Thence southwesterly along said southeasterly line and along its southwesterly prolongation to its intersection with the northeasterly prolongation of the southerly line of Sublot No. 15 in the Fischer Allotment shown on the recorded plat in Volume 63, Page 38 of Cuyahoga County Map Records;

Thence southwesterly along said northeasterly prolongation of said southerly line and along its southwesterly prolongation to its intersection with the centerline of West 159th Street;

Thence southerly along said centerline of West 159th Street to its intersection with the northeasterly prolongation of the northerly line of a parcel of land conveyed to Lorain Realty Co. by deed dated February 10, 1998 and recorded in Auditor's File Number V98013530003, said parcel also being known as Cuyahoga County's Permanent Parcel Number 025-17-032;

Thence southwesterly along said northeasterly prolongation and said northerly line to its intersection with the westerly line of the Fischer Allotment shown on the recorded plat in Volume 63, Page 38 of Cuyahoga County Map Records;

Thence northerly along said westerly line to its intersection with the northerly line of a parcel of land conveyed to Lorain Realty Co. by deed dated February 10, 1998 and recorded in Auditor's File Number V98013530003, said parcel also being known as Cuyahoga County's Permanent Parcel Number 025-17-033;

Thence westerly along said northerly line to its intersection with the westerly line thereof;

Thence southerly along said westerly line to its intersection with the northeasterly prolongation of the southerly line of Sublot No. 121 in the Hollywood Park Subdivision shown on the recorded plat in Volume 89, Page 18 of Cuyahoga County Map Records;

Thence southwesterly along said northeasterly prolongation of said southerly line and along its southwesterly prolongation to its intersection with the centerline of West 165th Street;

Thence southerly along said centerline of West 165th Street and along its southerly prolongation to its intersection with the centerline of Lorain Road;

Thence north easterly along said centerline of Lorain Road to the principal place of beginning;

and as shaded on the attached map is changed to Local Retail Business.

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2304, Sheet No. 12 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

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



Passed April 18, 2011.
Effective May 6, 2011.

Ord. No. 745-10.**By Council Member Keane.****An ordinance establishing a Pedestrian Retail Overlay (PRO) District the north and south sides of Lorain Road between West 178th Street and West 150th Street (Map Change No. 2303, Sheet Number 12).**

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

Section 1. That the lands located on the north and south sides of Lorain Road between West 178th Street and West 150th Street shown shaded and outlined on the attached exhibit are hereby designated as a Pedestrian Retail Overlay District (PRO).**Section 2.** That the designation of the area described in Section 1 shall be identified as Map Change Number 2303, Sheet Number 12, noted on the Building Zone Maps of the City of Cleveland, on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for such purpose by the City Planning Commission.**Section 3.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

LORAIN PRO BOUNDARY AND PRO FRONTAGES

Passed April 18, 2011.
Effective May 6, 2011.**Ord. No. 1568-10.****By Council Member Cummins.****An ordinance to change the Use District of land on the south side of Seymour Avenue west of Fulton Road from Two Family Residential to Local Retail Business. (Map Change No. 2340; Sheet No. 1).**

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

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

Beginning in the centerline of Fulton Road at its intersection with the centerline of Seymour Avenue;

Thence westerly along said centerline of Seymour Avenue to its intersection with the northerly prolongation of the westerly line of Sublot No. 450 in the Stone Addition shown on the recorded plat in Volume 1, Page 41 of Cuyahoga County Map Records, said parcel also being known as Cuyahoga County Auditor's Permanent Parcel Number 007-20-007;

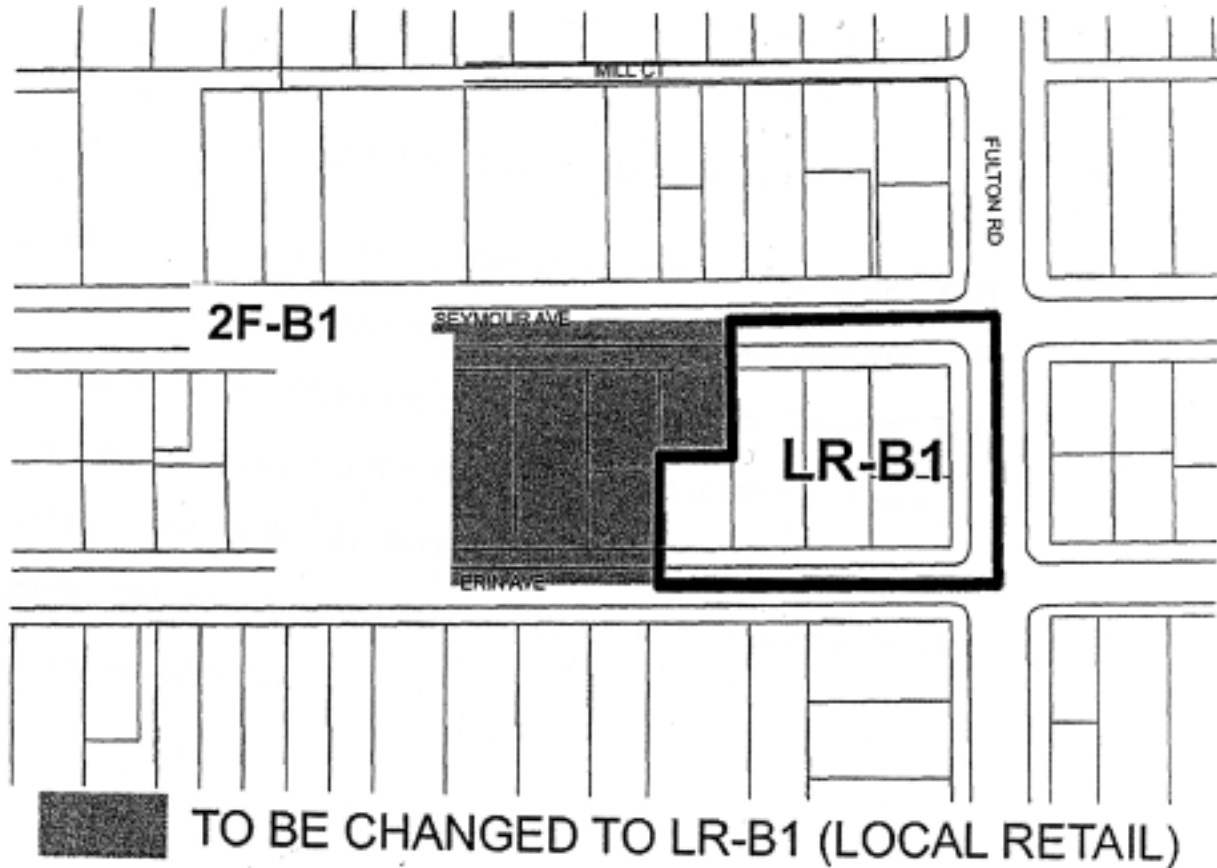
Thence southerly along said northerly prolongation of said westerly line and continuing along its southerly prolongation to its intersection with the centerline of Erin Avenue;

Thence easterly along said centerline of Erin Avenue to its intersection with the centerline of Fulton Road;

Thence northerly along said centerline of Fulton Road to its intersection with the centerline of Seymour Avenue and the principal place of beginning;

and as shaded on the attached map is changed to Local Retail Business.

Section 2. That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2340, Sheet No. 1 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.**Section 3.** That this ordinance shall take effect and be in force from and after the earliest period allowed by law.



Passed April 18, 2011.
Effective May 6, 2011.

Ord. No. 18-11.

By Council Member Miller.

An ordinance to change the Use District of land located on the south side of Saint Clair Avenue between Eddy Road and E. 123rd Street from Shopping Center to Local Retail and Institutional Research. (Map Change No. 2343; Sheet No. 8).

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

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

Beginning in the centerline of Saint Clair Avenue at its intersection with the centerline of Eddy Road;

Thence easterly along said centerline of Saint Clair Avenue to its intersection with the northerly prolongation of the easterly line of Sublot Number 1 in the Speedway Park Subdivision shown on the recorded plat in Volume 40, Page 12 of Cuyahoga County Map Records, said parcel also being known as Cuyahoga County's Permanent Parcel Number 110-04-008;

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

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

Thence northerly along said centerline of Eddy Road to its intersection with the centerline of Saint Clair Avenue and the principal place of beginning;

and as indicated on the attached map is changed to Local Retail Business.

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

Beginning in the centerline of Eddy Road at its intersection with the westerly prolongation of the southerly line of Sublot 1 in the Speedway Park Subdivision as shown on the recorded plat in Volume 40, Page 12 of Cuyahoga County Map Records, said parcel also being known as Cuyahoga County's Permanent Parcel Number 110-04-008;

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

Thence northerly along said easterly line and along its northerly prolongation to its intersection with the centerline of Saint Clair Avenue;

Thence easterly along said centerline of Saint Clair Avenue to its intersection with the centerline of East 123rd Street;

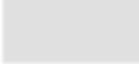
Thence southerly along said centerline of East 123rd Street to its intersection with the easterly prolongation of the southerly line of Sublot Number 99 in the aforementioned Speedway Park Subdivision, said parcel also being known as Cuyahoga County's Permanent Parcel Number 110-04-080;


Thence westerly along said easterly prolongation of said southerly line and along its westerly prolongation to its intersection with the centerline of Eddy Road;

