

The City Record

Official Publication of the Council of the City of Cleveland



May the Thirtieth, Two Thousand and Twelve

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

OFFICE OF CAPITAL PROJECTS – Jonmarie Wasik, Director

DIVISIONS:

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

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

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

Frank Badalamenti, Manager, Internal Audit

DIVISIONS:

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

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

DIVISIONS:

Cleveland Public Power – Ivan Henderson, Commissioner
Street Lighting Bureau – _____, Acting Chief
Utilities Fiscal Control – Dennis Nichols, Commissioner
Water – Alex Margevicius, Interim Commissioner
Water Pollution Control – Rachid Zoghbaib, 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, Director, Mural Building, 75 Erieview Plaza

DIVISIONS:

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

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

DIVISIONS:

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

DEPT. OF COMMUNITY DEVELOPMENT – Daryl Rush, Director

DIVISIONS:

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

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

DIVISIONS:

Code Enforcement – Thomas E. Vanover, Commissioner
Construction Permitting – Timothy R. Wolosz, Commissioner

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Judge Courtroom

Presiding and Administrative Judge Ronald B. Adrine – Courtroom 15A
Judge Pinkey S. Carr – Courtroom 12A
Judge Marilyn B. Cassidy – Courtroom 12B
Judge Michelle Denise Earley – Courtroom 12C
Judge Emanuella Groves – Courtroom 14B
Judge Anita Laster Mays – Courtroom 14C
Judge Lauren C. Moore – Courtroom 14A
Judge Charles L. Patton, Jr. – Courtroom 13D
Judge Raymond L. Pianka (Housing Court Judge) – Courtroom 13B
Judge 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

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WEDNESDAY, MAY 30, 2012

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CITY COUNCIL

MONDAY, MAY 28, 2012

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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.

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

OFFICIAL PROCEEDINGS CITY COUNCIL

NO MEETING

THE CALENDAR

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

NONE

BOARD OF CONTROL

May 23, 2012

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, May 23, 2012 at 10:47 a.m. with Interim Director Langhenry presiding.

Present: Interim Director Langhenry, Director Dumas, Acting Director R. Johnson, Directors Smith, Cox, Butler, Acting Directors Gehlmann, Resseger, Directors Fumich, Rybka.

Absent: Mayor Jackson, Directors Southerington, Nichols.

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

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

Jim Hardy, Commissioner, Division of Purchases & Supplies.

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

Resolution No. 224-12.

By Director Withers.

Whereas, under Resolution No. 215-11, adopted May 18, 2011, under the authority of Ordinance No. 1036-07, passed August 8, 2007, the City, through its Director of Public Utilities, entered into City Contract No. PS2011*142 with Paul Bender Consulting ("Consultant") to provide professional services as project manager for the customer care and billing turnaround project, for a fee not to exceed \$360,000.00 per year, as part of the Customer Information System/ Customer Relations Management System project, for the Division of Water, Department of Public Utilities; and

Whereas, the City has determined that it requires additional project management services to continue implementation of the customer care and billing turnaround project being performed by the Black and Veatch Corporation, and, in addition, to assist in implementation of the Automated Meter Reading ("AMR") project, both projects part of the Customer Information System/ Customer Relations Management System project, and the Director of Public Utilities desires to extend the term of Contract No. PS2011*142 for two years to obtain such additional services; and

Whereas, Consultant has offered by its May 1, 2012 proposal ("Revised Proposal") to perform the above-described additional services for an additional two-year period for an additional fee not to exceed \$720,000.00; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland, that the Director of Public Utilities is authorized to enter into a first modification to City Contract No. PS2011*142 with Paul Bender Consulting for additional professional project management services to manage the customer care and billing system turnaround project and to assist in implementation of the AMR project, on the basis of Consultant's May 1, 2012 Revised Proposal, for an additional period up to two (2) years, and increasing the contract amount by not to exceed \$720,000 for a total contract amount not exceeding \$1,080,000. The first modification shall be prepared by the Director of Law and shall include such additional provisions as the Director deems necessary to benefit and protect the public interest.

Yeas: Interim Director Langhenry, Director Dumas, Acting Director R. Johnson, Directors Smith, Cox, Butler, Acting Directors Gehlmann, Resseger, Directors Fumich, Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Southerington, Nichols.

Resolution No. 225-12.

By Director Smith.

Be it resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by EnviroCom Construction, Inc., under City Contract No. PI2012*002 for the public improvement of renovating and upgrading the Federal Services Station Building at Cleveland Hopkins International Airport, authorized by Ordinance No. 273-09, passed by the Council of the City of Cleveland on June 8, 2009 and Board of Control Resolution No. 465-11, adopted September 21, 2011, is approved.

<u>Subconsultant</u>	<u>CSB/MBE/FBE %</u>	<u>Amount</u>
American Air, Inc.	1.55% Non CSB/MBE/FBE	\$25,000.00
Siemens Building Technologies, Inc.	0.49% Non CSB/MBE/FBE	\$ 8,000.00
North Electric, Inc.	0.55% Non CSB/MBE/FBE	\$ 9,000.00
Insulation Specialty Co.	0.18% Non CSB/MBE/FBE	\$ 3,000.00
Northeastern Refrigeration Corporation	0.12% Non CSB/MBE/FBE	\$ 2,000.00
Jey Heating & Cooling, LLC	0.06% Non CSB/MBE/FBE	\$ 1,000.00
Precision Air Balance Co.	0.06% Non CSB/MBE/FBE	\$ 1,000.00
Designer Accents, Inc.	0.21% Non CSB/MBE/FBE	\$ 3,500.00
Action Specialties	0.50% Non CSB/MBE/FBE	\$ 8,100.00
JV Janitorial Services, Inc.	Non CSB/MBE/FBE	To be determined
APG Office Furnishings, Inc.	Non CSB/MBE/FBE	To be determined
Schroeder Plastering, Inc.	Non CSB/MBE/FBE	To be determined
Epic Steel Company	Non CSB/MBE/FBE	To be determined

Yeas: Interim Director Langhenry, Director Dumas, Acting Director R. Johnson, Directors Smith, Cox, Butler, Acting Directors Gehlmann, Resseger, Directors Fumich, Rybka.
Nays: None.
Absent: Mayor Jackson, Directors Southerington, Nichols.

Resolution No. 226-12.

By Director Smith.

Resolved by the Board of Control of the City of Cleveland that the bid of Cleveland Uniform, Inc., for the necessary items of required Aircraft Rescue & Fire Fighting uniforms, Items 1(G) through (I), (Q) through

(T), (FF), (GG), (JJ) through (LL) and (OO) through (AAA), for the various divisions of the Department of Port Control, for a period of one year beginning with the date of execution of a contract, with one one-year option to renew, received on January 19, 2012, under the authority of Section 181.101 of the Codified Ordinances of Cleveland, Ohio 1976, which on the basis of the estimated quantity would amount to \$40,784.76, is affirmed and approved as the lowest and best bid, and the Director of Port Control is requested to enter into a requirement contract for the goods and services necessary, which contract shall provide for an initial order, the cost of which shall be certified to the contract in an amount not less than \$3,000.00.

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

Yeas: Interim Director Langhenry, Director Dumas, Acting Director R. Johnson, Directors Smith, Cox, Butler, Acting Directors Gehlmann, Resseger, Directors Fumich, Rybka.
Nays: None.
Absent: Mayor Jackson, Directors Southerington, Nichols.

Resolution No. 227-12.

By Director Wasik.

Whereas, under authority of Ordinance No. 619-10, passed by the Cleveland City Council on June 7, 2011, this Board of Control, by its Resolution No. 543-11, adopted November 11, 2011, and corrected under Resolution No. 567-11, adopted November 23, 2011, approved Perk Company, Inc. as lowest responsible bidder for the public improvement of reconstructing Fulton Avenue, between Denison Avenue and Clark Avenue, for the Division of Engineering and Construction, Mayor's Office of Capital Projects, in the aggregate amount of \$5,306,789.45; and

Whereas, Resolution 19-12, adopted 1/18/12, approved Perk Company, Inc. to utilize the services of an additional subcontractor; and

Whereas, Perk Company, Inc. wishes to utilize the services of additional subcontractor; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the employment of the following additional subcontractor by Perk Company, Inc. for the aforementioned public improvement contract is approved:

Burton Scot Contractors (Other)
\$311,756.25 — 5.9%

Yeas: Interim Director Langhenry, Director Dumas, Acting Director R. Johnson, Directors Smith, Cox, Butler, Acting Directors Gehlmann, Resseger, Directors Fumich, Rybka.
Nays: None.
Absent: Mayor Jackson, Directors Southerington, Nichols.

Resolution No. 228-12.

By Director Cox.

Whereas, Resolution No. 77-12, adopted by this Board on February 22, 2012, as amended by Resolution

138-12, adopted by this Board on April 4, 2012, under the authority of Ordinance No. 9-12, passed February 6, 2012 by the Cleveland City Council, authorized the Director of Public Works to enter into a contract with Platform Cement, Inc., as the lowest responsible bidder for the public improvement of Cleveland Browns Stadium 2012 Capital Improvements, Base Bid Items A, B, and C and Optional Items #1 and #10, in the aggregate amount of \$5,817,000.00 and approved various subcontractors; and

Whereas, Platform Cement, Inc. has requested the City's consent to substitute and add certain firms as subcontractors and to modify the participation of certain approved subcontractors for the project; and

Whereas, the Director of the Office of Equal Opportunity has determined that Platform Cement, Inc. has made a good-faith effort to maintain and fulfill its bid commitment to MBE/FBE/CSB subcontractor participation in the substitution, addition and modification of subcontractors for the project; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the approval of the employment of various subcontractors to Platform Cement, Inc. in Resolution No. 138-12, adopted April 4, 2012, is amended by deleting "The Dependable Painting Company (CSB/FBE)" as subcontractor and revising the participation amounts attributed to certain approved subcontractors to the following:

<u>SUBCONTRACTORS</u>	<u>AMOUNT</u>	<u>PERCENTAGE</u>
Suburban Maintenance (CSB)	\$823,673.00	14.160%
Frank Novak & Sons (CSB/FBE)	\$538,111.00	9.251%
Danielson, Inc. (other)	\$428,000.00	7.358%
B&B Wrecking (CSB)	\$410,700.00	7.060%

Be it further resolved that all other provisions of Resolution No. 138-12 not expressly amended above shall remain unchanged and in full force and effect.

