

# The City Record

Official Publication of the Council of the City of Cleveland



November the Sixteenth, Two Thousand and Eleven

**Frank G. Jackson**  
Mayor

**Martin J. Sweeney**  
President of Council

**Patricia J. Britt**  
City Clerk, Clerk of Council

**Ward Name**

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

The City Record is available online at  
[www.clevelandcitycouncil.org](http://www.clevelandcitycouncil.org)

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# DIRECTORY OF CITY OFFICIALS

## CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

Ward Name Residence

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

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

### MAYOR – Frank G. Jackson

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

### OFFICE OF CAPITAL PROJECTS – Jomarie Wasik, Director

#### DIVISIONS:

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

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

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

Frank Badalamenti, Manager, Internal Audit

#### DIVISIONS:

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

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

#### DIVISIONS:

Cleveland Public Power – Ivan Henderson, Commissioner  
Street Lighting Bureau – \_\_\_\_\_, Acting Chief  
Utilities Fiscal Control – Dennis Nichols, Commissioner  
Water – Bernardo Garcia, Commissioner  
Water Pollution Control – Rachid Zoghaib, Commissioner

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

#### DIVISIONS:

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

**DEPT. OF PUBLIC WORKS** – Michael Cox, Director

#### OFFICES:

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

#### DIVISIONS:

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

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

Erievue Plaza

#### DIVISIONS:

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

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

#### DIVISIONS:

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

**DEPT. OF COMMUNITY DEVELOPMENT** – Daryl Rush, Director

#### DIVISIONS:

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

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

#### DIVISIONS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## CLEVELAND MUNICIPAL COURT

### JUSTICE CENTER – 1200 ONTARIO STREET

#### JUDGE COURTROOM ASSIGNMENTS

Judge Courtroom

Presiding and Administrative Judge Ronald B. Adrine – Courtroom 15A  
Judge Marilyn B. Cassidy – Courtroom 12B  
Judge Michelle Denise Earley – Courtroom 12C  
Judge Emanuella Groves – Courtroom 14B  
Judge Anita Laster Mays – Courtroom 14C  
Judge Lynn McLaughlin-Murray – Courtroom 12A  
Judge Lauren C. Moore – Courtroom 14A  
Judge Charles L. Patton, Jr. – Courtroom 13D  
Judge Raymond L. Pianka (Housing Court Judge) – Courtroom 13B  
Judge Michael John Ryan – Courtroom 13A  
Judge Angela R. Stokes – Courtroom 15C  
Judge Pauline H. Tarver – Courtroom 13C  
Judge Joseph J. Zone – Courtroom 14D

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

# The City Record

71 OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 98

WEDNESDAY, NOVEMBER 16, 2011

No. 5110

## CITY COUNCIL

MONDAY, NOVEMBER 14, 2011

The City Record  
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City of Cleveland  
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Address all communications to  
**PATRICIA J. BRITT**  
City Clerk, Clerk of Council  
216 City Hall

### PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2010-2013

#### MONDAY — Alternating

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

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

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

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

#### MONDAY

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

#### TUESDAY

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

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

#### WEDNESDAY — Alternating

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

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

#### WEDNESDAY — Alternating

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

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

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

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

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

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

### OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, November 14, 2011

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

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

Also present were Mayor Frank G. Jackson, Ken Silliman, Chief of Staff, Darnell Brown, Chief Operating Officer, Valarie J. McCall, Chief of Government Affairs, Chris Warren, Chief of Regional Development, Monyka S. Price, Chief of Education, Maureen Harper, Chief of Communications, Andrea V. Taylor, Press Secretary, and Interim Law Director Langhenry, Directors Dumas, Withers, Smith, Wasik, Butler, Cox, Rush, Rybka, Southerington, Griffin and Fumich.

Pursuant to Ordinance No. 2926-76, the opening prayer was offered by Pastor Bobby Laster of New Life Missionary Baptist Church, 13905 Diana Avenue located in Ward 9. Pledge of Allegiance.

#### MOTION

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

#### COMMUNICATION

**File No. 1618-11.**  
From the City of Olmsted Falls. Certified copy of Resolution No. 101-2011, regarding Northeast Ohio Regional Sewers District Rate Increases. Received.

#### OATHS OF OFFICE

**File No. 1619-11.**  
From: Daniel Fay - Lieutenant of Police for the City of Cleveland. Received.

**File No. 1620-11.**  
From: Robert Simon - Lieutenant of Police for the City of Cleveland. Received.

#### PLATS

**File No. 1621-11.**  
Council Member Conwell (Ward 9). Dedication Plat of Uptown Avenue and East 116th Street. Approved by City Planning Director; Referred to Committees on City Planning and Public Works.

#### STATEMENT OF WORK ACCEPTANCE

**File No. 1622-11.**  
From Director of Public Utilities — Division of Water Pollution Control — Contract No. PI 68773 with Northeast Ohio Trenching Service for the West 50th Street Sewer Replacement. Received.

#### FROM THE DEPARTMENT OF LIQUOR CONTROL

**File No. 1623-11.**  
Re: #1700147 — D1, D2, D3, D3A Transfer of Location Application, Consumed Baker and Café, LLC, 2549 Lorain Avenue. (Ward 3). Received.

**File No. 1624-11.**  
Re: #0160909005 — C2 New Application, Amar Enterprise, Inc., d.b.a. Downtown Liquor, 1306 West 6th Street. (Ward 3). Received.

**File No. 1625-11.**  
Re: #0160909005 — C1 Transfer of Ownership and Location Application, Amar Enterprise, Inc., d.b.a. Downtown Liquor, 1306 West 6th Street. (Ward 3). Received.

**File No. 1626-11.**  
Re: #0160909005 — Liquor Agency Contract — Amar Enterprise, Inc., d.b.a. Downtown Liquor, 1306 West 6th Street. (Ward 3). Received.

**File No. 1627-11.**  
Re: #8423265 — C2, C21X Transfer of Ownership Application, Sperry Forge, Inc., 11007 Mt. Carmel Road, 1st floor and basement. (Ward 6). Received.

**File No. 1628-11.**  
Re: #5542863 — C2, C2X Transfer of Ownership Application, Mario Family, Inc., d.b.a. Scott Food Mart 951 Linn Drive, 1st floor and basement. (Ward 9). Received.

**File No. 1629-11.**  
Re: #59478530005 — D2, D2X, D3, D3A Transfer of Ownership Application, Derrick R. Milanko, d.b.a. Ice Box Lounge, 1085-89 West 25th Street, 1st floor and basement. (Ward 14). Received.

**File No. 1630-11.**  
Re: #66242840005 — C1, C2 Transfer of Ownership Application, Nima Beverage, Inc., d.b.a. Ramada Deli, 9800-06-08 Almira Avenue, 1st floor. (Ward 16). Received.

**File No. 1631-11.**  
Re: #2830809 — C1, C2 Stock Transfer Application, 4741 LLC, 4741 West 130th Street. (Ward 18). Received.

#### CONDOLENCE RESOLUTIONS

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

**Res. No. 1632-11**—Earl Anderson, Jr.

#### CONGRATULATION RESOLUTIONS

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

**Res. No. 1633-11**—Edward T. Buelow.

**Res. No. 1634-11**—Safeguard Properties.

**Res. No. 1635-11**—Bobbi Reichtell.

**Res. No. 1636-11**—Bishop Joan E. Walker.

**Res. No. 1637-11**—Church of God of Cleveland.

#### RECOGNITION RESOLUTIONS

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

**Res. No. 1638-11**—Gia Hoa Ryan.

**Res. No. 1639-11**—Mayor Bruce H. Akers.

**Res. No. 1640-11**—Otis Terminal Warehouse (Bridgeview Apartments).

**Res. No. 1641-11**—St. Stephen Parish "Day of Honor for American Service Men and Women".

#### APPRECIATION RESOLUTION

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

**Res. No. 1642-11**—Rev. Marvin A. McMickle.

#### FIRST READING EMERGENCY ORDINANCES REFERRED

**Ord. No. 1570-11.**  
By Council Members Cimperman, Miller, Cleveland and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Capital Projects to hire one or more consultants for design, engineering and construction services necessary for the rehabilitation of Professor Avenue at the intersections of Jefferson Avenue, College Avenue, Literary Avenue and Fairfield Avenue; determining the method of making the public improvement; authorizing the Director to enter into one or more public improvement contracts for the making of the improve-

ment; authorizing the Director to accept cash contributions from public and private entities, NEORS, and GCRTA for costs associated with the improvement and to enter into agreements; authorizing the Director to enter into agreements with private utility companies to pay charges for the installation of underground lines; authorizing the Director to enter into a local public agency agreement with the Ohio Department of Transportation to fund and construct the improvement; and authorizing the Commissioner of Purchases and Supplies to acquire for right-of-way purposes real property necessary to make the public improvement.

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

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

**Section 1.** That the Director of Capital Projects is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional design, engineering and construction services necessary for Professor Avenue at the intersections of Jefferson Avenue, College Avenue, Literary Avenue and Fairfield Avenue (the "Improvement").

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

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

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

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

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

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

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

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

**Section 9.** That the cost of the contracts, payments, property acquisition, and other expenditures authorized shall be paid from Fund Nos. 20 SF 380, 20 SF 383, 20 SF 394, 20 SF 500, 20 SF 506, 20 SF 510, 20 SF 520, 20 SF 528, 20 SF 534, 20 SF 540, from the fund or funds to which are credited any grant proceeds, fund or funds to which are credited any funds received under the local public agency agreement, fund or cash contributions accepted and appropriated under this ordinance, and from any other funds approved by the Director of Finance. (RQS 4002, RL 2011-194)

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

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

#### Ord. No. 1571-11.

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

An emergency ordinance authorizing the Director of Capital Projects to hire one or more consultants for design, engineering and construction services necessary for the rehabilitation of West 6th Street from St. Clair Avenue to Lakeside Avenue; determining the method of making the public improvement; authorizing the Director to enter into one or more public improvement contracts for the making of the improvement; authorizing the Director to accept cash contributions from public and private entities, NEORS, and GCRTA for costs associated with the improvement and to enter into agreements; authorizing the Director to enter into agreements with private utility companies to pay charges for the installation of underground lines; authorizing the Director to enter into a local public agency agreement with the Ohio Department of Transportation to fund and construct the improvement; and authoriz-

**ing the Commissioner of Purchases and Supplies to acquire for right-of-way purposes real property necessary to make the public improvement.**

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

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

**Section 1.** That the Director of Capital Projects is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional design, engineering and construction services necessary for West 6th Street from St. Clair Avenue to Lakeside Avenue (the "Improvement").

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

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

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

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

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

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

**Section 7.** That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Commissioner of Purchases and Supplies is authorized to

acquire for right-of-way purposes real property necessary to make the Improvement. The consideration to be paid for the property shall not exceed fair market value to be determined by the Board of Control.

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

**Section 9.** That the cost of the contracts, payments, property acquisition, and other expenditures authorized shall be paid from Fund Nos. 20 SF 380, 20 SF 383, 20 SF 394, 20 SF 500, 20 SF 506, 20 SF 510, 20 SF 520, 20 SF 528, 20 SF 534, 20 SF 540, from the fund or funds to which are credited any grant proceeds, fund or funds to which are credited any funds received under the local public agency agreement, fund or cash contributions accepted and appropriated under this ordinance, and from any other funds approved by the Director of Finance. (RQS 4002, RL 2011-195)

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

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

**Ord. No. 1573-11.**

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

**An emergency ordinance authorizing the Director of Public Utilities to enter into one or more requirement contracts without competitive bidding with Motorola Solutions, Inc. for subscriber units and related materials, equipment, supplies, and services necessary to operate, maintain, and repair the 800 MHz radio system, including maintenance, labor, and installation of equipment, for the Department of Public Utilities for a period not to exceed 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 this Council determines that the within commodities are non-competitive and cannot be secured from any source other than Motorola Solutions, Inc. Therefore, the Director of Public Utilities is authorized to make one or more written requirement contracts with Motorola Solutions, Inc. under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period not to exceed two years for subscriber units and related materials, equipment, supplies, and services necessary to operate, maintain, and repair the 800 MHz radio system, including maintenance, labor, and installation of equipment to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Department of Public Utilities.

**Section 2.** That the costs of the contract or contracts shall be charged

against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RQN 2001, RL 2011-47)

**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.

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

**Ord. No. 1574-11.**

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

**An emergency ordinance authorizing the Director of Public Utilities to employ one or more professional consultants to evaluate development options for the Cleveland Recycling and Energy Generation Center.**

Whereas, in September 2011, the Division of Cleveland Public Power issued a Request for Information and Qualifications to solicit information and qualifications from thermal conversion technology providers, waste handling equipment suppliers, project developers and financial services companies regarding development of the Cleveland Recycling and Energy Generation Center (formerly called MSWE) project at the City's Ridge Road Transfer Station; and

Whereas, assistance is required to review the responses and to make recommendations on further development of the project; and

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

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

**Section 1.** That the Director of Public Utilities is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to evaluate development options of the Cleveland Recycling and Energy Generation Center (formerly called MSWE) project at the City's Ridge Road Transfer Station, based on responses to the City's Request for Information and Qualifications received relating to this project.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Public Utilities from a list of qualified consultants available for employment as may be determined

after a full and complete canvass by the Director of Public Utilities for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Public Utilities, and certified by the Director of Finance.

**Section 2.** That the cost of the contract or contracts authorized shall be paid from Fund No. 58 SF 001, Request No. RQS 2004, RL 2011-189.

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

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

**Ord. No. 1575-11.**

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

**An emergency ordinance authorizing the purchase by one or more requirement contracts of duct line, street lighting bases and pull boxes, including labor and materials necessary to install, repair, replace or maintain the duct line, street lighting bases and pull boxes, and other related incidentals, 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 duct line, street lighting bases and pull boxes, including labor and materials to install, repair, replace or maintain the duct line, street lighting bases and pull boxes, and other related incidentals, 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 the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or con-

tracts certified by the Director of Finance. (RQN 2004, RL 2011-42)

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

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

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

**Ord. No. 1576-11.**

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

**An emergency ordinance to amend Section 523.21 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1629-10, passed December 6, 2010; relating to the Cleveland Public Power energy adjustment charge.**

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 rates, rules and regulations relating to the operation of the Division of Cleveland Public Power, Department of Public Utilities, for electric service, fixed by the Board of Control by the adoption of Resolution No. \_\_\_\_\_, on \_\_\_\_\_, are approved.

**Section 2.** That Section 523.21 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1629-10, passed December 6, 2010, is amended to read as follows:

**Section 523.21 Energy Adjustment Charge**

(a) An additional incremental charge for excess fuel and power production and purchase power costs may be applied to the rates prescribed in Sections 523.02 to 523.065 and any other rate schedule as may be adopted by the City.

(b) The incremental charge shall be based on the fuel and purchase power cost per kilowatt hour delivered calculated under divisions (c)(1) and (2) of this section.

(c) (1) The fuel and purchase power cost per kilowatt hour sold to residential ratepayers shall be determined by dividing the sum of the cost of the kilowatt hours purchased from the Power Authority of the State of New York and the average cost of kilowatt hours purchased from other sources needed to supply the residential customers by the total kilowatt hours distributed to residential customers. The incremental charge calculated herein shall be adjusted by subtracting 15 mils per kilowatt hour for residential customers who provide the Division of Cleveland Public Power with a certificate of reduction of taxes obtained pursuant to the Homestead Exemption provisions of

Sections 323.151 through 323.157 of the Revised Code, and 9.75 mils per kilowatt hour for all other residential customers.

(2) Except as provided in Section 523.048, the fuel and purchase power cost per kilowatt hour sold to all ratepayers, other than residential ratepayers, during the twelve months of the year, shall be determined by dividing the sum of the total cost of coal, oil, gas and purchase power by the total kilowatt hours distributed, except that the computation shall exclude the cost of PASNY power and the amount of PASNY power allocable to kilowatt hours distributed, and shall exclude the costs of all purchase power and kilowatt hours from a specific source or sources purchased by the Division for distribution to ratepayers pursuant to Sections 523.048 and 523.049. The incremental charge calculated herein shall be adjusted by subtracting 3.0 mils per kilowatt hour.

(d) At the end of each month, the Division of Cleveland Public Power shall determine the excess fuel and power charge during such month as herein provided.

**Section 3.** That existing Section 523.21 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 1629-10, passed December 6, 2010, is repealed.

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

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

**Ord. No. 1577-11.**

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

**An emergency ordinance authorizing the Director of Port Control to enter into a Lease Agreement with LeanDog, Inc. for office space at Cleveland Burke Lakefront Airport, for the Department of Port Control, for the period of one year.**

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

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

**Section 1.** That the Director of Port Control is authorized to enter into a Lease Agreement ("Lease") with LeanDog, Inc. ("Lessee") for use and occupancy of approximately 3,646 square feet of office space located in the terminal building and thirty parking spaces at Cleveland Burke Lakefront Airport ("Leased Premises"). The Leased Premises shall be used for general office-related activities. The term of the Lease shall be for a one year period commencing November 1, 2011. For use of the Leased Premises, Lessee shall pay the City an annual rate of \$49,221.00, and shall be paid in monthly installments of \$4,101.75 at the rate of \$13.50 per square foot.

**Section 2.** That the lease may authorize the Lessees to make improvements to the leased premises subject to the approval of appropriate City

agencies and officials. That the Director of Port Control is authorized to provide for the issuance of rent credits to Lessees for the purpose of making capital improvements to the facility. The rent credit amount shall not exceed \$8,500.00. The credits against rent shall be amortized in equal monthly amounts over the Lease.