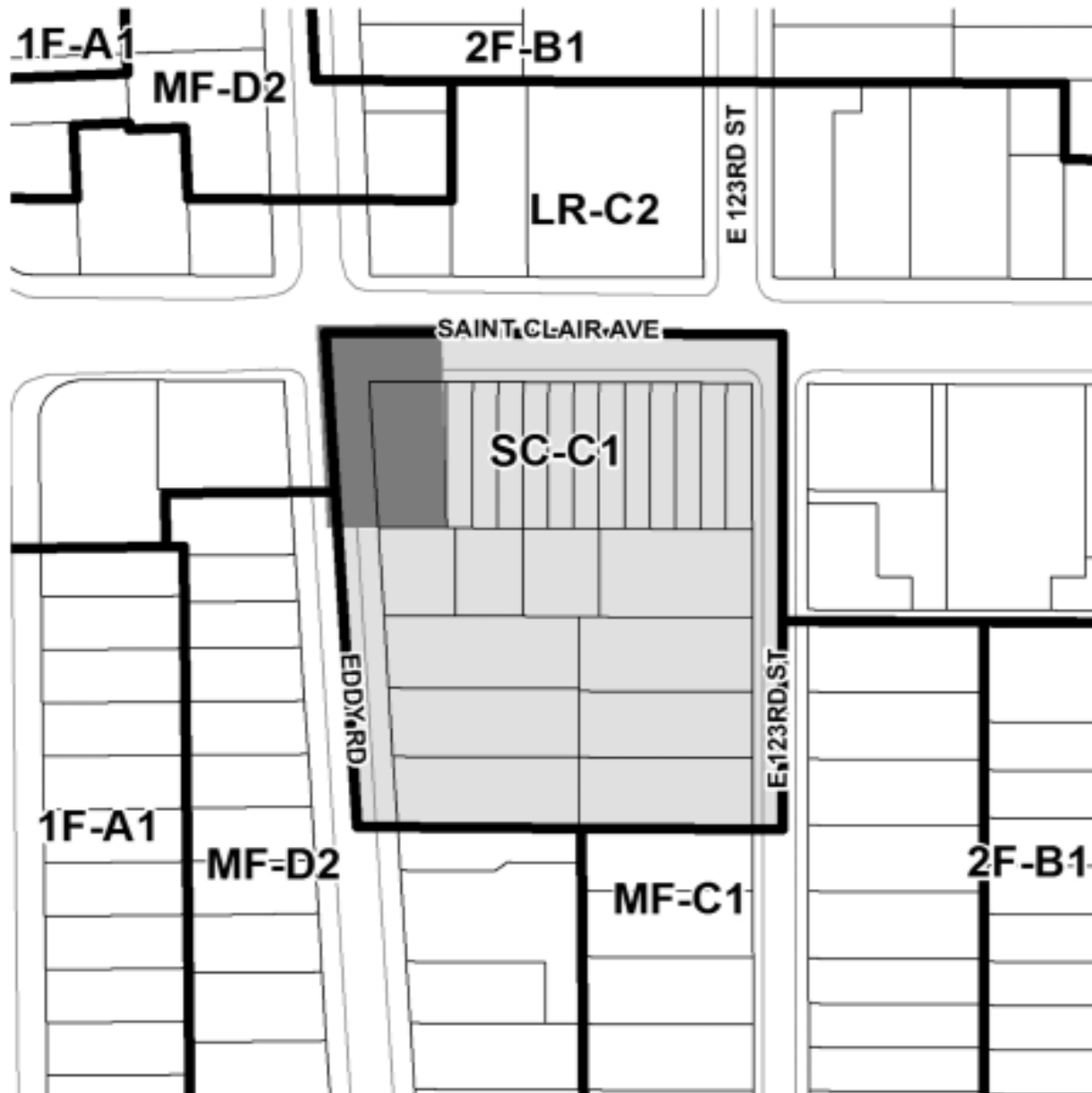
Thence northerly along said centerline of Eddy Road to its intersection with the westerly prolongation of the southerly line of Sublot 1 in the Speedway Park Subdivision said intersection also being the principal place of beginning; and as indicated on the attached map is changed to Institutional Research.

Section 3. That the changed designation of lands described in Section 1 and Section 2 shall be identified as Map Change No. 2343, Sheet No. 8 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

Section 4. That this ordinance shall take effect and be in force from and after the earliest period allowed by law.

 REZONE IR - INSTITUTIONAL RESEARCH

 REZONE LR - LOCAL RETAIL



Passed April 18, 2011.
Effective May 6, 2011.

Ord. No. 91-11.
By Council Members J. Johnson, Miller, Cleveland, Sweeney, Polensek, Brancatelli, Cimperman, Conwell, Cummins, Dow, K. Johnson, Keane, Kelley, Mitchell, Brady, Pruitt, Reed, Westbrook and Zone. (by departmental request).

An emergency ordinance designating that portion of South Marginal Road extending from East 55th Street easterly to its terminus as "Dick Goddard Way" as a secondary and honorary designation.

Whereas, it is most fitting and appropriate to recognize Dick Goddard for his years of dedicated service to the citizens of Cleveland; 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 portion of South Marginal Road extending from East 55th Street easterly to its terminus as "Dick Goddard Way" as a secondary and honorary designation.

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 on 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 April 18, 2011.
 Effective April 18, 2011.

Ord. No. 219-11.
By Council Members Miller and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Public Works to apply for and accept a grant from the Ohio Department of Natural Resources for the 2011 Community Development Grant (Drop Off) Program; and authorizing the Director to enter into one or more contracts with various agencies and entities to implement the program.

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

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

Section 1. That the Director of Public Works is authorized to apply for and accept a grant in the amount of \$50,000 from the Ohio Department of Natural Resources, for the 2011 Community Development Grant (Drop Off) Program, for the purposes in the summary and according thereto; that the Director of Public Works is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the summary for the grant.

Section 2. That the summary for the grant, File No. 219-11-A, made a part of this ordinance as if fully rewritten, including the obligation of the City of Cleveland to provide \$25,000 in cash matching funds from Fund No. 01-400307-6397, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

Section 3. That the Director of Public Works is authorized to enter into an agreement with various agencies and entities to implement the program.

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

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

Passed April 18, 2011.
 Effective April 21, 2011.

Ord. No. 222-11.
By Council Members Cleveland and Sweeney (by departmental request).
An emergency ordinance authorizing the Director of City Planning to make alterations and modifications in Contract No. CT 4002 PI 2010-34 with R.W. Clark Company for the former Coast Guard Station roof replacement project, for the Department of City Planning.

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 City Planning is authorized to make the following alterations and modifications in Contract No. CT 4002 PI 2010-34 with R.W. Clark Company, for the former Coast Guard Station roof replacement project, for the Department of City Planning:

Subsidiary Additions

Special inspection of the steel required by OBBC	\$1,539.00
Additional costs to demolish and dispose of refuse remaining inside the Quarters Building	\$1,202.91
Additional glazing for rear Tower windows	<u>\$ 951.00</u>
Total Subsidiary Additions	\$3,692.91

Original Contract Amount	\$515,225.00
Total Subsidiary Additions	<u>+ 3,692.91</u>
REVISED CONTRACT AMOUNT	\$518,917.91

which alteration has been recommended in writing by the Director of City Planning, countersigned by the Mayor, and consented to by the surety on the contract, which price to be paid has been agreed upon in writing and signed by the Director of City Planning and the contractor. This alteration will cause an increase in the amount of the original contract in the sum of \$3,692.91 to be paid from Fund Nos. 20 SF 457 and 20 SF 391, Request No. RQS 0110, RL 2011-7.

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

Passed April 18, 2011.
 Effective April 21, 2011.

Ord. No. 363-11.
By Council Members Miller and Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts for the transfer and disposal of solid waste, for the Division of Waste Collection and Disposal, Department of Public Works, for a term of one year or a term of years, with three one-year options to renew.

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

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

Section 1. That the Director of Public Works is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio,

1976, for the requirements for a term of one year or a term of two years, with three one-year options to renew, for the necessary items of the transfer and disposal of solid waste, and the provision, as the Board of Control shall determine, of the necessary landfill, transfer station and/or materials recovery facility requirements, in the approximate amount as purchased during the preceding term,

purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Waste Collection and Disposal, Department of Public Works. Bids shall be taken in a manner that permits an award to be made for all items of services as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Works is authorized to enter into one or more contracts with a term of two years, with three one-year options to renew, instead of one year, with three one-year options to renew, when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Works by comparing the bids received for both terms. If a one-year initial term is selected, then the second option to renew shall require additional legislative authority, or if a two-year initial term is selected, then the first and third options to renew shall require additional legislative authority. The Director shall notify this Council of the decision to exercise or to forego exercising any optional year authorized by this ordinance.

Bids shall also be taken so as to permit an award to be made for provision of such services citywide or by separate contracts for the districts determined by the Director of Public Works.

Section 2. That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Public Works may require that each bid be accompanied by a single bond securing both the execution of a contract and the performance of the term of each contract. If a single bond securing both execution and performance is required by the Director, it shall be substantially in accordance with the form attached as Exhibit "A". Each bond, whether to secure the execution of a contract, its performance, or both, shall be in an amount determined by the Director of Public Works. Each bond submitted to secure the contract or contracts authorized by this ordinance shall be executed by a surety authorized to do business in the State of Ohio and shall be acceptable to the Director of Law.

Section 3. That the cost of the contract or contracts shall be charged against the proper appropriation account and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RQN 4003, RL 2011-6)

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.

BID GUARANTY AND CONTRACT BOND

KNOW ALL MEN BY THESE PRESENTS, that we the _____

(Name and Address)
as Principal and _____

(Name of Surety)
as Surety are hereby held and firmly bound unto the City of Cleveland, hereinafter called the Oblige, in the penal sum hereinafter stated, pertaining to the bid submitted by the Principal to the Oblige on _____ (date) to undertake the project known _____

The penal sum referred to herein shall be _____

For the payment of the penal sum well and truly to be made, we hereby jointly and severally bind ourselves, our heirs, executors, administrators, successors, and assigns.