Yeas: Interim Director Langhenry, Director Dumas, Acting Director R. Johnson, Directors Smith, Cox, Butler, Acting Directors Gehlmann, Resseger, Directors Fumich, Rybka.
Nays: None.
Absent: Mayor Jackson, Directors Southerington, Nichols.

Resolution No. 229-12.

By Director Cox.

Whereas, under Section 131.08 of the Codified Ordinances of Cleveland, Ohio, 1976 (C.O.), Board of Control Resolution No. 161-91, adopted on March 27, 1991, as amended by Resolution No. 36-99, adopted April 1, 1999, Resolution No. 196-02, adopted April 10, 2002, and Resolution No. 113-06, adopted April 5, 2006, establishes rents charged for certain special events; and

Whereas, under Section 131.15 C.O., Board of Control Resolution No. 117-03, adopted February 26, 2003, as

amended by Resolutions No. 407-05, adopted August 3, 2005, and No. 593-05, adopted October 19, 2005, establishes the rental rates to be charged for the Public Auditorium; and

Whereas, the United States Marine Corps ("Marine Corps") through its contracting agent, the Naval Facilities Engineering Command ("NAVFAC"), is planning to conduct a large event in Cleveland from June 10, 2012 through June 17, 2012 ("Marine Week") necessitating the closure of more than 0.5 miles of City streets and using City-owned property, including Public Square, Parcel B, Voinovich Park, and Burke Lakefront Airport, for the use of which Section 131.08 C.O. requires a Special Event Concession Agreement; and,

Whereas, under Section 131.08 C.O., the Board of Control may consider without limitation the following considerations entitling the Marines to an abatement of the rents established under Board of Control Res. No. 161-91, as amended, to conduct Marine Week: (1) the economic impact of the event on the Greater Cleveland economy; (2) the extent to which the special event will preserve the City's recreational use immunity; and (3) the percentage of the special event gross revenues which will accrue to an organization qualifying under Section 501 (c)(3) of the Internal Revenue Code; and,

Whereas, the City anticipates Marine Week will have a significant economic impact on the local economy as reflected in sales, parking occupancy, and transient occupancy taxes paid by the 100,000 people expected to attend the closing weekend events alone; and,

Whereas, because Marine Week is free and open to the public it will preserve the recreational use immunity granted to the City as a landowner under Section 1533.181 of the Revised Code, and neither the Marine Corps nor the Department of the Navy will derive any gross revenues from conduct of the event; and,

Whereas, notwithstanding that the Marine Corps, as part of the United States Department of the Navy, is not a Section 501 (c)(3) charity, like a charity, it is exempt from taxation so that any gross revenues the Marine Corps would have derived from Marine Week would accrue to a nonprofit governmental agency for governmental purposes; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland, that for the conduct of Marine Week in Cleveland from June 10, 2012 through June 17, 2012, the Marine Corps is entitled to an abatement of all applicable rentals established or set by the Board of Control resolutions respectively cited above for: a. conduct of certain special events under Section 131.08 C.O.; and b. use of the Public Auditorium building under Section 131.15 C.O., and the Director of Public Works, with the prior consent of the Director of Port Control, is authorized to enter into a Special Event Concession Agreement with the Marine Corps, through NAVFAC, to conduct Marine Week on the above-mentioned dates.

Be it further resolved, that the above-cited Board of Control resolutions or others, adopted under various sections of the Codified Ordina-

nances, establishing or setting City services recovery and equipment use costs applicable to the conduct of an event such as Marine Week are amended to provide that for the conduct of Marine Week in Cleveland from June 10, 2012 through June 17, 2012 only, the Marine Corps is exempt from, and shall not be required to pay or reimburse the City for, costs incurred for services or equipment provided by the Department of Public Works, the Department of Port Control or other City departments.

Yeas: Interim Director Langhenry, Director Dumas, Acting Director R. Johnson, Directors Smith, Cox, Butler, Acting Directors Gehlmann, Resseger, Directors Fumich, Rybka.

Nays: None.
Absent: Mayor Jackson, Directors Southerington, Nichols.

Resolution No. 230-12.

By Director Cox.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of SONA Construction LLC for the public improvement of Harvard Yards Service Facility Building Two Roof Replacement, for Bid Package A, Base Bid Items A and B, and Optional Item 1, for the Division of Architecture and Site Development, Department of Public Works, received on March 28, 2012, under the authority of Ordinance No. 1724-09, passed on February 8, 2010, upon a gross price basis for the improvement in the aggregate amount of \$269,000.00, 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 subcontractor by SONA Construction LLC for the aforementioned public improvement is approved:

<u>SUBCONTRACTOR</u>	<u>AMOUNT PERCENTAGE</u>
M. Rivera Construction (CSB/MBE)	\$25,000.00 9.294%

Yeas: Interim Director Langhenry, Director Dumas, Acting Director R. Johnson, Directors Smith, Cox, Butler, Acting Directors Gehlmann, Resseger, Directors Fumich, Rybka.

Nays: None.
Absent: Mayor Jackson, Directors Southerington, Nichols.

Resolution No. 231-12.

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 132-08-070 located at 3656 East 65th Street in Ward 14; and

Whereas, Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have been met, to sell Land Reutilization Program parcels; and

Whereas, Sarah A. Smith has proposed to the City to purchase and develop the parcel for a parking lot; and

Whereas, the following conditions exist:

1. The member of Council from Ward 14 has consented to the proposed sale;

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland, with Sarah A. Smith for the sale and development of Permanent Parcel No. 132-08-070 located at 3656 East 65th Street, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

Yeas: Interim Director Langhenry, Director Dumas, Acting Director R. Johnson, Directors Smith, Cox, Butler, Acting Directors Gehlmann, Resseger, Directors Fumich, Rybka.

Nays: None.
Absent: Mayor Jackson, Directors Southerington, Nichols.

Resolution No. 232-12.

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 106-15-089 located at 1720 East 70th Street in Ward 7; and

Whereas, Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have been met, to sell Land Reutilization Program parcels; and

Whereas, Clara M. Gardner has proposed to the City to purchase and develop the parcel for Yard Expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 7 has consented to the proposed sale;

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland, with Clara M. Gardner for the sale and development of Per-

manent Parcel No. 106-15-089 located at 1720 East 70th Street, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

Yeas: Interim Director Langhenry, Director Dumas, Acting Director R. Johnson, Directors Smith, Cox, Butler, Acting Directors Gehlmann, Resseger, Directors Fumich, Rybka.
Nays: None.

Absent: Mayor Jackson, Directors Southerington, Nichols.

Resolution No. 233-12.

By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 120-08-002 located at 1399 East 110th Street in Ward 9; and

Whereas, Section 183.021 of the Codified Ordinances of Cleveland, Ohio 1976 authorizes the Commissioner of Purchases and Supplies, when directed by the Director of Community Development and when certain specified conditions have been met, to sell Land Reutilization Program parcels; and

Whereas, Cleveland Housing Network has proposed to the City to purchase and develop the parcel for Yard Expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 9 has consented to the proposed sale;

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland, with Cleveland Housing Network for the sale and development of Permanent Parcel No. 120-08-002 located at 1399 East 110th Street, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

Yeas: Interim Director Langhenry, Director Dumas, Acting Director R. Johnson, Directors Smith, Cox, Butler, Acting Directors Gehlmann, Resseger, Directors Fumich, Rybka.
Nays: None.

Absent: Mayor Jackson, Directors Southerington, Nichols.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

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

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

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

ROBERT BENNETT,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, JUNE 11, 2012

9:30 A.M.

Calendar No. 12-84: 2102 Freeman Avenue (Ward 3)

Jeff Eisenberg, owner, appeals to add live entertainment (amusement use) and an outdoor patio to an existing tavern on a 40' x 44' parcel located in a C3 Semi-Industry District; contrary to Section 349.04(e) no parking is proposed and the equivalent of three times the gross floor area, an off-street parking area of 3,270 square feet, is required; and subject to Section 349.02 in all use districts, existing off-street parking facilities shall not voluntarily be reduced below the requirements in Chapter 349; and under the provisions of Section 359.01 a previously permitted, non-conforming use may be continued but no enlargement or expansion shall be permitted except as a variance pursuant to the Cleveland Codified Ordinances.

Calendar No. 12-85: 4030 East 131st Street (Ward 2)

Two Great Lake, Inc., owner, appeals to erect a motor vehicle service station and retail store on a 125.60' x 127' corner parcel located in a C1 Local Retail Business District; subject to the limitations under Section 343.01(b) the proposed service station is not permitted and first allowed in a General Retail District in accordance with the regulations in Section 343.14 that pro-

hibit location of a motor vehicle service station, service garage or car wash to be less than 100 feet from a Residence District, unless a solid board-on-board fence or brick or stone wall at least six feet in height is placed along any property line abutting a Residence District and in addition to any otherwise required landscaping. There is no landscaping plan provided contrary to Sections 352.08-12 and the requirement for a landscaped transition strip 10 feet wide providing 75% year round opacity where the property abuts a residential district and a landscaped frontage strip 4 feet wide where the property abuts the street; and in accordance with Sections 343.18(c) and (d), driveways must be at least 15 feet from property lines and may not exceed a maximum width of 30 feet.

Calendar No. 12-86: 1724 Clark Avenue (Ward 14)

Scranton Road Bible Church, owner, appeals to construct a temporary parking lot on a 50' x 140' parcel located in a C1 Multi-Family District and in the provisions of Section 349.13(c)(d) the Board of Zoning Appeals may permit, temporarily or permanently, use of land in a Residence District for a parking lot when the best interests of the community will be served; and contrary to Section 349.07(a) no details/plans of an alternative paving system are provided for accessory off-street parking spaces, driveways and maneuvering areas that are required to be properly graded for drainage so that all water is drained within the lot providing such parking spaces, surfaced with concrete, asphaltic concrete, asphalt or other surfacing material approved by the Director of Building and Housing, maintained in good condition and free of debris and trash. In accordance with Section 349.08, a parking lot in a Residence District shall be screened from adjoining lots by an opaque wall, a fence of fire-resistant material or a strip of land at least four feet wide and densely planted with shrubs that form a dense screen year-round; and landscaped strips shall be separated by curbing and a frontage landscaped strip six feet wide is required along Starkweather Avenue according to Sections 352.05(g) and 352.08-11 respectively and under the restrictions of Section 357.14 parking of motor vehicles within the front yard building line setback is prohibited according to the Cleveland Codified Ordinances.

