

The City Record

Official Publication of the Council of the City of Cleveland



April the Eighteenth, Two Thousand and Twelve

Frank G. Jackson
Mayor

Martin J. Sweeney
President of Council

Patricia J. Britt
City Clerk, Clerk of Council

Ward Name

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

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

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

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

MAYOR – Frank G. Jackson

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

OFFICE OF CAPITAL PROJECTS – Jonmarie Wasik, Director

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

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

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

Frank Badalamenti, Manager, Internal Audit

DIVISIONS:
 Accounts – Lonya Moss Walker, Interim Commissioner, Room 19
 Assessments and Licenses – Dedrick Stephens, Commissioner, Room 122
 City Treasury – _____, Treasurer, Room 115
 Financial Reporting and Control – James Gentile, Controller, Room 18
 Information Technology and Services – Douglas Divish, Commissioner, 205 W. St. Clair Avenue

Purchases and Supplies – James E. Hardy, Commissioner, Room 128
 Printing and Reproduction – Michael Hewitt, Commissioner, 1735 Lakeside Avenue
 Taxation – Nassim Lynch, Tax Administrator, 205 W. St. Clair Avenue

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

DIVISIONS:
 Cleveland Public Power – Ivan Henderson, Commissioner
 Street Lighting Bureau – _____, Acting Chief
 Utilities Fiscal Control – Dennis Nichols, Commissioner
 Water – Alex Margevicius, Interim Commissioner
 Water Pollution Control – Rachid Zoghbaib, Commissioner

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

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

DEPT. OF PUBLIC WORKS – Michael Cox, Director

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

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

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

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

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

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

DEPT. OF COMMUNITY DEVELOPMENT – Daryl Rush, Director

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

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

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

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

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

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

COMMUNITY RELATIONS BOARD – Room 11, Blaine Griffin, Director, Mayor Frank G. Jackson, Chairman Ex-Officio; Rev. Dr. Charles P. Lucas, Jr., Vice-Chairman, Council Member Brian Cummins, Council Member Eugene R. Miller, Jeff Marks, (Board Lawyer), Roosevelt E. Coats, Jenice Contreras, Kathryn Hall, Yasir Hamdallah, Evangeline Hardaway, John O. Horton, Annie Key, Stephanie Morrison-Hrbek, Roland Muhammad, Gia Hoa Ryan, Ted C. Wammes, Peter Whitt.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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WEDNESDAY, APRIL 18, 2012

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CITY COUNCIL

MONDAY, APRIL 16, 2012

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216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2010-2013

MONDAY — Alternating

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

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

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

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

MONDAY

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

TUESDAY

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

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

WEDNESDAY — Alternating

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

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

WEDNESDAY — Alternating

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

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

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

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

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, April 16, 2012

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

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

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 R. Harper, Chief of Communications, Andrea V. Taylor, Press Secretary, Jenita McGowan, Chief of Sustainability, Natoya J. Walker Minor, Chief of Public Affairs, and Interim Law Director Langhenry, Directors Dumas, Withers, Smith, Wasik, Butler, Cox, Rush, Rybka, Southerington, Nichols, Griffin and Fumich,

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

MOTION

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

COMMUNICATION

File No. 546-12.

From Cuyahoga County Board of Elections. Certificate of Result of Issue 7, Berea City School District (portion includes City of Cleveland residents) on March 6, 2012 City of Cleveland election. Received.

FROM OHIO DIVISION OF LIQUOR CONTROL

File No. 547-12

Re: #7460895 — C1, C2, D6 Transfer of Ownership Application — Rocky River Gas Station, LLC, 4142 Rocky River Drive. (Ward 19). Received.

OATHS OF OFFICE

File No. 548-12.

From: Lonya Moss Walker — Commissioner — Division of Accounts, Department of Finance. Received.

File No. 549-12.

From: Gregory Cordek — Assistant Commissioner — Division of Accounts, Department of Finance. Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 551-12—Damien E. Myers.

Res. No. 552-12—Lizzie Lou Coats.

Res. No. 553-12—George Catlin Burford.

Res. No. 554-12—Robert C. Kitze-row.

Res. No. 555-12—Gregory W. Peak.

Res. No. 556-12—Colleen Toohey Porter.

CONGRATULATIONS RESOLUTIONS

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

Res. No. 557-12—Forest City Tennis Club — 100th Anniversary.

Res. No. 558-12—Minnie Scruggs.

RECOGNITION RESOLUTIONS

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

Res. No. 559-12—Multiple Chemical Sensitivity Awareness Month — May.

Res. No. 560-12—Persistence of the Human Spirit — An Interreligious Commemoration of Genocide & the Holocaust.

WELCOME RESOLUTIONS

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

Res. No. 561-12—The Most Reverend Peter Rusnak.

Res. No. 562-12—The Most Reverend Jan Babjak, SJ.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 532-12.

By Council Members 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 relating to the resurfacing of East 72nd Street from St. Clair Avenue to the North Marginal Road; 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 Project Administration agreement with the Ohio Department of Transportation; 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, provided the City sells the 2012 general obligation bonds authorized by Ordinance No. 274-12, passed April 2, 2012, 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 relating to the resurfacing of East 72nd Street from St. Clair Avenue to North Marginal Road (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, provided the City sells the 2012 general obligation bonds authorized by Ordinance No. 274-12, passed April 2, 2012, 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 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 Director of Capital Projects is authorized to enter into one or more Local Project Administration agreements with the Ohio Department of Transportation to fund and construct the Improvement.

Section 9. That the cost of the contracts, payments, property acquisition, and other expenditures authorized shall be paid from the fund or funds to which are credited any funds received under the Local Project Administration agreement, the fund or funds to which are credited any proceeds from the sale of 2012 general obligation bonds authorized by Ordinance No. 274-12, passed April 2, 2012, if the City sells such bonds, cash contributions accepted and appropriated under this ordinance, and from any other funds appropriated by the Director of Finance for this purpose.

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. 533-12.

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

An emergency ordinance determining the method of making the public improvement of constructing, rehabilitating, renovating, replacing or otherwise improving public facilities, buildings, and other similar structures, including site improvements and appurtenances; authorizing the Directors of Public Works and Capital Projects to enter into one or more contracts for the making of the improvements; to employ one or more architectural, landscape architectural or engineering firms and other consultants necessary to provide professional services relating to the improvement; and authorizing the Director to enter into one or more contracts for the making of the improvement to public facilities not otherwise improved by the direct employment of the necessary labor, for the Department of Public Works and the Office of Capital Projects.

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, it is determined to make the public improvement of constructing, rehabilitating, renovating, replacing or otherwise improving public facilities, buildings, and other similar structures, including all site improvements and appurtenances necessary and incidental, for the Department of Public Works and the Office of Capital Projects, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a gross price for the improvement.

Section 2. That, provided the City of Cleveland sells the general obligation bonds authorized by Ordinance No. 271-12, passed April 2, 2012, the Directors of Public Works and Capital Projects are authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder after competitive bidding for a gross price 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 for a gross price. On request of the director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the improvement.

Section 3. That, provided the City of Cleveland sells the general obligation bonds authorized by Ordinance No. 271-12, passed April 2, 2012, the Directors of Public Works and Capital Projects are authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the items comprising the necessary supplies and materials for the improvement, including the rental of

necessary equipment to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public Works and the Office of Capital Projects.

Section 4. That, provided the City of Cleveland sells general obligation bonds authorized by Ordinance No. 271-12, passed April 2, 2012, and Ordinance No. 274-12, passed April 2, 2012, the Directors of Public Works and Capital Projects are authorized to employ by contract one or more architects, landscape architects and engineers, or one or more firms of architects, landscape architects and engineers, necessary to implement the public improvements authorized in this ordinance. The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Directors of Public Works and Capital Projects from a list of qualified consultants available for the employment as may be determined after a full and complete canvass by the Directors of Public Works and Capital Projects for the purpose of compiling the 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 Directors of Public Works and Capital Projects and certified by the Director of Finance.

Section 5. That, provided the City of Cleveland sells the general obligation bonds authorized by Ordinance No. 271-12, passed April 2, 2012, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of constructing, rehabilitating, renovating, replacing or otherwise improving public facilities, buildings, and other similar structures, including all site improvements and appurtenances necessary and incidental, which are not covered by the contract or contracts authorized by Sections 2 and 4 of this ordinance by the direct employment of the necessary labor, and the purchase or rental of the necessary supplies and materials for the making of the improvement, which supplies and materials are not covered by the contract or contracts authorized by Section 5 of this ordinance, with a separate accounting as to each improvement made.

Section 6. That the Directors of Public Works and Capital Projects are authorized to apply and pay for permits, licenses, or other authorizations required by any regulatory agency or public authority to permit performance of the work authorized by this ordinance.

Section 7. 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 Directors of Public Works and Capital Projects 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 8. That the cost of any expenditure authorized by this ordinance shall be paid from the fund or funds to which are credited the proceeds of the sale of general obligation bonds authorized by Ordinance No. 271-12, passed April 2, 2012, if the City sells such bonds, and Fund Nos. 20 SF 381, 20 SF 391, 20 SF 503, 20 SF 509, 20 SF 517, 20 SF 524, 20 SF 532, 20 SF 533,

20 SF 539, and any other funds appropriated for this purpose with the approval of the Director of Finance, and for engineering services only, the fund or funds to which are credited the proceeds of the sale of general obligation bonds authorized by Ordinance No. 274-12, passed April 2, 2012, if the City sells such bonds.

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

Ord. No. 534-12.

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

An emergency ordinance determining the method of making the public improvement of constructing, rehabilitating, renovating, replacing or otherwise improving recreation facilities, buildings, and other similar structures, and parks and playgrounds, on City-owned and City-leased park property, including site improvements and appurtenances; authorizing the Director of Public Works to enter into one or more contracts for the making of the improvements; to employ one or more architectural, landscape architectural or engineering firms and other consultants necessary to provide professional services relating to the improvement; and authorizing the Director to enter into one or more contracts for the making of the improvement to parks and to proceed with the improvement to recreation facilities not otherwise improved by the direct employment of the necessary labor, for the Department of Public Works.

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, it is determined to make the public improvement of constructing, rehabilitating, renovating, replacing or otherwise improving recreation facilities, buildings, and other similar structures on City-owned and City-leased park property, including all site improvements and appurtenances necessary and incidental, for the Department of Public Works, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a gross price for the improvement.

Section 2. That, provided the City of Cleveland sells the general obligation bonds authorized by Ordinance No. 273-12, passed April 2, 2012, the Director of Public Works is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder after competitive bidding for a gross price 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 for a gross price. On request of the director the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the improvement.

Section 3. That under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of constructing, rehabilitating, renovating, replacing or otherwise improving parks and playgrounds on City-owned and City-leased park property, including all site improvements and appurtenances necessary and incidental, for the Department of Public Works, 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 4. That, provided the City of Cleveland sells the general obligation bonds authorized by Ordinance No. 273-12, passed April 2, 2012, the Director of Public Works is authorized to enter into one or more contracts for the making of the public improvement with the lowest responsible bidder 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 5. That, provided the City of Cleveland sells the general obligation bonds authorized by Ordinance No. 273-12, passed April 2, 2012, the Director of Public Works is authorized to make one or more written contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for each or all of the items comprising the necessary supplies and materials for the improvements, including the rental of necessary equipment to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public Works.

Section 6. That, provided the City of Cleveland sells general obligation bonds authorized by Ordinance No. 273-12, passed April 2, 2012, the Director of Public Works is authorized to employ by contract one or more architects, landscape architects and engineers, or one or more firms of architects, landscape architects and engineers, necessary to implement the public improvements authorized in this ordinance. The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Public Works from a list of qualified consultants available for the employment as may be determined after a full and complete canvass by the Director of Public Works for the purpose of compiling the 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 Works and certified by the Director of Finance.

Section 7. That, provided the City of Cleveland sells the general obligation bonds authorized by Ordinance No.

273-12, passed April 2, 2012, under Section 167 of the Charter of the City of Cleveland, it is determined to make the public improvement of constructing, rehabilitating, renovating, replacing or otherwise improving recreation facilities, buildings, and other similar structures, and parks and playgrounds, on City-owned and City-leased park property including all site improvements and appurtenances necessary and incidental, which are not covered by the contract or contracts authorized by Sections 2 and 4 of this ordinance by the direct employment of the necessary labor, and the purchase or rental of the necessary supplies and materials for the making of the improvement, which supplies and materials are not covered by the contract or contracts authorized by Section 5 of this ordinance, with a separate accounting as to each improvement made.

Section 8. That the Director of Public Works is authorized to apply and pay for permits, licenses, or other authorizations required by any regulatory agency or public authority to permit performance of the work authorized by this ordinance.

Section 9. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative agreements with other governmental agencies. The Director of Public 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 10. That the cost of any expenditure authorized by this ordinance shall be paid from the fund or funds which are credited the proceeds of the sale of general obligation bonds authorized by Ordinance No. 273-12, passed April 2, 2012, if the City sells such bonds and Fund Nos. 20 SF 377, 20 SF 382, 20 SF 392, 20 SF 501, 20 SF 504, 20 SF 508, 20 SF 516, 20 SF 523, 20 SF 535, 20 SF 538, 10 SF 039, and any other funds appropriated for this purpose with the approval of 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 Public Works, Capital Projects, City Planning Commission, Finance, Law; Committees on Public Parks, Properties, and Recreation, Public Service, City Planning, Finance.

Ord. No. 535-12.

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

An emergency ordinance authorizing the Director of Port Control to employ one or more professional consultants to provide air and cargo service consulting and advising services, for a period of two years, with two one-year options to renew, the first of which is exercisable through additional legislative authority.

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

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

Section 1. That the Director of 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 necessary to provide air and cargo service consulting and advising services, for a period of two years, with two one-year options to renew, the first of which is exercisable through additional legislative authority.

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. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Port Control, and certified by the Director of Finance.

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund No. 60 SF 001, Request No. RQS 3001, RL 2012-23.

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

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

Ord. No. 536-12.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the United States Department of Public Safety for the 2011 Port Security Grant; and authorizing one or more requirement and/or standard contracts for materials, equipment, supplies, and services, needed to implement the grant.

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

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

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

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

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

Section 4. That the Director of Public Safety is authorized to make one or more written standard purchase and/or written requirement purchase contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the period during the grant term, for each or all of the following items: one Nice Vision Network Video Management system, portable waterproof radios, video cameras, and installation, programming, and testing all as needed to implement the purposes of the grant, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Department of Public Safety.

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

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

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

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

Ord. No. 537-12.

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

An emergency ordinance determining the method of making the public improvement of constructing, reconstructing, and replacing cemetery facilities, buildings, structures and grounds; and authorizing the Director of Public Works to enter into one or more public improvement contracts for the making of the improvement; and authorizing the Director to employ one or more professional consultants to design the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of constructing, reconstructing, and

rehabilitating cemetery facilities, buildings, structures and grounds (the "Improvement"), for the Department of Public Works, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a gross price for the improvement.

Section 2. That, provided the City of Cleveland sells the general obligation bonds authorized by Ordinance No. 272-12, passed April 2, 2012, the Director of Public Works 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 for a gross price 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 for a gross price. On request of the director, the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the Improvement.

Section 3. That the Director of Public Works 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 design 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 Public Works from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Public Works 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 Works, and certified by the Director of Finance.

Section 4. That the Director of Public Works is authorized to apply and pay for permits, licenses, or other authorizations required by any regulatory agency or public authority to permit performance of the work authorized by this ordinance.

Section 5. That the cost of any expenditure authorized by this ordinance shall be paid from the fund or funds which are credited the proceeds of the sale of general obligation bonds authorized by Ordinance No. 272-12, passed April 2, 2012, if the City sells such bonds and Fund Nos. 20 SF 511, 20 SF 519, 20 SF 525, and 20 SF 541, and any other funds appropriated for this purpose with the approval of the Director of Finance.

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

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

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

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

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

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

Section 1. That Section 357.13 of the Codified Ordinances of Cleveland, Ohio 1976, as amended by Ordinance No. 1811-2000, passed February 12, 2001, is amended as follows:

357.13 Yard Encroachments Permitted

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

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

(b) *Front Yard and Side Street Yard Encroachments.* Except as restricted or limited by other provisions of this Zoning Code, the following front yard and side street yard encroachments shall be permitted in any use district:

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

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

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

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

(5) Structures permitted by division (a) of Section 3113.10, division (a) of Section 3113.13 and Section 3113.16 or where not so permitted, gasoline pump islands, sign poles or similar temporary and easily removable structures, provided that conditional and temporary permits therefore are granted, subject to appropriate conditions and safeguards by the Board after public notice and public hearing, and provided, further, that

the erection, maintenance and use thereof do not conflict with the intent and purposes of this Zoning Code.

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 2. That existing Section 357.13 of the Codified Ordinances of

Cleveland, Ohio 1976, as amended by Ordinance No. 1811-2000, passed February 12, 2001 is repealed.

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

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

Ord. No. 540-12.

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

An emergency ordinance authorizing the Director of Capital Projects to enter into one or more cooperative agreements with the Greater Cleveland Regional Transit Authority to construct the City of Cleveland's portion of the Clifton Transit Enhancement Project; authorizing the Director to accept cash contributions from public and private entities, 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 Project Administration agreement with the Ohio Department of Transportation; and authorizing the Commissioner of Purchases and Supplies to acquire for right-of-way purposes real property necessary to make the public improvement.

Whereas, the Greater Cleveland Regional Transit Authority ("RTA") is in partnership with the Cities of Lakewood and Cleveland to construct transit and roadway improvements from Lakewood's west corporation line to Lake Road, approximately 2.94 miles and known as the Clifton Boulevard Transit Enhancement Project; and

Whereas, the City of Cleveland's portion of the Clifton Boulevard Transit Enhancement Project is located in Cleveland from West 117th Street to Lake Road, approximately 1.20 miles (the "Improvement") and is necessary to complete the Clifton Boulevard Transit Enhancement Project; and

Whereas, the City desires to cooperate with RTA to construct the Improvement; and

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

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

Section 1. That the Director of Capital Projects is authorized to enter into one or more cooperative agreements with RTA to construct the City of Cleveland's portion of the Clifton Boulevard Transit Enhancement Project located in Cleveland from West 117th Street to Lake Road, approximately 1.20 miles (the "Improvement").