THE CONDITION OF THE ABOVE OBLIGATION IS SUCH, that whereas the above named Principal has submitted a bid on the above referred project;

NOW, THEREFORE, if the Oblige accepts the bid of the Principal and the Principal fails to enter into a proper contract in accordance with the bid, plans, details, specifications, and bills of material; and in the event the Principal pays to the Oblige the difference not to exceed ten percent of the penalty hereof between the amount specified in the bid and such larger amount for which the Oblige may in good faith contract with the next lowest and best bidder to perform the work covered by the bid; or in the event the Oblige does not award the contract to the next lowest and best bidder and resubmits the project for bidding, the Principal will pay the Oblige the difference not to exceed ten percent of the penalty hereof between the amount specified in the bid, or the costs in connection with the resubmission, of printing new contract documents, required advertising, and printing and mailing notices to prospective bidders, whichever is less, then this obligation shall be void, otherwise to remain in full force and effect. If the Oblige accepts the bid of the Principal and the Principal within ten days after the awarding of the contract and submitting to the Principal a contract for execution, enters into a proper contract in accordance with the bid, plans, details, specifications, and bills of material, which said contract is made a part of this bond the same as though set forth herein; and

IF THE SAID Principal shall well and faithfully perform each and every condition of such contract; and indemnify the Oblige against all damage suffered by failure to perform such contract according to the provisions thereof and in accordance with the plans, details, specifications, and bills of material therefor; and shall pay all lawful claims of subcontractors, materialmen, and laborers for labor performed and materials furnished in the carrying forward, performing, or completing said contract; we agreeing and assenting that this undertaking shall be for the benefit of any materialman or laborer having a just claim as well as for the Oblige

herein; then this obligation shall be void; otherwise the same shall remain in full force and effect; it being expressly understood and agreed that the liability of the Surety for any and all claims hereunder shall in no event exceed the penal amount of this obligation as herein stated.

THE SAID Surety hereby stipulates and agrees that no modifications, omissions, or additions, in or to the terms of said contract or in or to the plans and specifications therefor shall in any wise affect the obligations of said Surety on this bond, and it does hereby waive notice of any such modifications, omissions or additions to the terms of the contract or to the work or to the specifications.

SIGNED AND SEALED this _____ day of _____, 20____

PRINCIPAL: _____ SURETY: _____

BY: _____ BY: _____
Attorney-in-Fact

TITLE: _____

SURETY COMPANY ADDRESS:

_____ Street

_____ City State ZIP

SURETY AGENT'S ADDRESS:

_____ Agency Name

_____ Street

_____ City State ZIP

"Exhibit A"

Passed April 18, 2011.
Effective April 21, 2011.

**Ord. No. 421-11.
By Council Members Cleveland, Brancatelli and Sweeney (by departmental request).**

An emergency ordinance authorizing the Director of Economic Development to enter into an Enterprise Zone Agreement with Midtown Acquisition, LLC, or its designee, to provide for a ten-year, sixty percent tax abatement for certain real property improvements located at 6900 and 7000 Euclid Avenue in the Cleveland Area Enterprise Zone.

Whereas, by letter dated March 10, 2011, the City provided the Cleveland Metropolitan School District ("CMSD") with a notice of proposed tax exemptions required by Section 5709.83 of the Revised Code. That notice was provided to the CMSD not later than fourteen days prior to adoption of this ordinance; and

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

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

Whereas, Midtown Acquisition, LLC, or its designee (the "Enterprise") has proposed to redevelop a large vacant building at 6900 and 7000 Euclid Avenue in the Cleveland Area Enterprise Zone; and

Whereas, the Enterprise has certified to the City that it would be at a competitive disadvantage operating at this location if taxes on certain real property improvements located at 6900 and 7000 Euclid Avenue were not abated; and

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

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

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

Section 2. That the Director of Economic Development is authorized to enter into an Enterprise Zone Agreement with the Enterprise to provide for a ten-year, sixty percent (60%) tax abatement for real property improvements located at 6900 and 7000 Euclid Avenue; provided that if the project site does not become certified to be "LEED Silver" within three years of the effective date of this ordinance, then the authorized abatement will decrease to 50% for the remainder of the ten-year period; the abatement shall be subject to annual review of the Tax Incentive Review Council.

Section 3. That the terms of the tax abatement shall be in accordance with the terms in the Summary contained in File No. 421-11-B. These terms shall not be amended, nor shall the tax abatement be assignable or transferable to any entity, without the prior legislative authorization by Cleveland City Council.

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

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

Section 6. That any contract authorized by this legislation must require the recipient of financial assistance

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

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

Passed April 18, 2011.

Effective April 18, 2011.

**Ord. No. 497-11.
By Council Members Miller, Cleveland and Sweeney (by departmental request).**

An emergency ordinance to appropriate temporary easements and property located on the west side of East 93rd Street between Heath and St. Catherine Avenues for the public purpose of widening a public road in connection with extending Bessemer Avenue; and to repeal Ordinance No. 878-10, passed August 18, 2010, relating to the Bessemer Avenue extension.

Whereas, the Council of the City of Cleveland, by Resolution No. 512-10, adopted June 7, 2010, declared the necessity and intention of appropriating the fee simple property interests and temporary easements described in this ordinance for the public purpose of widening a public road in connection with extending Bessemer Road; and

Whereas, notice of the adoption of this resolution has been served on the persons in possession or having an interest in the property; 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 for the public purpose of widening a public road in connection with extending Bessemer Avenue, located on the west side of East 93rd Street between Heath and St. Catherine Avenues, the following described temporary easements are appropriated:

**TEMPORARY EASEMENT PARCEL TO BE CONVEYED TO THE CITY OF CLEVELAND
PARCEL 16 - T1**

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and being part of Original 100 Acre Lot No. 440 and being more particularly described as follows:

Commencing at an iron pin monument in the centerline of Right of Way of East 89th Street at its intersection with the prolongation of the southerly Right of Way of St. Catherine Avenue, being 20.00 feet right of centerline of Right of Way of St. Catherine Avenue at Station 92 + 45.96;

Thence North 00 degrees 09 minutes 35 seconds East a distance of 20.00 feet along the centerline of Right of Way of East 89th Street to a point in the centerline of Right of Way of St. Catherine Avenue, being in the centerline of Right of Way of St. Catherine Avenue at Station 92 + 46.28;

Thence continuing North 00 degrees 09 minutes 35 seconds East a distance of 20.00 feet along the prolongation of the centerline of Right of Way of East 89th Street to a point in the northerly Right of Way of St. Catherine Avenue, being 20.00 feet left of centerline of Right of Way of St. Catherine Avenue at Station 92 + 46.59;

Thence South 89 degrees 15 minutes 13 seconds West a distance of 232.41 feet along the northerly Right of Way of St. Catherine Avenue to a point in the easterly Right of Way of East 88th Street, said point being 20.00 feet left of centerline of Right of Way of St. Catherine Avenue at Station 90 + 14.19 and being 15.00 feet right of the centerline of Right of Way of East 88th Street at Station 30 + 63.87;

Thence North 4 degrees 15 minutes 39 seconds West a distance of 116.44 feet along the easterly Right of Way of East 88th Street to a point in Grantor's southerly line, said point being Grantor's southwesterly corner, said point also being the northwesterly corner of land conveyed to the City of Cleveland Land Utilization Program as recorded in Volume 15192, Page 16 of Cuyahoga County Records, being 15.00 feet right of centerline of Right of Way of East 88th Street at Station 31 + 80.31;

Thence North 89 degrees 14 minutes 41 seconds East a distance of 10.02 feet along the northerly line of land so conveyed and Grantor's southerly line to a point in a proposed Right of Way being 25.00 feet right of centerline of Right of Way of East 88th Street at Station 31 + 79.70 and the TRUE POINT OF BEGINNING.

Thence North 04 degrees 15 minutes 39 seconds West a distance of 120.24 feet along said proposed Right of Way to a point in the southerly line of land conveyed to Tennyson Properties Co. as recorded in Volume 14802, Page 657 of Cuyahoga County Records, being 25.00 feet right of centerline of Right of Way of East 88th Street at Station 32 + 99.94;

Thence North 89 degrees 14 minutes 41 seconds East a distance of 16.03 feet along the southerly line of said Tennyson Properties Co. land so conveyed to a point 41.00 feet right of centerline of Right of Way of East 88th Street at Station 32 + 98.96;

Thence South 07 degrees 34 minutes 51 seconds East a distance of 120.87 feet to a point in Grantor's southerly line and the northerly line of said City of Cleveland Land Utilization Program land so conveyed, being 48.00 feet right of centerline of Right of Way of East 88th Street at Station 31 + 78.29;

Thence South 89 degrees 14 minutes 41 seconds West a distance of 23.04 feet along Grantor's southerly line and the northerly line of said City of Cleveland Land Utilization Program land so conveyed to the TRUE POINT OF BEGINNING.

The above described area contains 2345 square feet (0.054 acres), more or less, which is part of the Cuyahoga County Auditor's Permanent Parcel Number 127-13-028.

Grantor claims title by instrument(s) of record in Volume 97042, Page 047, Cuyahoga County Recorder's Office.

Bearings based on the Cleveland Regional Geodetic Survey (GRGS) Coordinate System using O.M. 0033, O.M. 0038, O.M. 0195, O.M. 0223, O.M. 0372, and O.M. 0510.

The stations referred to herein are from the centerline of Right of Way as found on the plans known as "Bessemer Avenue Extension Phase IIA" on file with Cuyahoga County.

This description was prepared and reviewed on October 6, 2009 under the supervision of Charles H. Murphy, Registered Professional Surveyor No. 6950.

This description is based on a field survey conducted by DLZ Ohio, Inc., under the direction of Charles H. Murphy, P.S., Ohio Registered Surveyor No. 6950 in November of 2007.