Calendar No. 12-87: 2162 West 5th Street (Ward 3)

Jason Sotka, owner, appeals to change a one family dwelling to a two family dwelling located on a 25' x 100' parcel in a B1 Multi-Family District; contrary to Section 355.04 and the maximum gross floor area limitation, there is 668 square feet provided and 950 square feet is required; and interior side yards of 1 and 4 feet are provided contrary to the requirement for 8 feet in accordance with Section 357.09C in the Cleveland Codified Ordinances.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

TUESDAY, MAY 29, 2012

At the meeting of the Board of Zoning Appeals on Tuesday, May 29, 2012, the following appeals were heard by the Board.

The following appeals were **APPROVED**:

Calendar No. 12-76: 2632 East 128th Street
Mike Majorczyk appealed to change an existing two dwelling residence to a three dwelling residence in a B1 Two-Family District.

Calendar No. 12-79: 5709 Bridge Avenue
Case Development LLC appealed to construct a building with six (6) townhomes on consolidated parcels in a B1 Two-Family District.

Calendar No. 12-80: 6202-6206 Pear Avenue
Joshua Klein and Sasha Ottoson-Deal appealed to keep four (4) goats for up to 30 days on a vacant lot in a B1 Two-Family District.

Calendar No. 12-24: 3662 West 65th Street
Sarah Smith appealed to change use of a mixed use building to a restaurant in a Local Retail Business District.

The following appeals were **WITHDRAWN**:

None.

The following appeal was **DISMISSED**:

Calendar No. 12-77: Mobile Food Shop 1111 East 9th Street
Maria Konstantinou appealed from being denied an application for a Mobile Food Shop.

The following appeal was **POSTPONED**:

Calendar No. 12-75: 3806 East 55th Street postponed to June 25, 2012.

Calendar No. 12-54: 6607 Park Avenue postponed to June 25, 2012.

The following appeals heard by the Board on May 21, 2012 were adopted and approved on May 29, 2012.

The following appeals were **APPROVED**:

Calendar No. 12-71: 18921 Fairville Avenue
Jeremy and Aubrey Hostetler appealed to erect an in-ground swimming pool and pool shed enclosed by a 6 feet high solid wooden fence on an irregular shaped corner parcel in an A1 One-Family District.

Calendar No. 12-74: 6309 Central Avenue
KFH Realty and Henderson Fabricating appealed to construct a parking lot on consolidated parcels in C1 Local Retail Business and C1 Multi-Family Districts; subject to

conditions.

Calendar No. 12-23: 4415-17 Detroit Avenue
Allyn W. Soper appealed to change use from a store and one dwelling unit to a store and two dwelling units in a Semi-Industry District.

The following appeal was **DENIED**:

Calendar No. 12-69: 10606 Reno Avenue
Union Miles Homes Ltd., owner, and Ivy Willis, tenant, appealed to establish a Type A day care use in a single family dwelling in a B1 Two-Family District.

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of May 23, 2012

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

* * *

Docket A-369-11.

RE: Appeal of Mary Ferrell, Owner of the One Dwelling Unit Single-Family Residence One & One-half Story Frame Property, located on the premises known as 2200 East 85th Street, from a VACATE & CONDEMNATION ORDER — MAIN STRUCTURE, dated November 2, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

No action this date; the docket will be rescheduled after the Department of Building and Housing re-inspects the property.

* * *

Docket A-370-11.

RE: Appeal of James Myers or Fonda Myers, Owners of the One Dwelling Unit Single-Family Residence One & One-half Story Frame Property located on the premises known as 6532 Forman Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated October 25, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the Condemnation Order was properly issued and that the condition of the property warrants it to be REMANDED at this time to the Department of Building and Housing for supervision and any required further action, noting that the property is open and vacant. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

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

Docket A-371-11.

RE: Appeal of Scott E. Murray As Trustee, Owner of the Three Dwelling Units Three-Family Residence Two Story Frame Property located on the premises known as 15257 Saranac Road from a CONDEMNATION ORDER — MAIN STRUCTURES, dated October 28, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the Condemnation Order was properly issued, the property has been extensively damaged, the Appellant had done nothing to improve it according to testimony presented; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Maschke.

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

* * *

Docket A-372-11.

RE: Appeal of Pedro Arroyo, Owner of the One Dwelling Unit Single-Family Residence One Story Garage - Detached; Wood Frame Property located on the premises known as 4314 Memphis Avenue from a NOTICE OF VIOLATION — NO PERMIT, dated October 20, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-372-11 has been WITHDRAWN at the request of the Appellant.

* * *

Docket A-373-11.

RE: Appeal of Charles Belsito, Owner of the MXD Uses - Multiple Uses In One Building Two Story Frame Property located on the premises known as 9714 Madison Avenue from a NOTICE OF VIOLATION — FIRE DAMAGE, dated November 3, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-373-11 has been WITHDRAWN at the request of the Appellant.

* * *

Docket A-375-11.

RE: Appeal of Calvert Thomas, Owner of the One Dwelling Unit Single-Family Residence Two Story Frame and One Story Garage - Detached; Wood Frame Property located on the premises known as 11912 Minor Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated November 29, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant two (2) weeks to obtain

the required permits and abate the violations on the garage, and two (2) months in which to complete abatement of the other violations on the property; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Maschke.

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

* * *

Docket A-376-11.

RE: Appeal of George Zaboura, Owner of the M Mercantile - Retail Shops, Carry-out Food Shops One Story Masonry Property located on the premises known as 3154 West 14th Street from a NOTICE OF VIOLATION - EXTERIOR MAINTENANCE, dated November 14, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-376-11 has been WITHDRAWN at the request of the Appellant.

* * *

Docket A-381-11.

RE: Appeal of Wanda Arroyo, Owner of the One Dwelling Unit Single-Family Residence Two & One/half Story Frame and S-2 Storage - Low Hazard (Non-combustibles) One Story Garage - Detached; Wood Frame Property located on the premises known as 3905 Carlyle Avenue from a NOTICE OF VIOLATION - EXTERIOR MAINTENANCE and CONDEMNATION ORDER - GARAGE, dated November 17, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-381-11 has been WITHDRAWN at the request of the Appellant.

* * *

Docket A-382-11.

RE: Appeal of Bernadine Gusley, Owner of the F-2 Factory - Low Hazard (Non-Combustibles) One Story Metal Frame Property located on the premises known as 6609 Park Avenue from a NOTICE OF VIOLATION - UNAUTHORIZED/ILLEGAL USE, dated November 10, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-382-11 has been WITHDRAWN at the request of the Appellant.

* * *

Docket A-383-11.

RE: Appeal of Patrick Whalen, Owner of the One Dwelling Unit Single-Family Residence Two & One/half Story Frame Property located on the premises known as 6014 Madison Avenue from a NOTICE OF VIOLATION - EXTERIOR MAINTENANCE, dated December 5, 2011 of the Director of the Department of Building and

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

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

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

* * *

Docket A-384-11.

RE: Appeal of Nicolae Manu, Owner of the MXD Mixed Uses - Multiple Uses In One Building One Story Metal Frame Property located on the premises known as 1295 West 78th Street from a CONDEMNATION ORDER - MAIN STRUCTURE, dated November 14, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant two (2) weeks in which to obtain permits and two (2) months in which to complete abatement of the violations; failure to meet either dates will result in the REMANDING the property immediately to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

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

* * *

Docket A-386-11.

RE: Appeal of John Stephens, Owner of the Three Dwelling Units Three-Family Residence Two & One/half Story Frame Property located on the premises known as 3215 West 100th Street from a NOTICE OF VIOLATION - INTERIOR MAINTENANCE, dated November 15, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

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

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

* * *

Docket A-388-11.

RE: Appeal of Angela Bowers, Owner of the One Dwelling Unit Single-Family Residence One Story Frame Property located on the premises known as 3952 East 189th Street from a NOTICE OF VIOLATION - NO PERMIT, dated October 28, 2011 of the Director of the

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

Docket A-388-11 has been WITHDRAWN at the request of the Appellant.

* * *

Docket A-391-11.

RE: Appeal of 3160 West 33rd Street LLC, Owner of the Property located on the premises known as 3160 West 33rd Street from a NOTICE OF VIOLATION - FIRE CODE, dated November 25, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-391-11 has been POSTPONED; to be rescheduled for June 20, 2012.

* * *

Docket A-35-12.

RE: Appeal of Aaron Bishop, Owner of the Residential Property located on the premises known as 9406 Orleans Avenue from a LIMITATION ON THE PERMIT, dated February 22, 2012 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-35-12 has been POSTPONED; to be rescheduled for June 6, 2012.

* * *

Docket A-105-12.

RE: Appeal of The Nehemiah Mission C/O James F. Szakacs, application for Contractor Registration was denied due to the failure to provide a contractor's bond form and a Certificate of Insurance form as stated in the form and pursuant to the following portions of the Cleveland Building Code.

BE IT RESOLVED, a motion is in order at this time to permit The Volunteers of the Nehemiah Mission - a non-profit organization - to be recognized, as well as the homeowner they represent, to obtain a homeowner's permit for work being performed on the homeowner's property under the rules and regulations presented in the code, and that for every permit obtained with The Volunteers of the Nehemiah Mission, a copy of this resolution with the BBS Docket Number (A-105-12), is to be included with the permit. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

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

* * *

APPROVAL OF RESOLUTIONS:

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

- A-301-11 - Storer Meat Co., Inc.
- A-350-11 - Anthony Oakland

A-354-11 — Dennis J. & Tanal O'Donnell
A-360-11 — Rose Abadi
A-361-11 — WRRS, LLC

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

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

A-326-11 — Ray Metts
A-345-11 — Jeri M. Napue
A-356-11 — Rainy Day Real Estate
A-359-11 — Charles Rudolph
A-72-12 — Gail Halfacre & Andrew Halfacre

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

* * *

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

A-328-11 — Delano Corday Miller
A-331-11 — Victor M. Gill
A-344-11 — Brandon Gregg
A-377-11 — Sedric Thomas

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

* * *

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

A-343-11 — Denise Houston
A-347-11 — Robert Metz
A-362-11 — David Gundic
A-363-11 — Tyrone & Yolanda Daniels
A-364-11 — Shaker Holding Co.
A-94-12 — Verizon Wireless

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

* * *

APPROVAL OF MINUTES:

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

May 9, 2012

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

* * *

JOSEPH F. DENK
Chairman

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

WEDNESDAY, JUNE 13, 2012

File No. 67-12 — 4th District Police Office Memorial, for the Division of Architecture and Site Development, Department of Public Works, as authorized by Ordinance No. 1513-05, passed by the Council of the City of Cleveland, October 17, 2005.