Section 2. That the Director of Capital Projects is authorized to accept cash contributions from public or private entities, for infrastructure

restoration costs associated with relocating, rehabilitating or reconstructing utility infrastructure for the Improvement. That the Director of Capital Projects is authorized to enter into agreements with the entities for this purpose.

Section 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 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 5. 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 6. That the Director of Capital Projects is authorized to enter into one or more Local Project Administration agreements with the Ohio Department of Transportation to fund and construct the Improvement.

Section 7. That the cost of the contracts, payments, property acquisition, and other expenditures authorized shall be paid from Fund No. 20 SF 540, the fund or funds to which are credited any grant proceeds, the fund or funds to which are credited any funds received under the Local Project Administration agreement, the fund or funds to which are credited any proceeds from the sale of 2012 general obligation bonds authorized by Ordinance No. 274-12, passed April 2, 2012, if the City sells such bonds, cash contributions accepted and appropriated under this ordinance, and from any other funds appropriated by the Director of Finance for this purpose. (RQS 0103, RL 2012-15)

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 Capital Projects, City Planning Commission, Finance, Law; Committees on Public Service, City Planning, Finance.

Ord. No. 545-12.

By Council Members Conwell, Dow, Mitchell, Westbrook, Polensek, Brancatelli, Cleveland, Pruitt and Kelley.

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new section 171.66, relating to residency requirements.

Whereas, numerous localities throughout the country have enacted residency laws requiring city employees to reside within a certain proximity of the city and/or county where they work; and

Whereas, Ohio communities, including Cincinnati, have residency laws where certain city employees

are required to maintain their residences within the city's county or any adjacent counties; and

Whereas, municipalities today are faced with increasing threats to homeland security from domestic and international terrorism, natural and man-made disasters, and extreme weather emergencies, which pose a threat to the public safety and welfare of residents; and

Whereas, it is essential to have critical city personnel respond to such emergencies and disasters expeditiously in order to ensure the health and safety of residents residing in the city and to minimize as many deaths, injuries and property damage as possible; and

Whereas, several City employees currently live outside of the State of Ohio; and

Whereas, some City employees currently live outside Cuyahoga County, as well as outside adjacent counties of Lake, Geauga, Summit, Medina, Lorain and Portage; and

Whereas, it is within the City of Cleveland's legal right under Ohio Revised Code section 9.481, and in the best interest of its citizens to require all employees to live within the State of Ohio, and certain employees to live within Cuyahoga county or adjacent counties to ensure adequate response times to emergencies or disasters; 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 171.66 to read as follows:

Section 171.66 Residency Requirements

(a) Except as otherwise provided in this section, all employees of the City may reside only within the geographical boundaries of the State of Ohio.

(b) In order to ensure adequate response times to emergencies and disasters, all employees of the Department of Public Safety, Divisions of Police, Fire, and Emergency Medical Service, Chiefs of the Office of the Mayor, and Directors, Assistant Directors and Commissioners of all Departments, and the Clerk of Council are designated as emergency responders and shall reside within Cuyahoga County or any one of the following adjacent counties: Lake, Geauga, Summit, Medina, Lorain or Portage, within the state of Ohio.

(c) The Director of Human Resources is authorized and directed to adopt administrative regulations to implement the provisions of divisions (a) and (b). The regulations shall provide a transitional period of not more than 180 days following employment within which an employee must establish either Ohio residency or residency within Cuyahoga County or adjacent counties, as required by this section.

(d) The Director of Human Resources is further encouraged to consider additional administrative regulations, to the extent permitted by law, providing for employment incentives for any city employees who maintain or adopt city residency, and to present those regulations for council consideration.

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

**FIRST READING
ORDINANCE REFERRED**

Ord. No. 550-12.

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

An ordinance authorizing the amendment and extension of the franchise with Cleveland Thermal, LLC for the transmission and supply of steam and water for heating, cooling and power purposes.

Whereas, the Charter of the City of Cleveland authorizes this Council by ordinance to grant a non-exclusive franchise to any person, firm or corporation to construct, install, maintain and operate a utility in, under, over, along, across and upon any of the streets and public grounds of the City of Cleveland; and

Whereas, under Ordinance No. 2909-87, passed December 21, 1987, this Council granted Cleveland Thermal Energy Corporation, an Ohio Corporation and wholly-owned subsidiary of Catalyst Thermal Energy Corporation ("Catalyst"), a non-exclusive franchise to construct, install, maintain and operate a system for the transmission and supply of steam and hot water in, under, over, along, across and upon certain of the streets, public rights of way and public grounds of the City of Cleveland; and

Whereas, under Ordinance No. 1595-89, passed June 19, 1989, this Council amended the franchise agreement authorized by Ordinance No. 2909-87, passed December 21, 1987, to authorize the supplying of chilled water in addition to steam and hot water; and

Whereas, under Ordinance No. 1490-91, passed July 24, 1991, this Council approved the transfer of Cleveland Thermal Energy Corporation, and control of the franchise, from Catalyst, which was then known as United Thermal Corporation, to Mid-America Energy Resources, Inc., a wholly-owned subsidiary of IPALCO Enterprises, Inc. ("Mid-America"); and

Whereas, under Ordinance No. 2121-00, passed March 12, 2001, this Council authorized the transfer of the franchise from Mid-America to Dominion Cleveland Thermal, LLC, and its operating affiliates: Dominion Cleveland Thermal Generation, LLC, Dominion Cleveland Thermal Steam Distribution, LLC and Dominion Cleveland Thermal Chilled Water Distribution, LLC (collectively, "Dominion Cleveland Thermal, Inc."); and

Whereas, under Ordinance No. 1519-04, passed October 25, 2004, this Council authorized the transfer, as the result of a stock purchase of Dominion Cleveland Thermal Inc., by CT Acquisitions Inc., an Ohio Corporation, of the non-exclusive

franchise of Dominion Cleveland Thermal, LLC and its operating affiliates: Dominion Cleveland Thermal, LLC (now known as Cleveland Thermal, LLC), Dominion Cleveland Thermal Generation, LLC (now known as Cleveland Thermal Generation, LLC), Dominion Cleveland Thermal Steam Distribution, LLC (now known as Cleveland Thermal Steam Distribution, LLC) and Dominion Cleveland Thermal Chilled Water Distribution, LLC (now known as Cleveland Thermal Chilled Water Distribution, LLC) to construct, install, maintain and operate a system for the transmission and supply of steam and hot water in, under, over, along, across and upon certain of the streets, public rights of way and public grounds of the City of Cleveland; and

Whereas, Cleveland Thermal, LLC and its operating affiliates, Cleveland Thermal Generation, LLC, Cleveland Thermal Steam Distribution, LLC and Cleveland Thermal Chilled Water Distribution, LLC (collectively, "Cleveland Thermal"), have requested this Council to approve amendments to and the extension of the franchise in order to (a) provide security to a long-term customer base whose contracts extend beyond the current term of the franchise, (b) support reinvestment by Cleveland Thermal into the system, (c) permit refinancing of outstanding indebtedness of Cleveland Thermal, enabling it to take advantage of favorable market rates and enhance the sustainability of the system and (d) make certain administrative changes to reflect its internal reorganization and to provide greater flexibility to accomplish the proposed environmental and service enhancements for its facilities; and

Whereas, the Charter of the City of Cleveland and the terms of the franchise agreement allow this Council to authorize by ordinance amendments to and transfer of the franchise; now, therefore,

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

Section 1. That under Chapter 35 of the Charter of the City of Cleveland and Section 1 of the franchise granted by Ordinance No. 1519-04, passed October 25, 2004 (the "Franchise Ordinance"), this Council approves the extension of the franchise agreement to December 31, 2036 (or such earlier date as may be required by law), and the amendments thereto regarding certain administrative matters as set forth therein.

Section 2. That the franchise agreement granted to Cleveland Thermal Holdings, LLC, as successor to CT Acquisitions I Inc., by the Franchise Ordinance described in Section 1 is amended, and the entirety of the franchise agreement as contained in the Franchise Ordinance as amended by this ordinance is as follows:

Section 1. Grant of Franchise.

Under the Charter of the City of Cleveland ("City"), and subject to the terms and conditions set forth in this franchise, Cleveland Thermal, LLC ("Grantee"), is granted a non-exclusive franchise, until December 31, 2036 (or such earlier date as may be required by law), unless sooner terminated as provide in this franchise, to construct, install, maintain and operate a system for the transmission and

distribution of steam and water for heating, cooling and power purposes (the "Steam System") in the area of the City identified in the map contained in File No. 1519-04-A and incorporated by reference and as expanded or extended within the boundaries of the City (the "Service Area") in, under, over, along, across and upon the streets and public grounds (including, but not limited to, the streets, lanes, alleys, avenues, easements and other public thoroughfares and public rights of way of the City in the Service Area) in that Service Area, with the full and necessary privileges for the use of the streets and public grounds in the Service Area for the purpose of digging a trench or trenches, and constructing, installing, maintaining and operating pipes and conduits for steam and water lines, together with the right to maintain such pipes and conduits, for the purpose of transmitting steam and water for heating, cooling and power purposes ("Steam Service"), and to construct, install and maintain all necessary insulators, valves, safety appliances, connections, manholes and other appurtenances necessary or appropriate to the operation of the Steam System. The Steam System of Grantee extends from and includes the existing and future steam generation and heating or cooling water plants of Grantee and the existing and future transmission and distribution system extending to the property line of each Customer (as such term is defined in Section 5A hereof), except where otherwise defined by agreement between Grantee and a particular Customer; provided, however, that nothing herein shall be construed to require Grantee to maintain existing steam generation and heating or cooling water plants so long as Grantee can provide sufficient capacity, through leases, power purchase agreements or other means, to meet Customers' reasonably anticipated requirements. The grant of this franchise does not establish priority or lack of priority for use of the streets and public grounds to Grantee over other present or future permit holders or franchisees, or over the City's own use. Any extension or expansion of the Steam System shall be subject to all of the obligations and reserved rights in favor of the City set forth in this franchise, and shall be subject to all of the conditions of this franchise. The products and services to be provided or performed by the Grantee hereunder may be provided or performed by the Grantee, acting itself, or through an affiliate of Grantee, and the term "Grantee" includes the Grantee and any affiliate as the context permits. As used herein, an "affiliate" of Grantee means Cleveland Thermal Generation, LLC, Cleveland Thermal Steam Distribution, LLC, Cleveland Thermal Chilled Water Distribution, LLC or any other person or entity directly or indirectly controlling, controlled by or under common control with another person or entity.

Section 1A. Payments.

Grantee shall, by January 30 of each calendar year, make the following annual payments, which shall be deposited in the City's general fund and expended through legislation passed by City Council:

2011-2015	\$125,000 per year
2016-2036	\$150,000 per year

Grantee shall discount the City of Cleveland's steam and chilled water bill monthly according to the following schedule, with a maximum discount to the City by Grantee of \$75,000 per year:

2011-2015	3% credit
2016-2036	4% credit

Section 2. Work on the Streets and Public Grounds.

The Grantee, in the construction, installation, maintenance or operation of the Steam System, shall not endanger or unnecessarily interfere with the lives of persons, shall not unnecessarily interfere with any installations of the City or any public utility or other person serving the City or using the streets and public grounds of the City, and shall not unnecessarily interrupt or obstruct the use of any streets and public grounds and, in connection with any work, shall obtain any permits and approvals required by the regulations and ordinances of the City. Prior to performing any work which would affect or alter the City's water mains, sewage or draining system or any other property of the City, Grantee shall provide written notice to the appropriate affected City agency or office. When any streets and public grounds are entered upon by the Grantee, or facilities removed by the Grantee, the Grantee shall at its cost restore the same to their original condition. Grantee shall clear all streets and public grounds of obstructions or anything that might constitute a nuisance or prevent such streets and public grounds from being open and in repair, if such obstruction or nuisance was caused by the Grantee or related to the operation of the Steam System. If the Grantee fails to complete such work within a reasonable period of time, the appropriate officer of the City may, in writing, notify the Grantee that the City will complete such work if not completed by the Grantee as soon as practicable as determined by the City after receipt of notice by Grantee. Any work not completed as determined by the City's officer may be completed by the City and the actual out-of-pocket cost of such work shall be charged to the Grantee. Upon the doing of such work, the City shall furnish the Grantee with itemized bills of the actual out-of-pocket cost of the work, and Grantee shall pay the bills within thirty (30) days after its receipt.

Section 3. Applicable Regulations.

The Grantee shall at all times be subject to the regulations imposed by the laws of the United States of America, the laws of the State of Ohio and the Charter and ordinances of the City as may exist at the effective date of this franchise or later be adopted, including the continuing right of the Council to require such reconstruction, relocation, repair, change or discontinuance of the appliances used by the Steam System in the streets and public grounds of the Service Area, all at the cost of the Grantee, as shall, in the opinion of the Council, be necessary in the public interest. The Council shall at all times control the distribution of space in, under, over, along, across or upon all streets and public grounds occupied by fixtures of the Steam System. In the construction, installation, maintenance or repair of its properties, the Grantee shall comply with all laws and regulations existing at the effective date of this franchise or that may thereafter be

made by the City applicable to the Grantee and the Grantee shall be liable for damages caused by its failure or neglect to comply with such laws and regulations and shall save the City harmless from any and all claims for damages by reason of such failure or neglect.

Section 4. Indemnification and Insurance.

The Grantee shall fully indemnify and save harmless the City and its respective officers, agents and employees from and against all damages, judgments, decrees, costs and expenses for bodily injury or death to persons, including employees of the City and other persons, for losses and physical damages to property of the City or other persons, and for debts incurred or taxes owed by Grantee or its agents, employees or contractors, caused by or as a result of the construction, installation, maintenance and operation of, or the failure to properly construct, install, maintain and operate, the Steam System by the Grantee. The Grantee shall carry insurance to cover and protect itself and the City as an additional insured from and against all claims, demands, actions, judgments, costs, expenses and liabilities which may arise or result, directly or indirectly, from or by reason of loss, injury or damage to the City, its property or employees, or to other persons or their property, which may arise from the operations of Grantee or its Steam System. Grantee's insurance company shall, at its own expense, defend the City, if requested by the City, in all litigation or claims alleged to result from or arise out of such activities or failure to act of Grantee. The City shall duly notify the insurance company of any claims and shall deal directly with such insurance carrier to seek defense by such insurance carrier to seek defense by such insurance company; provided, however, the City shall not be required to institute legal proceedings against such insurance company if the insurance company fails to defend. In the event Grantee's insurance company fails to defend the City, then Grantee, at its own expense, shall defend the City, if requested by the City, in all litigation or claims alleged to result from or arise out of such activities or failure to act of Grantee. Copies of the Grantee's currently effective insurance policy and its currently effective certificate of insurance showing the City as an additional insured shall be maintained on file with the Clerk of Council of the City in the above mentioned file, with a copy provided to the Director of Law of the City, beginning with the effective date of the franchise extension. The amounts of such insurance against, liability due to physical damages to property shall not be less than Twenty Million Dollars (\$20,000,000) per occurrence and aggregate; and against liability due to bodily injury or to death of persons not less than Twenty Million Dollars (\$20,000,000) per occurrence and aggregate. Grantee shall not reduce, cancel or fail to promptly replace the insurance described herein, and should the insurer cancel such insurance, the Grantee shall immediately notify the City. The City shall notify the Grantee and its insurance carrier in writing, within fifteen (15) business days after the presentation of any claim or demand, either by suit or otherwise, made against the City, and

not less than five (5) business days prior to the date upon which an answer to such legal action is due, when the City determined that the suit, claim or demand may involve the Grantee or the operation of the Steam System.

Section 5. Operation, Service and Rates of the Steam System.

A. Service Connections and Delivery of Steam Service. Grantee shall, so far as the capacity of its plant will allow or to the extent of its capacity obtained from alternate sources as permitted pursuant to Section 1 hereof, deliver live steam or water to any person or entity requesting Steam Service who complies with its reasonable regulations and whose property either abuts upon Grantee's service lines or can legally and reasonably (as mutually agreed to in a contract between such person or entity and Grantee) be connected to the Steam System ("Customer"). At the point of delivery, the steam will be dry and saturated in accordance with the steam table established by American Society of Mechanical Engineers ("ASME"). The Grantee shall be responsible to maintain, at its expense, all mains and lines up to the property line of the Customer's facility, except where otherwise set forth in an agreement between Grantee and a particular Customer, and shall keep such lines in sound operating condition and free of undue leakage.

B. Abandonment of Services. In the event Grantee makes an application to the Public Utilities Commission of Ohio ("PUCO"), to abandon service to any part or all of its Service Area, Grantee shall send a copy of any such application to each of its then existing Customers.

C. Existing Rates. All valid contracts or agreements establishing rates, charges or billing arrangements between Customers and Grantee (including, but not limited to, agreements combining billings for one or more premises owned or operated by a Customer) in effect as of the effective date of this ordinance, shall remain in effect until the expiration of the contract or agreement as set forth in such contract or agreement (or as may have been extended by PUCO order), except as may be allowed or required by any Court or arbitration panel, or as agreed by Customer and Grantee. All tariff and contract rates for Steam Service in effect as of the effective date of this ordinance shall, except for fuel adjustment clause increases and authorized by the PUCO or in accordance with Ohio law, remain in effect through the term of the franchise.

D. Rates and Charges. If the Grantee and any Customer cannot agree on a contract which sets rates for Steam Service to that Customer, the rates and charges for Steam Service rendered by Grantee for such Customer or Customers shall be set by the PUCO, by Council, or as otherwise may be provided by law. During the term of this franchise, Grantee shall, upon the request of the City or Council, provide such data and information as the City reasonably requires to review the rates, charges, terms and conditions of Steam Service provided by Grantee. Nothing contained in the subparagraph shall be deemed a waiver of the Grantee to appeal to or seek review of PUCO in connection with any rates.

E. Contract Rates. Grantee may enter into contracts for the provision of Steam Service to one or more of its Customers provided that the contracts are entered into under the requirements of the Revised Code or filed with the PUCO under the terms of Section 4905.31 of the Revised Code and provided that copies of all contracts for Steam Service are provided to the Clerk of Council of the City to be maintained in the Council file mentioned above, with copies provided to the Director of Law of the City.