TEMPORARY EASEMENT PARCEL TO BE CONVEYED TO THE CITY OF CLEVELAND PARCEL 16 - T2

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and being part of Original 100 Acre Lot No. 440 and being more particularly described as follows:

Commencing at an iron pin monument in the centerline of Right of Way of East 89th Street at its intersection with the prolongation of the southerly Right of Way of St. Catherine Avenue, being 20.00 feet right of centerline of Right of Way of St. Catherine Avenue at Station 92 + 45.96;

Thence North 00 degrees 09 minutes 35 seconds East a distance of 20.00 feet along the centerline of Right of Way of East 89th Street to a point in the centerline of Right of Way of St. Catherine Avenue, being in the centerline of Right of Way of St. Catherine Avenue at Station 92 + 46.28;

Thence continuing North 00 degrees 09 minutes 35 seconds East a distance of 20.00 feet along the prolongation of the centerline of Right of Way of East 89th Street to a point in the northerly Right of Way of St. Catherine Avenue, being 20.00 feet left of centerline of Right of Way of St. Catherine Avenue at Station 92 + 46.59;

Thence South 89 degrees 15 minutes 13 seconds West a distance of 232.41 feet along the northerly Right of Way of St. Catherine Avenue to a point in the easterly Right of Way of East 88th Street, said point being 20.00 feet left of centerline of Right of Way of St. Catherine Avenue at Station 90 + 14.19 and being 15.00 feet right of the centerline of Right of Way of East 88th Street at Station 30 + 63.87;

Thence North 4 degrees 15 minutes 39 seconds West a distance of 423.50 feet along the easterly Right of Way of East 88th Street to a point in Grantor's westerly line, said point also being the northwesterly corner of land conveyed to the Tennyson Properties Co. as recorded in Volume 14802, Page 657 of Cuyahoga County Records, being 15.00 feet right of centerline of Right of Way

of East 88th Street at Station 34 + 87.38;

Thence South 29 degrees 50 minutes 19 seconds East along the northerly line of land so conveyed and Grantor's westerly line a distance of 5.25 feet to a point of curvature 17.27 feet right of centerline of Right of Way of East 88th Street at Station 34 + 82.64;

Thence continuing along the northerly line of land so conveyed and Grantor's westerly line southeasterly 16.13 feet along the arc of a curve deflecting to the left, having a radius of 543.24 feet, a central angle of 01 degrees 42 minutes 04 seconds, a chord bearing of South 32 degrees 54 minutes 42 seconds East and a chord length of 16.13 feet to a point of non tangency in a proposed Right of Way being 25.00 feet right of centerline of Right of Way of East 88th Street at Station 34 + 68.49 and the TRUE POINT OF BEGINNING.

Thence North 04 degrees 15 minutes 39 seconds West a distance of 44.31 feet along said proposed Right of Way to a point in Grantor's northerly line and the southerly line of land conveyed to the City of Cleveland, Ohio "Land Reutilization Program" as recorded in Volume 5986, Page 024 of Cuyahoga County Records, being 25.00 feet right of centerline of Right of Way of East 88th Street at Station 35 + 12.80;

Thence South 29 degrees 51 minutes 19 seconds East a distance of 23.86 feet along Grantor's northerly line and the southerly line of said City of Cleveland, Ohio "Land Reutilization Program" land so conveyed to a point 35.31 feet right of centerline of Right of Way of East 88th Street at Station 34 + 91.28;

Thence South 05 degrees 57 minutes 22 seconds East a distance of 42.28 feet to a point of non tangential curvature in Grantor's westerly line and the northerly line of said Tennyson Properties Co. land so conveyed, being 36.56 feet right of centerline of Right of Way of East 88th Street at Station 34 + 49.02;

Thence along Grantor's westerly line and the northerly line of said Tennyson Properties Co. land so conveyed, northwesterly; 22.65 feet along the arc of a curve deflecting to the right, having a radius of 543.24 feet, a central angle of 02 degrees 23 minutes 18 seconds, a chord bearing of North 34 degrees 57 minutes 23 seconds West and a chord length of 22.64 feet to the TRUE POINT OF BEGINNING.

The above described area contains 461 square feet (0.011 acres), more or less, which is part of the Cuyahoga County Auditor's Permanent Parcel Number 127-13-030.

Grantor claims title by instrument(s) of record in Volume 97042, Page 047, Cuyahoga County Recorder's Office.

Bearings based on the Cleveland Regional Geodetic Survey (GRGS) Coordinate System using O.M. 0033, O.M. 0038, O.M. 0195, O.M. 0223, O.M. 0372, and O.M. 0510.

The stations referred to herein are from the centerline of Right of Way as found on the plans known as "Bessemer Avenue Extension Phase IIA" on file with Cuyahoga County.

This description was prepared and reviewed on October 6, 2009 under the supervision of Charles H. Murphy, Registered Professional Surveyor No. 6950.

This description is based on a field survey conducted by DLZ Ohio, Inc., under the direction of Charles H. Murphy, P.S., Ohio Registered Surveyor No. 6950 in November of 2007.

Section 2. That for the public purpose of widening a public road in connection with extending Bessemer Avenue located on the west side of East 93rd Street between Heath and St. Catherine Avenues, the following described fee simple interests are appropriated:

TO BE CONVEYED TO THE CITY OF CLEVELAND

PARCEL 16 - WD1

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and being part of Original 100 Acre Lot No. 440 and being more particularly described as follows:

Commencing at an iron pin monument in the centerline of Right of Way of East 89th Street at its intersection with the prolongation of the southerly Right of Way of St. Catherine Avenue, being 20.00 feet right of centerline of Right of Way of St. Catherine Avenue at Station 92 + 45.96;

Thence North 00 degrees 09 minutes 35 seconds East a distance of 20.00 feet along the centerline of Right of Way of East 89th Street to a point in the centerline of Right of Way of St. Catherine Avenue, being in the centerline of Right of Way of St. Catherine Avenue at Station 92 + 46.28;

Thence continuing North 00 degrees 09 minutes 35 seconds East a distance of 20.00 feet along the prolongation of the centerline of Right of Way of East 89th Street to a point in the northerly Right of Way of St. Catherine Avenue, being 20.00 feet left of centerline of Right of Way of St. Catherine Avenue at Station 92 + 46.59;

Thence South 89 degrees 15 minutes 13 seconds West a distance of 232.41 feet along the northerly Right of Way of St. Catherine Avenue to a point in the easterly Right of Way of East 88th Street, said point being 20.00 feet left of centerline of Right of Way of St. Catherine Avenue at Station 90 + 14.19 and being 15.00 feet right of the centerline of Right of Way of East 88th Street at Station 30 + 63.87;

Thence North 04 degrees 15 minutes 39 seconds West a distance of 116.44 feet along the easterly Right of Way of East 88th Street to a point in Grantor's southerly line, said point being Grantor's southwesterly corner, said point also being the northwesterly corner of land conveyed to the City of Cleveland Land Utilization Program as recorded in Volume 15192, Page 16 of Cuyahoga County Records, being 15.00 feet right of centerline of Right of Way of East 88th Street at Station 31 + 80.31 and the TRUE POINT OF BEGINNING.

Thence continuing North 04 degrees 15 minutes 39 seconds West a distance of 120.24 feet along the easterly Right of Way of East 88th Street to the southwest corner of land conveyed to Tennyson Properties Co. as recorded in Volume 14802, Page 657 of Cuyahoga County Records, being 15.00 feet right of centerline of Right of Way of East 88th Street at Station 33 + 00.56;

Thence North 89 degrees 14 minutes 41 seconds East a distance of 10.02 feet along the southerly line of said Tennyson Properties Co. land so conveyed to a point in a proposed Right of Way being 25.00 feet right of centerline of Right of Way of East 88th Street at Station 32+99.94;

Thence South 04 degrees 15 minutes 39 seconds East a distance of 120.24 feet along said proposed Right of Way to a point in Grantor's southerly line and the northerly line of said City of Cleveland Land Utilization Program land so conveyed, being 25.00 feet right of centerline of Right of Way of East 88th Street at Station 31+79.70;

Thence South 89 degrees 14 minutes 41 seconds West a distance of 10.02 feet along Grantor's southerly line and the northerly line of said City of Cleveland Land Utilization Program land so conveyed to a point in the easterly Right of Way of East 88th Street and the TRUE POINT OF BEGINNING.

The above described area contains 1203 square feet (0.028 acres), more or less, of which the present road occupies 0 square feet (0.000 acres), more or less, which is part of the Cuyahoga County Auditor's Permanent Parcel Number 127-13-028 resulting in a net take of 1203 square feet (0.028 acres), more or less.

Grantor claims title by instrument(s) of record in Volume 97042, Page 047, Cuyahoga County Recorder's Office.

Bearings based on the Cleveland Regional Geodetic Survey (GRGS) Coordinate System using O.M. 0033, O.M. 0038, O.M. 0195, O.M. 0223, O.M. 0372, and O.M. 0510.

The stations referred to herein are from the centerline of Right of Way as found on the plans known as "Bessemer Avenue Extension Phase IIA" on file with Cuyahoga County.

This description was prepared and reviewed on October 6, 2009 under the supervision of Charles H. Murphy, Registered Professional Surveyor No. 6950.

This description is based on a field survey conducted by DLZ Ohio, Inc., under the direction of Charles H. Murphy, P.S., Ohio Registered Surveyor No. 6950 in November of 2007.

**TO BE CONVEYED TO THE
CITY OF CLEVELAND
PARCEL 16 - WD2**

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and being part of Original 100 Acre Lot No. 440 and being more particularly described as follows:

Commencing at an iron pin monument in the centerline of Right of Way of East 89th Street at its intersection with the prolongation of the southerly Right of Way of St. Catherine Avenue, being 20.00 feet right of centerline of Right of Way of St. Catherine Avenue at Station 92+45.96;

Thence North 00 degrees 09 minutes 35 seconds East a distance of 20.00 feet along the centerline of Right of Way of East 89th Street to a point in the centerline of Right of Way of St. Catherine Avenue, being in the centerline of Right of Way of St. Catherine Avenue at Station 92+46.28;

Thence continuing North 00 degrees 09 minutes 35 seconds East a distance of 20.00 feet along the

prolongation of the centerline of Right of Way of East 89th Street to a point in the northerly Right of Way of St. Catherine Avenue, being 20.00 feet left of centerline of Right of Way of St. Catherine Avenue at Station 92+46.59;

Thence South 89 degrees 15 minutes 13 seconds West a distance of 232.41 feet along the northerly Right of Way of St. Catherine Avenue to a point in the easterly Right of Way of East 88th Street, said point being 20.00 feet left of centerline of Right of Way of St. Catherine Avenue at Station 90+14.19 and being 15.00 feet right of the centerline of Right of Way of East 88th Street at Station 30+63.87;

Thence North 4 degrees 15 minutes 39 seconds West a distance of 423.50 feet along the easterly Right of Way of East 88th Street to a point in Grantor's westerly line, said point also being the northwesterly corner of land conveyed to the Tennyson Properties Co. as recorded in Volume 14802, Page 657 of Cuyahoga County Records, being 15.00 feet right of centerline of Right of Way of East 88th Street at Station 34+87.38 and the TRUE POINT OF BEGINNING.