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

CASH AND NO CREDIT CARDS WILL BE ACCEPTED TO PURCHASE PLANS) THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, MAY 31, 2012 AT 10:00 A.M. THE DIVISION OF ARCHITECTURE AND SITE DEVELOPMENT, CONFERENCE ROOM, ROOM 517A, 601 LAKE-SIDE AVENUE, CLEVELAND, OHIO 44114.

May 23, 2012 and May 30, 2012

FRIDAY, JUNE 15, 2012

File No. 71-12 — Labor and Materials to Perform Maintenance on City Communications Towers, for the Office of Radio Communications, 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** MONDAY, JUNE 4, 2012 AT 10:00 A.M. THE DIVISION OF WATER, 4600 HARVARD AVENUE, RADIO SERVICE CENTER, CUYAHOGA HEIGHTS, OHIO 44105.

May 23, 2012 and May 30, 2012

WEDNESDAY, JUNE 20, 2012

File No. 70-12 — Valves and Appurtenances Groups A-D, 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, MAY 31, 2012 AT 10:30 A.M. THE DIVISION OF WATER, DISTRIBUTION AND MAINTENANCE, 4600 HARVARD AVENUE, PIPE REPAIR CONFERENCE ROOM, NEWBURGH HEIGHTS, OHIO 44105.

File No. 69-12 — Labor and Materials to Refurbish the Supervisory Control and Data Acquisition System SCADA and the Plant Computer Control Systems (PCCS) Part Two, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 629-11, passed by the Council of the City of Cleveland, June 6, 2011.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, MAY 31, 2012 AT 10:00 A.M. THE CARL B. STOKES PUBLIC UTILITIES BUILDING, 4TH FLOOR ATRIUM CONFERENCE ROOM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

May 23, 2012 and May 30, 2012

THURSDAY, JUNE 21, 2012

File No. 66-12 — Uniform Clothing Supplies 2013, for the Division of Police, Department of Public Safety, as authorized by Section 135.06 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** TUESDAY, JUNE 5, 2012 AT 10:00 A.M. THE JUSTICE CENTER, 1300 ONTARIO STREET, 8TH FLOOR, CLEVELAND, OHIO 44113.

File No. 68-12 — Transfer and Disposal of Tires – Contract “T”, for the Division of Waste Collection and Disposal, Department of Public Works, as authorized by Ordinance No. 140-12, passed by the Council of the City of Cleveland, April 9, 2012.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** WEDNESDAY, JUNE 6, 2012 AT 11:00 A.M. THE DIVISION OF WASTE COLLECTION AND DISPOSAL, 5600 CARNEGIE AVENUE, CLEVELAND, OHIO 44103.

May 23, 2012 and May 30, 2012

FRIDAY, JUNE 22, 2012

File No. 72-12 — Gas Chromatography/Mass Spectrometry (GC/MS) System, for the Division of Police, Department of Public Safety, as authorized by Ordinance No. 810-10, passed by the Council of the City of Cleveland, July 14, 2010.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, JUNE 7, 2012 AT 10:00 A.M. THE JUSTICE CENTER, 1300 ONTARIO STREET, 8TH FLOOR BUDGET UNIT, CLEVELAND, OHIO 44113.

May 30, 2012 and June 6, 2012

WEDNESDAY, JUNE 27, 2012

File No. 73-12 — Trailer Mounted Air Compressors, for the Division of Motor Vehicle Maintenance, Department of Public Works, as authorized by Ordinance Nos. 1602-10, 902-07 and 943-11, passed by the Council of the City of Cleveland, December 10, 2010, December 6, 2010 and July 20, 2011, respectively.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, JUNE 8, 2012 AT 10:00 A.M. THE DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105

File No. 74-12 — Purchase of Radiator, Heater Core Air Charged Coolers and Tank Repair and/or Replacement, 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** FRIDAY, JUNE 8, 2012 AT 10:30 A.M. THE DIVISION OF MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

May 30, 2012 and June 6, 2012

THURSDAY, JUNE 28, 2012

File No. 75-12 — Streetlighting Materials, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Section 129.26 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, JUNE 8, 2012 AT 10:30 A.M. THE TOM L. JOHNSON, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

May 30, 2012 and June 6, 2012

FRIDAY, JUNE 29, 2012

File No. 76-12 — Grinding of Pavement, for the Division of Streets, Department of Public Works, as authorized by Ordinance pending. THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, JUNE 15, 2012 AT 9:30 A.M. THE DIVISION OF STREETS, 601 LAKESIDE AVENUE, CONFERENCE ROOM 25, CLEVELAND, OHIO 44114.

File No. 77-12 — Purchase of Labor and Materials to Refurbish and Repair Electric Motors, Controls and Appurtenances, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 248-12, passed by the Council of the City of Cleveland, April 9, 2012.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, JUNE 7, 2012 AT 2:30 P.M. THE CARL B. STOKES PUBLIC UTILITIES BUILDING, 4TH FLOOR ATRIUM CONFERENCE ROOM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

May 30, 2012 and June 6, 2012

ADOPTED RESOLUTIONS AND ORDINANCES

Ord. No. 12-12.
By Council Members Pruitt, Zone, Polensek, Brady, Conwell, Brancatelli and Cummins.

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 603.092, relating to tethering animals.

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

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

Section 1. That the Codified Ordinances of Cleveland, Ohio 1976 are supplemented by enacting new Section 603.092 to read as follows:

603.092 Tethering Animals

(a) No person shall tether an animal in any of the following circumstances:

(1) For more than 6 hours total in a 24-hour period and not more than 2 consecutive hours with no less than a one-hour period between tetherings;

(2) Between the hours of 10:00 p.m. and 6:00 a.m.;

(3) If a heat or cold advisory has been issued by a local or state authority or the National Weather Service;

(4) If a severe weather warning has been issued by a local or state authority or the National Weather Service;

(5) If the tether is less than 20 feet in length;

(6) If the tether allows the animal to touch the fence or cross the property line or cross onto public property;

(7) If the tether is attached by means of a pinch-type, prong-type, or choke-type collar or if the collar is unsafe or is not properly fitted;

(8) If the tether may cause injury or entanglement;

(9) If the animal is not provided with its needs as identified in division (b) of Section 603.091;

(10) If the tether is made of a material that is unsuitable for the animal's size and weight or that causes any unnecessary discomfort to the animal;

(11) If no owner or occupant is present at the premises.

(b) As used in this section, "tether" means a rope, chain, cord, dog run or pulley, or similar restraint for holding an animal in place, allowing a radius in which it can move about.

(c) Whoever violates this section is guilty of a minor misdemeanor on the first offense, a misdemeanor of the fourth degree on the second offense, and a misdemeanor of the first degree on the third or any subsequent offense. Notwithstanding the foregoing penalties, if an animal becomes sick or injured as a result of a violation of this section, then whoever violates this section is guilty of a misdemeanor of the first degree.

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

Passed May 21, 2012.

Effective May 25, 2012.

Ord. No. 208-12.
By Council Members Conwell, Mitchell and Sweeney (by departmental request).

An emergency ordinance to amend Section 413.031 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 281-09, passed March 9, 2009, relating to the use of automated cameras to impose civil penalties upon red light and speeding violators.

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 413.031 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 281-09, passed March 9, 2009, is amended to read as follows:

Section 413.031 Use of Automated Cameras to Impose Civil Penalties upon Red Light and Speeding Violators

(a) *Civil Enforcement System Established.* The City of Cleveland hereby adopts a civil enforcement system for red light and speeding offenders photographed by means of an "automated traffic enforcement camera system" as defined in division (p). This civil enforcement system imposes monetary liability on the "owner" of a vehicle as defined in division (p) for failure of an operator to stop at a traffic signal displaying a steady red light indication or for the failure of an operator to comply with a speed limitation.

(b) *Red Light Offense - Liability Imposed.* The owner of a vehicle shall be liable for the penalty imposed under this section if the vehicle crosses a marked stop line or the intersection plane at a system location when the traffic signal for that vehicle's direction is emitting a steady red light.

(c) *Speeding Offense - Liability Imposed.* The owner of a vehicle shall be liable for the penalty imposed under this section if the vehicle is operated at a speed in excess of the limitations set forth in Section 433.03.

(d) *Liability Does Not Constitute a Conviction.* The imposition of liability under this section shall not be deemed a conviction for any purpose and shall not be made part of the operating record of any person on whom the liability is imposed.

(e) *Other Offenses and Penalties Not Abrogated.* Nothing in this section shall be construed as altering or limiting Sections 433.03 or 413.03 of these Codified Ordinances, the criminal penalties imposed by those sections, or the ability of a police officer to enforce those sections against any offender observed by the officer violating either of those sections. Nothing in this section shall be construed to limit the liability of an operator of a vehicle for any violation of division (b) or (c) of this section.

(f) *Selection of Camera Sites.* The selection of the sites where automated cameras are placed and the enforcement of this ordinance shall be made on the basis of sound professional traffic engineering and law enforcement judgments. Automated cameras shall not be placed at any site where the speed restrictions or the timing of the traffic signal fail to conform to sound professional traffic engineering principles.