**Section 3.** The Lease authorized by this ordinance shall be prepared by the Director of Law.

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

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

**Ord. No. 1578-11.**

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

**An emergency ordinance authorizing the Director of Public Works to enter into one or more Concession Agreements for the operation of first class food and beverage service in connection with renting the Rotunda in City Hall and for marketing the rental of the Rotunda for catered events, for a period not to exceed two years, with a one-year option to renew, exercisable by the Director of Public Works.**

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 any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Public Works is authorized to enter into a Concession Agreement on the basis of competitive proposals for the operation of first class food and beverage service in connection with renting the Rotunda in City Hall under Section 183.021 of the Codified Ordinances and for marketing the rental of the Rotunda for catered events, for a period not to exceed two years, with a one-year option to renew exercisable by the Director of Public Works. The selection of the concessionaire or concessionaires shall be made by the Board of Control on the nomination of the Director of Public Works. The concession fee to be paid to the City shall be fixed by the Board of Control.

**Section 2.** That the Concession Agreement shall be prepared by the Director of Law.

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

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

**Ord. No. 1579-11.**

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

**An emergency ordinance authorizing the purchase by one or more requirement contracts of rock salt, for the Division of Streets, Department of Public Works, for a period of one year.**

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

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

**Section 1.** That the Director of Public Works is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for the period of one year of the necessary items of rock salt, 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 Streets, Department of Public Works. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 2.** That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance. (RQN 4006, RL 2011-52)

**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 Works 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.

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

**Ord. No. 1580-11.**

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

**An emergency ordinance to amend Section 131.081 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 332-11, passed April 25, 2011, relating to rental fees for City Hall Rotunda.**

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

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

**Section 1.** That Section 131.081 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 332-11, passed April 25, 2011, is amended to read as follows:

**Section 131.081 Rental Fees for City Hall Rotunda**

(a) The Director of Public Works may allow private parties to rent the City Hall Rotunda after normal business hours and on weekends provided that said parties secure a permit from the Director under Section 131.07 and pay the fees specified in division (b) of this section.

(b) Rental rates for the Rotunda shall be based on a four (4) hour period. The Director of Public Works shall assess and collect the following fees for the rental of the City Hall Rotunda:

(1) A \$500.00 non-refundable deposit; and

(2) \$1,375.00 per four (4) hours of use.

(c) The City Hall Rotunda closes at 12:00 a.m. All events shall end by **11:30 p.m. at the latest.**

(d) When a private party obtains banquet food and beverage service from a person or firm under contract with the City to provide concession services in the Rotunda, rental of the Rotunda shall be included in the price that the private party pays for such concession services, and no other charges for rental shall be imposed. When a private party obtains banquet food and beverage service from a person or firm other than one under contract with the City for those services, Rotunda rental shall be assessed and collected in accordance with division (b) of this Section.

(e) Net proceeds from fees collected from the rental shall be deposited into the fund or funds which are designated for use by the Office of Special Events and Marketing for Special Events and Marketing purposes.

**Section 2.** That existing Section 131.081 of the Codified Ordinances of Cleveland, Ohio, 1976, as enacted by Ordinance No. 332-11, passed April 25, 2011, is repealed.

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

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

**Ord. No. 1581-11.**

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

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

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

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

**Section 1.** That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$113,979 and any other funds that may become available during the grant term, from the Center for Community Solutions to conduct the Title X Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the summary for the grant contained in the file described below.

**Section 2.** That the summary for the grant, File No. 1581-11-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, is approved in all respects, including the obligation to devote program income from first and third party billings.

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

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

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

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

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

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

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

**Ord. No. 1582-11.**

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

**An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Cleveland Foundation for the Making**

**Greater Cleveland Lead Safe and Healthy Program; to enter into one or more contracts with Cuyahoga County Board of Health and other agencies or entities to implement the grant.**

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

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

**Section 1.** That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$115,000, and any other funds that may become available during the grant term, from the Cleveland Foundation to conduct the Making Greater Cleveland Lead Safe and Healthy Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the summary for the grant contained in the file described below.

**Section 2.** That the summary for the grant, File No. 1582-11-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

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

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

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

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

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

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

**Ord. No. 1583-11.**

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

**An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Cuyahoga County Board of Health for the Lead Hazard Control Initiative Program; and authorizing one or more contracts to implement the grant.**

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

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

**Section 1.** That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$500,000, and any other funds that may become available during the grant term, from the Cuyahoga County Board of Health, to conduct the Lead Hazard Control Initiative Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the summary for the grant contained in the file described below.

**Section 2.** That the summary for the grant, File No. 1583-11-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

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

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

**Section 5.** That the Director of Public Health is authorized to enter into one or more contracts with Sigma Dwelling Systems Inc., J.A. Consulting, Aude Environmental Services, Bryant Environmental Services, Lead Tech, Accurate Analytical Testing, and other agencies or entities to implement the grant as described in the file.

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

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

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

**Ord. No. 1584-11.**

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

**An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Cuyahoga County Board of Health for the 2012 Immunization Action Plan Program; and authorizing one or more agreements with third-party payers.**

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 \$93,254, and any other funds as they become



available during the grant term, from the Cuyahoga County Board of Health, to conduct the 2012 Immunization Action Plan Program, for the purposes in the summary and according thereto; that the Director of Public Health is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes in the summary for the grant.

**Section 2.** That the summary for the grant, File No. 1584-11-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

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

**Section 4.** That the Director of Public Health is authorized to enter into one or more agreements with various third-party payers to receive payments under this ordinance.

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

**Section 6.** That 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 7.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

**Ord. No. 1585-11.**

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

**An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from Cuyahoga County Office of Early Childhood for the MomsFirst and Invest in Children Partnership Program; 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 apply for and accept a grant in the approximate amount of \$407,000, and any other funds that may become available during the grant term, from Cuyahoga County Office of Early Childhood to conduct the MomsFirst and Invest in Children Partnership Program; that the Direc-

tor is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the summary for the grant contained in the file described below.

**Section 2.** That the summary for the grant, File No. 1585-11-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

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

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

**Section 5.** That the Director of Public Health is authorized to enter into one or more contracts with agencies, entities, or individuals to implement the grant as described in the file, including but not limited to outreach, case management, interconceptional care, health education, and depression screening.

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

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

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

**Ord. No. 1586-11.**

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

**An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from Cuyahoga County Solid Waste District for the 2012 Solid Waste Disposal 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 \$68,267, and any other funds that may become available during the grant term, from the Cuyahoga County Solid Waste District to conduct the 2012 Solid Waste Disposal Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the Summary for the grant contained in the file described below.

**Section 2.** That the Summary for the grant, File No. 1586-11-A, made a part of this ordinance as if fully rewritten,

as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

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

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

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

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

**Ord. No. 1587-11.**

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

**An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health and the Academy of Educational Development for the 2012 Federal AIDS Prevention Program; and to enter into contract with various agencies to implement the program.**

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

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

**Section 1.** That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$836,045, and any other funds as they become available during the grant term, from the Ohio Department of Health and the Academy of Educational Development, to conduct the 2012 Federal AIDS Prevention Program, for the purposes in the summary and according thereto; 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 the funds are appropriated for the purposes in the summary for the grant.

**Section 2.** That the summary for the grant, File No. 1587-11-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

**Section 3.** That the Director of Public Health is authorized to enter into one or more contracts to implement the program as described in the file in the following approximate amounts:

<u>Agency</u>	<u>Amount</u>
AIDS Taskforce of Greater Cleveland	\$ 55,000.00
Antioch Development Corp.	55,000.00
Cleveland Treatment Center	105,000.00

Free Clinic of Greater Cleveland	60,000.00
Planned Parenthood of Northeast Ohio Neighborhood Health Services ("NEON")	55,000.00
Planned Parenthood of Northeast Ohio	60,000.00
Recovery Resources	60,000.00
Regional Advisory Group	1,500.00
Transitional Housing, Inc.	50,000.00
<b>TOTAL</b>	<b>\$501,500.00</b>

In addition, the approximate sum of \$150,574 is appropriated to the Department of Public Health for administrative costs of implementing this program and the approximate sum of \$183,971 is appropriated to the Department of Public Health for the operation of the Disease Intervention Specialist Services Program and services conducted by the Department.

**Section 4.** That the Director of Public Health shall have the authority to extend the term of the grant during the grant term and shall have the authority to enter into one or more contracts with additional agencies or entities as approved by the grantors.

**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 cost of the contracts authorized in this ordinance shall be paid from the fund or funds to which are credited the grant proceeds accepted under this ordinance.

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

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

**Ord. No. 1588-11.  
By Council Members Cimperman and Sweeney (by departmental request).**

**An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Ohio Department of Health for the 2012 STD Control Prevention Program; authorizing the Director to enter into contracts with other agencies or entities to implement the grant; and to enter into an agreement with the Ohio Department of Health 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 \$164,424, and any other funds as they become available during the grant term, from the Ohio Department of Health, to conduct the 2012 STD Control Prevention Program, for the purposes in the summary and budget and according thereto; that the Director of Public Health is authorized to file all papers and execute all documents necessary to receive the

funds under the grant; and that the funds are appropriated for the purposes in the summary for the grant.

**Section 2.** That the summary for the grant, File No. 1588-11-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

**Section 3.** That the Director of Public Health is authorized to enter into one or more contracts with Pacific Interpreters, The Free Medical Clinic of Greater Cleveland, and other agencies or entities to implement the grant as described in the file.

**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 is authorized to enter into an agreement with the Ohio Department of Health for the City to receive payments from the Medicaid programs to implement this ordinance.

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

**Section 7.** That the 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 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.

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

**Ord. No. 1589-11.  
By Council Members Cimperman and Sweeney (by departmental request).**

**An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the Sisters of Charity Foundation for the 2012 Baby Basics Initiative Program; and authorizing the Director to enter into contracts with other agencies or entities to implement the grant.**

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

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

**Section 1.** That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$20,000, and

any other funds that may become available during the grant term from the Sisters of Charity Foundation to conduct the 2012 Baby Basics Initiative Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the summary and budget for the grant contained in the file described below.

**Section 2.** That the summary and budget for the grant, File No. 1589-11-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, are approved in all respects and shall not be changed without additional legislative authority.

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

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

**Section 5.** That the Director of Public Health is authorized to enter into one or more contracts with other agencies or entities to implement the grant.

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

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

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

**Ord. No. 1590-11.  
By Council Members Cimperman and Sweeney (by departmental request).**

**An emergency ordinance authorizing the Director of Public Health to apply for and accept a grant from the St. Luke's Foundation for the Making Greater Cleveland Lead Safe and Healthy Program; to enter into one or more contracts with Lutheran Metropolitan Ministry, Cuyahoga County Board of Health, the Cleveland Tenants Organization and other agencies or entities to implement the grant.**

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

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

**Section 1.** That the Director of Public Health is authorized to apply for and accept a grant in the approximate amount of \$350,000, and any other funds that may become available during the grant term, from the St. Luke's Foundation to conduct the Making Greater Cleveland Lead Safe and Healthy Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that

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

**Section 2.** That the summary for the grant, File No. 1590-11-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

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

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

**Section 5.** That the Director of Public Health is authorized to enter into one or more contracts with Lutheran Metropolitan Ministry, Cuyahoga County Board of Health, the Cleveland Tenants Organization and other agencies or entities to implement the grant as described in the file.

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

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

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

**Ord. No. 1591-11.**

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

**An emergency ordinance authorizing the Director of Public Health to enter into one or more agreements with eligible contractors to rent City-owned instruments and office equipment necessary to provide risk assessment, clearance, and lead hazard control services in residential properties under the City's Lead Safe Living - Healthy Homes Program.**

Whereas, this Council determines that it is in the public interest to rent City-owned instruments and office equipment to private contractors in connection with risk assessment, clearance, and lead hazard control services and finds that there is a public purpose in that passage of this legislation will provide sustainability and jobs and improve the public health; and

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

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

**Section 1.** That the Director of Public Health is authorized to enter into one or more agreements with eligible contractors to rent City-owned instruments and office equipment needed to provide risk assessment, clearance, and lead hazard control services in residential prop-

erties under the City's Lead Safe Living - Healthy Homes Program. A copy of the program summary and the proposed rental agreement have been placed in File No. 1591-11-A.

**Section 2.** That the rental agreements shall provide that the person renting the instruments or office equipment ("Client") will charge a fee to residents of a maximum of \$500.00 per unit for risk assessments and a fee of a maximum of \$400.00 per unit for paint inspection. The Client will also pay rental fees for instruments and equipment, including a security deposit and a late return charge. For any one day rental between Monday and Thursday, the rental fee shall be \$75.00, and will also include a \$100 security deposit. For a three day rental from Friday to Sunday, the rental fee shall be \$150.00, and will also include a \$100.00 security deposit. For a rental for a consecutive seven-day period, the rental fee shall be \$450.00, and will also include a \$200.00 security deposit. A late fee of \$75.00 per day shall be charged to the Client for any instrument or office equipment not returned by the time stated in the rental agreement.

**Section 3.** That the rental agreements shall be prepared by the Director of Law.

**Section 4.** That the Director of Public Health shall deposit fees and charges collected under this ordinance into Fund No. 10 SF 302, which shall be used to provide maintenance and repair of rented instruments and office equipment and shall also provide additional lead-abatement services under the Lead Program.

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

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

**Ord. No. 1592-11.**

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

**An emergency ordinance authorizing the Director Public Safety to enter into a Memorandum of Understanding with Cuyahoga County to accept annual funding to defray the cost of operating the Northeast Ohio Regional Fusion Center hosted by the City.**

Whereas, Cuyahoga County participates in the Northeast Ohio Regional Fusion Center ("Fusion Center") which is a collaborative effort of Federal, State, County, and local government to combine resources, expertise, or information with the goal of maximizing the ability of such agencies to detect, prevent, investigate, apprehend, and respond to criminal, terrorist, or other activity related to homeland security; and

Whereas, Cuyahoga County desires to support the Fusion Center by providing \$50,000 annually towards its operation; and

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

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

**Section 1.** That the Director of Public Safety is authorized to enter

into a Memorandum of Understanding ("MOU") with the County regarding the City accepting annual funding in the amount of \$50,000 from the County to defray the cost of operating the Fusion Center hosted by the City. A copy of the proposed MOU is placed in File No. 1592-11-A. The MOU shall automatically renew January 1st of each calendar year unless cancelled in writing by either party with at least ninety days written notice of the intent to cancel. The funding authorized in this ordinance is appropriated for the purposes described in this ordinance.

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

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

**Ord. No. 1593-11.**

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

**An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 135.12 relating to police escorts, fee.**

Whereas, this Council determines that it is in the public interest to provide police escorts as authorized in this ordinance for the safety and welfare of citizens and visitors to the City of Cleveland; and

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

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

**Section 1.** That the Codified Ordinances of Cleveland, Ohio, 1976, are supplemented by enacting new Section 135.12 to read as follows:

**Section 135.12 Police Escorts; Fee.**

(a) When the Chief of Police determines it is necessary for the safety and welfare of citizens and visitors for police escorts to be provided, including but not limited to, police escorts for visiting sports teams, political dignitaries, or other individuals or groups requesting or requiring a police escort, the Director of Public Safety may charge and collect fees for the police escort.

(b) A fee schedule for police escorts shall be established by the Board of Control, and updated from time-to-time as necessary.

(c) The Director may establish rules and regulations regarding police escorts, including staffing and vehicles for arrival escorts, departure escorts, and other necessary escorts. Such rules and regulations shall become effective ten days after publication in the City Record.

(d) In addition to the police escorts provided under division (a) of this section, if a police escort is required by state law, or at any other time that the Director of Public Safety and the Traffic Commissioner determine that a police escort is needed, the recipient of the police escort shall also reimburse the City for the costs of the

escort according to the fee schedule established by the Board of Control under this section.

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

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

**Ord. No. 1594-11.**

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

**An emergency ordinance authorizing the Director of Community Development to apply for and accept a grant from Environmental Health Watch for the Warm and Healthy Homes in Cleveland Program; and authorizing the Director to enter into one or more contracts with or make payments to various non-profit and for-profit agencies and entities for services necessary 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 Community Development is authorized to apply for and accept a grant in the approximate amount of \$567,140, from Environmental Health Watch to conduct the Warm and Healthy Homes in Cleveland Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the award letter for the grant contained in the file described below.

**Section 2.** That the award letter for the grant, File No. 1594-11-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

**Section 3.** That the Director of Community Development is authorized to enter into one or more contracts with or make payments to various non-profit and for-profit agencies and entities for services necessary to implement this ordinance.

**Section 4.** 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 5.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

**Ord. No. 1595-11.**

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

**An emergency ordinance authorizing the Director of Community Development to enter into one or more contracts with various non-profit agencies for the implementation of homeless assistance activities.**

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

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

**Section 1.** That the Director of Community Development is authorized to enter into one or more contracts with various non-profit agencies for the implementation of homeless assistance activities.

**Section 2.** That the aggregate cost of the contracts authorized shall not exceed \$1,717,000.00 and shall be paid from Fund Nos. 19 SF 651 and 14 SF 037, RQS 8006, RL 2011-197.

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

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

**Ord. No. 1596-11.**

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

**An emergency ordinance authorizing the Director of Community Development to lease certain property located at 5163 Broadway Avenue, formerly known as St. Michael's Hospital, to Fast Track Cycling, Inc. for the purpose of constructing, developing and operating a cycling facility, for a term not to exceed two years; and authorizing the Commissioner of Purchases and Supplies to enter into an Option to Purchase Agreement with Fast Track Cycling, Inc. in connection with the sale of the property.**

Whereas, the City of Cleveland owns certain property located at 5163 Broadway Avenue, formerly known as St. Michael's Hospital, which is not needed for public use; and

Whereas, Fast Track Cycling, Inc. 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 Fast Track Cycling, Inc. ("Lessee"), certain property which is not needed for public use more fully described as follows:

**Parcel No. 1**

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being Parcel "A" in the Map of Consolidation for Primary Health Systems of Ohio, Limited Part-

nership of part of Original 100 Acre Lots Nos. 320 and 324, as shown by the recorded plat in Volume 271, Page 90 of Cuyahoga County Map Records, be the same more or less, but subject to all legal highways.