Thence North 04 degrees 15 minutes 39 seconds West a distance of 46.30 feet along Grantor's westerly line and the easterly Right of Way of East 88th Street to a point in Grantor's northerly line and the southerly line of land conveyed to the City of Cleveland, Ohio "Land Reutilization Program" as recorded in Volume 5986, Page 024 of Cuyahoga County Records, being 15.24 feet right of centerline of Right of Way of East 88th Street at Station 35+32.96;

Thence South 29 degrees 51 minutes 19 seconds East a distance of 23.15 feet along Grantor's northerly line and the southerly line of said City of Cleveland, Ohio "Land Reutilization Program" land so conveyed to a point in a proposed Right of Way being 25.00 feet right of centerline of Right of Way of East 88th Street at Station 35+12.80;

Thence South 04 degrees 15 minutes 39 seconds East a distance of 44.31 feet along said proposed Right of Way to a non tangential point of curvature in the northerly line of said Tennyson Properties Co. land so conveyed and Grantor's westerly line, being 25.00 feet right of centerline of Right of Way of East 88th Street at Station 34+68.49;

Thence along Grantor's westerly line and the northerly line of said Tennyson Properties Co. land so conveyed, northwesterly; 16.13 feet along the arc of a curve deflecting to the right, having a radius of 543.24 feet, a central angle of 01 degrees 42 minutes 04 seconds, a chord bearing of North 32 degrees 54 minutes 42 seconds West and a chord length of 16.13 feet to a point of tangency 17.27 feet right of centerline of Right of Way of East 88th Street at Station 34+82.64;

Thence North 29 degrees 50 minutes 19 seconds West a distance of 5.25 feet along Grantor's westerly line and the northerly line of said Tennyson Properties Co. land so conveyed to the TRUE POINT OF BEGINNING.

The above described area contains 456 square feet (0.010 acres), more or less, of which the present road

occupies 0 square feet (0.000 acres), more or less, which is part of the Cuyahoga County Auditor's Permanent Parcel Number 127-13-030 resulting in a net take of 456 square feet (0.010 acres), more or less.

Grantor claims title by instrument(s) of record in Volume 97042, Page 047, Cuyahoga County Recorder's Office.

Bearings based on the Cleveland Regional Geodetic Survey (GRGS) Coordinate System using O.M. 0033, O.M. 0038, O.M. 0195, O.M. 0223, O.M. 0372, and O.M. 0510.

The stations referred to herein are from the centerline of Right of Way as found on the plans known as "Bessemer Avenue Extension Phase IIA" on file with Cuyahoga County.

This description was prepared and reviewed on October 6, 2009 under the supervision of Charles H. Murphy, Registered Professional Surveyor No. 6950.

This description is based on a field survey conducted by DLZ Ohio, Inc., under the direction of Charles H. Murphy, P.S., Ohio Registered Surveyor No. 6950 in November of 2007.

Section 3. That the Director of Law is directed to apply to a court of competent jurisdiction to have a jury impaneled to make inquiry into and assess the compensation to be paid for the fee simple interests and easements described above.

Section 4. That Ordinance No. 878-10, passed August 18, 2010 is 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.

Passed April 18, 2011.

Effective April 18, 2011.

Ord. No. 498-11.

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

An emergency ordinance to appropriate a temporary easement and property for the public purpose of widening a public road in connection with extending Bessemer Avenue, located near the southeast corner of East 88th Street and St. Catherine Avenue; and to repeal Ordinance No. 880-10, passed September 13, 2010, relating to the Bessemer Avenue extension.

Whereas, the Council of the City of Cleveland, by Resolution No. 725-10, adopted June 7, 2010, declared the necessity and intention of appropriating the fee simple property interests and a temporary easement described in this ordinance for the public purpose of widening a public road in connection with extending Bessemer Avenue, located near the southeast corner of East 88th Street and St. Catherine Avenue; and

Whereas, notice of the adoption of this resolution has been served on the persons in possession or having an interest in the property; and

Whereas, this ordinance constitutes an emergency measure provid-

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

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

Section 1. That for the public purpose of widening a public road in connection with extending Bessemer Avenue, located near the southeast corner of East 88th Street and St. Catherine Avenue, the following temporary easement is appropriated:

TEMPORARY EASEMENT PARCEL TO BE CONVEYED TO THE CITY OF CLEVELAND PARCEL 13-T

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and being part of Original 100 Acre Lot No. 440, also being part of Sub Lot 8 and Sub Lot 9 in the E. F. Collins Subdivision as recorded in Map Volume 3, Page 21 of Cuyahoga County Records and being more particularly described as follows:

Commencing in the centerline of Right of Way of East 89th Street at its intersection with the prolongation of the southerly Right of Way of St. Catherine Avenue at an iron pin, being in the centerline of Right of Way of East 89th Street at 20.00 feet right of centerline of Right of Way of St. Catherine Avenue at Station 92 + 45.96;

Thence South 89 degrees 15 minutes 13 seconds West a distance of 20.00 feet along the prolongation of the southerly Right of Way of St. Catherine Avenue to a point in the westerly Right of Way of East 89th Street and the northeasterly corner of Sub Lot 8 in said E.F. Collins Subdivision, being 20.00 feet right of centerline of Right of Way of St. Catherine Avenue at Station 92 + 25.96;

Thence continuing South 89 degrees 15 minutes 13 seconds West a distance of 186.38 feet along the southerly Right of Way of St. Catherine Avenue and northerly line of said Sub Lot 8 to a point in the easterly line of Sub Lot 9 of said E.F. Collins Subdivision, being 20.00 feet right of centerline of Right of Way of St. Catherine Avenue at Station 90 + 39.58, the northeasterly corner of said Sub Lot 9, the northwesterly corner of Sub Lot 8, Grantor's northwesterly corner and the TRUE POINT OF BEGINNING.

Thence North 89 degrees 15 minutes 13 seconds East a distance of 10.96 feet along Grantor's northerly line, the northerly line of said Sub Lot 8 and the southerly Right of Way of St. Catherine Avenue to a point 20.00 feet right of centerline of Right of Way of St. Catherine Avenue at Station 90 + 50.54;

Thence South 00 degrees 09 minutes 35 seconds West a distance of 23.79 feet to a point 47.00 feet right of centerline of Right of Way of East 88th Street at Station 29 + 98.00;

Thence South 89 degrees 15 minutes 13 seconds West a distance of 7.96 feet to a point 39.05 feet right of centerline of Right of Way of East 88th Street at Station 29 + 98.49;

Thence South 00 degrees 09 minutes 35 seconds West a distance of 114.17 feet to a point 29.44 feet right of centerline of Right of Way of East 88th Street at Station 28 + 83.44;

Thence South 07 degrees 28 minutes 55 seconds East a distance of 52.86 feet to a point in Grantor's

southerly line and the southerly line of said Sub Lot 8 being 29.00 feet right of centerline of Right of Way of East 88th Street at Station 28 + 29.56;

Thence South 89 degrees 15 minutes 35 seconds West a distance of 3.03 feet along Grantor's southerly line, the southerly line of said Sub Lot 8 and the northerly line of Sub Lot 7 of said E.F. Collins Subdivision to a point in a proposed Right of Way being 26.00 feet right of centerline of Right of Way of East 88th Street at Station 28 + 29.97;

Thence North 08 degrees 35 minutes 30 seconds West a distance of 18.82 feet along said proposed Right of Way to a point of curvature 26.00 feet right of centerline of Right of Way of East 88th Street at Station 28 + 48.79;

Thence along said proposed Right of Way, northwesterly; 34.10 feet along the arc of a curve deflecting to the right, having a radius of 974.00 feet, a central angle of 02 degrees 00 minutes 22 seconds, a chord bearing of North 07 degrees 35 minutes 19 seconds West and a chord length of 34.10 feet to a point in Grantor's westerly line being 26.00 feet right of centerline of Right of Way of East 88th Street at Station 28 + 83.80;

Thence North 89 degrees 16 minutes 01 seconds East a distance of 0.46 feet along Grantor's westerly line to a point 26.46 feet right of centerline of Right of Way of East 88th Street at Station 28 + 83.76;

Thence North 00 degrees 09 minutes 35 seconds East a distance of 137.96 feet along Grantor's westerly line and the westerly line of said Sub Lot 8 to a point in Grantor's northerly line, the southerly Right of Way of St. Catherine Avenue and the TRUE POINT OF BEGINNING.

The above described area contains 783 square feet (0.018 acres), more or less, which is part of the Cuyahoga County Auditor's Permanent Parcel Numbers 127-14-025 and 127-14-027 and contains 180 square feet (0.004 acres), more or less in Auditor's Parcel number 127-14-025 and 603 square feet (0.014 acres), more or less in Auditor's Parcel number 127-14-027.

Grantor claims title by instrument(s) of record in Volume 15415, Page 241, and AFN No. 199903290594 Cuyahoga County Recorder's Office.

Bearings based on the Cleveland Regional Geodetic Survey (GRGS) Coordinate System using O.M. 0033, O.M. 0038, O.M. 0195, O.M. 0223, O.M. 0372, and O.M. 0510.

The stations referred to herein are from the centerline of Right of Way as found on the plans known as "Bessemer Avenue Extension Phase IIA" on file with Cuyahoga County.

This description was prepared and reviewed on October 6, 2009 under the supervision of Charles H. Murphy, Registered Professional Surveyor No. 6950.

This description is based on a field survey conducted by DLZ Ohio, Inc., under the direction of Charles H. Murphy, P.S., Ohio Registered Surveyor No. 6950 in November of 2007.