(g) *Locations.* The following are the locations for the Automated Traffic Enforcement Camera System:

Locations

Shaker Boulevard at Shaker Square
 Chester Avenue at Euclid Avenue
 West Boulevard at North Marginal Road
 Shaker Boulevard at East 116th Street
 West Boulevard at I-90 Ramp
 Chester Avenue at East 71st Street
 East 55th Street at Carnegie Avenue
 Woodland Avenue in the 4500 to 4700 block
 East 131st Street at Harvard Avenue
 Carnegie Avenue at East 30th Street
 Cedar Avenue at Murray Hill Road
 Grayton Road at I-480 Ramp
 Euclid Avenue at Mayfield Road
 Warren Road at I-90 Ramp
 Prospect Avenue at East 40th Street
 East 116th Street at Union Avenue
 Pearl Road at Biddulph Road

Carnegie Avenue at East 100th Street

Carnegie Avenue at Martin Luther King Jr. Drive

Memphis Avenue at Fulton Road
 Lakeshore Boulevard at East 159th Street

St. Clair Avenue at London Road
 Clifton Boulevard between West 110th Street and West 104th Street

Chester Avenue between East 55th Street and East 40th Street

Woodland Avenue between East 66th Street and East 71st Street

West Boulevard between I-90 Ramp and Madison Avenue

Lee Road between Tarkington Avenue and I-480 Ramp

I-90 and West 41st Street
 I-90 and West 44th Street

The Director of Public Safety shall cause the general public to be notified by means of a press release issued at least thirty days before any given camera is made fully-operational and is used to issue tickets to offenders. Before a given camera issues actual tickets, there shall be a period of at least two weeks, which may run concurrently with the 30-day public-notice period, during which only "warning" notices shall be issued.

At each site of a red light or fixed speed camera, the Director of Public Works shall cause signs to be posted to apprise ordinarily observant motorists that they are approaching an area where an automated camera is monitoring for red light or speed violators. Mobile speed units shall be plainly marked vehicles.

(h) *Notices of Liability.* Any ticket for an automated red light or speeding system violation under this section shall:

(1) Be reviewed by a Cleveland police officer;

(2) Be forwarded by first-class mail or personal service to the vehicle's registered owner's address as given on the state's motor vehicle registration, and

(3) Clearly state the manner in which the violation may be appealed.

(i) *Penalties.* Any violation of division (b) or division (c) of this section shall be deemed a noncriminal violation for which a civil penalty shall be assessed and for which no points authorized by RC 4507.021 ("Point system for license suspension") shall be assigned to the owner or driver of the vehicle.

(j) *Ticket Evaluation, Public Service, and Appeals.* The program shall include a fair and sound ticket-evaluation process that includes review by the vendor and a police officer, a strong customer-service commitment, and an appeals process that accords due process to the ticket respondent and that conforms to the requirements of the Ohio Revised Code.

(k) *Appeals.* A notice of appeal shall be filed with the Hearing Officer within twenty-one (21) days from the date listed on the ticket. The failure to give notice of appeal or pay the civil penalty within this time period shall constitute a waiver of the right to contest the ticket and shall be considered an admission.

Appeals shall be heard by the Parking Violations Bureau through an administrative process established by the Clerk of the Cleveland Municipal Court. At hearings, the strict rules of evidence applicable to courts of law shall not apply. The contents of the ticket shall constitute a prima facie

evidence of the facts it contains. Liability may be found by the hearing examiner based upon a preponderance of the evidence. If a finding of liability is appealed, the record of the case shall include the order of the Parking Violations Bureau, the Ticket, other evidence submitted by the respondent or the City of Cleveland, and a transcript or record of the hearing, in a written or electronic form acceptable to the court to which the case is appealed.

Liability shall not be found where the evidence shows that the automated camera captured an event is not an offense, including each of the following events and such others as may be established by rules and regulations issued by the Director of Public Safety under the authority of division (n) of this section:

(1) The motorist stops in time to avoid violating a red light indication;

(2) The motorist proceeds through a red light indication as part of funeral procession;

(3) The motorist is operating a City-owned emergency vehicle with its emergency lights activated and proceeds through a red light indication or exceeds the posted speed limitation;

(4) The motorist is directed by a police officer on the scene contrary to the traffic signal indication.

Liability shall also be excused if a vehicle is observed committing an offense where the vehicle was stolen prior to the offense and the owner has filed a police report.

The Director of Public Safety, in coordination with the Parking Violations Bureau, shall establish a process by which a vehicle owner who was not the driver at the time of the alleged offense may, by affidavit, name the person who the owner believes was driving the vehicle at the time. Upon receipt of such an affidavit timely submitted to the Parking Violations Bureau, the Bureau shall suspend further action against the owner of the vehicle and instead direct notices and collection efforts to the person identified in the affidavit. If the person named in the affidavit, when notified, denies being the driver or denies liability, then the Parking Violations Bureau shall resume the notice and collection process against the vehicle owner, the same as if no affidavit had been submitted, and if the violation is found to have been committed by a preponderance of evidence, the owner shall be liable for any penalties imposed for the offense.

A decision in favor of the City of Cleveland may be enforced by means of a civil action or any other means provided by the Ohio Revised Code.

(l) *Evidence of Operation.* It is prima facie evidence that the person registered as the owner of the vehicle with the Ohio Bureau of Motor Vehicles, or with any other State vehicle registration office, or in the case of a leased or rented vehicle, the "lessee" as defined in division (p), was operating the vehicle at the time of the offenses set out in divisions (b) and (c) of this section.

(m) *Program Oversight.* The Director of Public Safety shall oversee the program authorized by this section. The Director of Public Works shall oversee the installation and maintenance of all automated cameras. An encroachment permit shall be authorized in the legislation in which locations are selected.

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

(o) *Establishment of Penalty.* The penalty imposed for a violation of division (b) or (c) of this section shall be follows:

413.031(b)	
All violations	\$100.00
13.031(c)	
Up to 24 mph over the speed limit:	\$100.00
25 mph or more over the speed limit:	\$200.00
Any violation of a school or construction zone speed limit:	\$200.00

Late penalties: for both offenses, if the penalty is not paid within 20 days from the date of mailing of the ticket to the offender, an additional \$20.00 shall be imposed, and if not paid with 40 days from that date, another \$40.00 shall be imposed, for a total additional penalty in such a case of \$60.00.

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

(1) "Automated traffic enforcement camera system" means an electronic system consisting of a photographic, video, or electronic camera and a vehicle sensor installed to work alone or in conjunction with an official traffic controller and to automatically produce photographs, video, or digital images of each vehicle violating divisions (b) or (c).

(2) "Lessee" includes renter and means:

A. the person identified as a vehicle lessee or renter by a motor vehicle leasing dealer or motor vehicle renting dealer pursuant to RC 4511.092 and further identified by the dealer as the person having care, custody or control of the vehicle at the time of a violation of divisions (b) or (c); or

B. the person identified as the lessee or as an additional owner of a vehicle in the records of the Ohio Bureau of Motor Vehicles or the records of any other State motor vehicle bureau.

(3) "System location" means the approach to an intersection or a street toward which a photographic, video or electronic camera is directed and is in operation. It is the location where the automated camera system is installed to monitor offenses under this section.

(4) "Vehicle owner" or "owner" means the person or entity identified by the Ohio Bureau of Motor Vehicles, or registered with any other State vehicle registration office, as the registered owner of a vehicle, or in the case of a leased or rented vehicle, the "lessee".

Section 2. That existing Section 413.031 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 281-09, passed March 9, 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.

Passed May 21, 2012.
Effective May 25, 2012.

Ord. No. 215-12.
By Council Members Mitchell and Sweeney (by departmental request).

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 127.12 relating authorizing written standard purchase and requirement contracts for the purchase, lease, or lease with or without purchase options, for various telecommunication commodities, goods, utilities, equipment, or services, and for service-related recurring costs.

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

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

Section 1. That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 127.12 to read as follows:

Section 127.12 Standard and Requirement Contracts for Various Telecommunications Purposes and Payment of Recurring Fees

(a) The Director of Finance is authorized to enter into one or more standard purchase or requirement contracts for purchase, rental agreements, or leases with or without an option to purchase when the Director of Finance determines there is a financial advantage, duly let to the lowest and best bidder for various telecommunication commodities, goods, utilities, equipment, or services, including but not limited to, telephone lines, circuits, and services necessary to update and improve telecommunications and network infrastructure including materials, supplies, parts, repair, services, labor, support, maintenance, installation, design, circuit repair, demarcation site relocation, and other related services.

(b) The Director of Finance is authorized to pay on-going recurring telecommunication-related subscription and service fees.

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

(d) Any purchase or payment made under this section shall be made by the Commissioner of Purchases and Supplies and paid from the annual appropriations made for that purpose.

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

Passed May 21, 2012.
Effective May 25, 2012.

Ord. No. 245-12.
By Council Members Conwell, Mitchell and Sweeney (by departmental request).

An emergency ordinance to amend Section 603.03 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2393-02, passed February 3, 2003, relating to impounding dogs and cats.

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 603.03 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2393-02, passed February 3, 2003, is amended to read as follows:

Section 603.03 Impounding Dogs and Cats

(a) When any unmuzzled dog or cat is found at large in violation of Section 603.02, or when any dog's owner or the person in charge of control of any dog, or owner or person in charge of the premises upon which a dog is located, has violated the provisions of Section 603.04 more than three (3) times within a four (4) month period, a police officer or dog warden shall take up and impound the dog or cat in a City pound. No dog or cat shall be released from the pound until a fee of forty dollars (\$40.00) is paid to the City, and no dog shall be released unless it has both a valid registration tag as prescribed by Section 603.05 and a microchip embedded for identification purposes. If a dog being released did not already have an embedded microchip at the time that it was impounded, then the Chief Animal Control Officer shall cause a micro-chip to be embedded in the dog before its release, and shall assess the person claiming the dog an additional fee of ten dollars (\$10.00) for that cost.

(b) If a police officer or dog warden impounds a dog or cat which is wearing a license tag or other form of identification showing the name and address of its owner, the police officer or dog warden shall immediately give the owner notice of the impoundment.

(c) Any impounded dog or cat which is unredeemed after three (3) days from the later of the date of impoundment or the date upon which notice of impoundment was given may be destroyed or otherwise disposed of upon order of the Director of Public Safety. For purposes of this division "otherwise disposed of" includes sale of the animal to a suitable buyer for an amount not to exceed the City's cost of boarding the animal.

(d) The owner, upon redeeming a dog or cat being held at the kennel pending the outcome of a court action or other hearing regarding a violation of any of the provisions in this chapter shall pay a fee of ten dollars (\$10.00) per day for each day the animal was boarded at the kennel. This charge shall be in addition to any other repayments that may be owed under this chapter.