F. Quality of Service. The Grantee shall at all times provide safe, adequate and reliable service to its Customers and shall, except as may otherwise be permitted by law, provide same without discrimination. In so doing, Grantee shall maintain the Steam System in a manner to ensure such service and to ensure the efficient and safe operation of the Steam System. Grantee shall maintain the Steam System so as to avoid substantial leakage, and shall promptly repair material leaks in the Steam System. Grantee shall also promptly repair any pavement, tree lawn, curb or other portion of the street or public ground which is damaged by Grantee or due to defects in or leaks in or emanating from the Steam System. If there is any dispute between Grantee and a Customer as to whether the Grantee or Customer is responsible to repair damage in the streets or public grounds caused by Grantee or due to defects or leaks in the Steam System, Grantee shall promptly make any necessary repairs pending resolution of such dispute. The cost of such repairs may be part of any such resolution, and may be charged to the Customer if it is determined that the repairs were the responsibility of the Customer. The Grantee acknowledges its obligation to operate and maintain the Steam System so that it is not in such condition as to be a hazard to the health, safety or welfare of the public, and acknowledges the right of the City to reasonably require the Grantee to make necessary repairs or improvements to abate said condition. Grantee shall promptly comply with an order of the Director of the appropriate department of the City having custody and control of the particular property or the responsibility to ensure the health, safety or welfare of the public in the particular situation to make any such repairs or improvements.

Minority Business Enterprise and Female Business Enterprise Participation and Affirmative Action. Grantee shall use its best efforts to meet the goals of the City in effect on the effective date of this ordinance with respect to minority enterprise participation and female business enterprise participation, i.e., thirty percent (30%) and ten percent (10%), respectively, in Grantee's proposed construction of the improvement and expansion of the Steam System; provided, that in evaluating Grantee's efforts to meet such goals, the City shall give consideration to the availability of certain specialty items of equipment for the Steam System that are not readily available from minority and female vendors.

Grantee shall adhere to the standards set forth in division (a) of Section 187.04 of the Codified Ordinances of the City, as presently in effect with respect to nondiscrimination in employment, and shall use its best

efforts to improve the percentage of minority and female employment in the various occupations involved in the performance of the Grantee's business. With respect to any construction of the improvement and expansion of the Steam System comprising real property, Grantee shall comply with the requirements of Chapter 188 of the Codified Ordinances of the City and with all other City, State of Ohio and federal laws and regulations now or hereafter applicable to Grantee.

Section 6. Transfers and Assignments.

The franchise granted to the Grantee herein shall not be transferable either directly or indirectly except with the consent of Council, provided, however, that the grant of a mortgage on or security interest in or assignment of real or personal property comprising the Steam System, including but not limited to Grantee's right to receive payments from Customers (including the City) with respect to the Steam System, as collateral security for financing of obligations of Grantee, shall not constitute or be deemed to be a transfer for purposes of this Section 6; and provided, further that nothing in any such mortgage, security interest or assignment shall purport to transfer the franchise granted herein except with the consent of Council. Additionally, Grantee shall not, without consent of Council, either directly or indirectly, consolidate, merge or in any other way give or permit control of the management of its business to or by any other heating, cooling or power company now operating or that may in the future operate in the City, including any company which would by such action by Grantee first enter into the business of providing heating, cooling or power, nor shall Grantee assign or transfer so much of the assets of the Steam System so as to render Grantee unable to continue providing adequate service as required herein. Notwithstanding the provisions of this Section 6, the capital stock or all or substantially all of the assets and business of Grantee may, without the prior approval of Council, be (i) transferred to any corporation or other entity which is affiliated with Grantee or (ii) consolidated or merged with, or the control of Grantee's management may be transferred to, any corporation or other entity which is affiliated with Grantee. For purposes of this section, the term "affiliate" shall mean any person or entity directly or indirectly controlling, controlled by or under common control with another person or entity.

Section 7. Right of Purchase by the City.

Under Section 183 of the Charter of the City of Cleveland, there is reserved to the City the right to terminate this franchise and to purchase all of the property of the Grantee in the streets and highways in the City and elsewhere used in or useful for the operation of the utility at a price to be fixed in the manner provided in the following sentence. If the City and Grantee cannot agree on the price to be paid by the City for such property, the value shall be determined by three appraisers, one each selected by the City and Grantee, and the other selected by the two appraisers appointed. If the three appraisers cannot agree upon a value for such property, the average of the three sepa-

rate appraisals of the appraisers shall be the value of such property. The standard to be used by the appraisers shall be the fair market value of such property as a going concern. Further, to the extent provided in Section 184 of the Charter of the City, the price to be paid by the City for the property that may be acquired by the City from the Grantee, by purchase, condemnation, or otherwise, shall exclude all additional value of the grant or renewal of this franchise.

Section 8. Renewal of Franchise.

Council may, by ordinance, renew the franchise at the expiration of this franchise upon terms conducive to the public interest.

Section 9. Non-Exclusivity of Franchise.

No rights herein granted to the Grantee to construct, maintain, install or operate the Steam System shall be construed as exclusive or as preventing the City from granting a franchise or privilege to any other person, firm or corporation.

Section 10. Permits.

The Director of Public Service and other appropriate City officials are hereby authorized to issue such permits to the Grantee and any of its construction contractors or subcontractors for construction, installation and operation of the Steam System as may be required by law without further action of the Council. Permits shall be issued upon Grantee's compliance with the applicable procedures for obtaining permits and in accordance with the requirements of law. Grantee shall comply with all existing City and State air pollution permits to operate which are applicable to the Steam System.

Section 11. PUCO

Grantee shall provide to the City's Director of Law timely copies of all notices, filings, applications and all other documents submitted to the PUCO concerning or affecting the Steam System, including copies received by Grantee of any complaints or correspondence submitted to the PUCO concerning the Grantee or any affiliate or Steam System, but not including such documents which solely relate to any other Steam System. Grantee shall not object to or contest the right of the City to intervene in any proceeding initiated by Grantee, the PUCO or a third party concerning Grantee, any affiliate, or the Steam System.

Section 12. Notices and Reports.

Grantee shall provide notice to a designated representative of each Customer of any work by Grantee on the Steam System, or of any change in its operation, which could materially and adversely affect service to such Customer. Grantee shall also respond to any reasonable requests of a Customer for information, including available Steam System efficiency measurements and studies. In addition, Grantee shall provide a copy of an audited balance sheet and a schedule of major capital improvements annually, at the end of each full fiscal year, to the Clerk of Council, for filing in the Council file mentioned above and shall provide copies of such submittals to the Director of Law of the City.

Section 13. Revocation and Amendment.

The Council hereby reserves the right at any time to repeal for cause or to properly amend the ordinance granting this franchise or to revoke

for cause the privileges granted in whole or in part.

Section 14. Default.

Grantee shall be in default of its franchise if Council finds, after providing notice and an opportunity to be heard, that Grantee has abandoned or discontinued Steam Service or has materially failed to comply with the terms of this franchise.

Upon Council determination of default by the Grantee, the City may, at its option, exercise, concurrently or successively, any one or more of the following rights and remedies: to seek a court order to enjoin any abandonment or discontinuance of Steam Service or any failure to comply with the terms of this franchise; to bring suit or complaint at the PUCO or elsewhere for the performance of Grantee's obligation to provide Steam Service and to comply with the terms of this franchise; to terminate the franchise; or in the event of an actual or effective abandonment or discontinuance of Steam Service, to seek Court appointment of a receiver to continue operation of the Steam System until the Steam System can be sold or transferred to an entity approved by the City and Council. These rights and remedies are in addition to any other rights and remedies permitted to the City by the terms of this franchise or by law.

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

FIRST READING EMERGENCY ORDINANCES READ IN FULL AND PASSED

Ord. No. 530-12.

By Council Member J. Johnson.

An emergency ordinance designating the access road leading into the Judge Jean Murrell Capers Tennis Courts at Rockefeller Park off of East 105th Street between Martin Luther King Drive and East Boulevard with an honorary designation of "Forest City Tennis Club Drive."

Whereas, in 1912, the Forest City Tennis Club ("FCTC") was formed in Cleveland by a group of African-American professional men who challenged the racist exclusionary practices of other clubs, by forming their own; and

Whereas, the club members started playing at a court that was located behind St. John AME Church located at 2261 E. 40th at Central Ave; and

Whereas, FCTC grew and later began competing with other players in the surrounding cities of Pittsburgh, Cincinnati, Louisville, Columbus, Detroit, Chicago and Buffalo; and

Whereas, it eventually grew to include women and children in an annual tournament and opened its membership to all persons regardless of race, creed, or color; and

Whereas, by 1946, an annual tournament rotated between Cleveland, Chicago and Detroit and became known as the Tri-City Tournament and is still going on today; and

Whereas, Tri-City Tournament has grown in size and participants from ten years old to over seventy years old now compete in the following

categories: Men's Singles, Men's Doubles, Women's Singles, Women's Doubles, Mixed Doubles and Junior Division; and

Whereas, FCTC began playing at the now newly renovated Rockefeller Park Tennis courts in 1952, and Rockefeller Park became the site for many FCTC Tennis Tournaments and clinics and is used for those purposes today; and

Whereas, three tournaments for amateur players of all skill levels, two of which are sanctioned by the United States Tennis Association, are organized and administered by FCTC each year;

Whereas, the FCTC Junior Tennis program, with FCTC members volunteering their time to teach tennis on Saturdays, was instrumental in developing such prominent plays as Carlos Flemming, Leslie Allen, and Lisa Jones; and

Whereas, many more individuals that participated in the FCTC Junior Tennis program became very productive members of their communities - this is what FCTC Junior Tennis Program hopes to provide for our youth; and

Whereas, the citizens of Glenville want to recognize the importance of the Forest City Tennis Club by designating Access Road between _____ Street and _____ Street as "Forest City Tennis Club Drive"; and,

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

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

Section 1. That the access road leading into the Judge Jean Murrell Capers Tennis Courts at Rockefeller Park off of East 105th Street between Martin Luther King Drive and East Boulevard is designated with an honorary designation of "Forest City Tennis Club Drive."

Section 2. That this ordinance is hereby declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take effect and be in force immediately upon its 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 passage.

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

Ord. No. 531-12.

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

An emergency ordinance to amend Section 3 of Ordinance No. 1603-11, passed December 5, 2011, relating to the public improvement of repairing and constructing roadways, bus pads, sidewalks, driveway aprons, curbs, curb ramps, brick streets.

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 3 of Ordinance No. 1603-11, passed December 5, 2011, is amended to read as follows:

Section 3. That the costs of the contract or contracts 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, and from the fund or funds to which are credited the proceeds of 2012 general obligation bonds, authorized by Ordinance No. 274-12, passed April 2, 2012, if the City sells such bonds,** and 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 4004, RL 2011-057)

Section 2. That existing Section 3 of Ordinance No. 1603-11, passed December 5, 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.

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

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

Ord. No. 538-12.

By Mayor Jackson and Council Members Brancatelli, Keane and Kelley.

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

Whereas, under Ordinance No. 1367-10, passed October 18, 2010, this Council declared a moratorium on the review and issuance of zoning permits, certificates of occupancy, and other license or permit applications for internet sweepstakes operations in the City of Cleveland, until April 18, 2011; and

Whereas, under Ordinance No. 508-11, passed April 11, 2011, this Council extended the moratorium declared by Ordinance No. 1367-10 until October 24, 2011; and

Whereas, under Ordinance No. 1431-11, passed October 24, 2011, this Council extended the moratorium declared by Ordinance No. 1367-10 until April 24, 2012; and

Whereas, this Council has been researching internet sweepstakes operations in order to make a determination regarding their classification under the City's zoning code, and possible regulations associated with their activities; and

Whereas, on or about March 19, 2012, a jury returned guilty verdicts in several cases for Gambling, Operating a Gambling House, and Possession of Criminal Tools, against individuals that operated or were employed by internet sweepstakes businesses prior to the initial moratorium declared by this council, raising concerns about the legality of all such businesses; and

Whereas, The Ohio General Assembly is considering legislation to define sweepstakes terminal devices, to license sweepstakes terminal device operators and distributors and to regulate their business operations; and

Whereas, this ordinance constitutes an emergency measure for the immediate preservation of the public peace, property, health, safety, or welfare in that an extension of the moratorium on such internet sweepstakes operations for another six month period will allow Council to continue to study the recent court decisions and other developments involving internet sweepstakes operations in order to make a determination as to what action is appropriate for the City; now, therefore

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

Section 1. That the moratorium on the review and issuance of zoning permits, certificates of occupancy, and other license or permit applications for internet sweepstakes operations in the City of Cleveland declared under Ordinance No. 1367-10 passed October 18, 2010, as amended by Ordinance No. 508-11, passed April 11, 2011 and Ordinance No. 1431-11, passed October 24, 2011, is hereby extended until the effective date of an ordinance or law regulating internet sweepstakes operations, or until October 24, 2012, whichever date occurs first.

Section 2. That, as used in this ordinance, "internet sweepstakes operations" shall have the same meaning as in Ordinance 1367-10.

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

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

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

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

Those voting nay: Council Member Polensek.

Absent: Council Member Zone.

FIRST READING EMERGENCY RESOLUTIONS READ IN FULL AND ADOPTED

Res. No. 541-12.

By Council Member Cimperman

An emergency resolution withdrawing objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit at 3232 Lakeside Avenue and repealing Resolution No. 968-11, objecting to said renewal.

Whereas, this Council objected to a D1, D2, D3, D3A and D6 Liquor Permit at 3232 Lakeside Avenue by Resolution No. 968-11 adopted by the Council on July 20, 2011; and

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

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

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

Section 1. That objection to a D1, D2, D3, D3A and D6 Liquor Permit to Flextron, LLC, DBA Gotcha Inn, 3232 Lakeside Avenue and basement, Cleveland, Ohio 44114, Permanent Number 2779680 be and the same is hereby withdrawn and Resolution No. 968-11, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

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

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

Res. No. 542-12.

By Council Member Cimperman.

An emergency resolution objecting to the transfer of ownership of a D5 Liquor Permit at 806 Literary Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of D5 Liquor Permit from Grape Devine, Inc., 806 Literary Avenue, 1st floor, basement and patio, Cleveland, Ohio 44113, Permanent Number 33293330005 to Justin Hughes, LLC, 806 Literary Avenue, 1st floor, basement and patio, Cleveland, Ohio 44113, Permanent Number 44169950005; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of D5 Liquor Permit from Grape Devine, Inc., 806 Literary Avenue, 1st floor, basement and patio, Cleveland, Ohio 44113, Permanent Number 33293330005 to Justin Hughes, LLC, 806 Literary Avenue, 1st floor, basement and patio, Cleveland, Ohio 44113, Permanent Number 44169950005; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

Res. No. 543-12.

By Council Member Cummins.

An emergency resolution withdrawing objection to the transfer of stock of a D2, D2X, D3 and D3A Liquor Permit at 4995-97 Denison Avenue and repealing Resolution No. 1727-11, objecting to said transfer.

Whereas, this Council objected to the transfer of stock of a D2, D2X, D3 and D3A Liquor Permit to Pink Slips, Inc., 4995-97 Denison Avenue, 1st floor and basement, Cleveland, Ohio 44102, Permanent No. 6932324 by Resolution No. 1727-11 adopted by the Council on December 5, 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 D2, D2X, D3 and D3A Liquor Permit to Pink Slips, Inc., 4995-97 Denison Avenue, 1st floor and basement, Cleveland, Ohio 44102, Permanent No. 6932324 be and the same is hereby withdrawn and Resolution No. 1727-11, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate transfer thereof.

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

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

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

Res. No. 544-12.

By Council Member Zone.

An emergency resolution objecting to the transfer of ownership of a C1 and C2 Liquor Permit at 4757 Lorain Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of C1 and C2 Liquor Permit from Sunrise Food Mart, Inc., DBA Sunrise Food Mart, 4757 Lorain Avenue, Cleveland, Ohio 44102, Permanent Number 8697416 to MGM Investment & Trade, Inc., 4757 Lorain Avenue, Cleveland, Ohio 44102, Permanent Number 5896931; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to the transfer of ownership of C1 and C2 Liquor Permit from Sunrise Food Mart, Inc., DBA Sunrise Food Mart, 4757 Lorain Avenue, Cleveland, Ohio 44102, Permanent Number 8697416 to

MGM Investment & Trade, Inc., 4757 Lorain Avenue, Cleveland, Ohio 44102, Permanent Number 5896931; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

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

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

SECOND READING EMERGENCY ORDINANCES PASSED

Ord. No. 79-12.

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

An emergency ordinance to amend Section 1 of Ordinance No. 1578-11, passed December 5, 2011, relating to one or more concession agreements for the operation of first-class food and beverage service in connection with renting the Rotunda in City Hall.

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

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

Ord. No. 216-12.

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. 1576-11, passed December 5, 2011; relating to the Cleveland Public Power energy adjustment charge.

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

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

Ord. No. 246-12.

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

An emergency ordinance to supplement the Codified Ordinances of Cleveland, Ohio, 1976, by enacting new Section 131.67 relating to authorizing standard and requirement contracts for labor and materials for capital maintenance and repair of City facilities.

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

1. Insert a new Section 2 to read as follows:

"Section 2. That new Section 131.67 as enacted by this ordinance shall expire and be of no further force and effect two years after the date of passage of this ordinance."

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

Amendments agreed to.

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

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

Ord. No. 256-12.

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

An emergency ordinance authorizing the Director of Public Works to enter into an agreement with the Neighborhood Leadership Institute to implement educational, recreational and cultural programs in various school buildings and recreation centers, provide leadership training and conduct citywide tennis programs.

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

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

Ord. No. 266-12.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with the Downtown Cleveland Alliance to provide a portion of the cash match required for the expansion of the downtown trolley service.

Approved by Directors of Economic Development, Finance, Law; Passage recommended by Committees on Community and Economic Development, Finance, when amended, as follows:

1. In Section 1, line 2, after "provide" insert **", as a one-time grant,"**.

2. Insert new Sections 4 and 5 to read as follows:

"Section 4. That prior to entering into the grant agreement, the Director of Economic Development will obtain a commitment from the Regional Transit Authority to continue operating the current downtown trolley service during the three-year term of the grant.

Section 5. That the document labeled "Memorandum of Understanding" dated April 6, 2012, as presented to the Finance Committee of this Council, and when executed, the grant agreement and other documents needed to complete the transaction, shall be placed in File No. 266-12-A."

3. Renumber existing Section 4 to new **"Section 6"**.

Amendments agreed to.

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

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

Ord. No. 269-12.