**Parcel No. 2**

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and known as being Parcel "B" in the Map of Consolidation for Primary Health Systems of Ohio, Limited Partnership of part of Original 100 Acre Lots Nos. 320 and 324, as shown by the recorded plat in Volume 271, Page 90 of Cuyahoga County Map Records, 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 commence January 1, 2012, shall not exceed two years, and may be terminated by the Director of Community Development 180 days after written notice to Fast Track, Inc. or upon sale of the property to Fast Track, Inc.

**Section 3.** That the property authorized by this ordinance shall be leased at a rental of \$1.00 per 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, 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 notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to enter into an Option to Purchase Agreement with Fast Track Cycling, Inc. for the sale of City-owned property located at 5163 Broadway Avenue, formerly known as St. Michael's Hospital, and further described in above in this ordinance.

**Section 8.** That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the property described above under the option at a price determined to be fair market value by the Board of Control, taking into account all restrictions, and encumbrances placed by the City of Cleveland in the deed of conveyance.

**Section 9.** That the Option to Purchase Agreement shall be prepared by the Director of Law.

**Section 10.** That the conveyance shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland. The deed shall contain necessary provisions, including restrictive reversionary interests as may be specified by the Board of Control or Director of Law, which shall protect the parties as their respective interests require and shall specifically contain a provision against the erection of any advertising signs or billboards except permitted identification signs.

**Section 11.** That notwithstanding and as an exception to the provisions

of Title V of the Community Development Code in the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Community Development may enter into and execute a project agreement for and on behalf of the City of Cleveland with Fast Track Cycling, Inc., for the acquisition, disposition and private redevelopment of the property described in this ordinance.

**Section 12.** That the proceeds from the sale of the property shall be deposited into Fund No. 10.

**Section 13.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

**Ord. No. 1597-11.**

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

**An emergency ordinance authorizing the Director of Economic Development to apply for and accept a grant from United States Environmental Protection Agency to conduct a revolving loan program to make loans or grants to assist with certain environmental remediation costs for eligible projects; 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 Economic Development is authorized to apply for and accept a grant in an amount up to \$1,000,000, from the United States Environmental Protection Agency to conduct a revolving loan program to make loans or grants to assist with certain environmental remediation costs for eligible projects; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the executive summary for the grant contained in the file described below.

**Section 2.** That the executive summary for the grant, File No. 1597-11-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

**Section 3.** That the Director of Economic Development is authorized to enter into one or more contracts with various agencies, entities, or individuals to provide loans or grants in amounts not to exceed \$250,000 to assist with certain environmental remediation costs for eligible projects.

**Section 4.** That the terms of the loans or grants shall be according to the terms set forth in the file.

**Section 5.** That the Director of Economic Development is authorized to accept the collateral determined by the Director to secure repayment of the loans. Any loan agreements, security instruments, or other documents shall be prepared and approved by the Director of Law.

**Section 6.** That the Director of Economic Development is authorized to charge and accept fees in an amount not to exceed the maximum allowable fees under federal regulations and the fees are appropriated to cover costs incurred in the preparation of the loan application, closing and servicing of the loan. The fees shall be deposited to and expended from a loan fees funds to be designated by the Director of Finance.

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

**Section 8.** That the loan or grant contracts authorized in this legislation shall not exceed \$250,000 per project and will require the recipient of financial assistance to work with The Workforce Investment Board for Workforce Area No. 3 to identify and solicit qualified candidates for job opportunities related to the City's contracts, and place special emphasis on the hard to employ, including but not limited to the disabled and persons who have been convicted of or have pled guilty to a criminal offense, unless the criminal conviction or related circumstances relate to the duties for the particular job sought.

**Section 9.** That any loan or grant entered into under this ordinance shall be authorized when approved by the Cleveland Citywide Development Corporation and the Mayor, and the Council Member in whose ward the project is being given assistance shall submit a letter of support for the project. The Director of Economic Development shall notify the Council Member in whose ward the project will occur before it has been approved by the Cleveland Citywide Development Corporation.

**Section 10.** That the Director of Economic Development is authorized to accept the grant funds authorized in Section 1 of this ordinance and deposit the monies into a fund designated by the Director of Finance; and to accept repayment of the loans and to deposit the monies into a fund or fund to be designated by the Director of Finance.

**Section 11.** That the costs of each loan or grant shall not exceed \$250,000, and shall be paid from the fund or funds to which are credited the proceeds of the grant accepted under this ordinance and from the fund or fund to which are credited any loan repayments made from loans authorized under this ordinance, and are appropriated for this purpose.

**Section 12.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its passage and approval by the Mayor; otherwise it shall take effect and be in force from and after the earliest period allowed by law.

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

**Ord. No. 1598-11.**

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

**An emergency ordinance authorizing the Director of Capital Projects to hire one or more consultants for design, engineering and construction services necessary for the rehabilitation of Larchmere Avenue from MLK Jr. Boulevard to N. Moreland Boulevard; authorizing the Director to enter into agreements and accept cash contributions from public and private entities, including the City of Shaker Heights, NEORS, and GCRTA for costs associated with the improvement and to enter into agreements; authorizing the Director to enter into agreements with private utility companies to pay charges for the installation of underground lines; authorizing the Director to enter into a local public agency agreement with the Ohio Department of Transportation to fund and construct the improvement; and authorizing the Commissioner of Purchases and Supplies to acquire for right-of-way purposes real property necessary to make the public improvement.**

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

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

**Section 1.** That the Director of Capital Projects is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional design, engineering and construction services necessary for Larchmere Avenue from MLK Jr. Boulevard to N. Moreland Boulevard (the "Improvement").

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

**Section 2.** That the Director of Capital Projects is authorized to enter into agreements and accept cash contributions from public or private entities, NEORS, and GCRTA for infrastructure restoration costs associated with relocating, rehabilitating or reconstructing utility infrastructure for the Improvement. That the Director of Capital Projects is authorized to enter into agreements with the entities for this purpose.

**Section 3.** That the Director of Capital Projects is authorized to enter into one or more agreements with private utility companies to pay charges for the installation of underground lines in connection with the Improvement.

**Section 4.** That the Director of Capital Projects is authorized to enter into an agreement with the City of Shaker Heights to fund and to construct the Improvement.

**Section 5.** That the Director of Capital Projects is authorized to enter into a local public agency agreement with the Ohio Department of Transportation to fund and to construct the Improvement.

**Section 6.** That notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Commissioner of Purchases and Supplies is authorized to acquire for right-of-way purposes real property necessary to make the Improvement. The consideration to be paid for the property shall not exceed fair market value to be determined by the Board of Control.

**Section 7.** That the Director of Capital Projects is authorized to execute, on behalf of the City, all documents necessary to acquire property and to employ and pay all fees for title companies, surveys, escrows, appraisers, and all other costs necessary for the acquisition of the property.

**Section 8.** That the cost of the contracts, payments, property acquisition, and other expenditures authorized shall be paid from Fund Nos. 20 SF 380, 20 SF 383, 20 SF 394, 20 SF 500, 20 SF 506, 20 SF 510, 20 SF 520, 20 SF 528, 20 SF 534, 20 SF 540, from the fund or funds to which are credited any grant proceeds, fund or funds to which are credited any funds received under the local public agency agreement, fund or cash contributions accepted and appropriated under this ordinance, and from any other funds approved by the Director of Finance. (RQS 4002, RL 2011-193)

**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.

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

**Ord. No. 1599-11.**

**By Council Member Brancatelli.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at Marble Ave., between E. 77th Street and E. 78th Street to D & B Realty Holdings Co., Ltd. or designee.**

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

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

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

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

**Section 1.** That under Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to sell the real property,

more fully described below, to D & B Realty Holdings Co., Ltd. or designee.

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

P. P. 133-09-040

**SUBLOT 2:**

Part of Original One Hundred Acre Lot Numbers 315, 319, 447 and 455, and being further bounded and described as follows:

Beginning at a drill hole set on the northerly line of Marble Avenue S.E., 40 feet wide, at its intersection with northwesterly line of East 78th Street, 49.5 feet wide;

Thence North 70°-50'-20"-West, along said northerly line of said Marble Avenue S.E., a distance of 239.38 feet to an iron pin set at the Principle Place of Beginning of land herein intended to be described and known as Sublot 2 in the "Lot Split Plat for General Investment Funds Real Estate Holding Company" as shown by the recorded plat in Volume 352, Page 65 of Cuyahoga County Map Records, and being further bounded and described as follows;

Thence continuing North 70°-50'-20" West, along said northerly line of said Marble Avenue S.E., a distance of 50.00 feet to an iron pin set;

Thence North 18°-46'-55" East, a distance of 603.91 feet to its intersection with the southerly line of Osage Avenue S.E. (Width Varies), said course being parallel with the easterly line of East 77th Street;

Thence South 72°-58'-38" East, a distance of 50.02 feet to an iron pin set;

Thence South 18°-46'-55" West, a distance of 605.78 feet to the Principal Place of Beginning, containing approximately 0.69427 Acres (30242.31 square feet) of land be the same more or less but subject to all legal highways and easements. According to a survey performed on the ground by Frank B. Krause & Associates dated June 2007. Bearings used in this description are to an assumed azimuth and are to be used to indicate angles only. All corner pins set are 5/8"x30" steel bars and bear a yellow plastic cap, imprinted with Ohio registered land surveyor's number 7893, Robert P. Krause, P.S.

THE INTEREST CONVEYED HEREBY IS SUBJECT TO AN ENVIRONMENTAL COVENANT, DATED FEBRUARY 21, 2008 RECORDED IN THE DEED OR OFFICIAL RECORDS OF THE CUYAHOGA COUNTY RECORDER ON FEBRUARY 21, 2008, IN AFN# 200802210741. THE ENVIRONMENTAL COVENANT CONTAINS THE FOLLOWING ACTIVITY AND USE LIMITATION:

LIMITATION PROHIBITING GROUNDWATER EXTRACTION AND USE GROUNDWATER UNDERLYING THE PROPERTY SHALL NOT BE EXTRACTED OR USED FOR ANY PURPOSE; POTABLE OR OTHERWISE, EXCEPT FOR INVESTIGATION, MONITORING-- OR REMEDIATION OF/ THE GROUNDWATER, OR IN CONJUNCTION WITH CONSTRUCTION OR EXCAVATION ACTIVITIES OR MAINTENANCE OF SUBSURFACE UTILITIES;

**Section 3.** That all documents necessary to complete the conveyance authorized by this ordinance shall be

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

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

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

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

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

**Ord. No. 1600-11.**

**By Council Member Mitchell.**

**An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 7922 Golden Avenue to Fairfax Renaissance Development Corp.**

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

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

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

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

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

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

P. P. 119-27-061

And known as being part of Sublots Nos. 20 and 21 in Holden and Rowe's Subdivision of part of Original One Hundred ACRE Lot No. 407 as shown

by the recorded plat in Volume 3 of Maps, Page 59 Cuyahoga County Records and together forming a parcel of land bounded and described as follows: Beginning on the Southerly line of Golden Avenue S.E., at the Northwesterly corner of said Sublot No. 20; thence Southerly about 150 Feet to the Northwesterly corner of the land conveyed to Yetta Berger by deed dated June 10, 1923 and recorded in Volume 2801, Page 308 of Cuyahoga County Records; thence Easterly along the Northerly line of land so conveyed to Yetta Berger, as aforesaid about 50 feet to the Westerly line of land conveyed to Jennie Hinderson, et al., by deed dated January 26, 1920, and recorded in Volume 2372, Page 500 of Cuyahoga County Records; thence Northerly along the Westerly line of land so conveyed to Jennie Hinderson, et al., as aforesaid, to the Northwesterly corner thereof; thence Easterly along the Northerly line of land so conveyed to Jennie Hinderson, et al., as aforesaid, about 50 feet to the Northeasterly corner thereof; thence Northerly along the Easterly line of said Sublot No. 21, 140 feet, to a point on the Southerly line of Golden Avenue, S.E., which is distant Easterly 100 feet from the place of beginning, be the same more or less, but subject to all legal highways.

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

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

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

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

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

**Ord. No. 1601-11.**

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

**An emergency ordinance authorizing the Director of Economic Development to enter into an agreement**

**with the Manufacturing Advocacy & Growth Network to act as the City's fiscal agent in connection with the Adopt-A-City Initiative; authorizing an agreement with NASA to provide services; and authorizing the Director to enter into one or more tri-party contracts for low-interest loans with MAGNET and the various businesses to implement the program.**

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

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

**Section 1.** That the Director of Economic Development is authorized to enter into an agreement with the Manufacturing Advocacy & Growth Network ("MAGNET") to act as the City's fiscal agent in connection with the Adopt-A-City Initiative as more fully described in File No. 1601-11-A.

**Section 2.** That the Director of Economic Development is authorized to enter into an agreement with NASA to provide limited resources under the Initiative.

**Section 3.** That the Director of Economic Development is authorized to enter into one or more tri-party contracts for low-interest loans with MAGNET and with businesses in amounts up to \$50,000 to implement the Initiative.

**Section 4.** That the terms of the loans shall be according to the terms set forth in the file.

**Section 5.** That the Director of Economic Development is authorized to accept the collateral determined by the Director to secure repayment of the loans. Any loan agreements, security instruments, or other documents shall be prepared and approved by the Director of Law.

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

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

**Section 8.** That the loan contracts authorized in this legislation shall not exceed an aggregate amount of \$250,000 and will require the recipient of financial assistance to work with The Workforce Investment Board for Workforce Area No. 3 to identify and solicit qualified candidates for job opportunities related to the City's contracts, and place special emphasis on the hard to employ, including but not limited to the disabled and persons who have been convicted of or have pled guilty to a criminal offense, unless the criminal conviction or related circumstances relate to the duties for the particular job sought.

**Section 9.** That the costs of each loan shall not exceed \$50,000, and shall be paid from Fund No. 17 SF 652, RQS 9501, RL 2011-190.

**Section 10.** That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately

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

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

**Ord. No. 1603-11.**

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

**An emergency ordinance determining the method of making the public improvement of repairing and constructing roadways, bus pads, sidewalks, driveway aprons, curbs, curb ramps, brick streets, and appurtenances and authorizing the Director of Capital Projects to enter into one or more public improvement requirement contracts for the making of the improvement, for a one year period.**

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

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

**Section 1.** That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of repairing and constructing roadways, bus pads, sidewalks, driveway aprons, curbs, curb ramps, brick streets, and appurtenances, for the Division of Engineering and Construction, Office of Capital Projects, by one or more public improvement requirement contracts duly let to the lowest responsible bidder or bidders on a unit basis for the improvement.

**Section 2.** That the Director of Capital Projects 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 one year period for the making of the above public improvement with the lowest responsible bidder or bidders after competitive bidding on a unit basis for the improvement for a period not to exceed the specified term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Engineering and Construction, Office of Capital Projects. 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 3.** That the costs of the contract or contracts shall be paid from the fund or funds to which are credited the proceeds of the sale of general obligation bonds for 2009, if authorized by this Council and sold by the City, issued for the purpose which includes the above improvement, 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 requisition against the contract or contracts certified by the Director of Finance. (RQN 4004 RL2011-057)

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

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

**Ord. No. 1604-11.**

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

**An emergency ordinance to amend Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1976, as amended by Ordinance No. 658-10, passed June 7, 2010, relating to the residential and industrial-commercial land banks.**

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 183.021 of the Codified Ordinances of Cleveland, Ohio, 1967, as amended by Ordinance No. 658-10, passed June 7, 2010, is amended to read as follows:

**Section 183.021 Land Reutilization Programs**

**(a) Residential Land Bank.**

(1) The Director of Community Development shall administer a Land Reutilization Program for residential property established under RC Chapter 5722 and adopted and implemented by Ordinance 2076-76, passed October 25, 1976, and shall perform the duties specified in RC 5722.06. Land acquired as part of the Land Reutilization Program for residential property may be referred to as Residential Land Bank property.

(2) If Residential Land Bank property is sold, it shall be sold according to the terms of RC Chapter 5722, without competitive bidding, for not less than fair market value, with reference to such terms and conditions, restrictions and covenants to assure the effective reutilization of the land, as the Board of Control shall determine and authorize, and the land shall be conveyed notwithstanding any other provisions of the Codified Ordinances to the contrary.

(3) If a member of Council does not disapprove in writing to the Director of Community Development within 30 days of notification of a proposed sale or lease of a property in the Residential Land Bank in his or her ward then that process described in this section shall be used for the sale or lease of the property in his or her ward. **Within thirty (30) days of notification, a member of Council may request one additional 30-day extension.**

(4) The Commissioner of Purchases and Supplies when directed by the Director of Community Development is authorized to sell or lease any land in the Residential Land Bank if the purchaser of the land is neither tax delinquent nor has any existing Building or Housing Code violations on property owned in the City. Each instrument of conveyance shall contain provisions and use restrictions as Council deems necessary or appropriate to protect the interests of the neighborhood and the City.

(5) Before the acquisition of any residential property with multiple parcels into the Residential Land Bank, the Director of Community Development shall conduct all appropriate inquiries in accordance with rules adopted by the United States Environmental Protection Agency under the requirements of the Small Business Liability Relief and Brownfields Revitalization Act (Pub. L. No. 107-118, 115 stat. 2356).

**(b) Industrial-Commercial Land Bank.**

(1) The Director of Economic Development shall administer a Land Reutilization Program for industrial and commercial property established under RC Chapter 5722 and adopted and implemented by Ordinance 2076-76, passed October 25, 1976, and shall perform the duties specified in RC 5722.06. Land, including residential properties, acquired as part of the Land Reutilization Program for industrial and commercial property may be referred to as Industrial-Commercial Land Bank property.

(2) If Industrial-Commercial Land Bank property is sold, it shall be sold according to the terms of RC Chapter 5722, without competitive bidding, for not less than fair market value, with reference to such terms and conditions, restrictions and covenants to assure the effective reutilization of the land, as the Board of Control shall determine and authorize, and the land shall be conveyed notwithstanding any other provisions of the Codified Ordinances to the contrary.