Section 2. That for the public purpose of widening a public road in connection with extending Bessemer Avenue, located near the southeast

corner of East 88th Street and St. Catherine Avenue, the following described fee simple interests are appropriated:

TO BE CONVEYED TO THE CITY OF CLEVELAND PARCEL 13 - WD

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and being part of Original 100 Acre Lot No. 440, also being part of Sub Lot 8 and Sub Lot 9 in the E. F. Collins Subdivision as recorded in Map Volume 3, Page 21 of Cuyahoga County Records and being more particularly described as follows:

Commencing in the centerline of Right of Way of East 89th Street at its intersection with the prolongation of the southerly Right of Way of St. Catherine Avenue at an iron pin, being in the centerline of Right of Way of East 89th Street at 20.00 feet right of centerline of Right of Way of St. Catherine Avenue at Station 92 + 45.96;

Thence South 89 degrees 15 minutes 13 seconds West a distance of 20.00 feet along the prolongation of the southerly Right of Way of St. Catherine Avenue to a point in the westerly Right of Way of East 89th Street and the northeasterly corner of Sub Lot 8 in said E.F. Collins Subdivision, being 20.00 feet right of centerline of Right of Way of St. Catherine Avenue at Station 92 + 25.96;

Thence continuing South 89 degrees 15 minutes 13 seconds West a distance of 186.38 feet along the southerly Right of Way of St. Catherine Avenue and northerly line of said Sub Lot 8 to a point in the easterly line of Sub Lot 9 of said E.F. Collins Subdivision, being 20.00 feet right of centerline of Right of Way of St. Catherine Avenue at Station 90 + 39.58, the northeasterly corner of said Sub Lot 9, the northwesterly corner of Sub Lot 8 and Grantor's northwesterly corner;

Thence South 00 degrees 09 minutes 35 seconds West a distance of 137.96 feet along Grantor's westerly line and the westerly line of said Sub Lot 8 to a point 26.46 feet right of centerline of Right of Way of East 88th Street at Station 28 + 83.76;

Thence South 89 degrees 16 minutes 01 seconds West a distance of 0.46 feet along Grantor's westerly line to a point of curvature in a proposed Right of Way 26.00 feet right of centerline of Right of Way of East 88th Street at Station 28 + 83.80 and the TRUE POINT OF BEGINNING.

Thence along said proposed Right of Way, southeasterly; 34.10 feet along the arc of a curve deflecting to the left, having a radius of 974.00 feet, a central angle of 02 degrees 00 minutes 22 seconds, a chord bearing of South 07 degrees 35 minutes 19 seconds East and a chord length of 34.10 feet to a point of tangency in said proposed Right of Way being 26.00 feet right of centerline of Right of Way of East 88th Street at Station 28 + 48.79;

Thence South 08 degrees 35 minutes 30 seconds East a distance of 18.82 feet along said proposed Right of Way to a point in Grantor's southerly line and the southerly line of said Sub Lot 8, being 26.00 feet right of centerline of Right of Way of East 88th Street at Station 28 + 29.97;

Thence South 89 degrees 15 minutes 35 seconds West a distance of 15.23 feet along Grantor's southerly line, the southerly line of said Sub Lots 8 and 9 and the northerly line of Sub Lots 7 and 6 of said E.F. Collins Subdivision, to a point in the easterly Right of Way of East 88th Street and Grantor's southwesterly corner being 10.91 feet right of centerline of Right of Way of East 88th Street at Station 28+32.05;

Thence North 04 degrees 15 minutes 39 seconds West a distance of 52.60 feet along Grantor's westerly line and the easterly Right of Way of East 88th Street to a point therein, said point being the southwesterly corner of land conveyed to the City of Cleveland Land Reutilization Program as recorded in Volume 15290, Page 37 of Cuyahoga County Records, and being 14.24 feet right of centerline of Right of Way of East 88th Street at Station 28+85.03;

Thence North 89 degrees 16 minutes 01 seconds East a distance of 11.82 feet along Grantor's westerly line and the southerly line of land so conveyed to a point in said proposed Right of Way and the TRUE POINT OF BEGINNING.

The above described area contains 701 square feet (0.016 acres), more or less, of which the present road occupies 0 square feet (0.000 acres), more or less, which is part of the Cuyahoga County Auditor's Permanent Parcel Number 127-14-025 resulting in a net take of 701 square feet (0.016 acres), more or less.

Grantor claims title by instrument(s) of record in Volume 15415, Page 241, and AFN No. 199903290594 Cuyahoga County Recorder's Office. Bearings based on the Cleveland Regional Geodetic Survey (GRGS) Coordinate System using O.M. 0033, O.M. 0038, O.M. 0195, O.M. 0223, O.M. 0372, and O.M. 0510.

The stations referred to herein are from the centerline of Right of Way as found on the plans known as "Bessemer Avenue Extension Phase IIA" on file with Cuyahoga County. This description was prepared and reviewed on October 6, 2009 under the supervision of Charles H. Murphy, Registered Professional Surveyor No. 6950.

This description is based on a field survey conducted by DLZ Ohio, Inc., under the direction of Charles H. Murphy, P.S., Ohio Registered Surveyor No. 6950 in November of 2007.

DLZ Ohio, Inc.

Section 3. That the Director of Law is directed to apply to a court of competent jurisdiction to have a jury impaneled to make inquiry into and assess the compensation to be paid for the fee simple interests and easement described above.

Section 4. That Ordinance No. 880-10, passed September 13, 2010 is 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.

Passed April 18, 2011.

Effective April 18, 2011.

Ord. No. 499-11.

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

An emergency ordinance to appropriate property for the public purpose of widening a public road in connection with extending Bessemer Avenue, located near the southwest corner of East 88th Street and Union Avenue; and to repeal Ordinance No. 882-10, passed August 18, 2010, relating to the Bessemer Avenue extension.

Whereas, the Council of the City of Cleveland, by Resolution No. 726-10, adopted June 7, 2010, declared the necessity and intention of appropriating the fee simple property interests described in this ordinance for the public purpose of widening a public road in connection with extending Bessemer Avenue, located near the southwest corner of East 88th Street and Union Avenue; and

Whereas, notice of the adoption of this resolution has been served on the persons in possession or having an interest in the property; 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 for the public purpose of widening a public road in connection with extending Bessemer Avenue, located near the southwest corner of East 88th Street and Union Avenue, the following described fee simple interests are appropriated:

**TO BE CONVEYED TO THE
CITY OF CLEVELAND
PARCEL 10-WD**

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and being part of Original 100 Acre Lot No. 448, also being part of Sub Lot 8 in the J. Paton Allotment as recorded in Map Volume 12, Page 31 of Cuyahoga County Records and being more particularly described as follows:

Commencing in the centerline of Right of Way of Union Avenue at its intersection with the prolongation of the easterly Right of Way of East 89th Street, being in the centerline of Right of Way of Union Avenue at Station 82+39.14, said point being referenced by a stone monument North 00 degrees 09 minutes 52 seconds West a distance of 0.44 feet;

Thence South 89 degrees 16 minutes 01 seconds West a distance of 129.19 feet along the centerline of Right of Way of Union Avenue, also being the northerly line of said 100 Acre Lot 448, to a point of intersection with the prolongation of the westerly Right of Way of East 88th Street, being in the centerline of Right of Way of Union Avenue at Station 81+09.94;

Thence South 00 degrees 24 minutes 49 seconds East a distance of 30.00 feet along said prolongation of the westerly Right of Way of East 88th Street to a point in the southerly Right of Way of Union Avenue, being 30.00 feet right of the centerline of Right of Way of Union Avenue at Station 81+09.78, also being 79.05 feet right of the centerline of Right of Way of Crane Avenue at Station 25+79.93, said point being the northeasterly corner

of Sub Lot 10 in said J. Paton Allotment;

Thence South 89 degrees 16 minutes 01 seconds West a distance of 85.00 along the southerly Right of Way of Union Avenue and the northerly line of said J. Paton Allotment to a point being the north-easterly corner of said Sub Lot 8 and Grantor's northeasterly corner, said point being 5.15 feet left of the centerline of Right of Way of Crane Avenue at Station 25+91.55 and the TRUE POINT OF BEGINNING;

Thence South 00 degrees 24 minutes 49 seconds East a distance of 134.31 feet along Grantor's easterly line, the easterly line of said Sub Lot 8 and the westerly line of Sub Lot 9 in said J. Paton Allotment to a point in Grantor's southerly line being 24.26 feet left of centerline of Right of Way of Crane Avenue at Station 24+58.61 and Grantor's southeasterly corner;

Thence South 89 degrees 20 minutes 05 seconds West a distance of 0.75 feet along Grantor's southerly line to a point in a proposed Right of Way being 25.00 feet left of centerline of Right of Way of Crane Avenue at Station 24+58.71;

Thence North 08 degrees 35 minutes 30 seconds West a distance of 65.87 feet along said proposed Right of Way to a point of curvature being 25.00 feet left of centerline of Right of Way of Crane Avenue at Station 25+24.58;

Thence along said proposed Right of Way, northwesterly; 55.09 feet along the arc of a curve deflecting to the left, having a radius of 80.00 feet, a central angle of 39 degrees 27 minutes 15 seconds, a chord bearing of North 28 degrees 19 minutes 08 seconds West and a chord length of 54.01 feet to a point in Grantor's westerly line and the easterly line of land conveyed to the New York Central Lines, LLC and recorded in AFN Number 200208200163 of Cuyahoga County Records, being 43.23 feet left of centerline of Right of Way of Crane Avenue at Station 25+75.41;

Thence North 07 degrees 33 minutes 26 seconds West a distance of 21.35 feet along Grantor's westerly line and the easterly line of land so conveyed to a point in Grantor's northerly line, the southerly Right of Way of Union Avenue, and the northerly line of said Sub Lot 8, being 42.84 feet left of centerline of Right of Way of Crane Avenue at Station 25+96.76 and Grantor's northwesterly corner;

Thence North 89 degrees 16 minutes 01 seconds East a distance of 38.05 feet along Grantor's northerly line, the southerly Right of Way of Union Avenue and the northerly line of said Sub Lot 8 to the TRUE POINT OF BEGINNING;

The above described area contains 2052 square feet (0.047 acres), more or less, of which the present road occupies 0 square feet (0.000 acres), more or less, which is part of the Cuyahoga County Auditor's Permanent Parcel Number 133-22-019 resulting in a net take of 2052 square feet (0.047 acres), more or less.