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

An emergency ordinance authorizing the Director of Building and Housing to apply for and accept a grant from the Cuyahoga County Executive's Office for the County Delinquent Tax and Assessment Collection Fund Grant Program; authorizing the director to enter into one or more contracts with various non-profit and for-profit agencies and entities for services necessary to perform nuisance abatements of deteriorated residential buildings following foreclosure, including but not limited to, demolitions, board-ups, and lot maintenance; and authorizing the purchase by one or more requirement contracts of labor and materials necessary to implement the grant.

Approved by Directors of Building and Housing, Finance, Law; Passage recommended by Committees on Community and Economic Development, Finance, when amended, as follows:

1. In the title, line 4; and in Section 1, lines 2 and 3, strike "Executive's Office" and insert in both places "**Prosecutor's Office**".

Amendment agreed to.

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

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

Ord. No. 390-12.

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

An emergency ordinance authorizing the Director of Port Control to exercise the first option to renew Contract No. NF 2011-022 with Servisair USA, Inc. to provide for the use of office space at Cleveland Hopkins International Airport for office and storage space to support ground handling operation services.

Approved by Directors of Port Control, Finance, Law; Passage recommended by Committees on Aviation and Transportation, Finance.

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

Ord. No. 391-12.

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

An emergency ordinance authorizing the Director of Port Control to exercise the first option to renew Contract No. NF 2011-037 with Servisair USA, Inc. to provide for the operation of an air cargo facility in the North Cargo Facility Building at Cleveland Hopkins International Airport.

Approved by Directors of Port Control, Finance, Law; Passage recommended by Committees on Aviation and Transportation, Finance.

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

Ord. No. 392-12.

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

An emergency ordinance authorizing the Director of Port Control to exercise the first option to renew Contract No. 69925 with Brown Eagle Construction, LLC to provide for the use and occupancy of certain City-owned property located in the passenger terminal building at Burke Lakefront Airport.

Approved by Directors of Port Control, Finance, Law; Passage recommended by Committees on Aviation and Transportation, Finance.

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

Ord. No. 405-12.

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 development organizations, or their designees, to provide financial assistance for preserving affordable lease-purchase housing units and facilitating the acquisition of those units by the existing tenants.

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

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

Ord. No. 455-12.

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

An emergency ordinance authorizing the Director of Economic Development to apply for and accept a State of Ohio 166 Program Loan from the Ohio Department of Development to conduct a revolving loan program to make loans or grants to assist with demolition and asbestos abatement of eligible projects; and authorizing the director to enter into one or more contracts with various agencies, entities, or individuals to implement the grant.

Approved by Directors of Economic Development, Finance, Law; Passage recommended by Committees on Community and Economic Development, Finance, when amended, as follows:

1. In the title, in the last line, strike "grant" and insert "**program**".

2. In Section 9, at the end, insert the following new sentence: "**That the Director of Economic Development shall provide a quarterly report of the status of the program to the Chair of the Community and Economic Development Committee.**".

Amendments agreed to.

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

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

MOTION

By Council Member Cimperman, seconded by Council Member K. Johnson and unanimously carried that the absence of Council Member Matthew Zone, be and is hereby authorized.

MOTION

The Council Meeting adjourned at 8:05 p.m. to meet on Monday, April 23, 2012 at 7:00 p.m. in the Council Chambers.



Patricia J. Britt
City Clerk, Clerk of Council

THE CALENDAR

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

NONE

BOARD OF CONTROL

April 11, 2012

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, April 11, 2012 at 10:39 a.m. with Interim Director Langhenry presiding.

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

Absent: Mayor Jackson, Director Butler.

Others: D. Anthony, Acting Director, Office of Equal Opportunity.

Jim Hardy, Commissioner, Division of Purchases & Supplies.

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

Resolution No. 139-12.

By Director Withers.

Whereas, under the authority of Ordinance No. 1599-10, passed December 6, 2010, and Board of Control Resolution No. 595-11, adopted December 14, 2011, the City through its Director of Public Utilities, approved the award of a contract to LCI Construction Inc. for landscape maintenance at various Public Utilities facilities, Crown Water Works, Items C1-C39, Garrett A. Morgan Water Works, Items G1-G42, Harvard Service Center, Items H1-H39, Mindszenty Plaza/Public Utilities Building/1825 Lakeside, Items M1-M42, and Front Street Pump Station/Kirby Avenue Headquarters, Items W1-W42; and

Whereas, under Board of Control Resolution No. 603-11, adopted December 21, 2011, the Director of Public Utilities was authorized to enter into a first amendment to correctly number the recommended items for the Garrett A. Morgan Water Works, items G1-G39, Harvard Service Center, items H1-H42, and Mindszenty Plaza/Public Utilities Building/1825 Lakeside, items M1-M39; and

Whereas, Resolution No. 603-11 incorrectly numbered the recommended items for Garrett A. Morgan Water Works; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that Resolution No. 603-11, adopted by this Board on December 21, 2011, is amended by substituting items G1-G15 and G21-G39 for G1-G39, where appearing in the resolution.

Be it further resolved that all other terms of Resolution No. 603-11 not expressly amended by this resolution shall remain unchanged and in full force and effect.

Yeas: Interim Director Langhenry, Directors Dumas, Smith, Cox, Flask, Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Withers and Butler.

Resolution No. 140-12.

By Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by Kokosing Construction Company, Inc. under Contract No. PI2011*067 for the Morgan Raw Water Pump Station Mechanical, Electrical and Miscellaneous Improvements Project No. 608, for the Division of Water, Department of Public Utilities, is approved:

Subcontractors	Work Percentage
Lake Erie Electric	\$23,897.45 0.417%
Alloyd Insulation	\$10,825.00 0.189%

Yeas: Interim Director Langhenry, Directors Dumas, Smith, Cox, Flask, Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Withers and Butler.

Resolution No. 141-12.

By Director Smith.

Whereas, under the authority of Ordinance No. 2380-02, as amended by Ordinance Nos. 468-04, 1853-06 and 1329-08, passed by the Council of the City of Cleveland on December 16, 2002, April 26, 2004, December 11, 2006 and October 20, 2008, respectively, and Board of Control Resolution No. 301-09, adopted July 29, 2009, the City through its Director of Port Control, entered into Contract No. 69479 with the firm of Landrum & Brown Incorporated ("Consultant"), to provide professional services necessary to prepare planning studies for a period of two years, with two two-year options to renew, for the various divisions of the Department of Port Control; and

Whereas, the City has determined the need for additional planning studies to prepare an Environmental Assessment for the 6L-24R Runway Safety Area Project ("Project") at Burke Lakefront Airport to determine if the Project would cause significant adverse impacts that would preclude the Federal Aviation Administration from issuing a Finding of No Significant Impact ("FONSI"); and

Whereas, the Consultant has proposed by its letter dated February 10, 2012 to perform the additional work necessary for an amount of \$328,709.00; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that

the Director of Port Control is authorized to enter into a first modification to City Contract No. 69479 between the City of Cleveland and Landrum & Brown Incorporated for additional planning studies to prepare an Environmental Assessment for the 6L-24R Runway Safety Area Project at Burke Lakefront Airport to determine if the Project would cause significant adverse impacts that would preclude the Federal Aviation Administration from issuing a FONSI. The amount to be paid for all services shall be increased by \$328,709.00 from \$256,666.00 to a total amount not to exceed \$585,375.00.

Be it further resolved that the following additional subcontractors to Landrum & Brown Incorporated under Contract No. 69479 are approved:

Subconsultant	Percentage Amount
ASC Group, Inc.	4.75% DBE \$ 27,844.00
KEMRON Environmental Services, Inc.	17.12% Non DBE \$100,225.00

Be it further resolved that all other terms of Resolution No. 301-09 not expressly amended by this resolution shall remain unchanged and in full force and effect.

Yeas: Interim Director Langhenry, Directors Dumas, Smith, Cox, Flask, Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Withers and Butler.

Resolution No. 142-12.

By Director Smith.

Whereas, under the authority of Ordinance No. 186-07, passed by the Council of the City of Cleveland on March 12, 2007, and Board of Control Resolution No. 398-09, adopted September 30, 2009, the City through its Director of Port Control, entered into Contract No. 69772 with R. W. Armstrong & Associates, Inc. ("Consultant"), to provide professional services necessary to provide general engineering and architectural services for a period of two years, with two one-year options to renew, for the various divisions of the Department of Port Control; and

Whereas, the City has determined the need for additional design services related to improving the non-standard Runway Safety Area for Runway 6L-24R at Burke Lakefront Airport; and

Whereas, the Consultant has proposed by its letter dated February 2, 2012 to perform the additional work necessary for an amount of \$1,207,471.00; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that the Director of Port Control is authorized to enter into a first modification to City Contract No. 69772 between the City of Cleveland and R. W. Armstrong & Associates, Inc. for additional design services related to improving the non-standard Runway Safety Area for Runway 6L-24R at Burke Lakefront Airport. The amount to be paid for all services shall be increased by \$1,207,471.00 from \$600,000.00 to a total amount not to exceed \$1,807,471.00.

Be it further resolved that the amounts attributed to the following subconsultants approved in Board of Control Resolution No. 398-09, adopted September 30, 2009, are amended as follows:

Subconsultant	Percentage Amount
McGuiness Unlimited	1.5% DBE \$ 27,807.50
Somat Engineering, Inc.	21.0% DBE \$379,801.51
Suhail & Suhail, Inc.	6.2% DBE \$112,830.00
G & T Associates, Inc.	2.6% DBE \$ 46,241.11

Be it further resolved that the following additional subconsultants to R. W. Armstrong & Associates, Inc. under Contract No. 69772 are approved:

Subconsultant	Percentage Amount
ESCO Corporation	6.9% Non-DBE \$125,000.00
Ohio University	1.66% Non-DBE \$ 30,000.00
Vocon, Inc.	1.2% Non-DBE \$ 20,983.89

Be it further resolved that all other terms of Resolution No. 398-09 not expressly amended by this resolution shall remain unchanged and in full force and effect.

Yeas: Interim Director Langhenry, Directors Dumas, Smith, Cox, Flask, Rush, Southerington, Nichols, Fumich and Rybka.

Nays: None.

Absent: Mayor Jackson, Directors Withers and Butler.

Resolution No. 143-12.

By Director Cox.

Whereas, the City of Cleveland owns certain real property commonly known as the Willard Parking Garage under the supervision and control of the Director of Public Works; and

Whereas, Now Valet Service, Incorporated has offered to perform valet parking services to the general public for the 2012 Rock and Roll Hall of Fame Induction Ceremony at Cleveland Public Auditorium using the Willard Parking Garage; now therefore,

Be it resolved by the Board of Control of the City of Cleveland that, under Section 183.04 of the Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Works is authorized to enter into a concession agreement with Now Valet Service, Inc. to operate a valet service for the 2012 Rock and Roll Hall of Fame Induction Ceremony at Cleveland Public Auditorium using Willard Parking Garage on April 14, 2012 for a concession fee of \$400.00 plus \$5.00 per vehicle. The concession agreement shall be prepared by the Director of Law and shall contain such additional provisions as the Director of Law deems necessary to protect and benefit public interest.

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

Nays: None.
Absent: Mayor Jackson and Director Butler.

Resolution No. 144-12.

By Director Cox
Be it resolved by the Board of Control of the City of Cleveland that, under Ordinance No. 887-10, passed by the Council of the City of Cleveland on September 27, 2010, the firm of Innovative Foods, Inc., is selected upon nomination of the Director of Parks, Recreation and Properties from a list of firms determined after a full and complete canvass by the Director of Public Works to operate concession stands at Brookside and Gordon Parks for the Division of Park Maintenance and Properties, Department of Public Works, for a concession fee of the greater of \$1,500.00 per year or 5% of gross profits for Brookside Park and the greater of \$1,000.00 per year or 5% of gross profits for Gordon Park.

Be it further resolved that the Director of Public Works is authorized to enter into a concession agreement with Innovative Foods, Inc. for a period of three (3) years beginning May 1, 2012, based on its proposal received on September 16, 2011, and the agreement shall be prepared by the Director of Law and shall contain such additional provisions as said Director deems necessary to protect and benefit public interest.

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

Nays: None.
Absent: Mayor Jackson and Director Butler.

Resolution No. 145-12.

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

Whereas, the City of Cleveland will sponsor Senior Day 2012 to be held on May 16, 2012.

Whereas, Senior Day 2012 is open to the public free of charge; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland, that notwithstanding and as an exception to the terms of Resolution No. 117-03, adopted by this Board of Control on February 26, 2003, the use of the space at Cleveland Public Auditorium for Senior Day 2012 shall be provided at no charge.

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

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

Nays: None.
Absent: Mayor Jackson and Director Butler.

JEFFREY B. MARKS,
Secretary

CIVIL SERVICE NOTICES

General Information

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

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

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

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

ROBERT BENNETT,
President

CIVIL SERVICE NOTICE

ANNOUNCEMENTS — 2012
4/27/12 – 5/3/12

Announcement No.	Exam Classi- cation	Method	Examination Type
53	EE	Commissioner of Construction Permitting	N/C
54	EE	Contract Compliance Officer	Promo
55	EE	Field Operations Forester	N/C
56	EE	HR Programming Planning and Management Administration	Open
57	WR	Unit Supervisor	Open
58	EE	Cook	N/C

PROOF OF CITY RESIDENCY

Any applicant wishing to receive residency credit will be asked to show that he/she is a bona fide resident of the City of Cleveland. The following list gives examples of items that an applicant may present **at the time of filing.** The Civil Service Commission requires a minimum of three items from at least three **different** categories, where applicable. All items must be **current.** Please note that presentation of these items does not constitute conclusive proof of bona fide resi-

dency. Acceptable categories include, but are not limited to, the following:

- Lease - from rental agency.
- Lease - from independent party. Must include copy of cancelled check or money order receipts for previous rent and/or security deposit, and fully executed; otherwise, it is unacceptable.
- Utility bills bearing the property address **and** your name.
- Post Office change of address form properly date stamped.
- Official documents relating to home ownership including deed, purchase agreement, or insurance policy.
- Bank statements (Within last three months).
- School registration of children.
- Car insurance documents.
- Car registration **or** Driver's License **or** Ohio I.D. (**One only**).
- Loans and credit card statements (Within last three months).
- Rental contracts (e.g.: furniture, tools, car, etc.).
- Current bills not listed above (Within last three months).

The following are examples of **unacceptable** categories of proof:

- Library cards.
- Voter registration cards.
- Birth certificates.
- Notarized letters or affidavits.
- Social Security card.
- Rental receipts from independent party without cancelled checks or money order receipt.

APPROVED C.S.C. MINUTES
ANNOUNCEMENT NO. 53

COMMISSIONER OF CONSTRUCTION PERMITTING (NON-COMP)

Public notice is hereby given by the Civil Service Commission of Cleveland, Ohio of a **NON COMPETITIVE** examination for the above mentioned classification.

SALARY

The prevailing salary range for this position as established by Ordinance of the Council of the City of Cleveland is \$42,758.15 - \$133,845.38 per year.

FILING OF APPLICATION

Application must be made on the regular application form available at the Office of the Civil Service Commission, 601 Lakeside Avenue, Room 119. No other form will be accepted. **APPLICATIONS WILL BE AVAILABLE FOR PICK-UP IN THE CIVIL SERVICE OFFICE TO APPLY TO TAKE THE CIVIL SERVICE EXAMINATION - APPLICATIONS WILL BE AVAILABLE FROM 8:30 A.M. ON, FRIDAY, APRIL 27, 2012 UNTIL 4:30 P.M. ON FRIDAY, MAY 25, 2012.**

NOTE: APPLICATIONS WILL NOT BE ACCEPTED AFTER 4:30 P.M. ON FRIDAY, MAY 25, 2012.

THE CIVIL SERVICE COMMISSION'S POLICY IS THAT NO LATE FILING WILL BE ALLOWED.

EXAMINATION INFORMATION

TYPE: EXPERIENCE EVALUATION: Applicant's grade will be determined based on Education and Experience found in Resume.

NOTE: Each applicant is required to submit a detailed resume of his/her education and experience at the time of filing application.

NOTE: THE CIVIL SERVICE COMMISSION RESERVES THE RIGHT TO REVIEW AND EVALUATE ANY AND ALL INFORMATION CONTAINED IN THE APPLICATION OR RESUME. LACK OF HONESTY WILL RESULT IN IMMEDIATE REMOVAL FROM THE ELIGIBLE LIST.

DUTIES OF THE POSITION

Administers and enforces the provisions of the ordinances of the City of Cleveland relating to construction, reconstruction, and repair on all buildings, structures and dwellings and to the use and occupancy of all buildings and structures as human habitation. Supervises the issuance of all building permits. Supervises the issuance of certificates of occupancy. Maintains a register of all building permits and a record of all compliance orders. Assists the Board of Building Standards and Building Appeals and the Board of Zoning Appeals in presenting facts and technical advice concerning matters before such Boards. Performs such other duties as may from time to time be required by ordinance or by the Director of Building and Housing. Follows all operations and safety policies and safe work practices. Attends and participates in operations and safety training classes and demonstrates competence (demonstration of competence may be determined by exam). Wears and properly utilizes safety equipment in accordance with Divisional policy at all times.

MINIMUM QUALIFICATIONS FOR ENTRANCE TO THIS EXAMINATION AS ESTABLISHED BY THE CIVIL SERVICE COMMISSION OF THE CITY OF CLEVELAND ARE AS FOLLOWS:

A High School Diploma or GED is required. Five (5) years of full time paid Code Enforcement or Construction Permitting experience, three (3) years of which must have been in a supervisory or management capacity, is required. Must possess a valid State of Ohio Driver's License. Must be state certified as a Plan Examiner. Basic knowledge of personal computers and Microsoft Office Suite is required.

NOTE: Applications must be returned in person. All copies of diplomas, licenses, certificates, and resumes must be presented at the time of filing. Applications may not be accepted if copies are not submitted with application at time of filing.

NOTE: Any applicant who resigns or is dismissed from employment with the City of Cleveland will have his/her name removed from the eligible list.

AN EQUAL OPPORTUNITY EMPLOYER

APPROVED C.S.C. MINUTES
ANNOUNCEMENT NO. 54

CONTRACT COMPLIANCE OFFICER (PROMOTIONAL)

Public notice is hereby given by the Civil Service Commission of Cleveland, Ohio of a Promotional examination for the above mentioned classification.