(3) **If a member of Council does not disapprove in writing to the Director of Economic Development within 30 days of notification of a proposed sale or lease of a property in the Industrial-Commercial Land Bank in his or her ward then that process described in this section shall be used for the sale or lease of the property in his or her ward. Within thirty (30) days of notification, a member of Council may request one additional 30-day extension.**

(4) **The Commissioner of Purchases and Supplies when directed by the Director of Economic Development is authorized to sell or lease any land in the Industrial-Commercial Land Bank if the purchaser of the land is neither tax delinquent nor has any existing Building or Housing Code violations on property owned in the City. Each instrument of conveyance shall contain provisions and use restrictions as Council deems necessary or appropriate to protect the interests of the neighborhood and the City.**

(5) Before the acquisition of any industrial or commercial property into the Industrial-Commercial Land Bank, the Director of Economic Development shall conduct all appropriate inquiries in accordance with rules adopted by the United States Environmental Protection Agency under the requirements of the Small Business Liability Relief and Brownfields Revitalization Act (Pub. L. No. 107-118, 115 stat. 2356).

(6) The Director of Economic Development is authorized to deposit the proceeds from the sale of any industrial or commercial property from the Industrial-Commercial Land Bank into Special Revenue Fund No. 17 SF 965. This fund shall be used for costs associated with acquisition, maintenance, remediation, including costs for insurance and for activities

related to the recovery of costs incurred on these properties. Further, funds received by the City of Cleveland as a result of direct insurance claim settlements, cost recovery efforts initiated by the Land Reutilization Program for industrial and commercial property, demolition or remediation actions as a result of the Program, and grants, donations or any other sources pledged to the Program shall be deposited in Special Revenue Fund No. 17 SF 965.

(7) The Director of Economic Development is authorized to execute on behalf of the City of Cleveland all necessary documents to employ and pay all fees for services necessary, including agents to conduct acquisition activities for the remediation and disposition of the property and to comply with any applicable Federal or state regulatory requirements, as well as to execute documents for the purchase of insurance on the property. That the costs of these contracts shall be paid from Fund 17 SF 965 and from any other funds or subfunds which are appropriated for this use.

(8) **The Director of Economic Development is authorized to execute on behalf of the City of Cleveland all necessary documents to secure a No Further Action Letter for property from Ohio EPA, including such covenants, declarations, or restrictions upon the property are required.**

**Section 2.** That existing Section 183.021 of the Codified Ordinances of Cleveland, Ohio, 1967, as amended by Ordinance No. 658-10, passed June 7, 2010, is repealed.

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

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

**Ord. No. 1605-11.**

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

**An emergency ordinance authorizing the Director of Port Control to enter into a Third Amendment to the Dock Lease, Contract No. 39455, with the Cleveland-Cuyahoga County Port Authority to extend the term on Docks 24, 26, & 28A and terminate the leasehold on Docks 30 and 28B, and to authorize a contract with the Port Authority to perform certain harbor related duties.**

Whereas, under Ordinance No. 2818-A-86, passed December 21, 1987, this Council authorized the Mayor and the Director of Port Control to enter into Contract No. 39455 with the Cleveland-Cuyahoga County Port Authority ("Port Authority") for the lease of premises commonly known as Docks 32, 30, 28, 26 and 24 located in the City of Cleveland (the "Dock Lease"); and

Whereas, under Ordinance No. 817-03, passed October 6, 2003, as amended by Ordinance No. 946-04, passed June 14, 2004, this Council authorized an amendment to the Dock Lease to provide that the Port Authority vacate Dock 32 and for a corresponding rent reduction; and



Whereas, under Ordinance No. 817-03, passed October 6, 2003, as amended by Ordinance No. 946-04, passed June 14, 2004, this Council authorized a Second Amendment to the Dock Lease extending the lease term for the use of Docks 24, 26 & 28A an additional 15 years, terminating in the year 2043, and allowing the City to remove Dock 30 and/or Dock 28B upon delivering to the Port Authority written notice not less than five years prior to the intended date of removal ("Removal Notice Requirement"); and

Whereas, the Port Authority has expressed a willingness based on its expertise and resources to perform duties in the harbor related to preventing obstructions in the harbor, the preservation of adequate retaining works (bulkheads), and preventing encroachments and dumping of materials in the harbor; and

Whereas, a Third Amendment to the Dock Lease is necessary as consideration for the assumption of these duties by the Port Authority; and

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

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

**Section 1.** That the Director of Port Control is authorized to enter into a Third Amendment to the Dock Lease to:

(i) confirm the existing boundary line between Dock 28A and Dock 28B;

(ii) extend the lease term for the use of Docks 24, 26 & 28A an additional 15 years from 2043 to 2058;

(iii) delete the Removal Notice Requirement; and

(iv) terminate the Port Authority's leasehold interest in Docks 30 and 28B.

**Section 2.** That the Director of Port Control is authorized to enter into one or more contracts with the Port Authority to perform certain navigation, commerce, and maritime trade duties and enforcement responsibilities with respect to the harbor for a term not to exceed 47 years. The duties to be performed by the Port Authority are set forth in Sections 573.02 to 573.08 of the Codified Ordinances of Cleveland, Ohio, 1976.

**Section 3.** That the Third Amendment to the Dock Lease shall provide that so long as the Port Authority performs harbor duties under contract as specified in this ordinance, the Port Authority shall be entitled to receive an annual abatement of rental payments due on the lease of Docks 24, 26 & 28A, in an amount not to exceed \$250,000 per year.

**Section 4.** That the Third Amendment to the Dock Lease and all other contracts necessary to enable the Port Authority to perform certain harbor duties shall be prepared by the Director of Law and approved by the Director of Port Control.

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

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

**Ord. No. 1606-11.**  
**By Council Members Keane, Mitchell and Sweeney (by departmental request).**

**An emergency ordinance to repeal Sections 573.01 to 573.09 and 573.99 of the Codified Ordinances of Cleveland, Ohio, 1976 as amended and enacted by various ordinances; and to supplement the codified ordinances by enacting new Sections 573.01 to 573.09 and 573.99 relating to Cleveland Harbor, its boundaries, obstructions, retaining works, and encroachments.**

Whereas, certain sections of the Codified Ordinances of Cleveland, Ohio, 1976, which define the boundaries of Cleveland's harbor and set forth duties and enforcement responsibilities that relate to preventing obstructions in the harbor, the preservation of adequate retaining works (bulkheads) along the harbor, and preventing encroachments and dumping of materials in the harbor need to be updated; and

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

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

**Section 1.** That the following sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 573.01, as amended by Ordinance No. 1484-54, passed June 21, 1954,

Section 573.02, as amended by Ordinance No. 861-08, passed July 2, 2008,

Section 573.03, as enacted by Ordinance No. 63410-A, passed September 22, 1924,

Sections 573.04 and 573.05, as amended by Ordinance No. 861-08, passed July 2, 2008,

Sections 573.06 and 573.07, as amended by Ordinance No. 1484-54, passed June 21, 1954,

Section 573.08, as enacted by Ordinance No. 63410-A, passed September 22, 1924,

Section 573.09, as amended by Ordinance No. 1484-54, passed June 21, 1954, and

Section 573.99, as amended by Ordinance No. 861-08, passed July 2, 2008 are repealed.

**Section 2.** That the Codified Ordinances of Cleveland, Ohio, 1976 are supplemented by enacting new Sections 573.01 to 573.09 and 573.99 to read as follows:

**Section 573.01 Harbor Boundaries Defined**

The Harbor shall consist of that portion of the Cuyahoga River from the Newburg and South Shore Railroad Bridge to the east and west pier lights on the south shore of Lake Erie, the Old River Channel from Channel Park Marina to the channels confluence with the Cuyahoga River at Willow Street, that portion of Lake Erie within the federal breakwater between the western end of the Cleveland Bulk Terminal and the lake approach to the east entrance light on the federal breakwater at approximately East 72nd Street, and the lake approach to the Cuyahoga River from Lake Erie between the east and west pierhead lights on the federal breakwater and the mouth of the river at the south shore of Lake Erie. A map showing the boundaries of the Harbor as described in this section is contained in File No. 1606-11-A.

**Section 573.02 Removal of Obstructions in Harbor; Notice; Enforcement**

(a) The existence of obstructions in the Harbor that cause or potentially cause interference with the use and enjoyment of the Harbor constitute a public nuisance which may affect or endanger the health, safety and welfare of the public. The Director of Port Control, or the Director's designee, shall investigate and take appropriate measures to cause the abatement of any nuisance found to exist with obstructions in the Harbor.

(b) No person shall fail or refuse to comply with an order issued by the Director of Port Control, or the Director's designee, as provided in this section.

(c) Whenever the Director of Port Control, or the Director's designee, determines that there exists an obstruction within the limits of the Harbor constituting a nuisance to be removed, the Director, or the Director's designee, shall cause written notice to be served by certified mail on the owner of the lot or land bounding or abutting the Harbor where the obstruction is located, or the owner's agent, ordering the removal of the obstruction. The notice shall describe the obstruction, provide the date by which the obstruction is to be removed, and contain such additional information as the Director, or the Director's designee, deems necessary. The notice shall be addressed to the owner, or the owner's agent, at their last known address or to the address to which tax bills are sent, or by a combination of the foregoing methods. If it appears by the return of the certified mail notice that the owner or owner's agent, cannot be found, notice shall be served by publication of the notice once in a newspaper of general circulation in the City.

(d) If the obstruction is not removed by the owner or the owner's agent within the time period specified in the notice, the Director of Port Control, or the Director's designee, may have the obstruction removed at the expense of the owner, and, if the owner does not pay the cost of the removal, refer the cost of the removal to the County to be assessed against the property and thereby made a lien upon it and collected as other taxes.

**Section 573.03 Retaining Works in the Harbor**

For the free, convenient and safe navigation within the Harbor and in order to provide against the subsidence, washing, falling or depositing therein of earth or any other material from the abutting land by reason of any work or structure erected or maintained thereon, or material deposited or operations conducted therein, retaining works and structures and such repairs of existing works or structures as are suitable and necessary to preserve the channel and to prevent such depositing of earth or other material shall be constructed in the manner and at the times provided in Sections 573.04 and 573.05.

**Section 573.04 Construction or Repair of Retaining Works Adjoining the Harbor; Notice; Enforcement**

(a) The lack or disrepair of retaining works and structures on property adjoining the Harbor which cause or potentially cause interference with the free, convenient and safe navigation of the Harbor constitute a public

nuisance which may affect or endanger the health, safety and welfare of the public. The Director of Port Control, or the Director's designee, shall investigate and take appropriate measures to cause the abatement of any nuisance found to exist.

(b) No person shall fail or refuse to comply with an order issued by the Director of Port Control, or the Director's designee, as provided in this section.

(c) Whenever the Director of Port Control, or the Director's designee, determines that a condition exists requiring construction of retaining works or structures on parcels of land adjoining the Harbor, or repair of existing retaining works or structures on parcels of land adjoining the Harbor, the Director, or the Director's designee, shall cause written notice to be served by certified mail on the owner of the parcel of land, or the owner's agent, ordering the construction or repair of retaining works or structures. The notice shall describe the unsafe condition or disrepair and the corrective measures to be taken, provide the date by which the work is to be completed, and contain such additional information as the Director, or the Director's designee, deems necessary. The notice shall be addressed to the owner, or the owner's agent, at their last known address or to the address to which tax bills are sent, or by a combination of the foregoing methods. If it appears by the return of the certified mail notice that the owner or owner's agent, cannot be found, notice shall be served by publication of the notice once in a newspaper of general circulation in the City. As used in this section, "retaining works or structures" shall include but are not limited to wharves, docks, walls, bulkheads and revetments.

(d) If the requirements of the notice are not observed by the owner or the owner's agent within the time period specified in the notice, the Director of Port Control, or the Director's designee, may have the work done at the expense of the owner and, if the owner does not pay the cost of the work, refer the cost of the work to the County to be assessed against the property and thereby made a lien upon it and collected as other taxes.

**Section 573.05 Retaining Works; Specifications**

All retaining works and structures, including wharves, docks, piers, bulkheads, or revetments constructed or repaired along the Harbor shall be built at such locations as are determined by the Director of Port Control, or the Director's designee, and shall comply with design, material, engineering and construction requirements specified in rules promulgated by the Director under Section 573.09. Council may by resolution prescribe requirements for construction or repairs additional to those specified by the Director of Port Control in order that the requirements of any particular or peculiar condition may be met. No retaining wall or structure, including wharves, docks, piers, bulkheads or revetments shall be constructed, repaired or renewed along the Harbor (except that portion of Harbor under the jurisdiction of the United States Government) without first securing written permission from the Director, or the Director's designee, which permission shall only be given after submitting to the

Director, or the Director's designee, detailed plans of the proposed construction.

**Section 573.06 Prohibition Against Encroachment into Harbor**

No person shall encroach upon the waters of the Harbor by the placement of retaining walls or structures without written permission of the Director of Port Control or his designee as provided in Section 573.05.

**Section 573.07 Prohibition Against Placing Materials in Harbor**

No person shall throw or deposit, or cause to be thrown or deposited in the Harbor any earth, garbage, logs or debris of any description, or any obstructions; nor place any such material on the bank, wharves, docks or piers of the Harbor, in such position as to be washed off or otherwise conveyed into the Harbor.

**Section 573.08 Prohibition Against Placing Obstructions in Harbor**

No person shall drive or place, or cause to be driven or placed, any pile, stone, timber, earth or other obstruction in the Harbor without prior permission of the Director of Port Control or the Director's designee.

**Section 573.09 Rules and Regulations Concerning the Harbor**

The Director of Port Control may promulgate rules and regulations for the management and maintenance of the Harbor, including specifications for the design, material, engineering and construction of retaining works under Section 573.05. Such rules and regulations shall become effective ten days after publication in the City Record and shall be enforced as ordinances of the City.

**Section 573.99 Penalty**

(a) Whoever violates division (b) of Section 573.02, division (b) of Section 573.04, Section 573.06, Section 573.07, Section 573.08 or Section 573.10 is guilty of a misdemeanor of the first degree.

(b) Whoever violates any provision of this chapter for which no other penalty is provided shall be guilty of a misdemeanor of the fourth degree.

(c) A separate offense shall be deemed committed each day during or on which an offense occurs or continues, after notification by the Director of Port Control or the Director's designee of a violation.

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

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

**Ord. No. 1607-11.**  
**By Council Members Keane, K. Johnson and Sweeney (by departmental request).**

**An emergency ordinance authorizing the Mayor and Directors of Public Works and Port Control to enter into a Third Amendment and Restatement to Common Area Maintenance Agreement No. 48828 with the Cleveland-**

**Cuyahoga County Port Authority, the Rock and Roll Hall of Fame and Museum, Inc., the Great Lakes Museum of Science, Environment and Technology, and the Cleveland Browns Stadium Company LLC ("Stakeholders"), to replace the Cleveland-Cuyahoga County Port Authority as manager, to employ consultants, expend funds, and purchase insurance for the Common Area as required; to establish a CAM special revenue fund; and authorizing contracts to operate, maintain and manage the Common Areas.**

Whereas, under Ordinance No. 1196-95, passed August 22, 1995, this Council authorized the Mayor and the Director of Public Works to enter into the Common Area Maintenance Agreement, Contract No. 48828 ("CAM") between the City of Cleveland, The Cleveland-Cuyahoga County Port Authority ("Port Authority"), The Rock and Roll Hall of Fame and Museum, Inc. ("Rock & Roll"), and The Great Lakes Museum of Science, Environment and Technology ("Great Lakes") for the development, use, maintenance and operation of the common area of North Coast Harbor; and

Whereas, under Ordinance No. 261-99, passed June 14, 1999, this Council authorized a First Amendment to Contract 48828 to add the Cleveland Browns Stadium Company LLC, ("Browns") as a participating member; and

Whereas, under Ordinance No. 1266-05, passed February 13, 2006, this Council authorized a Second Amendment to Contract 48828 (collectively "CAM as amended") to eliminate the Stakeholders obligations to contribute to the CAM Capital Repairs Fund upon the final contribution of \$70,000. The City is now responsible for all common area capital repairs; and

Whereas, the current common areas are located within what is commonly known as North Coast Harbor, and includes the harbor, Voinovich Park, Flag Parcel, East Ninth Street Pier, Park Parcel, Parcel B, and the Tree Parcel, except that portion of East Ninth Street Pier used for the operation of the Parking Facility, former Skate Park, Rock & Roll Parking, and Goodtime III Ticket Booth. Also excluded from the current common areas at North Coast Harbor are the Rock and Roll footprint, Browns Stadium footprint, the Great Lakes/Connector/Mather footprint, and Docks 32, 30, or 28B, as further illustrated in the map ("Common Area") contained in File No. 1607-11-A; and

Whereas, the Port Authority now desires to be removed from the CAM as a participating and managing member and have all management responsibilities under the CAM assumed by the City's Department of Port Control; and

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

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

**Section 1.** That the Mayor and Directors of Public Works and Port Control are authorized to enter into a Third Amendment and Restatement to the CAM as amended, Contract No. 48828, for the purposes of:

A. Allowing the Department of Port Control to assume responsibility for the duties currently performed by the

Port Authority under the CAM as amended, including but not limited to the right to use, control, manage, and direct the Common Areas; to assume the sole right to conduct Special Events and develop Additional Facilities within the Common Areas; and to enter into Sponsorship Agreements, Vendor Agreements, Concession Agreements and Naming Rights Agreements (and other similar agreements) with respect to the Common Areas in accordance with the provisions of the CAM Agreement and the purposes for which the Common Areas are designed and intended;

B. Removing the Port Authority as a Stakeholder and their preferential development rights in a future site generally located east of E. 9th Street, north of N. Marginal, south of Lake Erie, and west of Burke Lakefront Airport, currently owned by the Army Corps of Engineers and the Coast Guard;

C. Changing the arbitrator of the dispute resolution mechanism from the Director of Public Works to the Director of Law; and

D. Allowing the Stakeholders to change the configuration of the Common Areas and other operational terms in the CAM agreement as amended upon written agreement by all Stakeholders.