Grantor claims title by instrument(s) of record in Volume 83504, Page 005, Cuyahoga County Recorder's Office.

Bearings based on the Cleveland Regional Geodetic Survey (GRGS) Coordinate System using O.M. 0033,

O.M. 0038, O.M. 0195, O.M. 0223, O.M. 0372, and O.M. 0510.

The stations referred to herein are from the centerline of Right of Way as found on the plans known as "Bessemer Avenue Extension Phase IIA" on file with Cuyahoga County.

This description was prepared and reviewed on October 6, 2009 under the supervision of Charles H. Murphy, Registered Professional Surveyor No. 6950.

This description is based on a field survey conducted by DLZ Ohio, Inc., under the direction of Charles H. Murphy, P.S., Ohio Registered Surveyor No. 6950 in November of 2007.

DLZ Ohio, Inc.

Section 2. That the Director of Law is directed to apply to a court of competent jurisdiction to have a jury impaneled to make inquiry into and assess the compensation to be paid for the fee simple interests described above.

Section 3. That Ordinance No. 882-10, passed August 18, 2010 is repealed.

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

Passed April 18, 2011.

Effective April 18, 2011.

Ord. No. 500-11.

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

An emergency ordinance to appropriate easements for the public purpose of widening a public road in connection with extending Bessemer Avenue, located near the southwest corner of East 88th Street and Bessemer Avenue; and to repeal Ordinance No. 883-10, passed August 18, 2010, relating to the Bessemer Avenue extension.

Whereas, the Council of the City of Cleveland, by Resolution No. 724-10, adopted June 7, 2010, declared the necessity and intention of appropriating easements described in this ordinance for the public purpose of widening a public road in connection with extending Bessemer Avenue, located near the southwest corner of East 88th Street and Bessemer Avenue; and

Whereas, notice of the adoption of this resolution has been served on the persons in possession or having an interest in the property; 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 for the public purpose of widening a public road in connection with extending Bessemer Avenue, the following described temporary easements, located near the southwest corner of East 88th Street and Bessemer Avenue, are appropriated:

TEMPORARY EASEMENT PARCEL TO BE CONVEYED TO THE CITY OF CLEVELAND PARCEL 19-T1

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, being part of Original 100 Acre Lot No. 439 and part of Original 100 Acre Lot No. 440, and being more particularly described as follows:

Commencing at the intersection of existing centerline of Right of Way of Bessemer Avenue and the easterly line of said Original 100 Acre Lot No. 439, said point being Grantor's northeasterly corner, said point also being referenced by an iron pin monument at an angle point in the existing centerline of Bessemer Avenue South 89 degrees 39 minutes 46 seconds east a distance of 20.00 feet and being 49.17 feet left of the centerline of Right of Way of Bessemer Avenue at Station 151+77.63

Thence North 89 degrees 39 minutes 46 seconds West a distance of 129.71 feet along the existing centerline of Right of Way of Bessemer Avenue and Grantor's northerly line to a point being Grantor's northwesterly corner, said point also being the northeasterly corner of land conveyed to Bessemer Real Estate Holdings, LLC and recorded in AFN Number 200611030873 Cuyahoga County Records;

Thence South 02 degrees 58 minutes 16 seconds East a distance of 25.04 feet along Grantor's westerly line and the easterly line of land so conveyed to a point in the southerly Right of Way of Bessemer Avenue, said point being 25.00 feet right of the centerline of Right of Way of Bessemer Avenue at Station 150+73.16 and the TRUE POINT OF BEGINNING;

Thence South 89 degrees 39 minutes 46 seconds East a distance of 0.85 feet along the southerly Right of Way of Bessemer Avenue to a point of curvature in a proposed Right of Way 25.00 feet right of centerline of Right of Way of Bessemer Avenue at Station 150+74.19;

Thence along said proposed Right of Way, southeasterly; 167.26 feet along the arc of a curve deflecting to the right, having a radius of 123.24 feet, a central angle of 77 degrees 45 minutes 39 seconds, a chord bearing of South 50 degrees 44 minutes 28 seconds East and a chord length of 154.72 feet to a point of non tangency 20.00 feet right of centerline of Right of Way of Bessemer Avenue at Station 152+73.34;

Thence South 09 degrees 23 minutes 52 seconds East a distance of 49.22 feet along said proposed Right of Way to a point in the westerly Right of Way of Bessemer Avenue, the easterly line of said Original 100 Acre Lot No. 439 and Grantor's easterly line at 20.00 feet right of centerline of Right of Way of Bessemer Avenue at Station 153+22.59;

Thence South 00 degrees 05 minutes 36 seconds East a distance of 162.53 feet along the westerly Right of Way of Bessemer Avenue, the easterly line of said Original 100 Acre Lot No. 439 and Grantor's easterly line to a point of curvature 62.88 feet right of centerline of Right of Way of Bessemer Avenue at Station 154+59.81;

Thence along the westerly Right of Way of Bessemer Avenue and Grantor's easterly line, southeasterly; 98.02 feet along the arc of a

curve deflecting to the left, having a radius of 60.00 feet, a central angle of 93 degrees 36 minutes 00 seconds, a chord bearing of South 46 degrees 53 minutes 36 seconds East and a chord length of 87.48 feet to a point of tangency 59.74 feet right of centerline of Right of Way of Bessemer Avenue at Station 155+21.51;

Thence South 86 degrees 18 minutes 24 seconds West a distance of 63.89 feet to a point 103.14 feet right of centerline of Right of Way of Bessemer Avenue at Station 154+91.42;

Thence South 89 degrees 54 minutes 24 seconds West a distance of 15.00 feet to a point 113.94 feet right of centerline of Right of Way of Bessemer Avenue at Station 154+85.50;

Thence North 00 degrees 05 minutes 36 seconds West a distance of 282.10 feet to a point 25.50 feet right of centerline of Right of Way of Bessemer Avenue at Station 152+63.39;

Thence South 88 degrees 47 minutes 42 seconds West a distance of 14.88 feet to a point 40.00 feet right of centerline of Right of Way of Bessemer Avenue at Station 152+59.00;

Thence North 13 degrees 00 minutes 07 seconds West a distance of 45.11 feet to a point 28.98 feet right of centerline of Right of Way of Bessemer Avenue at Station 152+00.92;

Thence North 66 degrees 38 minutes 46 seconds West a distance of 55.37 feet to a point 42.52 feet right of centerline of Right of Way of Bessemer Avenue at Station 151+28.46;

Thence North 89 degrees 39 minutes 46 seconds West a distance of 36.44 feet to a point in Grantor's westerly line and the easterly line of said land conveyed to Bessemer Real Estate Holdings, LLC at 49.99 feet right of centerline of Right of Way of Bessemer Avenue at Station 150+75.45;

Thence North 02 degrees 58 minutes 16 seconds West a distance of 25.04 feet along Grantor's westerly line to the TRUE POINT OF BEGINNING.

The above described area contains 7362 square feet (0.169 acres), more or less, which is part of the Cuyahoga County Auditor's Permanent Parcel Numbers 127-06-009 and 127-06-007 and contains 6469 square feet (0.148 acres), more or less, in Auditor's Permanent Parcel Number 127-06-009 and 893 square feet (0.021 acres), more or less, in Auditor's Permanent Parcel Number 127-06-007.

Grantor claims title by instrument(s) of record in AFN No. 200701040539 and AFN No. 200701040540, Cuyahoga County Recorder's Office.

Bearings based on the Cleveland Regional Geodetic Survey (GRGS) Coordinate System using O.M. 0033, O.M. 0038, O.M. 0195, O.M. 0223, O.M. 0372, and O.M. 0510.

The stations referred to herein are from the centerline of Right of Way as found on the plans known as "Bessemer Avenue Extension Phase IIA" on file with Cuyahoga County.

This description was prepared and reviewed on October 6, 2009 under the supervision of Charles H. Murphy, Registered Professional Surveyor No. 6950.

This description is based on a field survey conducted by DLZ Ohio, Inc., under the direction of Charles H. Murphy, P.S., Ohio Registered Surveyor No. 6950 in November of 2007.

DLZ Ohio, Inc.