SALARY

The prevailing salary range for this position as established by Ordinance of the Council of the City of Cleveland is \$32,445.00 - \$58,785.93 per year.

FILING OF APPLICATION

Application must be made on the regular application form available online or at the Office of the Civil Service Commission, 601 Lakeside Avenue, Room 119. No other form will be accepted. APPLICATIONS WILL BE AVAILABLE FOR PICK-UP IN THE CIVIL SERVICE OFFICE TO APPLY TO TAKE THE CIVIL SERVICE EXAMINATION - APPLICATIONS WILL BE AVAILABLE FROM 8:30 A.M. ON FRIDAY, APRIL 27, 2012 UNTIL 4:30 P.M. ON THURSDAY, MAY 3, 2012.

NOTE: APPLICATIONS WILL NOT BE ACCEPTED AFTER 4:30 P.M. ON THURSDAY, MAY 3, 2012.

THE CIVIL SERVICE COMMISSION'S POLICY IS THAT NO LATE FILING WILL BE ALLOWED.

EXAMINATION INFORMATION

TYPE: EXPERIENCE EVALUATION: Applicant's grade will be determined based on Education and Experience found in Resume.

NOTE: Each applicant is required to submit a detailed resume of his/her education and experience at the time of filing application.

NOTE: THE CIVIL SERVICE COMMISSION RESERVES THE RIGHT TO REVIEW AND EVALUATE ANY AND ALL INFORMATION CONTAINED IN THE APPLICATION OR RESUME. LACK OF HONESTY WILL RESULT IN IMMEDIATE REMOVAL FROM THE ELIGIBLE LIST.

DUTIES OF THE POSITION

Under administrative direction, is responsible for effectuating contracts. Establishes operative procedures, reposts forms, and recommends regulations for facilitation of such Program. Meets with bidders and contractors for the purpose of clarifying the requirements of said Program and also for the conducting of pre-award conferences, evaluating "affirmative action" plans by said bidders and contractors assuring full compliance with equal employment opportunity. Oversees the filing of reports by bidders and contractors both prior to and subsequent to the award of contracts

containing information as to the employment practices, policies, programs and statistics of the bidders and contractors. Ensures project site reports are completed on a periodic basis to assure continued compliance with contractor commitments made in connection with the Program. Makes recommendations to the Mayor or Director of the using department as to sufficiency of apparent successful bidder's compliance with the Program. In event of non-compliance with contractor commitments made under the Program, recommends sanctions as prescribed by the City's Equal Employment Ordinances. Performs related duties as required. Follows all operations and safety policies. Attends and participates in operations and safety training classes and demonstrates competence (demonstration of competence may be determined by exam.) Wears and properly utilizes safety equipment in accordance with Divisional policy at all times.

MINIMUM QUALIFICATIONS FOR ENTRANCE TO THIS EXAMINATION AS ESTABLISHED BY THE CIVIL SERVICE COMMISSION OF THE CITY OF CLEVELAND ARE AS FOLLOWS.

Must currently be employed by the City of Cleveland as a Regular Assistant Contract Compliance Officer. A High School Diploma or GED is required. A Bachelor's Degree in Finance, Business Administration, Political Science, or related field with coursework in Construction management, Basic Accounting, Research Skills, and Financial Analysis from an accredited four year college or university is required. Three years of full time paid related experience in government or private industry is required. (Substitution: Two years of full time experience will substitute for each year of college education of lacking.) Supervisory experience is preferred. A valid State of Ohio Driver's License is required.

NOTE: Applications must be returned in person. All copies of diplomas, licenses, certificates, and resumes must be presented at the time of filing. Applications may not be accepted if copies are not submitted with application at time of filing.

NOTE: Any applicant who resigns or is dismissed from employment with the City of Cleveland will have his/her name removed from the eligible list.

NOTE: Those persons who are residents of the City of Cleveland for at least one year at the date of filing and who received passing scores shall have five (5) additional points added to their grades. A list of acceptable forms of proof of residency applicants need to present at the time of filing is included with the application.

AN EQUAL OPPORTUNITY EMPLOYER

APPROVED C.S.C. MINUTES
ANNOUNCEMENT NO. 55

FIELD OPERATIONS FORESTER (OPEN)

Public notice is hereby given by the Civil Service Commission of Cleve-

land, Ohio of an Open examination for the above mentioned classification.

SALARY

The prevailing salary range for this position as established by Ordinance of the Council of the City of Cleveland is \$32,445.00 - \$58,785.93 per year.

FILING OF APPLICATION

Application must be made on the regular application form available online or at the Office of the Civil Service Commission, 601 Lakeside Avenue, Room 119. No other form will be accepted. APPLICATIONS WILL BE AVAILABLE FOR PICK-UP IN THE CIVIL SERVICE OFFICE TO APPLY TO TAKE THE CIVIL SERVICE EXAMINATION - APPLICATIONS WILL BE AVAILABLE FROM 8:30 A.M. ON FRIDAY, APRIL 27, 2012 UNTIL 4:30 P.M. ON THURSDAY, MAY 3, 2012.

NOTE: APPLICATIONS WILL NOT BE ACCEPTED AFTER 4:30 P.M. ON THURSDAY, MAY 3, 2012.

THE CIVIL SERVICE COMMISSION'S POLICY IS THAT NO LATE FILING WILL BE ALLOWED.

EXAMINATION INFORMATION

TYPE: EXPERIENCE EVALUATION: Applicant's grade will be determined based on Education and Experience found in Resume.

NOTE: Each applicant is required to submit a detailed resume of his/her education and experience at the time of filing application.

NOTE: THE CIVIL SERVICE COMMISSION RESERVES THE RIGHT TO REVIEW AND EVALUATE ANY AND ALL INFORMATION CONTAINED IN THE APPLICATION OR RESUME. LACK OF HONESTY WILL RESULT IN IMMEDIATE REMOVAL FROM THE ELIGIBLE LIST.

DUTIES OF THE POSITION

Under administrative direction, supervises the operations of the urban forestry section. Coordinates the Systematic Street Tree Maintenance schedule. Prepares and reviews work reports and employee attendance. Schedules routine maintenance and emergency repair work on designated divisional vehicles and equipment. Monitors progress and performance of private sector contractors working for the urban forestry section and ensures compliance with contract specifications. Receives citizen inquiries, work orders, and complaints and prepares reports recommending action. Receives requests for emergency and unscheduled work and coordinates completion of required tasks. Investigates accidents and vandalism relating to trees within the City. Researches and recommends operational and equipment improvements to the appropriate City authority, Serves 24 hour on-call during storms and emergencies. Performs other job-related duties as required. Follows all operations and safety policies and safe work practices. Attends and participates in operations and safety training classes and demonstrates compe-

tence (demonstration of competence may be determined by exam.) Wears and properly utilizes safety equipment in accordance with Divisional policy at all times.

MINIMUM QUALIFICATIONS FOR ENTRANCE TO THIS EXAMINATION AS ESTABLISHED BY THE CIVIL SERVICE COMMISSION OF THE CITY OF CLEVELAND ARE AS FOLLOWS:

A High School Diploma or GED is required. A Bachelor's Degree in Urban Forestry or related field is required. (Substitution: Two years of full time experience may substitute for each year of college education lacking.) Extensive supervisory experience is needed. Must possess a valid State of Ohio Driver's License and a valid Pesticide Applicator's License.

NOTE: Applicants will be required to pay a \$10.00 (TEN DOLLARS) filing fee. Applicants who are currently employed in this position with the City of Cleveland are exempt. However, that when an applicant is disqualified from taking an examination on the basis of age, education or failure to meet other minimum entrance requirements, the fee paid by such applicant shall be refunded to such applicant upon the applicant's request in writing made within ten (10) days after the date of examination. Any applicant who can provide proof of unemployment, public assistance, or indigence is exempt from the filing fee. A copy of such proof must be included with the application.

NOTE: Applications must be returned in person. All copies of diplomas, licenses, certificates, and resumes must be presented at the time of filing. Applications may not be accepted if copies are not submitted with application at time of filing.

NOTE: Any applicant who resigns or is dismissed from employment with the City of Cleveland will have his/her name removed from the eligible list.

AN EQUAL OPPORTUNITY EMPLOYER

APPROVED C.S.C. MINUTES
ANNOUNCEMENT NO. 56

HR PROGRAM PLANNING & MANAGEMENT ADMINISTRATOR (NON-COMP)

Public notice is hereby given by the Civil Service Commission of Cleveland, Ohio of a NON COMPETITIVE examination for the above mentioned classification.

SALARY

The prevailing salary range for this position as established by Ordinance of the Council of the City of Cleveland is \$26,273.96 - \$80,090.83 per year.

FILING OF APPLICATION

Application must be made on the regular application form available at the Office of the Civil Service Commission, 601 Lakeside Avenue, Room 119. No other form will be accepted. APPLICATIONS WILL BE AVAILABLE FOR PICK-UP IN THE CIVIL SERVICE OFFICE TO APPLY TO

TAKE THE CIVIL SERVICE EXAMINATION - APPLICATIONS WILL BE AVAILABLE FROM 8:30 A.M. ON FRIDAY, APRIL 27, 2012 UNTIL 4:30 P.M. ON THURSDAY, MAY 3, 2012.

NOTE: APPLICATIONS WILL NOT BE ACCEPTED AFTER 4:30 P.M. ON THURSDAY, MAY 3, 2012.

THE CIVIL SERVICE COMMISSION'S POLICY IS THAT NO LATE FILING WILL BE ALLOWED.

EXAMINATION INFORMATION

TYPE: EXPERIENCE EVALUATION: Applicant's grade will be determined based on Education and Experience found in Resume.

NOTE: Each applicant is required to submit a detailed resume of his/her education and experience at the time of filing application.

NOTE: THE CIVIL SERVICE COMMISSION RESERVES THE RIGHT TO REVIEW AND EVALUATE ANY AND ALL INFORMATION CONTAINED IN THE APPLICATION OR RESUME. LACK OF HONESTY WILL RESULT IN IMMEDIATE REMOVAL FROM THE ELIGIBLE LIST.

DUTIES OF THE POSITION

Reports to the Assistant Director or Administrative Manager of the Department of Human Resources. Assists with day-to-day operations of the Department of Human Resources. May supervise and administer daily activities and responsibilities. Performs responsibilities in the following functional areas: departmental development, Human Resource Information Systems (HRIS), employee relations, personnel policy development and administration, recruitment, new employee orientation, training and development, benefits, compensation, and organizational development and performance management. Performs other job-related duties as required. Follows all operations and safety policies and safe work practices. Attends and participates in operations and safety training classes and demonstrates competence (demonstration of competence may be determined by exam). Wears and properly utilizes safety equipment in accordance with Divisional policy at all times.

MINIMUM QUALIFICATIONS FOR ENTRANCE TO THIS EXAMINATION AS ESTABLISHED BY THE CIVIL SERVICE COMMISSION OF THE CITY OF CLEVELAND ARE AS FOLLOWS:

A High School Diploma or GED is required. A Bachelor's Degree in Human Resources Development, Business/Public Administration, or related field from an accredited four-year college or university is required. Five years of full time paid progressively responsible experience in Human Resources or a comparable field is required. (Substitution: Two years of directly related experience may substitute for each year of post-secondary education lacking.) A valid State of Ohio Driver's License is required.

NOTE: Applications must be returned in person. All copies of diplomas,

licenses, certificates, and resumes must be presented at the time of filing. Applications may not be accepted if copies are not submitted with application at time of filing.

NOTE: Any applicant who resigns or is dismissed from employment with the City of Cleveland will have his/her name removed from the eligible list.

AN EQUAL OPPORTUNITY EMPLOYER

APPROVED C.S.C. MINUTES ANNOUNCEMENT NO. 57

UNIT SUPERVISOR (OPEN)

Public notice is hereby given by the Civil Service Commission of Cleveland, Ohio of an Open examination for the above mentioned classification.

SALARY

The prevailing salary range for this position as established by Ordinance of the Council of the City of Cleveland is \$13.29 - \$23.23 per hour.

FILING OF APPLICATION

Application must be made on the regular application form available online or at the Office of the Civil Service Commission, 601 Lakeside Avenue, Room 119. No other form will be accepted. APPLICATIONS WILL BE AVAILABLE FOR PICK-UP IN THE CIVIL SERVICE OFFICE TO APPLY TO TAKE THE CIVIL SERVICE EXAMINATION - APPLICATIONS WILL BE AVAILABLE FROM 8:30 A.M. ON FRIDAY, APRIL 27, 2012 UNTIL 4:30 P.M. ON THURSDAY, MAY 3, 2012.

NOTE: APPLICATIONS WILL NOT BE ACCEPTED AFTER 4:30 P.M. ON THURSDAY, MAY 3, 2012.

THE CIVIL SERVICE COMMISSION'S POLICY IS THAT NO LATE FILING WILL BE ALLOWED.

EXAMINATION INFORMATION

TYPE: WRITTEN EXAMINATION

NOTE: THE CIVIL SERVICE COMMISSION RESERVES THE RIGHT TO REVIEW AND EVALUATE ANY AND ALL INFORMATION CONTAINED IN THE APPLICATION OR RESUME. LACK OF HONESTY WILL RESULT IN IMMEDIATE REMOVAL FROM THE ELIGIBLE LIST.

DUTIES OF THE POSITION

Under general direction, supervises the operation of support, technical, clerical, temporary, and other unit staff members. Schedules and reviews work. Provides on-the-job training and coaching. Processes complex transactions. Determines eligibility and/or compliance with rules, regulations, and laws. Responds to inquiries and resolves problems. Determines actions necessary for collection activities and bankruptcy filings. Performs research and communicates with outside involved parties. Compiles statistics and summary reports. Retrieves prepared reports. Prepares correspondence. Monitors service calls. Makes recommendations for unit improvements. Monitors permit processes. Complies with pub-

lic records requests. Submits/processes referrals. Oversees the establishment, adjustment, and reconciliation of accounts in a billing system. Assists management in planning and implementing unit policies and procedures. Conducts or provides input for the performance management process. Works various shifts, weekends, special events, during emergencies, and during staff shortages as necessary. Performs other job-related duties as required. Follows all operations and safety policies and safe work practices. Attends and participates in operations and safety training classes and demonstrates competence (demonstration of competence may be determined by exam.) Wears and properly utilizes safety equipment in accordance with Divisional policy at all times.

MINIMUM QUALIFICATIONS FOR ENTRANCE TO THIS EXAMINATION AS ESTABLISHED BY THE CIVIL SERVICE COMMISSION OF THE CITY OF CLEVELAND ARE AS FOLLOWS:

(A) CUSTOMER SERVICE - A High School Diploma or GED is required. An Associate's Degree in Accounting, Business, or related field from an accredited college or university is required. Two years of full time paid experience in a call center with an emphasis on customer service and resolution of complaints is required, experience in a utility call center is preferred. (Substitution: One year of directly related experience may substitute for each year of college education lacking.) Must possess intermediate-level computer knowledge including Internet and MS Office. The ability to speak a second language is preferred. (B) BILLING AND METERING SERVICES - A High School Diploma or GED is required. An Associate's Degree in Accounting, Business, or related field from an accredited college or university is required. Two years of full time paid experience in customer service as well as resolution of complex billing and metering issues. (Substitution: One year of progressively responsible directly related experience may substitute for each year of college education lacking.) Must possess intermediate-level computer knowledge including Internet and MS Office. The following are preferred: The ability to speak a second language, experience in a utility call center, and general knowledge of MS PowerPoint. (C) CREDIT AND COLLECTIONS - A High School Diploma or GED is required. An Associate's Degree in Accounting, Business, or related field from an accredited college or university is required. Two years of full time paid experience in credit and/or collections services is required. (Substitution: One year of progressively responsible directly related experience may substitute for each year of college education lacking.) Must possess intermediate-level computer knowledge including Internet and MS Office. The following are preferred: The ability to speak a second language, experience in utility credit and collections, and general knowledge of MS PowerPoint. (D) CUSTOMER SERVICE AND PERMITS - A High School Diploma or GED is required. An Associate's Degree in Accounting, Business, or related field from an accredited college or univer-

sity is required. Two years of full time paid experience in a customer service work unit is required. (Substitution: One year of progressively responsible directly related experience in a utility environment may substitute for each year of college education lacking.) Must possess intermediate-level computer knowledge including Internet and MS Office. The following are preferred: The ability to speak a second language, experience in utility call center, and supervisory experience in handling customer complaints and/or decision making.

NOTE: Applicants will be required to pay a \$10.00 (TEN DOLLARS) filing fee. Applicants who are currently employed in this position with the City of Cleveland are exempt. However, that when an applicant is disqualified from taking an examination on the basis of age, education or failure to meet other minimum entrance requirements, the fee paid by such applicant shall be refunded to such applicant upon the applicant's request in writing made within ten (10) days after the date of examination. Any applicant who can provide proof of unemployment, public assistance, or indigence is exempt from the filing fee. A copy of such proof must be included with the application.

NOTE: Applications must be returned in person. All copies of diplomas, licenses, certificates, and resumes must be presented at the time of filing. Applications may not be accepted if copies are not submitted with application at time of filing.

NOTE: Any applicant who resigns or is dismissed from employment with the City of Cleveland will have his/her name removed from the eligible list.

AN EQUAL OPPORTUNITY EMPLOYER

APPROVED C.S.C. MINUTES ANNOUNCEMENT NO. 58

COOK (NON-COMP)

Public notice is hereby given by the Civil Service Commission of Cleveland, Ohio of a NON COMPETITIVE examination for the above mentioned classification.

SALARY

The prevailing salary range for this position as established by Ordinance of the Council of the City of Cleveland is \$11.38 - \$15.48 per hour.

FILING OF APPLICATION

Application must be made on the regular application form available at the Office of the Civil Service Commission, 601 Lakeside Avenue, Room 119. No other form will be accepted. APPLICATIONS WILL BE AVAILABLE FOR PICK-UP IN THE CIVIL SERVICE OFFICE TO APPLY TO TAKE THE CIVIL SERVICE EXAMINATION - APPLICATIONS WILL BE AVAILABLE FROM 8:30 A.M. ON FRIDAY, APRIL 20, 2012 UNTIL 4:30 P.M. ON THURSDAY, MAY 3, 2012.

NOTE: APPLICATIONS WILL NOT BE ACCEPTED AFTER 4:30 P.M. ON THURSDAY, MAY 3, 2012.