**Section 2.** That the Director of Port Control is authorized to employ by contract or contracts one or more consultants, vendors, insurance brokers, or other professionals or one or more firms of consultants, vendors, insurance brokers, or other professionals necessary for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to implement the CAM Agreement, including but not limited to, insurance brokerage, insurance companies, special event managers, security, marina managers, and property maintenance and managers. The selection of the consultants or firms for the services shall be made by the Board of Control on the nomination of the Director of Port Control from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Port Control for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control.

**Section 3.** That the Director of Port Control is authorized to enter into standard purchase contracts and requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, the period of requirements to be determined by the Director, for the purchase or rental of necessary items of materials, equipment, supplies, or services needed to maintain the Common Areas during the term of the agreement, or the necessary items of materials, equipment, supplies, or services needed in connection with the performance of the various consulting contracts authorized in this ordinance, and labor and materials needed to install and maintain any or all of the above-mentioned necessary items, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Port Control.

**Section 4.** That the Director of Finance is authorized to accept the balance of all funds in all accounts held by the Port Authority for the ben-

efit of the Stakeholders under the CAM as amended; to accept annual payments from Stakeholders per an established CAM budget; and to establish a CAM special revenue fund ("CAM Fund") at the City into which the annual payments from the Stakeholders shall be deposited and are appropriated to pay the costs of the contracts authorized by Sections 2 and 3 of this ordinance, provided that the City shall incur no liability as a result of any action taken or not taken prior to receipt of the funds by the City from the Port Authority and deposited into the CAM Fund.

**Section 5.** That the cost of the contracts authorized by Sections 2 and 3 of this ordinance shall be paid from funds deposited in the CAM Fund and any obligation to pay for contracts from the CAM Fund shall not exceed the available balance in the CAM Fund.

**Section 6.** The contracts authorized by this Ordinance shall be prepared by the Director of Law, approved by the Director of Port Control, and certified by the Director of Finance.

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

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

**Ord. No. 1608-11.**

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

**An emergency ordinance terminating the Cooperative Agreement between the City of Cleveland and the Cleveland-Cuyahoga Port Authority regarding the use of the proceeds generated from parking activities and to transfer the balance of funds held by the Cleveland-Cuyahoga Port Authority to the City; to establish a Downtown Lakefront Management special revenue fund; and authorizing contracts to operate, maintain and manage The Downtown Lakefront.**

Whereas, on November 4, 2005, the City of Cleveland and the Cleveland-Cuyahoga Port Authority ("Port Authority") entered into a cooperative agreement to use the proceeds generated from activities at the Lakefront, including but not limited to parking and special event revenue, for capital repairs, improvements and special events ("Cooperative Agreement"); and

Whereas, the Department of Port Control desires to control the management of the Downtown Lakefront, which excludes land designated by the Port Authority for maritime operations and Burke Airport Enterprise Property, and includes the common areas, parking lots, Voinovich Park, former skate park, new transient marina, East 9th Street Pier and Docks 32, 30 and 28B (also known as Harbor West) as further illustrated in the map (collectively "Downtown Lakefront") contained in File No. 1608-11-A; and

Whereas, the parties agree to terminate the Cooperative Agreement by mutual consent and transfer the balance of funds to 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 the Cooperative Agreement between the City of Cleveland and the Cleveland-Cuyahoga Port Authority ("Port Authority") regarding the use of the proceeds generated from parking activities is terminated by mutual consent of all parties. The Director of Port Control is authorized to enter into all agreements necessary to reflect this termination.

**Section 2.** That, notwithstanding any provision of the Codified Ordinances of Cleveland, Ohio, 1976, to the contrary, the Director of Port Control is authorized to enter into one or more revenue generating agreements including but not limited to vendor agreements, license agreements, concession agreements, parking agreements, marina and other maritime recreational activities agreements or other similar agreements with various entities, on the basis of competitive proposals, for activities at the Downtown Lakefront, for a period approved by the Board of Control, using rates established by the Board of Control. The selection of the concessionaires and contractors under this section shall be made by the Board of Control, on the nomination of the Director of Port Control.

**Section 3.** That the Director of Port Control is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services at the Downtown Lakefront relating to security, special events, property maintenance and management, marina management, capital repairs and technical services. The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Port Control from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Port Control for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control.

**Section 4.** That the Director of Port Control is authorized to make written standard purchase contracts and written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, the period of requirements to be determined by the Director, for the purchase or rental of necessary items of materials, equipment, supplies, or services needed to maintain the Downtown Lakefront during the term of the agreement, or the necessary items of materials, equipment, supplies, or services needed in connection with the performance of the various consulting contracts authorized in this ordinance, and labor and materials needed to install and maintain any or all of the above-mentioned necessary items, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Port Control.

**Section 5.** That under Section 108(b) of the Charter, the purchases or leases authorized by this ordinance may be

made through cooperative agreements with other governmental agencies. The Director of Port Control 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 Department of Port Control is authorized to charge fees fixed by the Board of Control for use of Downtown Lakefront Warehouses, Marinas, Parks, Piers and Docks.

**Section 7.** That the Department of Port Control is authorized to enter into submerged land leases with the State of Ohio for property at the Downtown Lakefront as deemed necessary for a term not to exceed fifty years.

**Section 8.** That the Director of Finance is authorized to accept the balance of all funds held by the Port Authority under the Cooperative Agreement; and to establish a Downtown Lakefront Management special revenue fund ("Downtown Lakefront Fund") into which the fund balance from the Port Authority shall be deposited and all net revenue generated from all fees and revenue generated agreements at the Downtown Lakefront shall be deposited, and such funds are appropriated to pay the cost of the contracts authorized by this ordinance, provided that the City shall incur no liability as a result of any action taken or not taken prior to receipt of the funds by the City from the Port Authority and deposited into the Downtown Lakefront Fund.

**Section 9.** That the cost of the contracts authorized under this ordinance shall be paid from funds

deposited in the Downtown Lakefront Fund and any obligation to pay for contracts from the Downtown Lakefront Fund shall not exceed the available balance in the Downtown Lakefront Fund.

**Section 10.** The contracts authorized by this ordinance shall be prepared by the Director of Law, approved by the Director of Port Control, and certified by the Director of Finance.

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

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

#### **FIRST READING EMERGENCY RESOLUTIONS REFERRED**

##### **Res. No. 1572-11.**

**By Council Members K. Johnson, Miller, Cleveland and Sweeney (By Request).**

**An emergency resolution declaring the intent to vacate a portion of Evarts Ave S.E. and a portion of East 90th Place.**

Whereas, this Council is satisfied that there is good cause to vacate a portion of Evarts Avenue S.E. and a portion of East 90th Place, as described; and

Whereas, this resolution constitutes an emergency measure provid-

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

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

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

Declaring the intent to vacate all that portion of East 90th Place (12 feet wide) extending northerly and westerly from the northerly right of way line of Evarts Avenue (40 feet wide) to the easterly right of way line of East 89th Street (40 feet wide).

Declaring the intent to vacate all that portion of Evarts Avenue (40 feet wide) extending easterly from the easterly right of way line of East 89th Street (40 feet wide) to it terminus with that vacated portion of Evarts Avenue (40 feet wide) by City of Cleveland ordinance number 1109-84 passed June 19, 1984 as recorded in volume 232 page 86 of Cuyahoga County Map Records.

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

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

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

#### **FIRST READING ORDINANCE REFERRED**

##### **Ord. No. 1602-11.**

**By Council Member Cimperman.**

**An ordinance to change the Use and Area Districts of lands located on the south side of Hancock Avenue east of West 28th Street to Semi-Industry Use District and a 'C' Area District from Two Family Residential and a 'B' Area District (Map Change No. 2382, Sheet Number 1).**

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

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

Beginning in the centerline of West 28th Street at its intersection with the westerly prolongation of the centerline of Hancock Avenue;

Thence easterly along said westerly prolongation and said centerline to its intersection with the northerly prolongation of the westerly line of a parcel of land conveyed to Van Duesan Investments LLC by deed dated July 13, 1983 and recorded in Auditor's File Number V83001960963 and also known as Cuyahoga County's Permanent Parcel Number 007-10-157;

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

Thence easterly along said southerly line to its intersection with the southerly prolongation of the westerly line of a parcel of land conveyed to Apocalypse Development LTD by deed dated April 7, 2000 and recorded in Auditor's File Number 200004070778 said parcel also being known as Cuyahoga County's Permanent Parcel Number 007-10-155;

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

Thence westerly along said centerline of Hancock Avenue and along its westerly prolongation to its intersection with the centerline of West 28th Street and the principal place of beginning; and shown shaded on the attached map is changed to a Semi-Industry District and a 'C' Area District.

**Section 2.** That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2382, Sheet No. 1 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

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



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

**FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED**

**Ord. No. 1569-11.**

**By Council Members Brancatelli and Sweency (by departmental request).**

**An emergency ordinance authorizing the Director of Community Development to enter into one or more contracts with various non-profit and for-profit agencies and entities for services necessary to implement the Furnace Replacement Program grant.**

Whereas, one of the economic benefits under the American Recovery and Reinvestment Act of 2009, also known as the Stimulus Bill, Pub.L. 111-5, H.R.1, S. 1 ("ARRA"), allowed Cities to receive funding for eligible improvements, projects, and programs; and

Whereas, under the authority of Ordinance No. 463-09, passed April 20, 2009, this Council authorized the Director of Finance or the Director responsible for the eligible improvements, projects, and programs to apply for and accept these ARRA funds from Federal, State, or other public entities; and

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

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

**Section 1.** That the Director of Community Development is authorized to enter into one or more contracts with various non-profit and for-profit agencies and entities for services necessary to implement the Furnace Replacement Program grant as described in File No. 1569-11-A.

**Section 2.** That the cost of the contract or contracts shall be paid from the fund or funds which are credited the grant proceeds accepted under Ordinance No. 463-09, passed April 20, 2009.

**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.

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 1611-11.**

**By Council Member J. Johnson.**

**An emergency ordinance authorizing the Director of the City Planning Commission to enter into an agreement with the St. Clair Superior Development Corporation for the AsiaTown Master Planning Project through the use of Ward 8 Neighborhood Equity Funds.**

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

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

**Section 1.** That the Director of the Department of the City Planning Commission be authorized to enter into an agreement with the St. Clair Superior Development Corporation for the AsiaTown Master Planning Project for the public purpose of promoting business development of

Asian-American businesses and other major ethnic businesses in the St. Clair and Chester neighborhood area that are located in the city of Cleveland through the use of Ward 8 Neighborhood Equity Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$25,000 and shall be paid from Fund No. 10 SF 166.

**Section 3.** That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 1612-11.**

**By Council Member Reed.**

**An emergency ordinance authorizing the Director of the City Planning Commission to enter into an agreement with the Mt. Pleasant Community Zone for the Transportation for Livable Communities Initiative East 131st Street Corridor Planning Project through the use of Ward 2 Neighborhood Equity Funds.**

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

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

**Section 1.** That the Director of the Department of the City Planning Commission be authorized to enter into an agreement with the Mt. Pleasant Community Zone for the Transportation for Livable Communities Initiative East 131st Street Corridor Planning Project for the public purpose of enhancing linkages between transportation routes from Kinsman Road to Miles Avenue, Broadway and I-480 to promote redevelopment in the East 131st Street corridor that is in the city of Cleveland through the use of Ward 2 Neighborhood Equity Funds.

**Section 2.** That the cost of said contract shall be in an amount not to exceed \$18,000 and shall be paid from Fund No. 10 SF 166.

**Section 3.** That the Director of Law shall prepare and approve said contract and that the contract shall contain such terms and provisions as he deems necessary to protect the City's interest.

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

**Ord. No. 1615-11**

**By Council Member TJ Dow.**

**An emergency ordinance authorizing the issuance of a Temporary Sidewalk Occupancy Permit to Dylan D. Virola to engage in peddling in Ward 7, at 5819 Superior Avenue.**

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

Whereas, this Council has considered the request of Dylan D. Virola to engage in peddling outside of the Central Business District, and has determined that it is in the public interest to allow Dylan D. Virola peddle in Ward 7; and

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

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

**Section 1.** That this Council consents, as required by, Section 675.07 of the Codified Ordinances to allow to Dylan D. Virola to engage in temporary sidewalk peddling in the public rights of way of Ward 7, 5819 Superior Avenue.

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

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

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

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

**Res. No. 1609-11.**

**By Council Members Cimperman and J. Johnson.**

**An emergency resolution urging the United States Congress to preserve, protect and provide adequate funding for Federal Student Aid.**

Whereas, Federal Student Aid programs offer students an opportunity to acquire the knowledge and skills our nation demands for a strong recovery; and

Whereas, work force projections show that by 2018, there will be jobs for as many as 22 million new workers with college degrees, but on our current trajectory, our nation won't make that goal - in fact we'll miss it by three million workers; and

Whereas, recent budget deals have already cut \$30 billion from the student aid programs, sacrificing some

students' benefits to pay for others, while states across the country are cutting higher education from their own budgets; and

Whereas, the Joint Committee on Deficit Reduction or "Super Committee" is mandated to reach an agreement by November 23, 2011 on cutting the deficit by \$1.2 trillion, and federal student aid programs could face further funding cuts; and

Whereas, it's more important than ever to preserve, protect and provide adequate funding for the core federal student aid programs - such as Pell Grants and student loan benefits; and

Whereas, this Council joins the Student Aid Alliance, the higher education coalition of AJCU and 61 other higher education associations, including John Carroll University, in urging the United States Congress to preserve Federal Student Aid; and

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

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

**Section 1.** That this Council urges the United States Congress to preserve, protect and provide adequate funding for Federal Student Aid.

**Section 2.** That the Clerk of Council is hereby directed to transmit copies of this resolution to the United States Congress, John Carroll University, and Mayor Jackson.

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

**Res. No. 1610-11.**

**By Council Members Polensek and J. Johnson.**

**An emergency resolution urging the Ohio General Assembly to renew and fully fund the Job Ready Sites program that, along with the Clean Ohio Fund, enables distressed property cleanup for urban redevelopment.**

Whereas, the Job Ready Sites program, along with the Clean Ohio Fund, have strong support statewide, particularly in urban areas that have little or no undeveloped land; and

Whereas, both programs provide outright grants to help cover part of the cost of cleaning up chemically contaminated land or vacant, asbestos filled buildings; and

Whereas, Cleveland City Council passed Resolution No. 1226-11 on September 12, 2011 in support of renewing the Clean Ohio Fund;

Whereas, authorization for the Job Ready Sites program is set to expire December 31st, while the deadline for the final round of grants was November 1st of this year; and

Whereas, Job Ready Sites, authorized by Ohio voters in 2005, was designed to build a portfolio of commercial and industrial properties that

would be attractive to growing businesses because they were in near move-in condition; and

Whereas, a Job Ready Sites grant might cover the cost of ridding a property of its asbestos contamination or of replacing old windows with new, energy-efficient ones; and

Whereas, the possible demise of the Job Ready Sites program, along with the Clean Ohio Fund, is related to Governor Kasich's reorganization of the Department of Development and the creation of JobsOhio, a private, nonprofit body that will run many of the state's business attraction and retention programs; and

Whereas, both programs have received their money from bonds issued against the profit stream from Ohio's state run liquor business; however, Governor Kasich intends to sell the liquor revenue stream to fund JobsOhio, wiping out the programs' source of money; and

Whereas, unless the Job Ready Sites program and the Clean Ohio Fund are renewed, Cleveland will lose valuable economic development projects; and

Whereas, for an example, Silverlode Consulting Corporation in Cleveland won't be able to go forward with business expansion projects if it can't get state grants for brownfield cleanup assistance; and

Whereas, the Job Ready Sites program, along with the Clean Ohio Fund, are integral to saving agricultural land and redeveloping already-designated portions of urban areas; and

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

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

**Section 1.** That this Council hereby urges the Ohio General Assembly to renew and fully fund the Job Ready Sites program that, along with the Clean Ohio Fund, enables distressed property cleanup for urban redevelopment.

**Section 2.** That the Clerk of Council is hereby directed to transmit copies of this resolution to Governor John Kasich, Senator Thomas Niehaus, President of the Senate, Representative William Batchelder, Speaker of the Ohio House of Representatives, and Mayor Jackson.

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

**Res. No. 1613-11.**

**By Council Member Brancatelli.**

**An emergency resolution withdrawing objection to the transfer of ownership of C2 and C2X Liquor Permit at 7025 Fleet Avenue and repealing Resolution No. 980-11, objecting to said transfer.**

Whereas, this Council objected to the transfer of ownership of a C2 and C2X Liquor Permit to Mansour Al Lahabi, DBA Fleet Gas Station, 7025 Fleet Avenue, Cleveland, Ohio 44105, Permanent No. 0089750, by Resolution No. 980-11 adopted by the Council on July 20, 2011; and

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

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

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

**Section 1.** That objection to a C2 and C2X Liquor Permit to Mansour Al Lahabi, DBA Fleet Gas Station, 7025 Fleet Avenue, Cleveland, Ohio 44105, Permanent No. 0089750, be and the same is hereby withdrawn and Resolution No. 980-11, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

**Res. No. 1614-11.**

**By Council Member Cimperman.**

**An emergency resolution withdrawing objection to the transfer of ownership of D5 and D6 Liquor Permit at 1740 East 17th Street, 1st floor and basement and repealing Resolution No. 1237-11, objecting to said transfer.**

Whereas, this Council objected to the transfer of ownership of a D5 and D6 Liquor Permit to 17th Street Bar & Grill, LLC, 1740 East 17th Street, 1st floor and basement, Cleveland, Ohio 44114, Permanent No. 8001459, by Resolution No. 1237-11 adopted by the Council on September 12, 2011; and

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

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

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

**Section 1.** That objection to a D5 and D6 Liquor Permit to 17th Street Bar & Grill, LLC, 1740 East 17th Street, 1st floor and basement, Cleveland, Ohio 44114, Permanent No. 8001459, be and the same is hereby withdrawn and Resolution No. 1237-11, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

**Section 2.** That this resolution is hereby declared to be an emergency

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

**Res. No. 1616-11.**

**By Council Members Sweeney and Keane.**

**An emergency resolution urging the United States Postmaster General to keep open the post office located at 14039 Puritas Avenue in Cleveland.**

Whereas, the U.S. Postal Service has recently announced they plan to possibly close the post office located at 14039 Puritas Avenue in Cleveland; and

Whereas, Puritas Avenue in the city of Cleveland is a community-oriented neighborhood of family-owned businesses; and

Whereas, closing the post office located on Puritas Avenue would destroy this commercial corridor and cause hardship to the families living in the adjacent residential communities in Cleveland's Ward 18; and

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

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

**Section 1.** That this Council urges the United States Postmaster General to keep open the post office located at 14039 Puritas Avenue in Cleveland.