(e) Payment of charges for redeeming a dog or cat which was impounded because it was found in violation of Section 603.02 shall not exempt the owner of the dog or cat from prosecution under that section.

(f) Any fee established under this section may be waived by the Director of Public Safety if the owner of the impounded animal is determined by the Director to be indigent, the owner has never before received the waiver, and, including the impounded animal, there is only one animal in the owner's household.

Section 2. That existing Section 603.03 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2393-02, passed February 3, 2003, is repealed.

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

Passed May 21, 2012.

Effective May 25, 2012.

Ord. No. 250-12.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Emergency Management Agency for the FY 2010 Buffer Zone Protection Program; authorizing the Director to enter into one or more requirement contracts for the purchase of materials, equipment, supplies, and services needed to implement the grant; and authorizing the Director to enter into one or more contracts with Cuyahoga County to implement the grant, for the Department of Public Safety.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$380,000, and any other funds that may become available during the grant term from the Ohio Emergency Management Agency to conduct the FY 2010 Buffer Zone Protection Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the grant agreement - Parts A and B, contained in the file described below.

Section 2. That the file for the grant agreement - Parts A and B, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in File No. 250-12-A, is made a part of this ordinance as if fully rewritten, is approved in all respects, and shall not be changed without additional legislative authority.

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

Section 4. That the Director of Public Safety is authorized to enter into one or more contracts with Cuyahoga County to implement the grant as described in the file.

Section 5. That the costs of the contract or contracts authorized by this

ordinance shall be paid from the fund or funds to which are credited the grant proceeds accepted under this ordinance.

Section 6. That the Director of Public Safety is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements during the grant term for the necessary items of materials, equipment, supplies, and services necessary to implement the grant as described in the file, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public Safety. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 7. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies under a delivery order against the contract or contracts certified by the Director of Finance.

Section 8. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Public Safety may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

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

Passed May 21, 2012.

Effective May 25, 2012.

Ord. No. 394-12.

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

An emergency ordinance to amend Section 617.11 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2503-76, passed October 25, 1976, relating to selling or dispensing beer or liquor on public premises.

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

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

Section 1. That Section 617.11 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2503-76, passed October 25, 1976, is amended to read as follows:

Section 617.11 Selling or Dispensing Beer or Liquor in Certain Public Premises

(a) No person, group, association, partnership or corporation, for profit or not for profit, shall sell, give or dispense any beer or intoxicating liquor to any person anywhere on or in any part or portion of the premises of the Public Utilities Building at 1201 Lakeside, the 205 St. Clair Building, and the 1825 Lakeside Avenue Building.

(b) It shall be the duty of the Director of Public Safety to strictly enforce the provisions of this section.

(c) Whoever violates this section is guilty of a minor misdemeanor.

Section 2. That existing Section 617.11 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 2503-76, passed October 25, 1976, is repealed.

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

Passed May 21, 2012.

Effective May 25, 2012.

Ord. No. 406-12.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of decorative post lights and address lights, including installation, to implement Cleveland Public Power's Decorative Post Light Program, for the Division of Cleveland Public Power, Department of Public Utilities, for a period up to two years.

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

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

Section 1. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period up to two years of the necessary items of decorative post lights and address lights, including installation, to implement Cleveland Public Power's Decorative Post Light Program, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Cleveland Public Power, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance

shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies under a delivery order against the contract or contracts certified by the Director of Finance. (RQN 2004, RL 2012-9)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Public Utilities may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

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

Passed May 21, 2012.
Effective May 25, 2012.

**Ord. No. 536-12.
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 Public Safety for the 2011 Port Security Grant; and authorizing one or more requirement and/or standard contracts for materials, equipment, supplies, and services, needed to implement the grant.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$400,000, and any other funds that may become available during the grant term from the United States Department of Public Safety to conduct the 2011 Port Security Grant; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the summary and budget for the grant contained in the file described below.

Section 2. That the summary and budget for the grant, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in File No. 536-12-A, is made a part of this ordinance as if fully rewritten, is approved in all respects, and shall not be changed without additional legislative authority.

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

Section 4. That the Director of Public Safety is authorized to make one or more written standard purchase and/or written requirement purchase contracts under the Charter and the Codified Ordinances of Cleveland,

Ohio, 1976, for the period during the grant term, for each or all of the following items: one Nice Vision Network Video Management system, portable waterproof radios, video cameras, and installation, programming, and testing all as needed to implement the purposes of the grant, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Department of Public Safety.

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

Section 6. That the cost of the contract or contracts authorized shall be paid from the fund or funds to which are credited the grant proceeds accepted under this ordinance.

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

Passed May 21, 2012.
Effective May 25, 2012.

**Ord. No. 539-12.
By Mayor Jackson and Council Members Westbrook, Brancatelli and Cleveland.**

An emergency ordinance to amend Section 357.13 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1811-2000, passed February 12, 2001, relating to wheelchair lifts and ramps permitted as yard encroachments.

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 357.13 of the Codified Ordinances of Cleveland, Ohio 1976, as amended by Ordinance No. 1811-2000, passed February 12, 2001, is amended as follows:

357.13 Yard Encroachments Permitted

Required yard spaces shall be maintained free and unobstructed except for trees and shrubbery, and, in interior side or rear yards, cloths, poles, arbors, garden trellis and similar accessories, and except that the following encroachments shall be permitted.

(a) *Underground Garage or Accessory Space in Multi-Family Districts.* Within the required yard spaces back of the setback building line in a Multi-Family District an underground garage or other accessory space may be constructed provided the height of such structure, including parapets, piers or railings, shall not exceed five feet above the grade level, and provided such structure does not prevent free access to the rear yard.

(b) *Front Yard and Side Street Yard Encroachments.* Except as restricted

or limited by other provisions of this Zoning Code, the following front yard and side street yard encroachments shall be permitted in any use district:

(1) Front yard and side street yard encroachments permitted under Chapter 3109, and Chapter 3113, except that in a Dwelling House District no entrance canopy shall be erected, and no marquees or fixed or retractable awning shall project more than six feet beyond the building line or within ten feet of the street line.

(2) Steps and landings, and their appurtenant railings, balustrades and parapets, leading up or down to floor levels directly above or below the grade level.

(3) Fences and walls, as regulated in Chapter 358.

(4) Open porticos or porches projecting not more than six feet, enclosed porches or vestibules projecting not more than four feet and balconies projecting not more than three feet, provided they do not extend within ten feet of the street line and do not aggregate a vertical area in any story more than twenty percent of the area of the facade in that story.

(5) Structures permitted by division (a) of Section 3113.10, division (a) of Section 3113.13 and Section 3113.16 or where not so permitted, gasoline pump islands, sign poles or similar temporary and easily removable structures, provided that conditional and temporary permits therefore are granted, subject to appropriate conditions and safeguards by the Board after public notice and public hearing, and provided, further, that the erection, maintenance and use thereof do not conflict with the intent and purposes of this Zoning Code.

(6) For one- to four-family dwelling structures, wheelchair lifts, including platform and appurtenant structures, set back a minimum of five (5) feet from any public right-of-way and a minimum of three (3) feet setback from any other property line, to be removed when no longer in use.

(7) For one- to four-family dwelling structures, wheelchair ramps set back a minimum of five (5) feet from any public right-of-way and a minimum of three (3) feet from any other property line, to be removed when no longer in use, and meeting slope requirements and all other requirements of the Ohio Building Code, and as determined by collaboration between the City Planning Commission office and the Department of Building and Housing:

A. designed to minimize the length of the ramp; and

B. located in a side yard or rear yard unless such placement is determined to be infeasible, thereby necessitating location in a front yard.

(c) *Rear Yard and Interior Side Yard Encroachments.* Except as restricted or limited by other provisions of this Zoning Code, the following rear yard and interior side yard encroachments shall be permitted in any use district:

(1) In rear yards only, accessory buildings and uses in connection with Residence Occupancy as defined and limited in Section 337.23, and similar accessory buildings and uses in connection with buildings of Institutional H Occupancy Classification. Accessory buildings or uses attached or forming part of a main building shall be permitted to encroach upon such rear yards to the extent permitted for

detached accessory buildings or uses.

(2) Projections for architectural embellishment listed in Section 3109.08, provided that no main cornice or eaves shall project into a required yard more than two feet, measured horizontally, and no bar or oriel shall be constructed in a required interior side yard and none shall project into a required rear yard more than eighteen inches, and no other projection shall exceed the maximum permissible projection specified in Section 3109.08 or be so located as to materially obstruct natural light or ventilation.

(3) Fixed awnings, as permitted by Section 3109.10.

(4) Retractable awnings, as permitted by Section 3109.11.

(5) Steps, landings and their appurtenant railings, balustrades and parapets, leading up or down to floor levels directly above or below the grade level, not extending nearer than one foot to a rear or side lot line.

(6) Chimneys projecting not more than thirty-two inches, downspouts projecting not more than twelve inches, and ventilating ducts or pipes projecting not more than thirty-two inches and having a maximum aggregate cross-sectional area in any yard and at any level or 1,024 square inches.

(7) Fences, walls, hedges or other barriers, as regulated in division (a) (6) of Section 337.23.

(d) *Temporary Structures.* Temporary offices, bridges, barricades and similar structures required for and incident to building construction.

Section 2. That existing Section 357.13 of the Codified Ordinances of Cleveland, Ohio 1976, as amended by Ordinance No. 1811-2000, passed February 12, 2001 is repealed.

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

Passed May 21, 2012.

Effective May 25, 2012.

Ord. No. 565-12.
By Council Members Cimperman and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from Case Western Reserve University for the Case Western Reserve University Public Health Partnership.

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

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

Section 1. That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$42,000, and any other funds that may become available during the grant term from Case Western Reserve University to conduct the Case Western Reserve University Public Health Partnership; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant;

and that the funds are appropriated for the purposes described in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in File No. 565-12-A, is made a part of this ordinance as if fully rewritten, is approved in all respects, and shall not be changed without additional legislative authority.

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

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

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

Passed May 21, 2012.

Effective May 25, 2012.

Ord. No. 568-12.
By Council Members Brancatelli and Sweeney (by departmental request).