THE CIVIL SERVICE COMMISSION'S POLICY IS THAT NO LATE FILING WILL BE ALLOWED.

EXAMINATION INFORMATION

TYPE: EXPERIENCE EVALUATION: Applicant's grade will be determined based on Education and Experience found in Resume.

NOTE: Each applicant is required to submit a detailed resume of his/her education and experience at the time of filing application.

NOTE: THE CIVIL SERVICE COMMISSION RESERVES THE RIGHT TO REVIEW AND EVALUATE ANY AND ALL INFORMATION CONTAINED IN THE APPLICATION OR RESUME. LACK OF HONESTY WILL RESULT IN IMMEDIATE REMOVAL FROM THE ELIGIBLE LIST.

DUTIES OF THE POSITION

Under immediate supervision, prepares and cooks food in a hospital or institution. Performs related duties as required. **TYPICAL TASKS:** Supervises the preparation of meals. Prepares and cooks meats, vegetables, and soups. Prepares cereals, desserts, salads, and special diets. Prepares breakfast, dinner, or supper. Serves food at steam tables. Weighs food for diabetic patients. Tags carts. Delivers food to dining room. Clears tables. Cleans utensils, sinks, tables, and other equipment. Handles supplies. Maintains food records. Takes inventory of supplies. Follows all operations and safety policies and safe work practices. Attends and participates in operations and safety training classes and demonstrates competence (demonstration of competence may be determined by exam). Wears and properly utilizes safety equipment in accordance with Divisional policy at all times.

MINIMUM QUALIFICATIONS FOR ENTRANCE TO THIS EXAMINATION AS ESTABLISHED BY THE CIVIL SERVICE COMMISSION OF THE CITY OF CLEVELAND ARE AS FOLLOWS:

A High School Diploma or G.E.D. is required. Three (3) years of full-time paid experience in commercial, institutional, or related volume food preparation (e.g.: Hospital, Catering, Nursing Home, Airlines, Correctional Facilities, etc.) including one (1) year preparing meals according to specialized diets.

NOTE: Applications must be returned in person. All copies of diplomas, licenses, certificates, and resumes must be presented at the time of filing. Applications may not be accepted if copies are not submitted with application at time of filing.

NOTE: Any applicant who resigns or is dismissed from employment with the City of Cleveland will have his/her name removed from the eligible list.

AN EQUAL OPPORTUNITY EMPLOYER

ROBERT BENNETT,
President

April 18, 2012

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, APRIL 30, 2012

9:30 A.M.

Calendar No. 12-54: 6607 Park Avenue (Ward 12)

Bernadine Gusley, owner, appeals to establish use for scrap metal storing and processing, with no outside storage of scrap or materials, on a 35' x 120' lot in a B2 General Industry District; subject to the provisions under Sections 349.04(j) and 349.07(a) a parking area equal to 10 percent of the gross floor area is required and an accessory off-street parking area shall be properly graded so that all water is drained within the lot and maintained in good condition. Grading is not indicated and the lot does not contain designated striped parking spaces of 180 square feet as required under Section 325.03; and no landscaping is provided contrary to Sections 352.08-10 that require a 6 foot wide landscaped transition strip along the parking lot where it adjoins the street.

Calendar No. 12-56: 11885 Bellaire Road (Ward 17)

Yakup Cukurcavir, owner, appeals to establish an open sales lot (used car sales) proposed to be on consolidated parcels located in a C1 Local Retail Business District; contrary to the limitations under Section 343.11(b)(2)(I)(4) the proposed use is not permitted and first permitted in a General Retail Business District, provided that all vehicles' advertising matter, all structures, movable or fixed, are kept in back of a structurally-sound barrier at least one and one-half feet high; and used car lot must provide 25 percent of the gross lot area for customer parking in accordance with Section 349.04(f); and the provisions under Section 325.03 require a parking space to be 180 square feet, and a plan showing ADA parking and a vehicle display area configuration is required. No landscaping plan is provided contrary to Section 352.10 and the requirement for a front landscaped strip 4 feet wide along Bellaire Road and a transition landscaped strip 10 feet wide with a 75 percent year-round opacity is required along the rear of the property where the lot abuts a Two-Family District.

Calendar No. 12-58: 1020-30 Euclid Avenue (Ward 3)

CR Truman, LP, owner, appeals for a change of use from offices to apartments in a six-story building, the Truman Building, located in an E5 General Retail Business District; subject to the Area Regulations under Section 355.04(b) in an "E" area district the maximum, gross floor area may not exceed one-half the lot area and approximately 47,740 square feet is proposed contrary to 21,964 square feet; a rear yard depth of 20 feet is required and side yard width shall in no case be less than one-fourth the height of the main building on the premises, not less than 8 feet, in accordance with Cleveland Codified Ordinances 357.08(b)(1) and 357.09(b)(2)C.

Calendar No. 12-59: 1120 Chester Avenue (Ward 3)

Chester/12, Ltd., owner, appeals for a change of use from offices to apartments in a four-story building, the Chester Commons, located on the southwest corner of East 12th Street and Chester Avenue in an E5 General Retail Business District; subject to the Area Regulations under Section 355.04(b) in an "E" area district the maximum, gross floor area may not exceed one-half the lot area and approximately 47,230 square feet is proposed contrary to 27,000 square feet; a rear yard depth of 20 feet is required and side yard width shall in no case be less than one-fourth the height of the main building on the premises, not less than 8 feet, in accordance with Cleveland Codified Ordinances 357.08(b)(1) and 357.09(b)(2)C.

Calendar No. 12-65: 12402 Britton Drive (Ward 6)

Phillip White, owner, appeals to erect 40 linear feet of 7 foot high wood, privacy fence in the side/front yard of an irregular shaped corner parcel in an A1 One-Family District; contrary to the Fence Regulations under Section 358.04(a) that limit fence height in the actual front yard to a height of 4 feet and a fence that is at least 50 percent open and a limit of 6 feet in height for fence in an interior side yard.

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, APRIL 16, 2012

At the meeting of the Board of Zoning Appeals on Monday, April 16, 2012, the following appeals were heard by the Board.

The following appeals were **APPROVED:**

Calendar No. 12-43: 1401 Prospect Avenue

PSC Hanna Building LLC, owner, and Hanna Annex, LLC, prospective purchaser, appealed to change use from offices to apartments in an existing eight (8) stories building in an E5 General Retail Business District.

Calendar No. 12-52: 3136 West 90th Street

Jerry Riffle appealed to erect 90 lineal feet of 4 feet high chain link fence along the front and setback of a vacant portion of a consolidated lot; subject to conditions.

Calendar No. 12-53: 11125 Magnolia Drive

The Cleveland Music Settlement appealed to install a temporary tent for a period of 180 days from April 9 to October 9, 2012.

The following appeal was **DENIED:**

Calendar No. 12-49: 16321 Telfair Avenue

Faith Walk Fellowship Church appealed to change use of a single family residence to a church in an A1 One-Family District

The following appeals were **WITHDRAWN:**

None.

The following appeal was **DISMISSED:**

None.

The following appeals were **POSTPONED:**

Calendar No. 12-39: 4173 East 71st Street postponed to 5-21-12.

Calendar No. 12-23: 4415-17 Detroit Avenue postponed to 5-21-12.

Calendar No. 12-24: 3662 East 65th Street postponed to 5-29-12.

Calendar No. 11-233: 3342 East 119th Street postponed to 6-4-12.

The following appeals heard by the Board on April 9, 2012 were adopted and approved on April 16, 2012.

The following appeals were **APPROVED:**

Calendar No. 12-41: 5377 Stanard Avenue Goodrich-Gannett Neighborhood Center, owner, and SAW, Inc., prospective lessee, appealed to construct a greenhouse on multiple parcels in a B1 Two-Family District.

Calendar No. 12-42: 19603 Nottingham Road Angela Cavotta appealed to install 75 linear feet of 6-foot high decorative fence in the actual front yard of property in a Semi-Industry District.

Calendar No. 12-45: 2621 West 25th Street L.J. Minor appealed to establish a parking lot on acreage located between Barber Avenue and Potter Court in a C1 Multi-Family District.

Calendar No. 12-46: 4705 West 157th Street Cuyahoga County Land Reutilization Corporation appealed to erect a 20' x 20' one-story frame, gable garage on a lot in an A1 One-Family District.

Calendar No. 12-47: 1450 West 48th Street Scott Francis appealed to erect a second story, frame bedroom addition above a single family dwelling in a B1 Two-Family District.

The following appeals were **DENIED:**

Calendar No. 12-35: Violation Notice 3730 West 36th Street Nicholas Dionisopoulos appealed from a Notice of Violation issued by the Cleveland Building and Housing Department.

Calendar No. 12-21: 368 Eddy Road Michael Payton appealed to sell Christmas trees and install a sign on a trailer and on a fence to advertise sales, and a snowplowing and landscaping business in a Multi-Family District.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of April 11, 2012

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

* * *

Docket A-122-10

RE: Appeal of Dorris Diamond, Owner of the Two Dwelling Units Two-Family Residence Two & One-half Story Frame Property located on the premises known as 3070 East 123rd Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated March 29, 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 DENY any appeal for additional time and to REMAND the property to the Department of Building and Housing for supervision and any required further action, noting the disposition of the Appellant and the condition of the property. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

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

* * *

Docket A-288-11

RE: Appeal of Ghassan Haddad, Owner of the One Dwelling Unit Single-Family Residence Two Story Frame Property located on the premises known as 3441 East 72nd Street from a NOTICE OF VIOLATION — INTERIOR/EXTERIOR MAINTENANCE, dated June 23, 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, as presented in the photographs, was properly issued, and to grant the Appellant thirty (30) days in which to obtain permits 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 any required further action. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Bradley.

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

* * *

Docket A-289-11

RE: Appeal of Igor Kmits, Owner of the Two Dwelling Units Two-Family Residence Two & One-half Story Frame Property located on the premises known as 2813 East 125th

Street from a NOTICE OF VIOLATION — INTERIOR/EXTERIOR MAINTENANCE, dated May 27, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

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

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

* * *

Docket A-290-11

RE: Appeal of A.H. Investment Properties & Mario Jones, Owner of the Four Row Houses One Dwelling Unit Single Family Residence Two Story Masonry Walls/Wood Floors Property located on the premises known as 1324 East 93rd Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated May 24, 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, that based upon testimony presented, a motion is in order at this time to DENY any appeal for additional time and to REMAND the property to the Department of Building and Housing for supervision and any required further action, noting that the Appellant was not present for the hearing and no work has been done on the property. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Bradley.

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

* * *

Docket A-292-11

RE: Appeal of Union Miles Development Corp., Owner of the One Dwelling Unit Single-Family Residence One Story Frame Property located on the premises known as 9602 Anderson Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated August 11, 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 obtain permits and six (6) months in which to complete abatement of the violations pending approval of the contract with the City; 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. Mr. Gallagher.

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

Docket A-293-11.

RE: Appeal of Belinda & Sajjaad Shakir, Owners of the Two Dwelling Units Two-Family Residence Two & One/half Story Wood Frame Property, located on the premises known as 8114 Platt Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, 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 Appellant six (6) months in which to complete abatement of the violations, the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

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

* * *

Docket A-296-11.

RE: Appeal of Dean Berens, Owner of the Two Dwelling Units Two-Family Residence Two Story Frame Property located on the premises known as 2021 West 47th Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated December 8, 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 permits and six (6) months in which to complete abatement of the violations, with additional time able to be obtained from the Board if progress is satisfactory at the end of the six (6) months, noting that failure to meet any of the dates, the property will be immediately REMANDED to the Department of Building and Housing; 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, Bradley, Maschke. Nays: None. Absent: Mr. Saab.

* * *

Docket A-298-11.

RE: Appeal of Wagner Industries, Owner of the F-2 Factory - Low Hazard (Non-combustibles) Three Story Masonry Walls/Wood Floors Property located on the premises known as 2658 Scranton Road from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated August 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 grant the Appellant six (6) months in which to complete abatement of the exterior maintenance violations on the

property and provide a drainage solution for the parking lot, if acquired, the property is REMANDED 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, Bradley, Maschke. Nays: None. Absent: Mr. Saab.

* * *

Docket A-300-11.

RE: Appeal of Tim Yarian, Owner of the Two Dwelling Units Two-Family Residence Two Story Wood Frame/Siding/Masonry Veneer Property, located on the premises known as 17519 Fernshaw Avenue from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated August 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 thirty (30) days in which to obtain a permit to repair the garage and sixty (60) days in which to complete abatement of the violations on the garage, and nine (9) months in which to complete abatement of 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. Maschke and seconded by Mr. Gallagher.

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

* * *

Docket A-301-11.

RE: Appeal of Storer Meat Co., Inc., Owner of the Property, located on the premises known as 3007 Clinton Avenue, from an ABATEMENT ORDER, dated September 12, 2011 of the Chief of the Division of Fire, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-301-11 have been POSTPONED; to be rescheduled for April 25, 2012.

* * *

Docket A-302-11.

RE: Appeal of Evelyn Ocasio, Owner of the One Dwelling Unit Single-Family Residence One Story Frame Property located on the premises known as 1937 West 50th Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated August 25, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the Condemnation Order was properly issued and to DENY any additional time to renovate 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. Bradley and seconded by Mr. Gallagher.

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

* * *

Docket A-303-11.

RE: Appeal of Evelyn Ocasio, Owner of the One Dwelling Unit Single-Family Residence One Story Frame Property located on the premises known as 1939 West 50th Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated August 25, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the Condemnation Order was properly issued and to DENY any additional time to renovate the property, the property is and to 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, Bradley, Maschke. Nays: None. Absent: Mr. Saab.

* * *

Docket A-304-11.

RE: Appeal of Evelyn Ocasio, Owner of the One Dwelling Unit Single-Family Residence One Story Frame Property located on the premises known as 1941 West 50th Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated August 25, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the Condemnation Order was properly issued and to DENY any additional time to renovate the property, the property is and to 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, Bradley, Maschke. Nays: None. Absent: Mr. Saab.

* * *

Docket A-306-11.

RE: Appeal of Brenda O'Steen, Owner of the One Dwelling Unit Single-Family Residence Two & One/half Story Frame Property located on the premises known as 3335 East 65th Street from a CONDEMNATION ORDER — MAIN STRUCTURE & SHED, dated August 13, 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 October 1, 2012 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. Maschke and seconded by Mr. Gallagher.

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

* * *

Docket A-308-11.

RE: Appeal of Hammond Prosperity LLC, Owner of the One Dwelling Unit Single-Family Residence One & One/half Story Frame Property located on the premises known as 5324 Dolloff Road from a CONDEMNATION ORDER — MAIN STRUCTURE, dated September 3, 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 submit plans to obtain permits and six (6) months in which to complete abatement of the violations, noting that should additional time be required, the Appellant can appeal to the Board for additional time; 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, Bradley, Maschke. Nays: None. Absent: Mr. Saab.

* * *

Docket A-309-11.

RE: Appeal of Hammond Prosperity LLC, Owner of the One Dwelling Unit Single-Family Residence One & One/half Story Wood Frame/Siding/Masonry Veneer Property located on the premises known as 3599 East 57th Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated February 10, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant thirty (30) days in which to submit a plan and obtain the required permits for completion of abatement of the violations at the property known as 3599 East 57th Street, and six (6) months in which to complete abatement of all the 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. Maschke and seconded by Mr. Gallagher.

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

* * *

Docket A-311-11.

RE: Appeal of Nadja Hutchins, Owner of the Property located on the premises known as 2014 West

53rd Street from an ADJUDICATION ORDER, dated August 3, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-311-11 have been POSTPONED; to be rescheduled for April 25, 2012.

* * *

Docket A-33-12.

RE: Appeal of Cleveland Clinic, Owner of the Property located on the premises known as 9500 Euclid Avenue — M3 from an ADJUDICATION ORDER, dated January 18, 2012 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the required variances to the code conditions violated, including the slope of the ramp, the landing length, and minimum head room, with the requirement that the minimum head room be appropriately signed to warn strangers. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

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

* * *

Docket A-76-12.

RE: Appeal of Greater Cleveland Domed, Owner of the Property located on the premises known as 1 Center Court (aka 200 Huron Road) from an ADJUDICATION ORDER, dated March 16, 2012 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant a continuing variance on the sign as requested, with the provision that the material and size remain the same and submissions to be made to the City to obtain approval for the method of installation. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

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

* * *

Docket A-79-12.

RE: Appeal of Glidden House Hotel, Owner of the Property located on the premises known as 1901 Ford Drive from an ADJUDICATION ORDER, dated April 12, 2012 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance required to permit the Fire Watch and allow the Appellant to operate until the completion of the installation of the sprinkler system anticipated to be completed about May 14, 2012. Motion so in order.

Motioned by Mr. Maschke and seconded by Mr. Gallagher.

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

* * *

EXTENSION OF TIME:

Docket A-3-11.

Windy F. Siegfried - 12503 Parkhill Hill:

A motion is in order at this time to grant the time deemed appropriate by the Department of Building and Housing for completion of abatement of the violations with the condition that the inspector be accompanied by a supervisor to ascertain what the appropriate time is, 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, Bradley, Maschke. Nays: None. Absent: Mr. Saab.

* * *

AMENDED RESOLUTION:

Docket A-60-12.

Pamela Hagler - 14800 St. Clair Avenue:

FROM: ... uphold the Adjudication Order and require Appellant to submit plans for the pre-laminated panel sample submitted to the Board, and that the size presented is approved with the submission and approval to the Department of Building and Housing for the aluminum laminate material or a substitute of any compliant submission by the Appellant...

TO: ...to permit the Appellant to use the plywood sandwich signage material as presented mounted on fire retardant treated sleepers or a noncombustible the channel system and treating the back side of the sign with intumescent paint....

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

* * *

APPROVAL OF RESOLUTIONS:

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

- A-258-11 — Antonia DiBello
- A-259-11 — Antonia DiBello
- A-265-11 — Peter Vukovic
- A-273-11 — Pearl B. Poteate
- A-275-11 — Willie Hopkins
- A-277-11 — Candace Robinson
- A-279-11 — Lani Pychowycz
- A-280-11 — Michael Pisano
- A-283-11 — Mohsem Fanous
- A-284-11 — Leroy Mitchell Investment

A-335-11 — Re-Hab-It Inc.
A-60-12 — Pamela Hagler (Amended)

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

* * *

APPROVAL OF RESOLUTIONS:

Separate motions were entered by Mr. Maschke 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-268-11 — G. Stephen Slovenik
- A-270-11 — Daretha Austin
- A-271-11 — Western Reserve Leasing Co.
- A-272-11 — Michele S. Dye
- A-282-11 — Sophia Harmon

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

* * *

APPROVAL OF MINUTES:

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

March 28, 2012

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

* * *

JOSEPH F. DENK
Chairman

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 Tuesday, April 24, 2012 at 10:00 A.M. in Room 106 of City Hall, 601 Lakeside Avenue, Cleveland, Ohio for the purpose of considering records retention and disposal requests.