**Section 2.** That the Clerk of Council is directed to transmit copies of this resolution to the Postmaster General of the United States.

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

**Res. No. 1617-11.**

**By Mayor Jackson and Council Members Zone, Westbrook and Cimperman.**

**An emergency resolution urging the Ohio Department of Transportation (ODOT) to reconsider its draft scores and fund Phase II of the Lakefront West project.**

Whereas, the City of Cleveland has provided ODOT with a revised scoring proposal in response to its draft scores for Phase II of the Lakefront West project, to account for corrected data and particular project benefits not accounted for in the draft scores; and

Whereas, the Lakefront West project is transformative for Cleveland and its region, with long-term benefits in economic development, community development, motorist and pedestrian safety, recreation access, and improved quality of life for local residents, to Northeast Ohio and to the entire State of Ohio; and

Whereas, the economic health of Ohio is dependent on the economic health of its metropolitan areas, as evidenced by the fact that the Cleveland-Akron metropolitan area alone accounted for \$133 billion or 28% of the State's \$478 billion annual gross domestic product in 2010; and

Whereas, the long-term loss of population and jobs in the City of Cleveland has weakened the economy of the Cleveland region and Northeast Ohio and has, thereby, deprived Ohio of the full economic benefits that the State's largest region has the potential to provide; and

Whereas, Cleveland is currently pursuing a multi-faceted strategy to stabilize its population and grow its economy, and a key element of that strategy is reconnecting Cleveland to its greatest asset - Lake Erie; and

Whereas, the Lakefront West project will transform a 2 1/2 mile freeway-style road along Cleveland's lakefront into a tree-lined lakefront boulevard, with easy connections to the waterfront and to Edgewater Lakefront State Park; and

Whereas, not only will the project dramatically increase the desirability of nearby urban districts, but it will contribute to changing Cleveland's old "rustbelt" image to one of a vibrant waterfront community - stimulating development and revitalization with associated increases in property values, incomes, employment and tax revenues; and

Whereas, this change is important not only for attracting new investment but also for retaining existing businesses, including over 2,500 manufacturing jobs in companies adjacent to the West Shoreway in the Detroit Shoreway, Ohio City, and Flats West Bank districts; and

Whereas, the Lakefront West project will help retain existing manufacturing by improving traffic flow and safety for trucks serving industries in the Flats district, including the salt mines that provide road salt for much of the Midwest; and

Whereas, one of the most significant benefits of the Lakefront West project is elimination of critical safety hazards for pedestrians and motorists, particularly where the West Shoreway meets West 28th Street, adjacent to the historic Lakeview Terrace public housing development; failure to correct these life-threatening hazards to pedestrians and motorists would be nothing less than unconscionable; and

Whereas, eight years of community meetings have built broad-based public support for the Lakefront West project among the thousands of Clevelanders who participated and has stimulated millions of dollars of investment in anticipation of the improvements; and

Whereas, construction of the first phase project elements is underway, and failure to fund the next phase of work would leave the project half-finished and would be seen by many local residents and businesses as an

example of a promise made and then broken; and

Whereas, the Greater Cleveland Partnership (Cleveland's chamber of commerce) and the region's 5-county metropolitan planning organization, Northeast Ohio Area Wide Coordinating Agency (NOACA) recently responded to ODOT's request to prioritize regional transportation projects and placed the Lakefront West project near the top of the list; and

Whereas, after decades of decline, the neighborhoods and districts adjacent to the Cleveland's West Shoreway have begun to turn around; Ohio City, Detroit Shoreway and the Cudell/Edgewater district are now experiencing community and economic development activity that is based, in part, on proximity to Lake Erie and its recreational and scenic amenities and the anticipation of implementation of the Lakefront West transportation project; and

Whereas, in the Detroit Shoreway neighborhood, over \$400 million in development has been completed, is under construction, or is being planned, in part, because of the promise of the Lakefront West project; and

Whereas, the largest project in Detroit Shoreway, the nearly \$100 million Battery Park project, is under development at a 14-acre site former brownfield site that was once home to an Eveready Battery Company plant, and its developer, Vintage Development, is considering development for an additional 8 acres near Battery Park; the success of Battery Park - currently approximately one-fourth completed - and future development, is dependent on completing the next phase of the Lakefront West plan; and

Whereas, another economic development project spurred by the Lakefront West project is the \$30 million Gordon Square Arts District (GSAD) that has been a catalyst for attracting 60 new businesses and is projected to create 950 permanent jobs when completed, according to an economic impact study by Team NEO; and

Whereas, the State of Ohio has invested \$2 million to help launch GSAD, and through the Ohio Department of Development and the Ohio Housing Finance Agency has invested millions in developing affordable, multi-family housing in the community, including fifteen apartment buildings with 280 apartment units that have been redeveloped during the past decade; and

Whereas, private sector housing has been even more robust, with 375 housing units completed during the past decade and another 400 units under construction or planned in this community; and

Whereas, just east of the Detroit-Shoreway/Gordon Square District, the Ohio City neighborhood has seen nearly \$50 million in private investment and \$15 million in philanthropic investment over the last two years alone - much of this investment has centered on the Ohio City Market District, the area surrounding the Historic West Side Market, which has seen its commercial vacancy rate fall from 19% to 5% over the past 14 months; and

Whereas, the momentum in this part of the neighborhood is primed to spread north on West 25th Street to Detroit Avenue, an area that will be

directly and positively impacted by the Lakefront West project that will maximize the potential of a neighborhood that has over 3,000 jobs, making it one of the largest employment centers within the City of Cleveland; and

Whereas, the proposed West 25th Street Lofts development, about one block south of the Lakefront West project, represents a nearly \$20 million investment and stands to benefit with direct access to future bicycle and pedestrian connections to Edgewater Park; and

Whereas, not only does the Lakefront West project have the capability of spurring development along the Detroit Avenue Corridor, it provides improved connections for over 12,000 Ohio City residents to Lake Erie; and

Whereas, finally, the Lakefront West project will improve truck flow from industrial businesses in Cleveland's Flats district through improvements planned along Main Avenue and West 25th Street coming up from the industrial valley; and

Whereas, the improved connection to the Flats will also improve access for residents visiting various entertainment and recreation venues in the Flats, including soon-to-open aquarium, the recently opened rowing center on the Cuyahoga River and the proposed regional skate park; and

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

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

**Section 1.** That this Council urges the Ohio Department of Transportation (ODOT) to reconsider its draft scores and fund Phase II of the Lakefront West project.

**Section 2.** That the Clerk of Council is hereby directed to transmit copies of this resolution to Jerry Wray, Director, ODOT, NOACA, and Greater Cleveland Partnership.

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Adopted. Yeas 17. Nays 0.

## SECOND READING EMERGENCY ORDINANCES PASSED

### Ord. No. 1517-11.

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

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

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

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.



**Ord. No. 1519-11.**

By Mayor Jackson and Council Members Westbrook, Brancatelli and J. Johnson.

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

Approved by Directors of Building and Housing, Finance, Law; Passage recommended by Committees on Community and Economic Development, Legislation, Finance, when amended, as follows:

1. In Section 1, at amended Section 3103.09(k)(1), in line 10, after "federal money." insert "(2)" making the remainder of (k)(1) new subdivision (2), beginning with "Any and all owners"; and renumber existing subdivisions (2), (3), and (4), new subdivisions "(3)", "(4)", and "(5)".

2. In Section 1, at amended Section 3103.09(k)(1), in existing line 13, after "responsible for" strike "the".

3. In Section 1, at amended Section 367.08(a), in line 6, after "structure or premises." insert "(b)", making the remainder of (a) new division (b), beginning with "Any and all owners"; and renumber existing divisions (b), (c), and (d), new divisions "(c)", "(d)", and "(e)".

4. In Section 1, at amended Section 367.08(a), in existing line 9, after "responsible for" strike "the"; and in Section 367.08(c), line 8, after "making the same" insert "a".

Amendments agreed to.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

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

**Ord. No. 1520-11.**

By Mayor Jackson and Council Members Westbrook and Brancatelli.

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

Approved by Directors of Building and Housing, Finance, Law; Passage recommended by Committees on Community and Economic Development, Legislation, Finance, when amended, as follows:

1. In the first whereas clause, line 2, strike "transferring" and insert "transfer".

Amendment agreed to.

The rules were suspended. Yeas 17. Nays 0. Read second time. Read third time in full. Passed. Yeas 17. Nays 0.

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

**MOTION**

By Council Member Kelley, seconded by Council Member Pruitt and unanimously carried that the absence of Council Members Joe

Cimperman and Phyllis E. Cleveland be and is hereby authorized.

**MOTION**

The Council Meeting adjourned at 8:45 p.m. to meet on Monday, November 21, 2011 at 7:00 p.m. in the Council Chambers.



Patricia J. Britt  
City Clerk, Clerk of Council

**THE CALENDAR**

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

NONE

**BOARD OF CONTROL**

November 9, 2011

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, November 9, 2011, at 10:37 a.m. with Interim Director Langhenry presiding.

Present: Interim Director Langhenry, Directors Withers, R. Smith, Cox, Butler, Flask, Acting Director Resseger, Directors Southerington, Nichols, Fumich and Rybka.

Absent: Mayor Jackson and Director Dumas.

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

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

Jim Hardy, Commissioner, Purchases & Supplies.

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

**Resolution No. 531-11.**

By Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 1036-07, passed by the Council of the City of Cleveland on August 8, 2007, Rahim Inc. dba RNR Consulting is selected from a list of firms determined after a full and complete canvass by the Director of Public Utilities as the firm to be employed by contract to provide professional consulting services necessary to provide professional customer service systems support, including general IT support, Cisco VoIP and call center support, business intelligence support and development, IT infrastructure support and Microsoft system support, for a period not exceeding two years, for the Division of Water, Department of Public Utilities.

Be it further resolved that the Director of Public Utilities is authorized to enter into a contract with Rahim Inc. dba RNR Consulting based upon its proposal dated October 5, 2011, which contract shall be prepared by the Director of Law,

shall provide for rendering the professional services described in the proposal, for an aggregate fee of \$975,000.00, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved that the employment of the following sub-contractors by Rahim Inc. dba RNR Consulting for the above-mentioned professional services is approved:

**SUBCONSULTANTS WORK PERCENTAGE**

Precise Infotech Inc. (CSB/MBE)	\$ 78,000.00 8.000%
Apple AGC Consultants, LLC (CSB/MBE)	\$ 19,500.00 2.000%
Tech Span Consulting	\$ 78,000.00 8.000%
Sarcom, Inc.	\$ 39,000.00 4.000%
Origin Consulting, LLC	\$146,250.00 15.000%
Split Rock Consulting	\$ 19,500.00 2.000%
Ebits Corporation	\$ 63,375.00 6.500%
Vlad Laurinavichus	\$ 39,000.00 4.000%

Yeas: Interim Director Langhenry, Directors Withers, R. Smith, Cox, Butler, Flask, Acting Director Resseger, Directors Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

**Resolution No. 532-11.**

By Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 1036-07, passed by the Council of the City of Cleveland on August 8, 2007, Black & Veatch Corporation is selected from a list of firms determined after a full and complete canvass by the Director of Public Utilities as the firm to be employed by contract to provide professional consulting services necessary to provide professional customer service systems support, including general IT support and billing system support for a period not exceeding two years, for the Division of Water, Department of Public Utilities.

Be it further resolved that the Director of Public Utilities is authorized to enter into a contract with Black & Veatch Corporation based upon its proposal dated October 5, 2011, which contract shall be prepared by the Director of Law, shall provide for rendering the professional services described in the proposal, for an aggregate fee of \$1,700,000.00, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved that the employment of the following sub-contractors by Black & Veatch Corporation for the above-mentioned professional services is approved:

<u>SUBCONSULTANTS</u>	<u>WORK PERCENTAGE</u>
Om Consulting Group, LLC (CSB/MBE)	\$160,000.00 9.412%
Apple AGC Consultants, LLC (CSB/MBE)	\$ 12,000.00 0.706%
Five Point Partners	\$800,000.00 47.059%

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

**Resolution No. 533-11.**

By Director Withers.  
Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 1036-07, passed by the Council of the City of Cleveland on August 8, 2007, Black & Veatch Corporation is selected from a list of firms determined after a full and complete canvass by the Director of Public Utilities as the firm to be employed by contract to provide professional consulting services necessary to provide professional AMR integration services, including design of interfaces and supporting system modifications, development of interfaces and supporting system modifications, system configuration, system testing, end-to-end/integration testing support, cut-over support, post-production support and business process design and documentation, for a period not exceeding two years, for the Division of Water, Department of Public Utilities.

Be it further resolved that the Director of Public Utilities is authorized to enter into a contract with Black & Veatch Corporation based upon its proposal dated October 5, 2011, which contract shall be prepared by the Director of Law, shall provide for rendering the professional services described in the proposal, for an aggregate fee of \$596,200.00, and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit the public interest.

Be it further resolved that the employment of the following sub-contractors by Black & Veatch Corporation for the above-mentioned professional services is approved:

<u>SUBCONSULTANTS</u>	<u>WORK PERCENTAGE</u>
Om Consulting Group, LLC (CSB/MBE)	\$60,000.00 10.064%

Yeas: Interim Director Langhenry, Directors Withers, R. Smith, Cox, Butler, Flask, Acting Director Resseger, Directors Southerington, Nichols, Fumich and Rybka.

Nays: None.  
Absent: Mayor Jackson and Director Dumas.

**Resolution No. 534-11.**

By Director Withers.  
Be it resolved, by the Board of Control of the City of Cleveland that all bids received on September 14,

2011 for the purchase of LED Street Light Luminaries for IX CENTER, all items, for the Division of Cleveland Public Power, Department of Public Utilities, under the authority of Section 129.26 of the Codified Ordinances of Cleveland, Ohio, 1976, are rejected.

Yeas: Interim Director Langhenry, Directors Withers, R. Smith, Cox, Butler, Flask, Acting Director Resseger, Directors Southerington, Nichols, Fumich and Rybka.

Nays: None.  
Absent: Mayor Jackson and Director Dumas.

**Resolution No. 535-11.**

By Director Withers.  
Be it resolved by the Board of Control of the City of Cleveland that the bid of WESCO Distribution Inc. for an estimated quantity of the purchase of various types of safety equipment required for OSHA/PERRP compliance, Group 3, items F and L, for the various Divisions of the Department of Public Utilities, for a period of two years starting upon the later of the execution of a contract or the day following expiration of the currently effective contract for the goods or services, received on September 8, 2011 under the authority of Ordinance No. 870-10, passed August 18, 2010, which on the basis of the estimated quantity would amount to \$19,600.00 (Net 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the goods and/or services, which shall provide for an initial order, the cost of which shall be certified to the contract in an amount not less than \$1,000.00.

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

Yeas: Interim Director Langhenry, Directors Withers, R. Smith, Cox, Butler, Flask, Acting Director Resseger, Directors Southerington, Nichols, Fumich and Rybka.

Nays: None.  
Absent: Mayor Jackson and Director Dumas.

**Resolution No. 536-11.**

By Director Withers.  
Be it resolved by the Board of Control of the City of Cleveland that the bid of Mosaic Crop Nutrition, LLC for an estimated quantity of fluorosilicic acid, bid item I, for the Division of Water, Department of Public Utilities, for a period of two years starting upon the later of the execution of a contract or the day following expiration of the currently effective contract for the goods or services, received on September 15, 2011 under the authority of Section 129.24 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the estimated quantity would amount to \$1,619,200.00 (0%, Net 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the goods and/or services, which con-

tract shall provide for an initial order, the cost of which shall be certified to the contract in an amount not less than \$80,960.00.

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

Yeas: Interim Director Langhenry, Directors Withers, R. Smith, Cox, Butler, Flask, Acting Director Resseger, Directors Southerington, Nichols, Fumich and Rybka.

Nays: None.  
Absent: Mayor Jackson and Director Dumas.

**Resolution No. 537-11.**

By Director Withers.  
Be it resolved by the Board of Control of the City of Cleveland that the bid of Carus Corporation for an estimated quantity of orthophosphoric acid, item I, for the Division of Water, Department of Public Utilities, for a period of two years starting upon the later of the execution of a contract or the day following expiration of the currently effective contract for the goods or services, received on September 8, 2011 under the authority of Section 129.24 of the Codified Ordinances of Cleveland Ohio, 1976, which on the basis of the estimated quantity would amount to \$1,352,400.00 (0%, 30 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the goods and/or services, which contract shall provide for an initial order, the cost of which shall be certified to the contract in an amount not less than \$676,200.00.

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

Yeas: Interim Director Langhenry, Directors Withers, R. Smith, Cox, Butler, Flask, Acting Director Resseger, Directors Southerington, Nichols, Fumich and Rybka.

Nays: None.  
Absent: Mayor Jackson and Director Dumas.