TEMPORARY EASEMENT PARCEL TO BE CONVEYED TO THE CITY OF CLEVELAND PARCEL 19-T2

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and being part of Original 100 Acre Lot No. 440 and being more particularly described as follows:

Commencing at the intersection of existing centerline of Right of Way of Bessemer Avenue and the westerly line of said Original 100 Acre Lot No. 440, said point being Grantor's northeasterly corner, said point being referenced by an iron pin monument at an angle point in the existing centerline of Bessemer Avenue South 89 degrees 39 minutes 46 seconds east a distance of 20.00 feet and being 49.17 feet left of the centerline of Right of Way of Bessemer Avenue at Station 151+77.63

Thence South 00 degrees 05 minutes 36 seconds West a distance of 25.00 feet along the westerly line of said 100 Acre Lot No. 440 and Grantor's easterly line to a point in the easterly Right of Way of Bessemer Avenue, said point being 31.50 feet left of the centerline of Right of Way of Bessemer Avenue at Station 151+91.45;

Thence South 00 degrees 05 minutes 36 seconds West a distance of 308.24 feet along the westerly Right of Way of Bessemer Avenue, the westerly line of said 100 Acre Lot No. 440 and Grantor's easterly line to a point of curvature, said point being 62.88 feet right of the centerline of Right of Way of Bessemer Avenue at Station 154+59.81;

Thence southeasterly along Grantor's easterly line and Bessemer Right of Way 98.02 feet along the arc of a curve deflecting to the left, having a radius of 60.00 feet, a central angle of 93 degrees 36 minutes 00 seconds, a chord bearing of South 46 degrees 53 minutes 36 seconds East and a chord length of 87.48 feet to a point of tangency in the southerly Right of Way of Bessemer Avenue 59.74 feet right of centerline of Right of Way of Bessemer Avenue at Station 155+21.51;

Thence North 86 degrees 18 minutes 24 seconds East a distance of 18.19 feet along Grantor's northerly line and the southerly Right of Way Bessemer Avenue to a point 49.49 feet right of centerline of Right of Way of Bessemer Avenue at Station 155+32.39 and the TRUE POINT OF BEGINNING;

Thence continuing North 86 degrees 18 minutes 24 seconds East a distance of 75.00 feet along Grantor's northerly line and the southerly Right of Way of Bessemer Avenue to a non tangential point of curvature in Grantor's northerly line, also being in the westerly line of land conveyed to the New York Central Lines, LLC and recorded in AFN Number 200208200163 of Cuyahoga County Records, and being 22.29 feet right of centerline of Right of Way of Bessemer Avenue at Station 155+88.81;

Thence along the westerly line of land so conveyed and Grantor's east-

erly line, southeasterly 15.00 feet along the arc of a curve deflecting to the left, having a radius of 5786.50 feet, a central angle of 00 degrees 08 minutes 55 seconds, a chord bearing of South 03 degrees 57 minutes 33 seconds East and a chord length of 15.00 feet to a point of non tangency 37.09 feet right of centerline of Right of Way of Bessemer Avenue at Station 155+90.84;

Thence South 86 degrees 18 minutes 24 seconds West a distance of 75.07 feet to a point 62.35 feet right of centerline of Right of Way of Bessemer Avenue at Station 155+37.95;

Thence North 03 degrees 41 minutes 36 seconds West a distance of 15.00 feet to the TRUE POINT OF BEGINNING.

The above described area contains 1126 square feet (0.026 acres), more or less, which is part of Cuyahoga County Auditor's Permanent Parcel Number 127-06-007.

Grantor claims title by instrument(s) of record in AFN No. 200701040540, Cuyahoga County Recorder's Office.

Bearings based on the Cleveland Regional Geodetic Survey (GRGS) Coordinate System using O.M. 0033, O.M. 0038, O.M. 0195, O.M. 0223, O.M. 0372, and O.M. 0510.

The stations referred to herein are from the centerline of Right of Way as found on the plans known as "Bessemer Avenue Extension Phase IIA" on file with Cuyahoga County.

This description was prepared and reviewed on October 6, 2009 under the supervision of Charles H. Murphy, Registered Professional Surveyor No. 6950.

This description is based on a field survey conducted by DLZ Ohio, Inc., under the direction of Charles H. Murphy, P.S., Ohio Registered Surveyor No. 6950 in November of 2007.

DLZ Ohio, Inc.

Section 2. That for the public purpose of widening a public road in connection with extending Bessemer Avenue, the following described highway easement, located near the southwest corner of East 88th Street and Bessemer Avenue, is appropriated:

EASEMENT FOR HIGHWAY PURPOSES TO BE CONVEYED TO THE CITY OF CLEVELAND PARCEL 19-WD

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and being part of Original 100 Acre Lot No. 439 and being more particularly described as follows:

Beginning at the intersection of existing centerline of Right of Way of Bessemer Avenue and the easterly line of said Original 100 Acre Lot No. 439, said point being Grantor's northeasterly corner, said point also being referenced by an iron pin monument at an angle point in the existing centerline of Bessemer Avenue South 89 degrees 39 minutes 46 seconds east a distance of 20.00 feet and being 49.17 feet left of the centerline of Right of Way of Bessemer Avenue at Station 151+77.63 and the TRUE POINT OF BEGINNING;

Thence South 00 degrees 05 minutes 36 seconds East a distance of 170.71 feet along the easterly line of said 100 Acre Lot No. 100, Grantor's easterly line and the westerly Right

of Way of Bessemer Avenue to a point in a proposed Right of Way, 20.00 feet right of centerline of Right of Way of Bessemer Avenue at Station 153+22.59;

Thence North 09 degrees 23 minutes 52 seconds West a distance of 49.22 feet along said proposed Right of Way to a point of curvature 20.00 feet right of centerline of Right of Way of Bessemer Avenue at Station 152+73.34;

Thence along said proposed Right of Way, northwesterly; 167.26 feet along the arc of a curve deflecting to the left, having a radius of 123.24 feet, a central angle of 77 degrees 45 minutes 39 seconds, a chord bearing of North 50 degrees 44 minutes 28 seconds West and a chord length of 154.72 feet to a point of tangency in the southerly Right of Way of Bessemer Avenue at 25.00 feet right of centerline of Right of Way of Bessemer Avenue at Station 150+74.19;

Thence North 89 degrees 39 minutes 46 seconds West a distance of 0.85 feet along the southerly Right of Way of Bessemer Avenue to a point in Grantor's westerly line, said point being in the easterly line of land conveyed to Bessemer Real Estate Holdings, LLC as recorded in AFN No. 200611030873 of Cuyahoga County Records, being 25.00 feet right of centerline of Right of Way of Bessemer Avenue at Station 150+73.16;

Thence North 02 degrees 58 minutes 16 seconds West a distance of 25.04 feet along the easterly line of land so conveyed and Grantor's westerly line to a point in Grantor's northerly line and the centerline of Right of Way of Bessemer Avenue at Station 150+71.67;

Thence South 89 degrees 39 minutes 46 seconds East a distance of 129.71 feet along the centerline of Right of Way of Bessemer Avenue and Grantor's northerly line to the TRUE POINT OF BEGINNING.

The above described area contains 7123 square feet (0.164 acres), more or less, of which the present road occupies 3227 square feet (0.074 acres), more or less, which is part of the Cuyahoga County Auditor's Permanent Parcel Number 127-06-009 resulting in a net take of 3896 square feet (0.089 acres), more or less.

Grantor claims title by instrument(s) of record in AFN No. 200701040539, Cuyahoga County Recorder's Office.

Bearings based on the Cleveland Regional Geodetic Survey (GRGS) Coordinate System using O.M. 0033, O.M. 0038, O.M. 0195, O.M. 0223, O.M. 0372, and O.M. 0510.

The stations referred to herein are from the centerline of Right of Way as found on the plans known as "Bessemer Avenue Extension Phase IIA" on file with Cuyahoga County.

This description was prepared and reviewed on October 6, 2009 under the supervision of Charles H. Murphy, Registered Professional Surveyor No. 6950.

This description is based on a field survey conducted by DLZ Ohio, Inc., under the direction of Charles H. Murphy, P.S., Ohio Registered Surveyor No. 6950 in November of 2007.

Section 3. That the Director of Law is directed to apply to a court of competent jurisdiction to have a

jury impaneled to make inquiry into and assess the compensation to be paid for the easements described above.

Section 4. That Ordinance No. 883-10, passed August 18, 2010 is 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.

Passed April 18, 2011.
Effective April 18, 2011.

Ord. No. 527-11.

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

An emergency ordinance approving the collective bargaining agreement with the Ohio Patrolmen's Benevolent Association - Chief Dispatchers.

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

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

Section 1. That under division (B) of Section 4117.10 of the Revised Code, this Council approves the collective bargaining agreement with the Ohio Patrolmen's Benevolent Association - Chief Dispatchers, under the terms contained in File No. 527-11-A, for the period from April 1, 2010 through March 31, 2013, and which provides, among other things, for an increase in the salaries and wages for members of the bargaining unit under the following schedule:

<u>Increase</u>	<u>Approximate Date of Increase*</u>
0%	April 1, 2010
0%	April 1, 2011
3%	April 1, 2012

* Wage increases shall be effective as follows:

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

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

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

Passed April 18, 2011.
Effective April 21, 2011.

COUNCIL COMMITTEE MEETINGS

**Monday, April 25, 2011
9:00 a.m.**

Health and Human Services Committee & Legislation Committee: Present in Health: Cimperman, Chair; J. Johnson, Vice Chair; Keane, Zone. *Authorized Absence:* Conwell, Kelley, Reed. Present in Legislation: Mitchell, Chair; Brancatelli, Cimperman, Sweeney. *Authorized Absence:* K. Johnson, Vice Chair; Cleveland, Reed. Pro tempore: J. Johnson, Keane.

11:00 a.m.

Mayor's Appointment Committee: Present: Dow, Chair; Cleveland, Miller, Sweeney. *Authorized Absence:* Kelley.

2:00 p.m.

Public Service Committee, Public Safety Committee & Finance Committee: Present in Service: Miller, Chair; Cleveland, Keane, Polensek,

Pruitt, Sweeney. *Authorized Absence:* Cummins, Vice Chair; Dow, K. Johnson. Pro tempore: Cimperman, J. Johnson. Present in Safety: Conwell, Chair; Polensek, Vice Chair; Brady, Cleveland, Miller, Mitchell, Zone. *Authorized Absence:* Cummins, Dow. Pro tempore: Cimperman, J. Johnson, Sweeney. Present in Finance: Sweeney, Chair; Brady, Brancatelli, Cleveland, Keane, Miller, Mitchell, Polensek, Pruitt, Westbrook. *Authorized Absence:* Kelley, Vice Chair. Pro tempore: Conwell, J. Johnson, Reed.

**Tuesday, April 26, 2011
9:30 a.m.**

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

1:30 p.m.

Sustainability Sub-Committee: Present: Zone, Chair; Westbrook, Vice Chair; J. Johnson, Mitchell. *Authorized Absence:* Cummins.

**Wednesday, April 27, 2011
10:00 a.m.**

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

1:00 p.m.

City Planning (Zoning) Committee: Present: Cleveland, Chair; Westbrook, Vice Chair; Brady, Conwell, Dow, Zone. *Authorized Absence:* Keane. Pro tempore: K. Johnson, Kelley.

1:30 p.m.

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

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