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

Whereas, the City of Cleveland has received a Community Development Block Grant, Year 38, from the United States Government; and

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

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

Section 1. That Community Development Block Grant funds in the amount of Two Hundred Seventy Thousand Dollars (\$270,000) from Fund No. 14 SF 038, RQS 8006-RL2012-0061, are appropriated for costs of the Department of Aging incurred in Fund 19 associated with conducting the Senior Homeowners Assistance Program ("SHAP") and the CHORE Program in conjunction with the Community Development Block Grant Program.

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

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

Passed May 21, 2012.

Effective May 25, 2012.

Ord. No. 571-12.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of mobile data computers, equipment, and accessories, including maintenance and installation, as needed, for the Divisions of Fire and Emergency Medical Service, Department of Public Safety, for a period of two years.

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

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

Section 1. That the Director of Public Safety is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a two-year period of the necessary items of mobile data computers, equipment, and accessories, including maintenance and installation, as needed, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Divisions of Fire and Emergency Medical Service, Department of Public Safety. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be paid from the fund or funds to which are credited the sale of 2012 general obligation bonds authorized by Ordinance No. 271-12, passed April 2, 2012, if the City sells such bonds, and shall also be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a delivery order against the contract or contracts certified by the Director of Finance.

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Public Safety may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

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

Passed May 21, 2012.

Effective May 25, 2012.

Ord. No. 610-12.

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

An emergency ordinance to amend Section 56 of Ordinance No. No. 1689-11, passed November 28, 2011, relating to compensation for various classifications.

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

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

Section 1. That Section 56 of Ordinance No. 1689-11, passed November 28, 2011, is amended to read as follows:

Section 56. Division of Police; Various Positions

The annual salaries of persons appointed to the following classifications within the Division of Police shall be fixed by the Director of Public Safety within the limits established in the following schedules:

	Minimum	Maximum
1. Police Stress Consultant	\$60,000.00	\$105,000.00
2. Occupational Medical Director.....	43,107.75	82,687.47
3. Superintendent of Safety Buildings.....	30,086.70	72,474.41

Section 2. That existing Section 56 of Ordinance No. 1689-11, passed November 28, 2011, is amended to read as follows:

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

Passed May 21, 2012.

Effective May 25, 2012.

Ord. No. 612-12.

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

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

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

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

Section 1. That CDBG funds in the amount of \$299,000 are appropriated for anti-predatory lending and foreclosure prevention assistance, financial literacy programs, fair housing, and administrative costs to implement the programs.

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

Section 3. That the aggregate cost of the contracts and administrative costs shall not exceed \$299,000 and shall be paid from Fund 14 SF 038, Request No. RQS 8006 RL 2012-0062.

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

Passed May 21, 2012.

Effective May 25, 2012.

Ord. No. 650-12.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of unarmed, uniformed security guard services, for the various divisions of City government, for a period of two years.

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

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

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of two years, for the necessary items of unarmed, uniformed security guard services in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies under a delivery order against the contract or contracts certified by the Director of Finance. (RQN 1505, RL 2012-32)

Section 3. That under Section 108(b) of the Charter, the purchases autho-

riized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Finance may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

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

Passed May 21, 2012.

Effective May 25, 2012.

Ord. No. 651-12.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of natural gas, for the various divisions of City government, for a period of one year, with two one-year options to renew, the second of which is exercisable through additional legislative authority.

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

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

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year, with two one-year options to renew for the purchase of natural gas for the various divisions of City government, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit

basis (per Mcf) for the various divisions of City government. The first of the one-year options to renew may be exercised by the Director of Finance, 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. Bids shall be taken in a manner that permits an award to be made for all City natural gas accounts as a single contract, or by separate contract for each or any combination of City natural gas accounts as the Board of Control determines. Alternate bids for a period less than the term may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies under a delivery order against the contract or contracts certified by the Director of Finance. (RQN 1501, RL 2012-30)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Finance may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

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

Passed May 21, 2012.

Effective May 25, 2012.

Ord. No. 652-12.
By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials needed to maintain, replace, or repair overhead doors, for the various divisions of City government, for a period of one year, with two one-year options to renew, the second of which is exercisable through additional legislative authority.

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

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

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the term of one year, with two one-year options to renew, of the neces-

sary items of labor and materials needed to maintain, replace, or repair overhead doors in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government. The first of the one-year options to renew may be exercised by the Director of Finance, 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. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies under a delivery order against the contract or contracts certified by the Director of Finance. (RQN 1501, RL 2012-31)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements with other governmental agencies. The Director of Finance may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

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

Passed May 21, 2012.

Effective May 25, 2012.

Ord. No. 655-12.
By Council Members Cimperman and Sweeney (by departmental request).

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

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

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

Section 1. That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$230,000 and any other funds that may become available during the grant term, from the Alcohol and Drug Addiction Services Board of Cuyahoga County to conduct the Mental Health and Substance Abuse Prevention Program; that the Director of Public Health is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in File No. 655-12-A, is made a part of this ordinance as if fully rewritten, is approved in all respects, and shall not be changed without additional legislative authority.

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

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

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

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

Section 7. That, unless expressly prohibited by the grant agreement, under Section 108(b) of the Charter, purchases made under the grant agreement may be made through cooperative arrangements with other governmental agencies. The Director of Public Health may sign all documents and do all things that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 8. That the costs of the contract or contracts authorized by this ordinance shall be paid from the fund or funds to which are credited the grant proceeds, Medicaid payments accepted under this ordinance, and from the fund or funds to which are credited any fees received under this program.

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

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

Passed May 21, 2012.

Effective May 25, 2012.

Ord. No. 656-12.

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

An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Cuyahoga County Board of Health for the Public Health Emergency Preparedness Grant Program.

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

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

Section 1. That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$159,931, and any other funds as they become available during the grant term, from the Cuyahoga County Board of Health to conduct the Public Health Emergency Preparedness Grant Program; that the Director of Public Health is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the administrative summary for the grant contained in the file described below.

Section 2. That the summary for the grant, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in

File No. 656-12-A, is made a part of this ordinance as if fully rewritten, is approved in all respects, and shall not be changed without additional legislative authority.

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

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

Section 5. That, unless expressly prohibited by the grant agreement, under Section 108(b) of the Charter, purchases made under the grant agreement may be made through cooperative arrangements with other governmental agencies. The Director of Public Health may sign all documents and do all things that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process. The contracts will be paid from the fund or funds to which are credited any grant funds accepted under this ordinance.

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

Passed May 21, 2012.

Effective May 25, 2012.

Ord. No. 662-12.

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

An emergency ordinance authorizing the Director of Aging to apply for and accept one or more grants from the Western Reserve Area Agency on Aging for 2013 and 2014 Western Reserve Area Agency on Aging Programs, including Support Service and Aging and Disability Resource Center Programs; and authorizing the director to accept gifts from any public or private entity for the purposes of this grant.

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

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

Section 1. That the Director of Aging is authorized to apply for and accept one or more grants in the approximate amount of \$330,000 per year during the grant term, and any other funds that may become available during the grant term from the Western Reserve Area Agency on Aging for 2013 and 2014 Western Reserve Area Agency on Aging Programs, including Support Service and Aging and Disability Resource Center Programs; that the Director of Aging is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in File No. 662-12-A, is made a part of this ordinance as if fully rewritten, is approved in all respects, and shall not be changed without additional legislative authority.

Section 3. That the Director of Aging is authorized to accept gifts of cash or equipment from any public or private agency for the purposes of this grant. The Director is further authorized to file all papers and execute all documents necessary to receive the funds accepted under this ordinance, and upon acceptance of the funds by the Director, they shall be appropriated for the purposes of this ordinance.

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

Section 5. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately

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

Passed May 21, 2012.

Effective May 25, 2012.

Ord. No. 706-12.

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

An emergency ordinance authorizing the Director of Public Health to enter into one or more contracts with various agencies or entities to provide AIDS-related services, in conjunction with the HOPWA Grant; and authorizing the employment of one or more professional consultants to provide evaluation services.

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

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

Section 1. That the Director of Public Health is authorized to enter into one or more contracts with various agencies or entities, effective June 1, 2012, to provide AIDS-related services in conjunction with the Housing Opportunities for People With AIDS (HOPWA) Grant Program, under File No. 706-12-A, and in addition, the sum of not more than \$28,243 is appropriated to the Department of Public Health for administrative costs of implementing the HOPWA program.

Section 2. That the Director of Public Health is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to provide evaluation services.

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

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

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

Section 5. That the costs of the contract or contracts and administrative costs referred to in Section 1 authorized above are appropriated for costs of the Department of Public Health incurred from Fund 19 following the appropriate federal regulations and shall not exceed \$967,243 and shall be paid from Fund No. 19 SF 662, Request No. RQS 8006, RL 2012-87.

Section 6. That this ordinance is declared to be an emergency measure

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

Passed May 21, 2012.
Effective May 25, 2012.

**Ord. No. 707-12.
By Council Members Cimperman and Sweeney (by departmental request).**

An emergency ordinance authorizing the Director of Public Health to enter into contracts with various agencies or entities to provide AIDS-related services; authorizing the employment of one or more professional consultants to provide evaluation services; and authorizing the Director to enter into one or more contracts with various agencies, entities, or individuals to implement the grant.

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

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

Section 1. That the Director of Public Health is authorized to enter into one or more contracts with various agencies or entities to provide HIV/AIDS prevention education activities, under the Community Development Block Grant, File No. 707-12-A, and in addition, the sum of not more than \$112,000 is appropriated to the Department of Public Health for administrative costs of implementing the contracts authorized by this ordinance.

Section 2. That the Director of Public Health is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to provide evaluation services.

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

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

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

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

Section 6. That the cost of the contract or contracts and administrative costs referred to in Section 1 authorized are appropriated for costs of the Department of Public Health incurred from Fund 19 following the appropriate federal regulations and shall not exceed \$346,000 and shall be paid from Fund No. 14 SF 038, Request No. RQS 8006, RL 2012-86.

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 May 21, 2012.
Effective May 25, 2012.

**Ord. No. 729-12.
By Council Members Cimperman and Zone.**

An emergency ordinance consenting to the locations of operations of horse-drawn carriage business operator Stone Mad Carriage.