April 11, 2012 and April 18, 2012

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

Sealed bids will be received at the office of the Commissioner of Purchases and Supplies, Room 128, City Hall, in accordance with the appended schedule, and will be opened and read in Room 128, City Hall, immediately thereafter.

Each bid must be made in accordance with the specifications and must be submitted on the blanks supplied for the purpose, all of which may be obtained at the office of the said Commissioner of Purchases and Supplies, but no bid will be considered unless delivered to the office of the said commissioner previous to 12:00 noon (Eastern Standard Time) on the date specified in the schedule.

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

Where invitations for bids are advertised, the following notice shall be included in the advertisement: "Pursuant to the MBE/FBE Code, each prime bidder, each minority business enterprise ("MBE") and each female business enterprise ("FBE") must be certified before doing business with the City. Therefore, any prime contractor wishing to receive credit for using an MBE or FBE should ensure that applications for certification as to MBE or FBE status compliance with the Code, affirmative action in employment and, if applicable, joint venture status, are submitted to the Office of Equal Opportunity ("OEO") prior to the date of bid opening or submission of proposals or as specified by the Director. Failure to comply with the business enterprise code or with representations made on these forms may result in cancellation of the contract or other civil or criminal penalties."

WEDNESDAY, MAY 2, 2012

File No. 42-12 — Industrial Paper Products, for the various Divisions of City Government, Department of Public Works as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING WEDNESDAY, APRIL 25, 2012 AT 10:00 A.M. CLEVELAND CITY HALL, DIVISION OF PURCHASES AND SUPPLIES, ROOM 128, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

April 11, 2012 and April 18, 2012

THURSDAY, MAY 3, 2012

File No. 39-12 — 2012 Summer Food Program (Breakfasts & Lunches), for the Division of Recreation, Department of Public Works, as authorized by Ordinance pending. **THERE WILL BE A MANDATORY PRE-BID MEETING MONDAY, APRIL 23, 2012 AT 11:00 A.M. THE CLEVELAND CITY HALL,**

ROOM 8, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

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

File No. 40-12 — Food, Food Products, Beverages, Condiments and Paper Products at Camp Forbes, for the Division of Recreation, Department of Public Works, as authorized by Ordinance pending. **THERE WILL BE A MANDATORY PRE-BID MEETING MONDAY, APRIL 23, 2012 AT 11:45 A.M. THE CLEVELAND CITY HALL, ROOM 8, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.**

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

April 11, 2012 and April 18, 2012

FRIDAY, MAY 11, 2012

File No. 43-12 — 1201 Lakeside Avenue Marble Emergency Repairs (Re-Bid), for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 2081-06, passed by the Council of the City of Cleveland, March 5, 2007.

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

THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, APRIL 26, 2012 AT 2:30 P.M. THE CARL B. STOKES PUBLIC UTILITIES BUILDING, 1ST FLOOR AUDITORIUM, 1201 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

File No. 45-12 — Ductile Iron Pipe and Fittings, for the Division of Water, Department of Public Utilities, as authorized by Section 129.25 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING THURSDAY, APRIL 26, 2012 AT 10:30 A.M. THE DIVISION OF WATER, DISTRIBUTION AND MAINTENANCE, 4600 HARVARD AVENUE, PIPE REPAIR CONFERENCE ROOM, CLEVELAND, OHIO 44105.

April 18, 2012 and April 25, 2012

WEDNESDAY, MAY 16, 2012

File No. 46-12 — Landscape Materials & Supplies (Re-Bid), for the Various Divisions of City Government, Department of Finance, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** WEDNESDAY, MAY 2, 2012 AT 10:30 A.M. THE CLEVELAND CITY HALL, DIVISION OF PURCHASES AND SUPPLIES, ROOM 128, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

File No. 47-12 — Various Pool Chemicals, Re-location and Transporting of Various Swimming Pool Chemicals, for the Various Divisions of Recreation, Department of Public Works, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, APRIL 26, 2012 AT 2:00 P.M. THE CLEVELAND CITY HALL, ROOM 8, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

File No. 49-12 — Virgin Asphalt Concrete, for the Division of Streets, Department of Public Works, as authorized by Ordinance No. 1715-11, passed by the Council of the City of Cleveland, January 9, 2012.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, APRIL 27, 2012 AT 11:30 A.M. THE CITY OF CLEVELAND, DIVISION OF STREETS, ROOM 25, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

File No. 50-12 — Fence Installation, Maintenance and/or Repair, for the Divisions of Water Pollution Control, Water & Cleveland Public Power, Department of Public Utilities, as authorized by Ordinance No. 395-09, passed by the Council of the City of Cleveland, April 20, 2009.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, APRIL 27, 2012 AT 11:00 A.M. WATER POLLUTION CONTROL, 12302 KIRBY AVENUE, RED CONFERENCE ROOM, CLEVELAND, OHIO 44108.

April 18, 2012 and April 25, 2012

THURSDAY, MAY 17, 2012

File No. 44-12 — Pipe Repair Couplings for Groups A & B, for the Division of Water, Department of Public Utilities, as authorized by Section 129.25 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, APRIL 26, 2012 AT 11:30 A.M. THE DIVISION OF WATER, DISTRIBUTION AND MAINTENANCE, 4600 HARVARD AVENUE, PIPE REPAIR CONFERENCE ROOM, CLEVELAND, OHIO 44105.

April 18, 2012 and April 25, 2012

WEDNESDAY, MAY 23, 2012

File No. 48-12 — Building Materials and Used Bricks, for the Various Divisions of City Government,

Department of Finance, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** WEDNESDAY, MAY 9, 2012 AT 10:30 A.M. THE CLEVELAND CITY HALL, DIVISION OF PURCHASES AND SUPPLIES, ROOM 128, 601 LAKESIDE AVENUE, CLEVELAND, OHIO 44114.

April 18, 2012 and April 25, 2012

ADOPTED RESOLUTIONS AND ORDINANCES

**Res. No. 1719-11.
By Council Members Cleveland, Miller and Sweeney (by request).**

An emergency resolution declaring the intent to vacate a portion of East 88th Street and Crane Avenue.

Whereas, this Council is satisfied that there is good cause to vacate a portion of East 88th Street and Crane Avenue as, described; and

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

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

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

East 88th Street and Crane Avenue Situated in the City of Cleveland, County of Cuyahoga, State of Ohio, and known as being a part of the Original One Hundred Acre Lot No. 448

Beginning at a 1" iron pin in a monument box at the centerline intersection of the centerlines of Crane Avenue (40 feet wide) and East 91st Street (56 feet wide);

Thence South 89°16'11" West, along the centerline of Crane Avenue, 456.81 feet to a stone with a drill hole in a monument box and being the PRINCIPAL PLACE OF BEGINNING of the premises described herein;

Thence South 00°24'49" East, 7.22 feet to a point;

Thence along a curved line deflecting to the left, an arc of 34.42 feet, said curve having a radius of 220.00 feet and a chord that bears South 68°54'23" East, 34.39 feet to the southerly line of Crane Avenue;

Thence South 89°16'11" West along the southerly line of Crane Avenue, 71.99 feet to the intersection with the westerly line of East 88th Street;

Thence North 00°24'49" West along the westerly line of East 88th Street, 379.95 feet to the southerly line of Union Avenue;

Thence North 89°16'01" East along the southerly line of Union Avenue, 40.00 feet to the easterly line of East 88th Street;

Thence South 00°24'49" East along the easterly line of East 88th Street, 359.95 feet to the centerline of Crane Avenue and the PRINCIPAL PLACE OF BEGINNING and containing 0.3532 acres of land as surveyed and described by Edward B. Dudley, Registered Surveyor No. 6747, of the Riverstone Company in October of 2011 and subject to all legal highways, restrictions, reservations and easements of record.

Basis of Bearing

The centerline of Crane Avenue as North 00°24'49" West as shown on the Centerline Plat - Crane Avenue, Bessemer Avenue Extension Phase II Plans, Page 2 of 19, PID 78076.

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.

Adopted April 9, 2012.
Effective April 13, 2012.

Res. No. 7-12.

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

An emergency resolution declaring the intent to vacate a portion of Henley Avenue S.W.

Whereas, this Council is satisfied that there is good cause to vacate a portion of Henley Avenue S.W., as described; and

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

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

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

A portion of Henley Avenue S.W.

Being all that portion of Henley Avenue S.W. (12.00 feet wide) extending from the westerly right of way line of West 92nd Street (50.00 feet wide) westerly to the easterly right of way line of West 94th Street (50.00 feet wide).

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.

Adopted April 9, 2012.
Effective April 13, 2012.

Res. No. 80-12.

By Council Members Zone, Miller, Cleveland and Sweeney (By Request).

An emergency resolution declaring the intent to vacate a portion of West 68th Street.

Whereas, this Council is satisfied that there is good cause to vacate a portion of West 68th Street, as described; and

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

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

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

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original Brooklyn Township Lot Number 34 further described as follows:

All that portion of West 68th Street (50.00 feet wide) extending southerly from the southerly right of way line of Camden Avenue (30.00 feet wide) also being the easterly prolongation of the northerly line of sub lot 160 in the James M. Hoyt & Sons Allotment as shown in volume 5, page 55 of Cuyahoga County Map Records to its southerly terminus.

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.

Adopted April 9, 2012.

Effective April 13, 2012.

Res. No. 145-12.

By Council Members J. Johnson, Dow, Miller, Cleveland and Sweeney (By Request).

An emergency resolution declaring the intent to vacate a portion of "Shoreway Commerce Park Avenue" (formerly Detour Avenue).

Whereas, this Council is satisfied that there is good cause to vacate a portion of "Shoreway Commerce Park Avenue" (formerly Detour Avenue), as described; and

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

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

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

AREA 1

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Detour Avenue N.E. (60 feet wide) of part of Original 100 Acre Lots, No. 350 and is further bounded and described as follows:

Beginning at the intersection of the center line of said Detour Avenue N.E. (60 feet wide) with the center line of East 73rd Street (45 feet wide). Thence North 00° - 02' - 50" West, along said center line of East 73rd Street, a distance of 40.00 feet. Thence North 89° - 57' - 10" East, a distance of 22.50 feet to the intersection of the Easterly right of way line of said East 73rd Street with the Northerly right of way line of said Detour Avenue N.E. and the principal place of beginning of the land herein described;

Course 1. Thence North 89° - 57' - 10" East, along the Northerly right of way line of Detour Avenue N.E., a distance of 371.62 feet;

Course 2. Thence South 82° - 21' - 26" West, a distance of 346.35 feet to a point of curvature;

Course 3. Thence Northwesterly, along the arc of a curve deflecting to the right, a distance of 42.58 feet to a point of tangency. Said arc having a radius of 25.00 feet, a central angle of 97° - 35' - 44" and a chord which bears North 48° - 50' - 42" West, a distance of 37.62 feet;

Course 4. Thence North 00° - 02' - 50" West, a distance of 21.00 feet to the principal place of beginning and containing 0.2072 Acres (9,026 Square Feet) of land.

Be the same more or less, but subject to all legal highways and easements of record.

AREA 2

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of Detour Avenue N.E. (60 feet wide) of part of Original 100 Acre Lots, No. 350 and is further bounded and described as follows:

Beginning at the intersection of the center line of said Detour Avenue N.E. (60 feet wide) with the center line of East 76th Street (55 feet wide). Thence South 00° - 02' - 50" East, along said center line of East 76th Street, a distance of 20.00 feet. Thence South 89° - 57' - 10" West, a distance of 27.50 feet to the intersection of the Westerly right of way line of said East 76th Street with the Southerly right of way line of said Detour Avenue N.E. and the principal place of beginning of the land herein described;

Course 1. Thence South 89° - 57' - 10" West, along said Southerly right of way line of Detour Avenue N.E., a distance of 110.01 feet;

Course 2. Thence North 82° - 21' - 26" East, a distance of 110.98 feet;

Course 3. Thence South 00° - 02' - 50" East, a distance of 14.67 feet to the principal place of beginning and containing 0.0185 Acres (807 Square Feet) of land.

Be the same more or less, but subject to all legal highways and easements of record.

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.

Adopted April 9, 2012.

Effective April 13, 2012.

Res. No. 508-12.

By Council Member Cimperman. An emergency resolution objecting to the transfer of Liquor License of a D1, D2, D3, D3A and D6 Liquor Permit to 1859 West 25th Street.

Whereas, Council has been notified by the Department of Liquor Control of an application for a transfer of Liquor License of a D1, D2, D3, D3A and D6 Liquor Permit from Rico, Inc., DBA City Grill & Patio,

6416 Detroit Avenue, 1st floor and basement, Cleveland, Ohio 44102, Permanent Number 7362695 to West 25th Street Bistro, LTD., 1859 West 25th Street, Cleveland, Ohio 44113, Permanent Number 9526255; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a transfer of Liquor License of a D1, D2, D3, D3A and D6 Liquor Permit from Rico, Inc., DBA City Grill & Patio, 6416 Detroit Avenue, 1st floor and basement, Cleveland, Ohio 44102, Permanent Number 7362695 to West 25th Street Bistro, LTD., 1859 West 25th Street, Cleveland, Ohio 44113, Permanent Number 9526255, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted April 9, 2012.

Effective April 13, 2012.

Res. No. 509-12.**By Council Member Cummins.**

An emergency resolution withdrawing objection to the renewal of a D1, D2, D3, D3A and D6 Liquor Permit at 3194 West 25th Street and repealing Resolution No. 1134-11, objecting to said renewal.

Whereas, this Council objected to a D1, D2, D3, D3A and D6 Liquor Permit to 3194 West 25th Street by Resolution No. 1134-11 adopted by the Council on August 17, 2011; and

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

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

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

Section 1. That objection to a D1, D2, D3, D3A and D6 Liquor Permit to 2109 Tate, Inc., DBA Teri O's Lounge, 3194 West 25th Street, 1st floor and basement, Cleveland, Ohio 44109, Permanent Number 91163200005 and 91163210 be and the same is hereby withdrawn and Resolution No. 1134-11, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted April 9, 2012.

Effective April 13, 2012.

Res. No. 510-12.**By Council Member Reed.**

An emergency resolution withdrawing objection to the renewal of a C2, C2X and D6 Liquor Permit at 11609 Miles Avenue and repealing Resolution No. 1148-11, objecting to said renewal.

Whereas, this Council objected to a C2, C2X and D6 Liquor Permit to 11609 Miles Avenue by Resolution No. 1148-11 adopted by the Council on August 17, 2011; and

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

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

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

Section 1. That objection to a C2, C2X and D6 Liquor Permit to Habibi, Inc., DBA Frank's Marathan, 11609 Miles Avenue, Cleveland, Ohio 44105, Permanent Number 3479133 be and the same is hereby withdrawn and Resolution No. 1148-11, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

Section 2. That this resolution is hereby declared to be an emergency measure and provided it receives the affirmative vote of two-thirds of all

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

Adopted April 9, 2012.

Effective April 13, 2012.

Res. No. 511-12.**By Council Member Zone.**

An emergency resolution withdrawing objection to the renewal of a C1 Liquor Permit at 7310 Lorain Avenue and repealing Resolution No. 1248-11, objecting to said renewal.

Whereas, this Council objected to a C1 Liquor Permit to 7310 Lorain Avenue by Resolution No. 1248-11 adopted by the Council on September 12, 2011; and

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

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

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

Section 1. That objection to a C1 Liquor Permit to Dee See, Inc., DBA West 73rd Shell, 7310 Lorain Avenue, Cleveland, Ohio 44102, Permanent Number 2012463 be and the same is hereby withdrawn and Resolution No. 1248-11, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted April 9, 2012.

Effective April 13, 2012.

Res. No. 512-12.**By Council Member Zone.**

An emergency resolution withdrawing objection to the renewal of a C1 and C2 Liquor Permit at 6501 Denison Avenue and repealing Resolution No. 993-11, objecting to said renewal.

Whereas, this Council objected to a C1 and C2 Liquor Permit to 6501 Denison Avenue by Resolution No. 993-11 adopted by the Council on July 20, 2011; and

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

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

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

Section 1. That objection to a C1 and C2 Liquor Permit to Amal Najjar, CEO, Hanini 7 Oil, Inc., DBA West 65th Gas USA, 6501 Denison Avenue, Cleveland, Ohio 44102, Per-

manent Number 3561080 be and the same is hereby withdrawn and Resolution No. 993-11, containing such objection, be and the same is hereby repealed and that this Council consents to the immediate renewal thereof.

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

Adopted April 9, 2012.

Effective April 13, 2012.

Res. No. 513-12.

By Council Members Pruitt, Keane, Westbrook, Cimperman, Miller, Conwell, Mitchell, Kelley, Cleveland, Brancatelli, J. Johnson, K. Johnson and Sweeney.

An emergency resolution supporting Mayor Jackson's Plan for Transforming the Cleveland Schools, urging all stakeholders to continue working in good faith to resolve all elements of the plan for the benefit of students, and urging the Ohio General Assembly to give the highest priority to pass legislation needed to implement the plan.