**Resolution No. 538-11.**

By Director Withers.  
Be it resolved by the Board of Control of the City of Cleveland that the bid of Orion Painting & Contracting, Inc. for an estimated quantity of labor and materials to paint poles and other street-side elements, all items, for the Division of Cleveland Public Power, Department of Public Utilities, for a period of two years starting upon execution of a contract, received on May 18, 2011, under the authority of Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$242,550.00 (0%, 0 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract, for the goods and/or

services, which contract shall provide for an initial delivery order, the cost of which shall be certified against the contract in an amount not less than \$100,000.00.

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

Yeas: Interim Director Langhenry, Directors Withers, R. Smith, Cox, Butler, Flask, Acting Director Resseger, Directors Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

**Resolution No. 539-11.**

By Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the bid of WESCO Distribution Inc. for the following: Purchase of Transformers and Accessories, Items A1.3, A1.4, B1.1 and C1.1 (0%, Net 0 Days), for the Division of Cleveland Public Power, Department of Public Utilities, received on June 15, 2011, under the authority of Section 129.26 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the order quantities would amount to \$227,189.00, is approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into contract for the items.

Yeas: Interim Director Langhenry, Directors Withers, R. Smith, Cox, Butler, Flask, Acting Director Resseger, Directors Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

**Resolution No. 540-11.**

By Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the bid of Electric Research & Manufacturing Cooperative, Inc. dba ERMCO for the following: Purchase of Transformers and Accessories, Items A1.1, A1.2 and C1.2 (0%, Net 0 Days), for the Division of Cleveland Public Power, Department of Public Utilities, received on June 15, 2011, under the authority of Section 129.26 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the order quantities would amount to \$175,071.00, is approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into contract for the items.

Yeas: Interim Director Langhenry, Directors Withers, R. Smith, Cox, Butler, Flask, Acting Director Resseger, Directors Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

**Resolution No. 541-11.**

By Director Smith.

Whereas, under the authority of Ordinance No. 1968-07, passed by the Council of the City of Cleveland on March 10, 2008, Board of Control Resolution No. 452-11, adopted September 14, 2011, approved the award of a contract to Hyland Software,

Inc. to provide professional services necessary to design, configure and install a centralized document management system for the various divisions of the Department of Port Control; and

Whereas, Resolution No. 452-11, adopted September 14, 2011, inadvertently omitted licensing the necessary software; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 452-11, adopted September 14, 2011, is amended by deleting "and" after "design, configure" and inserting a comma and after "install" inserting "and license the necessary software for".

Be it further resolved that all other terms of Resolution No. 452-11 not expressly amended by this resolution shall remain unchanged and in full force and effect.

Yeas: Interim Director Langhenry, Directors Withers, R. Smith, Cox, Butler, Flask, Acting Director Resseger, Directors Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

**Resolution No. 542-11.**

By Director Wasik.

Whereas, under the authority of Ordinance No. 454-09, passed by the Cleveland City Council May 11, 2009, and Resolution No. 318-09, adopted by the Board of Control on August 5, 2009, the City, through its Director of Capital Projects, entered into Contract No. 69635 with Professional Services Industries, Inc. (PSI) in order to perform geotechnical and environmental engineering services and testing and consulting services necessary for public improvement projects in the City of Cleveland and

Whereas, the City desires to add additional funding to extend the contract into next year until 2012 bonds are sold for another contract and to add CSE subconsultants to perform general engineering services including traffic studies and roadway enhancement plan development; and

Whereas, PSI has proposed by its October 11, 2011 letter to perform the above-mentioned additional services for an amount not to exceed \$150,000; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the Director of Capital Projects is authorized to enter into a modification to Contract No. 69635 with PSI, based on its proposal dated October 11, 2011, for additional general engineering services including traffic studies and roadway enhancement plan development for public improvement projects in the City of Cleveland for an additional amount not exceeding \$150,000.00, thereby increasing the total compensation under the contract to \$550,000.00.

Be it further resolved that the amounts attributed to the following previously approved subconsultants are increased to the amounts shown:

KS Associates, Inc.  
(Other) — \$47,060.00 — (8.56%)

O.R. Colan Associates  
(Other) — \$18,100.00 — (3.29%)

Be it further resolved that the employment of the following additional subconsultants by PSI for the

services authorized above is approved:

Michael Benza & Associates, Inc.  
(CSB) — \$70,000.00 — (12.73%)

G&T Associates  
(CSB/MBE) — \$15,000.00 — (2.73%)

Euthenics, Inc.  
(CSB) — \$82,500.00 — (15.00%)

C.P. Braman & Co., Inc.  
(CSB/FBE) — \$5,000.00 — (0.91%)

GeoSearches  
(Other) — \$8,870.00 — (1.61%)

Yeas: Interim Director Langhenry, Directors Withers, R. Smith, Cox, Butler, Flask, Acting Director Resseger, Directors Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

**Resolution No. 543-11.**

By Director Wasik.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of Perk Company, Inc., for the public improvement of Fulton Road (Denison Avenue to Clark Avenue), all bid items, including all Alternate bid items, 1 through 228, for the Division of Engineering and Construction, Mayor's Office of Capital Projects, received on October 26, 2011, under the authority of Ordinance Nos. 619-10, passed by Cleveland City Council on June 7, 2010, upon a unit price basis for the improvement, in the aggregate amount of \$5,306,789.45, is affirmed and approved as the lowest responsible bid, and the Director of the Mayor's Office of Capital Projects is authorized to enter into contract for the improvement with the bidder.

Be it further resolved that the employment of the following subconsultants by Terrace Construction Co., Inc. for the above-mentioned public improvement is approved:

Cuyahoga Supply & Tool, Inc.  
(CSB/FBE) — \$134,733.00 — (2.5%)

CorStone Ltd  
(CSB/MBE/FBE) — \$127,290.00 (2.4%)

P.G.T. Construction  
(CSB/FBE) — \$31,200.00 — (0.6%)

Tech Ready Mix  
(CSB/MBE) — \$643,950.00 (12.1%)

Trafftech, Inc  
(CSB) — \$151,415.00 — (2.9%)

Terrace Construction Co. Inc.  
(CSB) — \$702,822.00 — (13.2%)

Yeas: Interim Director Langhenry, Directors Withers, R. Smith, Cox, Butler, Flask, Acting Director Resseger, Directors Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson and Director Dumas.

**Resolution No. 544-11.**

By Director Wasik.

Be it resolved by the Board of Control of the City of Cleveland, that the bid of The Shelly Company

for the public improvement of Martin Luther King, Jr. Drive Rehabilitation Project, Bid Item Nos. 1-104, for the Office of Capital Projects, received on October 21, 2011, under the authority of Ordinance No. 722-10, passed by Cleveland City Council on June 7, 2010, upon a unit price basis for the improvement, in the aggregate amount of \$3,442,266.16, is affirmed and approved as the lowest responsible bid, and the Director of Capital Projects is authorized to enter into contract for the improvement with the bidder.

Be it further resolved that the employment of the following subcontractors by The Shelly Company for the above-mentioned public improvement is approved:

Terrace Construction Co., Inc.  
(CSB) — \$389,733.78 — 11.3%

Perk Company, Inc.  
(CSB) — \$300,609.50 — 8.7%

Trafftech, Inc.  
(CSB) — \$95,871.50 — 2.8%

Tech Ready Mix, Inc.  
(CSB/MBE) — \$51,900.00 — 1.5%

PGT Construction, Inc.  
(CSB/FBE) — \$45,000.00 — 1.3%

Midland Concrete and Sand, Inc.  
(CSB) — \$45,000.00 — 1.3%

Cook Paving Construction, Co.  
(CSB/MBE) — \$40,000.00 — 1.2%

Solar Testing Laboratories, Inc.  
(CSB) — \$32,230.00 — 0.9%

The Jands Group, Inc.  
(CSB/MBE) — \$18,022.50 — 0.5%

Denise' Flagging, Co.  
(CSB/FBE) — \$15,000.00 — 0.4%

Granger Trucking, Inc.  
(CSB/MBE) — \$15,000.00 — 0.4%

Environmental Management  
Specialists  
(CSB) — \$3,650.00 — 0.1%

Yeas: Interim Director Langhenry, Directors Withers, R. Smith, Cox, Butler, Flask, Acting Director Resseger, Directors Southerington, Nichols, Fumich and Rybka.

Nays: None.  
Absent: Mayor Jackson and Director Dumas.

#### Resolution No. 545-11.

By Director Flask.

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 652-11, passed by Council of the City of Cleveland, on July 20, 2011, RCC Consultants, Inc., is selected by the Director of Public Safety as the firm to be employed by contract to supplement the regularly employed staff of several departments of the City of Cleveland to provide professional services, related to the 800 MHz APCO P25 Digital Trunked Radio System for the Department of Public Safety.

Be it further resolved that the Director of Public Safety is requested to enter into written contract with RCC Consultants, Inc., based

on its proposal dated May 13, 2011, which contract shall be prepared by the Director of Law shall provide for program management services, equipment and software related to the 800 MHz APCO P25 Digital Trunked Radio System, and shall contain additional terms and conditions the Director of Law deems necessary to protect and benefit the public interest. The fees for the services to be rendered and software to be acquired under the contract authorized shall not exceed \$400,000.00.

Yeas: Interim Director Langhenry, Directors Withers, R. Smith, Cox, Butler, Flask, Acting Director Resseger, Directors Southerington, Nichols, Fumich and Rybka.

Nays: None.  
Absent: Mayor Jackson and Director Dumas.

#### Resolution No. 546-11.

By Director Nichols.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on September 28, 2011, for the purchase of asbestos abatement services at the Warner and Swasey Building for the Department of Economic Development, under the authority of Ordinance 937-10, passed July 14, 2010, are rejected.

Yeas: Interim Director Langhenry, Directors Withers, R. Smith, Cox, Butler, Flask, Acting Director Resseger, Directors Southerington, Nichols, Fumich and Rybka.

Nays: None.  
Absent: Mayor Jackson and Director Dumas.

MARK R. MUSSON,  
Acting Secretary

### CIVIL SERVICE NOTICES

#### General Information

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

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

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

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

ROBERT BENNETT,  
President

### SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, NOVEMBER 28, 2011

9:30 A.M.

**Calendar No. 11-211:** 1491 East 116th Street (Ward 9)

Cleveland NSP Homes I, LP, owner, appeals to erect a 32' x 52' one-story frame, single family residence with a 25' x 24' attached garage on a 60' x 114' lot in a B1 Two-Family District; contrary to the provisions under Section 357.06(a), a building setback line of 28 feet is proposed as opposed to 31 feet, determined by the alignment to existing setback building lines within 100 feet on both sides of the lot; and a rear yard of 7 feet is proposed, where the required rear yard for dwellings in a Two-Family District shall be not less than the height of the main building or a depth of 27 feet, in accordance with Section 357.08(b)(1) in the Cleveland Codified Ordinances.

**Calendar No. 11-212:** 1493 East 116th Street (Ward 9)

Cleveland NSP Homes I, LP, owner, appeals to erect a 32' x 52' one-story frame, single family residence with a 25' x 24' attached garage on a 64' x 113' lot in a B1 Two-Family District; contrary to the provisions under Section 357.06(a), a building setback line of 26 feet is proposed as opposed to 31 feet, determined by the alignment to existing setback building lines within 100 feet on both sides of the lot; and a rear yard of 10 feet is proposed, where the required rear yard for dwellings in a Two-Family District shall be not less than the height of 27 feet, in accordance with Section 357.08(b)(1) in the Cleveland Codified Ordinances.

**Calendar No. 11-213:** 8818 Union Avenue (Ward 5)

Gertrude Forest, owner, appeals to install a wheelchair ramp that projects 7 feet into the front yard area of one family dwelling located on a 40' x 135' lot in a C1 General Retail Business District, and the proposed ramp is not a permitted encroachment under the provisions in Section 357.13 of the Cleveland Codified Ordinances.

**Calendar No. 11-214:** 1763 Wickford Road (Ward 10)

Orlando Williams, Sr., owner, appeals to install a wheelchair lift 5' x 5' in the front yard area with a 5' x 26' access deck that projects 13 feet into the setback of a 38' x 159' lot in a B1 Two-Family District, where the proposed encroachment is not permitted under the provisions in Section 357.13 of the Cleveland Codified Ordinances.

Secretary

### REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, NOVEMBER 14, 2011

At the meeting of the Board of Zoning Appeals on Monday, November 14, 2011 the following appeals were heard by the Board.

The following appeals were **APPROVED**:

**Calendar No. 11-194:** 5340 Brookpark Road

Sun Properties Ltd. appealed to replace an existing nonconforming, static Business Identification Freeway Interchange Sign with a new digital, animation, electronically-changeable copy sign; subject to lot consolidation and conditions.

**Calendar No. 11-197:** 3232 East 128th Street

Mt. Pleasant United Methodist Church appealed to construct a parking lot on consolidated parcels in a B1 Two-Family District; subject to conditions.

**Calendar No. 11-199:** 1530 St. Clair Avenue

Care Alliance appealed to erect two (2) double faced, non-illuminated vinyl banners on a two-story building in a C3 Semi-Industry District.

**Calendar No. 11-200:** 17004 Lorain Avenue

Kamcor Realty Company, owner, and Sean Mettler, tenant, appealed to establish use as a bar with food service and entertainment in a C2 Local Retail business District.

The following appeal was **DENIED**:

**Calendar No. 11-196:** 3712 East 59th Street

Ectarina Badea appealed to change use of a one family residence to a monastery and establish use of a rear building as a church in a B1 Two-Family District.

The following appeals were **DISMISSED**:

None.

The following appeals were **WITHDRAWN**:

None.

The following appeals were **POSTPONED**:

**Calendar No. 11-198:** 2401 Meyer Avenue postponed to December 12, 2011.

**Calendar No. 11-148:** 1222 Prospect Avenue postponed to January 30, 2012.

**Calendar No. 11-157:** 1721 Fulton Road postponed to February 27, 2012.

The following appeals heard by the Board on November 7, 2011 were adopted and approved on November 14, 2011.

The following appeals were **APPROVED**:

**Calendar No. 11-192:** 3266 East 49th Street

Hedalloj Die Corporation, owner, and Joseph Susa appealed to expand an existing die company in a C1 General Retail Business District.

**Calendar No. 11-193:** 2084 West 25th Street

United West 25th LLC, owner, and Cleveland Hostel, Inc., tenant,

appealed to establish use as a 60 bed hostel in a three-story building in a C4 Local Retail Business Pedestrian Retail Overlay District.

**Calendar No. 11-201:** 10210 Pierpont Avenue

Lula Harris appealed to install a wheelchair lift and access deck in the front yard area of a single family dwelling.

**Calendar No. 11-173:** 12307 St. Clair Avenue

The 12307 St. Clair Ltd. appealed for an addition to an existing gas station in a C2 Local Retail Business District.

The following appeal that was dismissed by the Board on November 7, 2011 was reinstated on November 14, 2011.

**Calendar No. 11-195:** 12801 St. Clair Avenue

Alonso Pagan, Jr. appealed to construct a major auto repair shop in a C2 Local Retail Business District.

Secretary

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

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Re: Report of the Meeting of  
November 9, 2011

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

\* \* \*

**Docket A-109-11.**

RE: Appeal of Sheila Alridge, Owner of the Three Dwelling Units Two & One/half Story Residence Two & One/half Story Frame Property located on the premises known as 3289 West 48th Street from a NOTICE OF VIOLATION — INTERIOR/EXTERIOR MAINTENANCE, dated March 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 require the Appellant, within the next two (2) weeks, to clean up the exterior and complete abatement of the exterior violations within three (3) months, and to grant the Appellant a total of six (6) months in which to complete rehabilitation of the property, noting that failure to meet any of the deadlines will result in the property being REMANDED immediately. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

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

**Docket A-123-11.**

RE: Appeal of Mon Cheri Davenport, Owner of the M Mercantile - Retail Shops, Carry-out Food Shops One Story Masonry Walls/Wood Floors Property located on the premises known as 13501 St. Clair Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated January 12, 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 present a comprehensive plan and a comprehensive budget estimate for the project to the Board and the Building Department for review and for resolution by the Board; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Gallagher.

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

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**Docket A-126-11.**

RE: Appeal of Level II Management LLC, Owner of the One Dwelling Unit single-Family Residence Two & One/half Story Frame, and One & One/half Story Garage - Detached; Wood Frame Property located on the premises known as 683 East 108th Street from a CONDEMNATION ORDER — MAIN STRUCTURE & GARAGE, dated April 15, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant thirty (30) days in which to obtain all permits and tear down the garage and six (6) months in which to complete abatement of all violations, the property is REMANDED at this time to the Department of Building and Housing for supervision and Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

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

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**Docket A-127-11.**

RE: Appeal of Ronda Smith, Owner of the Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property located on the premises known as 11428 Forest Avenue from a 30 DAY CONDEMNATION ORDER — MAIN STRUCTURE, dated October 23, 2007 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant thirty (30) days in which to obtain permits and six (6) months in which to abate all violations, the property is REMANDED at this time to the Department of Building and Housing for supervision and any

required further action. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Bradley.

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

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**Docket A-128-11.**

RE: Appeal of MPA Chesterfield, LLC, Owner of the MXD Mixed Uses - Multiple Uses In One Building High-Rise Building Property located on the premises known as 1801 East 12th Street from a NOTICE OF VIOLATION - INTERIOR MAINTENANCE, dated March 21, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant sixty (60) days in which to apply for and obtain permits and to grant the Appellant six (6) months in which to abate all 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. Bradley.

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

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**Docket A-129-11.**

RE: Appeal of Robert H. Cisar, Owner of the VL Vacant Lot One Story Garage - Detached; Masonry Property located on the premises known as 3255 West 58th Street from a 30 DAY CONDEMNATION ORDER - GARAGE, dated January 31, 2007 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant sixty (60) days in which to complete restoration of the project to first class condition including all required doors and the grounds cleaned and maintained, the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

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

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**Docket A-131-11.**

RE: Appeal of Sam Alexander Jr., Owner of the One Dwelling Unit Single-Family Residence Two Story Frame Property located on the premises known as 16318 Grovewood Avenue from a NOTICE OF VIOLATION - INTERIOR/EXTERIOR MAINTENANCE, dated April 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, including the required paint-

ing of the exterior. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Gallagher.