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. Pursuant to division (a) of section 447.06 of the Codified Ordinances of Cleveland Ohio, 1976, this Council approves the locations where horse-drawn carriage business operator Stone Mad Carriage will operate in the City of Cleveland, as set forth in the route maps attached as File No. 729-12-A, which maps have been approved by the Commissioner of Traffic Engineering and the Police Traffic Commissioner.

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

Passed May 21, 2012.
Effective May 25, 2012.

**Ord. No. 730-12.
By Council Member Reed.**

An emergency ordinance authorizing the Director of Capital Projects to issue a permit to Progressive Street Club to encroach into the public right-of-way above Martin Luther King Jr. Drive with 39 American Flags to be attached to Cleveland Public Power utility poles (by separate permission).

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

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

Section 1. That the Director of Capital Projects is authorized to issue a permit, revocable at the will of Council, to Progressive Street Club ("Permittee"), 11707 Martin Luther King Jr. Drive, Cleveland, Ohio 44105, to encroach into the public

right-of-way above Martin Luther King Jr. Drive by installing, using, and maintaining 39 American Flags to be attached to Cleveland Public Power utility poles (by separate permission) for the period starting May 15, 2012 and ending November 15 2012, at the locations more fully described as follows:

Along the center strip of the divided roadway of Martin Luther King Jr. Drive from Farrington Avenue south to East 116th Street

LOCATION

Center strip Martin Luther King Jr. Drive Starting at Farrington Avenue south to East 116th Street

POLE NUMBER

- 1.) Se6-2-52a 16a 18a
- 2.) no number
- 3.) no number
- 4.) 539560
- 4.) no number
- 5.) 539563
- 6.) no number
- 7.) no number
- 8.) 539567
- 9.) 539568
- 10.) 513736
- 11.) 539170
- 12.) 539571
- 13.) no number
- 14.) 539573
- 15.) no number
- 16.) 539574
- 17.) 210420
- 18.) 539575
- 19.) no number
- 20.) no number
- 21.) no number
- 22.) no number
- 23.) no number
- 24.) no number
- 25.) no number
- 26.) 514273
- 27.) 539579
- 28.) no number
- 29.) 3923 n line
- 30.) 337499
- 31.) no number
- 32.) no number
- 33.) 539582
- 34.) 806110
- 35.) 806111
- 36.) 539584
- 37.) no number
- 38.) no number
- 39.) 108828

Section 2. That Permittee may assign the permit only with the written consent of the Director of Capital Projects. That nothing in this ordinance grants or shall be considered to grant to Permittee any right, privilege, or permission to use, or to attach or affix any object to, poles; Permittee shall obtain such permission from the respective pole owner.

Section 3. That the encroaching objects permitted by this ordinance shall conform to plans and specifications first approved by the Manager of Engineering and Construction. That Permittee shall obtain all other required permits, including but not limited to Building Permits, before installing the encroachments.

Section 4. That the Director of Law shall prepare the permit authorized by this ordinance and shall incorporate such additional provisions as the director determines necessary to protect and benefit the public interest. The permit shall be issued only when, in the opinion of the Director of Law, a prospective Permittee has properly indemnified the City against any loss that may result from the encroachment(s) permitted.

Section 5. That the Permit shall reserve reasonable right of entry to the encroachment location to the City.

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

Passed May 21, 2012.
Effective May 25, 2012.

Ord. No. 731-12.
By Council Members Cimperman, Brancatelli and Sweeney (by departmental request).

An emergency ordinance to repeal Ordinance No. 247-12, passed April 9, 2012, relating to a Tax Increment Financing Agreement with 800 Superior, LLC, a Delaware limited liability company, to provide for service payments for the purpose of developing the site.

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

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

Section 1. That Ordinance No. 247-12, passed April 9, 2012 is repealed.

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

Passed May 21, 2012.
Effective May 25, 2012.

Ord. No. 756-12.
By Council Members Mitchell and J. Johnson.

An emergency ordinance designating East 89th Street from Carnegie Avenue to Quincy Avenue with a secondary and honorary designation of "William F. Boyd Sr. Way".

Whereas, William F. Boyd Sr. recently celebrated his 75th Anniversary of public service to the Greater Cleveland community, and still conducts services at his family business funeral home; and

Whereas, William Francis Boyd was born on February 7, 1915 on 38th and Central Avenue, and attended Quincy Elementary School and Patrick Henry Junior High School, graduated from Glenville High School in 1933 and completed post-graduate courses for one year at Central High School; and

Whereas, having no money to pursue a degree during the Depression, Mr. Boyd graduated from Cleveland College of Embalming in 1938, and joined his father Elmer Boyd in expanding his funeral home business with the purchase of Slaughter Funeral Home at 2165 East 89th Street, and the "& Son" was added to the firm name; and

Whereas, "Bill" as he is affectionately known and his wife, Mary, raised three children, William F. "Pepper" Boyd, II, Marina Elisabeth, and Marcella Millicent, and are members of Antioch Baptist Church where Bill served as a Trustee and Deacon; and

Whereas, Mr. Boyd chaired the first Cleveland NAACP Freedom Fund Dinner in 1959, and was appointed to the Cleveland School Board in 1963 where he later became Vice President;

Whereas, he is committed to the African-American community, having served on the Eliza Bryant Skilled Nursing Facility Board for over 24 years, received the Silver Beaver Award from the Boy Scouts, served as a member of the Central Area Council, the Urban League, and the Prince Hall Excelsior Masonic Lodge; and

Whereas, the Urban League recognized the Boyd Family as the "Family of the Year" in the 1970s, and Bill's example inspired all three of the Boyd children to become a part of the family funeral home business; Bill and Mary are grandparents of 9 and great-grandparents of 14; and

Whereas, this Council wants to honor William F. Boyd Sr. for his tireless public service to our community with a bright smile, infectious laugh, strong work ethic, boundless Christian faith and belief in integrity that have inspired many to say he is the kindest man they've ever known; and

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

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

Section 1. That East 89th Street from Carnegie Avenue to Quincy Avenue is designated with a secondary and honorary designation of "William F. Boyd Sr. Way."

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

Passed May 21, 2012.
Effective May 25, 2012.

Ord. No. 757-12.
By Council Members Kelley and Cummins.

An emergency ordinance authorizing the Director of Community Development to lease certain property located at the former Memphis School site on Memphis Avenue bordered by West 41st Street and Henritze Avenue to Koinonia Properties, LLC for the purpose of urban farming and community gardening, for a term of twenty-five years, with four options to renew for additional five year periods.

Whereas, the City of Cleveland owns certain property known as the former Memphis school site located on Memphis Avenue bordered by West 41st Street and Henritze Avenue, which is not needed for public use; and

Whereas, Koinonia Properties, LLC has proposed to lease the property from the City; and

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Community Development is authorized to lease to Koinonia Properties, LLC ("Lessee"), certain property which is not needed for public use more fully described as follows:

PPN 014-13-014
Parcel No. 1

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublots Numbers 203, 204, 205, 186, 187 and 188 in The Brooklyn Realty Company's subdivision No. 2 of part of original Brooklyn Township Lot No. 58 as shown by the recorded plat of said subdivision in Volume 40 of maps, page 11 of Cuyahoga County Records. Said Sublots Numbers 203, 204, and 205 together form a parcel of land having a frontage of 120 feet on the Southerly side of Memphis Avenue, S.W., and extending back 121 86/100 feet on the easterly line, 121 92/100 feet on the westerly line and having a rear line of 120 feet. Said Sublots Numbers 186, 187 and 188 together form a parcel of land having a frontage of 120 feet on the northerly side of Henritze Avenue, SW., and extending back between parallel lines 122 feet according to said plat, be the same more or less, but subject to all legal highways.

Parcel No. 2

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being all of Sublots 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201 and 202 in the Brooklyn Realty Company's subdivision No. 2 of a part of Original Brooklyn Township Lot No. 58 as shown by the recorded plat of said subdivision in Volume 40, Page 11 of Cuyahoga County Records. Said Sublots together forming a parcel of land having a frontage of 280.28 feet on the Southerly line of Memphis Avenue, S.W., 243.72 feet on the westerly line of West 41st Street and 280.28 feet on the northerly line of Henritze Avenue S.W., and measuring 243.86 feet on its westerly line, be the same more or less, but subject to all legal highways.

Section 2. That the term of the lease authorized by this ordinance shall not exceed twenty-five years from the date of execution, with four options to renew for additional periods of five years.

Section 3. That the property authorized by this ordinance shall be leased at a rental of \$150.00 per month (\$1,800.00 a year) and other valuable considerations, which is determined to be fair market value, exclusive of utilities.

Section 4. That the lease may authorize the Lessee to make improvements to the leased premises subject to the approval of appropriate City agencies and officials.

Section 5. That the lease shall be prepared by the Director of Law.

Section 6. That the Director of Community Development, the Director of Law, the Director of Public Works, and other appropriate City officials are authorized to execute any other documents and certificates, and take

any other actions which may be necessary or appropriate to effect the lease authorized by this ordinance.

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

Passed May 21, 2012.
Effective May 25, 2012.

Ord. No. 760-12.

By Council Member Dow.

An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Fidelity Baptist Church to stretch banners between East 84th & East 86th and Wade Park for the period from May 18, 2012 to June 19, 2012, inclusive, publicizing their annual bazaar.

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 Fidelity Baptist Church to install, maintain and remove banners between East 84th and East 86th & Wade Park for the period from May 18, 2012 to June 19, 2012, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

Passed May 21, 2012.
Effective May 25, 2012.

COUNCIL COMMITTEE MEETINGS

**Tuesday, May 29, 2012
9:30 a.m.**

Community and Economic Development Committee: Present: Dow, Vice Chair; Cimperman, Cummins, J. Johnson, Pruitt, Westbrook, Zone. *Authorized Absence:* Brancatelli, Chair, Miller. Pro tempore: Reed, Sweeney.

**Wednesday, May 30, 2012
9:00 a.m.**

Public Safety Committee & Health and Human Services Committee: Present in Safety: Conwell, Chair; Brady, Cleveland, Cummins, Dow, Mitchell, Zone. *Authorized Absence:* Polensek, Vice Chair; Miller. Present in Health J. Johnson, Vice Chair; Conwell, Keane, Kelley, Reed, Zone. *Authorized Absence:* Cimperman, Vice Chair.

**Friday, June 1, 2012
10:00 a.m.**

Sustainability Sub-Committee: CAN-CELLED.

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