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

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**Docket A-134-11.**

RE: Appeal of Clyde Scipio, Owner of the Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property located on the premises known as 1480 East 115th Street from a NOTICE OF VIOLATION - EXTERIOR MAINTENANCE, dated February 22, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to require the Appellant to clean up the debris and the exterior within the next two (2) weeks and grant the Appellant six (6) months to complete abatement of the violations which include primarily exterior painting, 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.

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**Docket A-135-11.**

RE: Appeal of Neal Terrace Apartments, Ltd., Owner of the R-3 Residential - Non-transient; Townhomes (Independent Egress) Two Story Masonry Walls/Wood Floors Property located on the premises known as 8811 Detroit Avenue from a NOTICE OF VIOLATION - INTERIOR/EXTERIOR MAINTENANCE, dated March 31, 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 reasonable time to finalize the financing, which may be in the next month or so, and approximately twelve (12) months to complete renovation of the entire property after plan and permit approval and that any extension may be requested from the Board as required and reasonable. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Bradley.

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

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**Docket A-136-11.**

RE: Appeal of Shyron Anderson, Owner of the Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property located on the premises known as 10818 Orville Avenue (aka 10816-18 Orville Avenue) from a 30 DAY CONDEMNATION ORDER - MAIN STRUCTURE, dated May 16, 2008 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

30 Day Condemnation Order was properly issued, based upon the comments of the inspector; the appeal is DENIED; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

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

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**Docket A-137-11.**

RE: Appeal of RRST, Owner of the A-2 Assembly - Nite Clubs, Restaurants One & One/half Story Masonry Property located on the premises known as 2232 Rockwell Avenue from a NOTICE OF VIOLATION - UNAUTHORIZED/ILLEGAL USE, dated March 29, 2011 of the Director of the Department of Public Safety, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-137-11 have been POSTPONED; to be rescheduled for December 7, 2011.

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**Docket A-138-11.**

RE: Appeal of ITMM, Inc. C/O John Jones, Statutory Agent, Owner of the A-2 Assembly - Nite Clubs, Restaurants Two & One/half Story Masonry Property located on the premises known as 4555 State Road from a NOTICE OF VIOLATION - EXTERIOR MAINTENANCE, dated March 10, 2011 of the Director of the Department of Public Safety, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-138-11 have been POSTPONED; to be rescheduled for December 07, 2011.

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**Docket A-141-11.**

RE: Appeal of Catherine & Joseph Mazzella, Owners of the R-2 Residential - Non-transient; Apartments (Shared Egress) Two & One/half Story Frame Property located on the premises known as 1918 East 120th Street from a CONDEMNATION ORDER - MAIN STRUCTURE, dated April 4, 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 until December 31, 2011 in which to complete abatement of all violations, the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Maschke.

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

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**Docket A-142-11.**

RE: Appeal of GFT Management, Inc., 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 6602 Hosmer Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE & GARAGE, dated April 4, 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 until December 31, 2011 in which to complete abatement of all violations; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Maschke.

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

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**Docket A-144-11.**

RE: Appeal of West End Townhouses, Ltd., Owner of the One Dwelling Unit Single-Family Residence Three Story Wood Frame/Siding/Masonry Veneer Property located on the premises known as 1418 West 81st Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated December 20, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that based upon the photographic evidence and testimony, the Condemnation Order was properly issued and the appeal is DENIED, and that the date of the inspection and the search warrant were proper and were improperly recorded due to error; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

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

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**Docket A-146-11.**

RE: Appeal of American Home Mortgage, Mortgagee of the One Dwelling Unit Single-Family Residence Two & One/half Story Frame Property located on the premises known as 3856 West 130th Street from a CONDEMNATION ORDER — MAIN STRUCTURE & GARAGE, dated March 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 find that the Condemnation Order was properly issued based upon the testimony and photographic evidence and testimony of the neighbors, the appeal is DENIED; the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned

by Mr. Saab and seconded by Mr. Bradley.

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

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**Docket A-299-11.**

RE: Appeal of Ohio Technical College, Owner of the Property located on the premises known as 4814 St. Clair Avenue from an ADJUDICATION ORDER, dated August 9, 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 variance to allow the openings to remain on the property line with the agreement that the openings will be closed if the property ownership changes. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Maschke.

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

\* \* \*

**Docket A-336-11.**

RE: Appeal of Macron Investment Co., Owner of the MXD Mixed Uses - Multiple Uses In One Building Four Story Masonry Walls/Wood Floors Property located on the premises known as 2121 Ontario Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated April 20, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant four (4) months in which to complete the proposed stabilization, weather-tight, secure, fire and life-safety measures; a review of the final documents for completion of the project will be done by the Building Department at that time to assure completion of the project within a reasonable time. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Bradley.

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

\* \* \*

**APPROVAL OF RESOLUTIONS:**

Separate motions were entered by Mr. Gallagher and seconded by Mr. Bradley 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-65-11 — Sterling Holdings
- A-106-11 — Blessed Assistance Services
- A-110-11 — October Ross
- A-111-11 — Anthony Gray (Amended)
- A-112-11 — Jerry L. Ward
- A-113-11 — Aaron Philbin
- A-114-11 — Terry Fields
- A-115-11 — Estate of Robert J. Lewis

- A-116-11 — David Sider
- A-117-11 — Pope Construction
- A-119-11 — Antonio Anderson
- A-121-11 — John R. Bride
- A-122-11 — Carol K. Smith
- A-124-11 — Bennie Jackson Jr.
- A-125-11 — Ardine L. Simon
- A-285-11 — Willie & Sarah Davis
- A-338-11 — Verizon Wireless
- A-342-11 — Jeffrey Ramsey

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

\* \* \*

**APPROVAL OF MINUTES:**

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

October 26, 2011

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

\* \* \*

JOSEPH F. DENK  
Chairman

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

Request for Proposals from qualified firms/entrepreneurs/businesses interested in providing services of a neighborhood grocery store including but not limited to fresh produce & vegetables, meats, cheeses, bread, and prepared foods located at the vacant 1.78 acre City-owned property 10505 St. Clair Avenue, Cleveland, OH 44115. Proposals are due by 5:00 p.m. Eastern Standard Time, Friday, December 16, 2011. For more information and to see the Request for Proposals, go to [http://www.city.cleveland.oh.us/CityofCleveland/Home/Government/CityAgencies/Finance/RFP?\\_piref34\\_136352\\_34\\_121844\\_121844\\_—ora\\_navig=action%3Ddetails%26rfpId%3D3617](http://www.city.cleveland.oh.us/CityofCleveland/Home/Government/CityAgencies/Finance/RFP?_piref34_136352_34_121844_121844_—ora_navig=action%3Ddetails%26rfpId%3D3617) or call (216) 664-3720.

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

**NOTICE OF PUBLIC MEETING  
OF THE CITY OF CLEVELAND  
RECORDS COMMISSION**

Notice is hereby given in accordance with Chapter 149 of the Ohio Revised Code and Chapter 167 of the Codified Ordinances of the City of Cleveland, that the Cleveland City

Records Commission will hold a public meeting on Thursday, November 17, 2011 at 2:00 PM in Room 106 of City Hall, 601 Lakeside Avenue, Cleveland, Ohio for the purpose of considering records retention and disposal requests.

November 2, 2011, November 9, 2011 and November 16, 2011

## NOTICE OF PUBLIC HEARING

### Notice of Public Hearing By the Council Committee On City Planning

**Mercedes Cotner  
Committee Room 217  
City Hall, Cleveland, Ohio  
On Wednesday, November 30, 2011  
1:00 p.m.**

Notice is hereby given to all interested property owners that the Council Committee on City Planning will hold a public hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on November 30, 2011, at 1:00 p.m., to consider the following ordinances now pending in the Council:

#### Ord. No. 1305-11.

By Council Member Reed.  
An ordinance to change the Use District of land located on the south side of Miles Avenue between E. 93rd Street and Broadway Avenue to a Multi-Family Residential District (Map Change No. 2372, Sheet Number 6).

#### Ord. No. 1306-11.

By Council Member Reed.  
An ordinance to change the Use, Area and Height District of land located on the north and south sides of Miles Avenue between E. 114th Street and E. 138th Street as shown shaded on the attached maps to Local Retail Business, 'B' Area District and a '1' Height District (Map Change No. 2376, Sheet Numbers 10).

#### Ord. No. 1307-11.

By Council Member Reed.  
An ordinance to change the Use District of lands bounded by Meech Avenue, Cassius Avenue, Erie Rail Road and Harvard Avenue to Semi-Industry (Map Change No. 2378, Sheet Numbers 6 & 10).

#### Ord. No. 1308-11.

By Council Member Reed.  
An ordinance to change the Use District of lands located on the west side of E. 116th Street (Martin Luther King Jr. Dr.) between Corlett Avenue and Dove Avenue to Local Retail Business (Map Change No. 2375, Sheet Numbers 10).

#### Ord. No. 1309-11.

By Council Member Reed.  
An ordinance to change the Use, Area and Height Districts of lands located on the south side of Miles Avenue between E. 116th Street and E. 128th Street to Two Family Residential, a 'B' Area District and a '1' Height District as shown shaded on the attached maps (Map Change No. 2379, Sheet Number 10).

#### Ord. No. 1310-11.

By Council Member Reed.  
An ordinance to change the Use, Area and Height Districts of lands located along Miles Park Avenue, Harvard Avenue, E. 93rd Street and E. 91st Street as shown shaded on the attached map to a Two Family Residential, a 'B' Area District and '1' Height District (Map Change No. 2373, Sheet Numbers 6).

#### Ord. No. 1311-11.

By Council Member Reed.  
An ordinance to change the Use and Area Districts of lands located on the east side of E. 131 Street from Melzer Avenue to Svec Avenue to a Local Retail Business District and a 'B' Area District (Map Change No. 2381, Sheet Numbers 10).

#### Ord. No. 1312-11.

By Council Member Reed.  
An ordinance to change the Use District of land located on the north and south sides of E. 99th Street at Miles Avenue from Semi-Industry to Two Family Residential (Map Change No. 2371, Sheet Numbers 10).

#### Ord. No. 1313-11.

By Council Member Reed.  
An ordinance to change the Use, Area and Height Districts of lands on the east and west sides of John P. Green Place at Harvard Avenue to One Family Residential, an 'A' Area District and a '1' Height District (Map Change No. 2377, Sheet Number 10).

#### Ord. No. 1314-11.

By Council Member Reed.  
An ordinance to change the Use, Area and Height Districts of lands located along Miles Avenue, Broadway Avenue and E. 93rd Street as shown shaded on the attached maps to a Local Retail Business District, a 'C' Area District and '2' Height District (Map Change No. 2374, Sheet Number 6).

#### Ord. No. 1315-11.

By Council Member Reed.  
An ordinance to change the Use and Area Districts of lands located on the north and south sides of Harvard Avenue between E. 136th Street and E. 141st Street to a Local Retail Business District and a 'B' Area District (Map Change No. 2380, Sheet Numbers 10).

All interested persons are urged to be present or to be represented at the above time and place.

Phyllis E. Cleveland  
Chair  
Committee on City Planning

November 16, 2011 and November 23, 2011

## CITY OF CLEVELAND BIDS

### For All Departments

**Sealed bids will be received at the office of the Commissioner of Purchases and Supplies, Room 12S, City Hall, in accordance with the appended schedule, and will be opened and read in Room 12S, City Hall, immediately thereafter.**

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

**187.10 Negotiated contracts; Notice required in Advertisement for Bids.**

**Where invitations for bids are advertised, the following notice shall be included in the advertisement: "Pursuant to the MBE/FBE Code, each prime bidder, each minority business enterprise ("MBE") and each female business enterprise ("FBE") must be certified before doing business with the City. Therefore, any prime contractor wishing to receive credit for using an MBE or FBE should ensure that applications for certification as to MBE or FBE status compliance with the Code, affirmative action in employment and, if applicable, joint venture status, are submitted to the Office of Equal Opportunity ("OEO") prior to the date of bid opening or submission of proposals or as specified by the Director. Failure to comply with the business enterprise code or with representations made on these forms may result in cancellation of the contract or other civil or criminal penalties."**

### THURSDAY, DECEMBER 8, 2011

**File No. 189-11 — Water Main Replacements on Winchell Road, Newell Road, Maynard Road and Colton Road in the City of Shaker Heights, Ohio,** for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 1928-07, passed by the Council of the City of Cleveland, December 10, 2007.

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

**THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, NOVEMBER 17, 2011 AT 10:00 A.M. THE PUBLIC UTILITIES AUDITORIUM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.**

November 9, 2011 and November 16, 2011

### FRIDAY, DECEMBER 9, 2011

**File No. 190-11 — Constructing and Installing Replacement Sewers and Rehabilitating and Repairing Sewers at Various Locations,** for the Division of Water Pollution Control, Department of Public Utilities, as authorized by Section 129.292 of the Codified Ordinances of Cleveland, Ohio, 1976.

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



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

THERE WILL BE A **NON-MANDATORY PRE-BID** MEETING MONDAY, NOVEMBER 28, 2011 AT 11:30 A.M. THE DIVISION OF WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, CLEVELAND, OHIO 44108.

**File No. 198-11 — Collection, Pick-Up and Disposal of Waste Engine Oil, Anti-Freeze and Used Oil Filters**, for the Division of Motor Vehicle Maintenance, Department of Public Works, as authorized by Section 181.18 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID** MEETING TUESDAY, NOVEMBER 29, 2011 AT 11:00 A.M. CLEVELAND CITY HALL, DIVISION OF PURCHASES AND SUPPLIES, ROOM 128, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

November 16, 2011 and November 23, 2011

**THURSDAY, DECEMBER 15, 2011**

**File No. 191-11 — Watercraft Equipment for Public Safety Dive Team**, for the Division of Fire, Department of Public Safety, as authorized by Ordinance Nos. 811-10 and 812-10, passed by the Council of the City of Cleveland, July 14, 2010.

THERE WILL BE A **NON-MANDATORY PRE-BID** MEETING TUESDAY, NOVEMBER 29, 2011 AT 11:00 A.M. THE FIRE HEADQUARTERS, 1645 SUPERIOR AVENUE, BASEMENT CONFERENCE ROOM, CLEVELAND, OHIO 44114.

**File No. 192-11 — Purchase Bunker Gear Suits, Including but not limited to Proximity Pants, Proximity Coats, Hoods, Helmets, Suspenders and Boots**, for the Various Divisions of Port Control, Department of Port Control, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

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

**File No. 193-11 — Various Harley-Davidson Parts and Labor (Rebid)**, 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 TUESDAY, NOVEMBER 29, 2011 AT 10:00 A.M. THE MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

**File No. 194-11 — Purchase of Wood Poles and Crossarms**, 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, DECEMBER 2, 2011 AT 10:30 A.M. THE TOM L. JOHNSON BUILDING, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

**File No. 195-11 — Manholes and Accessory Items**, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Sections 129.25, 129.26, 129.27, of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID** MEETING WEDNESDAY, NOVEMBER 30, 2011 AT 10:30 A.M. THE TOM L. JOHNSON BUILDING, 1300 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

**File No. 196-11 — Diving and Underwater Inspection Services (Rebid)**, for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 359-11, passed by the Council of the City of Cleveland, May 9, 2011.

THERE WILL BE A **NON-MANDATORY PRE-BID** MEETING TUESDAY, NOVEMBER 29, 2011 AT 10:00 A.M. THE CARL B. STOKES PUBLIC UTILITIES BUILDING, 1201 LAKESIDE AVENUE, 4TH FLOOR SOUTH CONFERENCE

**File No. 197-11 — Labor and Material to Repair and/or Replace Plumbing Equipment and Lines Including Gas Lines at Various Cleveland Public Power Properties**, for the Division of Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 630-11, passed by the Council of the City of Cleveland, June 6, 2011.

THERE WILL BE A **NON-MANDATORY PRE-BID** MEETING WEDNESDAY, NOVEMBER 30, 2011 AT 2:30 P.M. THE CLEVELAND PUBLIC POWER, 2490

WEST 41ST STREET, CLEVELAND, OHIO 44113.

November 16, 2011 and November 23, 2011

**ADOPTED RESOLUTIONS AND ORDINANCES**

NONE

**COUNCIL COMMITTEE MEETINGS**

**Monday, November 14, 2011 2:00 p.m.**

**Legislation Committee & Finance Committee:** Present in Legislation: Mitchell, Chair; Brancatelli, Reed, Sweeney. *Authorized Absence:* K. Johnson, Vice Chair; Cimperman, Cleveland. Pro tempore: Keane. Present in Finance: Sweeney, Chair; Kelley, Vice Chair; Brady, Brancatelli, Keane, Mitchell, Polensek, Pruitt, Westbrook. *Authorized Absence:* Cleveland, Miller.

**Finance Committee:** Present: Sweeney, Chair; Kelley, Vice Chair; Brady, Brancatelli, Keane, Mitchell, Polensek, Pruitt, Westbrook. *Authorized Absence:* Cleveland, Miller.

**Tuesday, November 15, 2011 9:30 a.m.**

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

**1:30 p.m.**

**Employment, Affirmative Action and Training Committee:** Present: Pruitt, Chair; Miller, Vice Chair; Cummins, J. Johnson, Mitchell, Westbrook. *Authorized Absence:* K. Johnson. Pro tempore: Sweeney.

**Wednesday, November 16, 2011 10:00 a.m.**

**Public Safety Committee:** Present: Conwell, Chair; Polensek, Vice Chair; Brady, Cleveland, Cummins, Dow, Miller, Mitchell, Zone.

**1:30 p.m.**

**Public Utilities Committee:** Present: Kelley, Chair; Brady, Vice Chair; Conwell, Cummins, Miller, Polensek, Pruitt, Westbrook. *Authorized Absence:* Dow.

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O—Ordinance; R—Resolution; F—File  
Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed;  
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