Whereas, the Ohio General Assembly changed the governance structure in Cleveland from an elected to a mayoral appointed board in 1997 by passing House Bill 269, and this decision was overwhelmingly approved by Cleveland voters in 2002; and

Whereas, while the Cleveland Metropolitan School District has made progress in student outcomes, the overall quality of education in Cleveland schools is unacceptable and the pace of improvement is inadequate — 55 percent of Cleveland schools (district and charter) were in academic watch or academic emergency in the 2010-11 school year; and

Whereas, for every 100 students entering ninth grade in Cleveland, 63 will graduate high school, 34 of those graduates will enroll in college, and just seven will graduate with a bachelor's degree; and

Whereas, the Mayor of the City of Cleveland has declared his highest priority the transformation plan to reinvent public education in our city with a goal to ensure every child in Cleveland attends a high quality school and every neighborhood has a multitude of great schools from which families can choose; and

Whereas, to do this, Cleveland must transition from a traditional school district to a new system of district and charter schools held to the highest standards and work in partnership to create dramatic student achievement gains; and

Whereas, the plan is driven by a fierce sense of urgency and sense of hope, as Cleveland has already started this journey to transformation with investments in new and redesigned schools, partnerships between the district and high-performing charter schools, and investments in schools; and

Whereas, the number of excellent and effective district and charter schools in Cleveland has grown

from 14 in 2006 to 37 in 2011, and the plan will grow this number of excellent schools in exchange for accountability for performance while creating an environment that empowers and values principals and teachers as professionals and makes certain that our students are held to the highest expectations; and

Whereas, Cleveland's plan is based on emerging national models, or portfolio strategy, that implements seven tenets of autonomy and accountability, including Citywide choices and options for all families, school autonomy, pupil-based funding, diverse support providers, talent-seeking strategy, extensive public engagement, and performance-based accountability for all schools; and

Whereas, Cleveland's goal is that at the end of six years, the number of Cleveland students enrolled in high-performing district and charter schools will be tripled, and failing schools eliminated; and

Whereas, Mayor Jackson and the Cleveland Metropolitan School District have identified the following areas where the General Assembly's action is necessary to give the District the flexibility needed to achieve academic excellence: district autonomy and flexibility, modern employment practices without eroding the principals of collective bargaining, District-Charter partnerships, charter sector quality, and targeted financial support for the plan; and

Whereas, this Council encourages engagement of all interested parties, including the Mayor, Superintendent, and Cleveland Teachers Union, and urges them to continue to work together with open discussion and urgent intent solely in the interest of the children of the City of Cleveland; and

Whereas, this Council calls on the Majority and Minority Delegations of the House and Senate to join with the sponsors and act on legislation, House Bill 506 and Senate Bill 325, needed to implement this plan; 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 supports Mayor Jackson's Plan for Transforming the Cleveland Schools, urges all stakeholders to continue working in good faith to resolve all elements of the plan for the benefit of students, and urges the Ohio General Assembly to give the highest priority to pass legislation needed to implement the plan.

Section 2. That the Clerk of Council is directed to send copies of this resolution to the Chief of Government Affairs to distribute to members of the Ohio General Assembly.

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

Adopted April 9, 2012.
Effective April 9, 2012.

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, the Division of Cleveland Public Power will issue an addendum to the September 2011 Request for Information and qualifications ("RFIQ") and extend the response deadline to July 31, 2012; and

Whereas, an acceptable response to the RFIQ, as modified, may contain any proposal for the various methods to manage municipal solid waste disposal (e.g. recycling, material recovery, and energy generation) or any component thereof; 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 shall issue an addendum to the September 2011 RFIQ specifying that an acceptable response may contain any proposal for the various methods to manage municipal solid waste disposal (e.g. recycling, material recovery, and energy generation) or any component thereof.

Section 2. 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. Evaluation of the responses by the Consultant shall include a review of all development options for the City's waste stream after the conclusion of recycling activities, including but not limited to sale of pellets to an energy-providing company.

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

Passed April 9, 2012.
Effective April 9, 2012.

Ord. No. 1680-11.
By Council Members Cimperman, Kelley, Cleveland and Sweeney (by departmental request).

An emergency ordinance determining the method of making the public improvement of improving the civil, mechanical, and electrical systems, replacing the HVAC system, and repairing the roof at 1825 Lakeside Avenue, and for all related work; and authorizing the Director of Public Utilities to enter into one or more public improvement contracts for the making of the improvement.

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

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

Section 1. That, under Section 167 of the Charter of the City of Cleveland, this Council determines to make the public improvement of improving the civil, mechanical, and electrical systems, replacing the HVAC system, and repairing the roof at 1825 Lakeside Avenue, and for all related work, for the Division of Water, Department of Public Utilities, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding for a gross price for the improvement.

Section 2. That the Director of Public Utilities 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 for a gross price 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 for a gross price. On request of the director, the contractor shall furnish a correct schedule of unit prices, including profit and overhead, for all items constituting units of the improvement.

Section 3. That the Director of Public Utilities is authorized to apply and pay for permits, licenses, or other authorizations required by any regulatory agency or public authority to permit performance of the work authorized by this ordinance.

Section 4. That the cost of the improvement, and other expenditures, authorized shall be paid from Fund Nos. 52 SF 001, 52 SF 229, 52 SF 231, 52 SF 235, from the fund or subfunds which are credited the proceeds of the

sale of future waterworks revenue bonds issued for this purpose, and from the funds appropriated in 2012 for this purpose, Request No. RQS 2002, RL 2011-179.

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

Passed April 9, 2012.

Effective April 13, 2012.

Ord. No. 2-12.
By Council Members Mitchell, Miller, Cleveland and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Capital Projects to issue a permit to The Cleveland Clinic Foundation to encroach into the public right-of-way of East 96th Street by installing, using, and maintaining an areaway/sidewalk elevator and electrical UPS room under the sidewalk.

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

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

Section 1. That the Director of Capital Projects is authorized to issue a permit, revocable at the will of Council, to The Cleveland Clinic Foundation, 9500 Euclid Avenue, Cleveland, Ohio 44195 ("Permittee"), to encroach into the public right-of-way of East 96th Street below grade, by installing, using, and maintaining an areaway/sidewalk elevator and electrical UPS room under the sidewalk, at the following location:

**LEGAL DESCRIPTION
OF AN ENCROACHMENT
UNDER EAST 96TH STREET**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and being an area within East 96th Street, 66 feet in width, and being more particularly bounded and described as follows:

Commencing from the intersection of the centerline of said East 96th Street and the centerline of Euclid Avenue, width varies;

Thence South 00°11'06" West, a distance of 692.54 feet along the centerline of said East 96th Street to a point;

Thence North 89°48'54" West, a distance of 17.00 feet to a point, said point being the True Point of Beginning of the herein described encroachment area;

Thence South 00°11'06" West, a distance of 64.00 feet to a point;

Thence North 89°48'54" West, a distance of 16.00 feet to a point on the westerly right-of-way line of said East 96th Street;

Thence North 00°11'06" East, a distance of 64.00 feet along the westerly right-of-way line of said East 96th Street to a point;

Thence South 89°48'54" East, a distance of 16.00 feet to the True Point of Beginning, containing 0.0742 acres, more or less, according to a survey by Michael Benza and Associates, Inc. and proposed building plans and subject to all legal easements, restrictions, reservations, conditions and rights-of-way of previous record.

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

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

Section 3. That the Director of Law shall prepare the permit authorized by this ordinance and shall incorporate such additional provisions as the director determines necessary to protect and benefit the public interest. The permit shall be issued only when, in the opinion of the Director of Law, Permittee has properly indemnified the City against any loss that may result from the encroachment(s) permitted.

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

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

Passed April 9, 2012.

Effective April 13, 2012.

Ord. No. 70-12.
By Council Members J. Johnson, Miller, Cleveland and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Capital Projects to issue a permit to Dealer Tire, LLC, to encroach into the public right-of-way of Perkins Avenue by installing, using, and maintaining a Guard House addition.

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

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

Section 1. That the Director of Capital Projects is authorized to issue a permit, revocable at the will of Council, to Dealer Tire, LLC, 3711 Chester Avenue, Cleveland, Ohio 44114 ("Permittee"), to encroach into the public right-of-way of Perkins Avenue by installing, using, and maintaining a Guard House addition, at the following location:

**DESCRIPTION OF GUARDHOUSE
ENCROACHMENT INTO THE
RIGHT-OF-WAY
OF PERKINS AVENUE**

Situated in the State of Ohio, County of Cuyahoga, City of Cleveland, being part of Original 10 Acre Lot No's 92 and 93, and more fully described as follows:

Commencing for Reference at a point on the southerly right-of-way line of Perkins Avenue, 70 feet wide, at the northwesterly corner of the Lot Consolidation for Dealer Commerce, LTD, as recorded in Volume 346, Page 59 of the Cuyahoga County Map

Records; Thence, South 89°56'34" East, along the southerly right-of-way line of Perkins Avenue, a distance of 139.13 feet to the TRUE PLACE OF BEGINNING of the Encroachment Permit herein to be described;

Course No. 1.

Thence, North 00°03'26" East, a distance of 3.00 feet to a point;

Course No. 2.

Thence, South 89°56'34" East, parallel to the southerly line of Perkins Avenue, a distance of 12.00 feet to a point;

Course No. 3.

Thence, South 00°03'26" West, a distance of 3.00 feet to the southerly right-of-way line of Perkins Avenue;

Course No. 4.

Thence, North 89°56'34" West, along said southerly line, a distance of 12.00 feet to the beginning, containing 36 square feet of land, more or less, as prepared by McSteen and Associates in December of 2011 under Project Number 11-252, and is subject to all legal highways and easement of record.

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

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

Section 3. That the Director of Law shall prepare the permit authorized by this ordinance and shall incorporate such additional provisions as the director determines necessary to protect and benefit the public interest. The permit shall be issued only when, in the opinion of the Director of Law, Permittee has properly indemnified the City against any loss that may result from the encroachment(s) permitted.

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

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

Passed April 9, 2012.

Effective April 13, 2012.

Ord. No. 71-12.
By Council Members K. Johnson, Mitchell, Miller, Cleveland and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Capital Projects to issue a permit to Miceli-Lograsso Development Company IV LLC, to encroach into the public right-of-way above East 90th Street by installing, using, and maintaining a pedestrian

bridge and a small pipe trestle that will carry milk product from their new Milk Unloading building to their existing manufacturing facility.

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

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

Section 1. That the Director of Capital Projects is authorized to issue a permit, revocable at the will of Council, to Miceli-Lograsso Development Company IV LLC, 2721 East 90th Street, Cleveland, Ohio 44104 ("Permittee"), to encroach into the public right-of-way above East 90th Street by installing, using, and maintaining a pedestrian bridge and a small pipe trestle that will carry milk product from their new Milk Unloading building to their existing manufacturing facility; at the following locations:

Pipe Trestle Encroachment

Legal Description (0.0069 Acres)

The following strip of land being 6.00 feet in uniform width, situated in part of the City of Cleveland, County of Cuyahoga, State of Ohio, and being a parcel of land bounded and described as follows:

Commencing at the Northwest Corner of Lot No. 10 in E. Sells' Subdivision as recorded in Volume 4, Page 46 of Cuyahoga County Map Records;

Thence South 30°00'00" West, along the Northwesterly line of said Lot No. 10, also being the Southeasterly right-of-way line of East 90th Street, a distance of 34.15 feet to The Point of Beginning;

Thence South 30°00'00" West, continuing along the Northwesterly line of said Lot No. 10 and Lot No. 11, also being the Southeasterly right-of-way line of East 90th Street, a distance of 6.00 feet to a point;

Thence North 60°06'02" East, a distance of 50.42 feet to a point on the Southeasterly line of Lot No. 52, also being the Northwesterly right-of-way line of said East 90th Street;

Thence North 30°00'00" East, along the Southeasterly line of said Lot No. 52 and Lot No. 53, also being the Northwesterly right-of-way line of said East 90th Street a distance of 6.00 feet to a point;

Thence South 60°06'02" East, a distance of 50.42 feet to the Point of Beginning, enclosing 0.0069 acres of land, Subject to all Legal Highways, Easements and Restrictions Written or Recorded.

The clearance from the crown in the road to the bottom of the bridge is 16'0".

The distance from the crown in the road to the top of the encroachment is 22'0".

This Legal Description was prepared by Poggemeyer Design Group, Inc.

Pedestrian Bridge Encroachment

Legal Description (0.0178 Acres)

The following strip of land being 15.00 feet in uniform width, situated in part of the City of Cleveland, County of Cuyahoga, State of Ohio, and being a parcel of land bounded and described as follows:

Commencing at the Northwest Corner of Lot No. 8 in E. Sells' Subdivision as recorded in Volume 4, Page 46 of Cuyahoga County Map Records;

Thence South 30°00'00" West, along the Northwesterly line of said Lot No. 8, also being the Southeasterly

right-of-way line of East 90th Street, a distance of 26.80 feet to The Point of Beginning;

Thence South 30°00'00" West, continuing along the Northwesterly line of said Lot No. 8 and Lot No. 9, also being the Southeasterly right-of-way line of East 90th Street, a distance of 15.00 feet to a point;

Thence North 60°06'02" West, a distance of 50.42 feet to a point on the Southeasterly line of Lot No. 54, also being the Northwesterly right-of-way line of said East 90th Street;

Thence North 30°00'00" East, along the Southeasterly line of said Lot No. 54 and Lot No. 55, also being the Northwesterly right-of-way line of said East 90th Street a distance of 15.00 feet to a point;

Thence South 60°06'02" East, a distance of 50.42 feet to the Point of Beginning, enclosing 0.0178 acres of land, Subject to all Legal Highways, Easements and Restrictions Written or Recorded.

The clearance from the crown in the road to the bottom of the bridge is 16'0".

The distance from the crown in the road to the top of the encroachment is 36'0".

This Legal Description was prepared by Poggemeyer Design Group, Inc.

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

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

Section 3. That the Director of Law shall prepare the permit authorized by this ordinance and shall incorporate such additional provisions as the director determines necessary to protect and benefit the public interest. The permit shall be issued only when, in the opinion of the Director of Law, Permittee has properly indemnified the City against any loss that may result from the encroachment(s) permitted.

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

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

Passed April 9, 2012.

Effective April 13, 2012.

Ord. No. 72-12.

By Council Member J. Johnson.

An emergency ordinance designating Fenn Tower (also known as the National Town and Country Club) as a Cleveland Landmark.

Whereas, under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, the Cleveland Landmarks

Commission (the "Commission"), has proposed to designate Fenn Tower (also known as the National Town and Country Club) as a landmark; and

Whereas, a public hearing under division (b)(2) of Section 161.04 was held on December 8, 2011 to discuss the proposed designation of Fenn Tower (also known as the National Town and Country Club) as a landmark; and

Whereas, the Commission has recommended designation of Fenn Tower (also known as the National Town and Country Club) as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health, and safety in that the immediate protection of the historic landmark is necessary to safeguard the special historical, community, or aesthetic interest or value in the landmark; now, therefore

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

Section 1. That Fenn Tower (also known as the National Town and Country Club), whose street address in the City of Cleveland is 1983 East 24th Street, also known as 2401-07 Euclid Avenue, N.E., Cuyahoga County Auditor's Permanent Parcel Number is 103-04-008, and is also known as the following described property:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being parts of Original Ten Acre Lot Numbers 82 and 83, and further bounded and described as follows:

Beginning on the Northerly line of Euclid Avenue (99 feet wide) at its intersection with the former centerline of East 24th Street (60 feet wide) now vacated as shown by the recorded plat in Volume 210 of Maps, Page 13 of Cuyahoga County Records, from which point a stone monument was found South 8°27'44" East, 0.05 feet;

Course No. 1.

Thence North 8°27'44" West along said former centerline of East 24th Street, now vacated, 228.00 feet to its point of intersection with the Westerly prolongation of the Northerly line of Parcel Number 4 of land conveyed to the State of Ohio by deed dated November 1, 1965 and recorded in Volume 11664, Page 661 of Cuyahoga County Records;

Course No. 2.

Thence North 81°19'59" East along said Westerly prolongation and the Northerly line of Parcel Number 4, 113.25 feet to the Northeasterly corner thereof;

Course No. 3.

Thence South 8°27'44" East along the Easterly line of said Parcel Number 4, 228.00 feet to the Northerly line of said Euclid Avenue;

Course No. 4.

Thence South 81°19'59" West along said Northerly line of Euclid Avenue, 113.25 feet to the place of beginning, containing 25,821 square feet (0.5928 acres), according to a survey made in November, 2004 by Garrett & Associates, Inc., Registered Engineers and Surveyors, be the same more or less, but subject to all legal highways,

Description approved by Greg Esber, Section Chief Plats, Surveys and House Number Section Division of Engineering & Construction which in its entirety is a property having special character or special historical or aesthetic value as part of the development, heritage, or cultural characteristics of the City, State, or the United States, is designated a landmark under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

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

Passed April 9, 2012.

Effective April 13, 2012.

Ord. No. 73-12.

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

An emergency ordinance authorizing the Director of Port Control to employ one or more consultants, computer software developers, system integrators, and project managers necessary to design, develop, and implement a converged communications system project for the Cleveland Airport System; and authorizing one or more requirement contracts for hardware, software, computer supplies, and other necessary supplies, equipment, and services to implement the converged communications system project for a period of one year with one option to renew for an additional one year period, exercisable by the Director of Port Control, for the Department of Port Control.

Whereas, the Cleveland Airport System currently operates certain discrete, inefficient, and/or obsolete information technology, communications and other related systems serving Airport System customers; and

Whereas, the City desires to improve Airport System customer service, public safety, Americans with Disability Act (ADA) compliance, and to enhance airport productivity and operational efficiency, and augment generation of non-aeronautical revenues in support of the System's strategic goal of becoming the "Best Performing Organization in the Industry"; 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 employ by contract or contracts one or more consultants, computer software developers or vendors, systems integrators, and/or project managers, or one or more firms of consultants, computer software developers or vendors, systems integrators, and/or project managers, for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland to provide professional services necessary to design, develop, and implement a converged communications system project for the Cleveland Airport System, including, but not limited to, installation, integra-

tion, migration, testing, training, and providing maintenance, technical support and other related services, acquisition of equipment, hardware, software and software licenses, and/or development necessary to update, upgrade, enhance, interface, and integrate various information technology systems at and for the Airport System including, but not limited to, customer-facing systems such as flight and baggage display, audio and visual paging, network and telephony infrastructure, and safety and service systems supporting the Airport Operations Center, and other associated professional services, for the Department of Port Control.

The selection of the consultants, computer software developers, or vendors for the licenses or 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. The contract or contracts authorized shall be prepared by the Director of Law, approved by the Director of Port Control, and certified by the Director of Finance.

Section 2. That the Director of Port Control 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 hardware, software, computer supplies, and other necessary supplies, equipment, and services which are not covered under the professional services contract authorized by this ordinance, necessary to implement the converged communications system project, including maintenance on the above for a period of one year, with one option to renew for an additional one-year period, cancelable by the Director of Port Control on thirty days' written notice, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for Department of Port Control. 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 be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance.

Section 4. 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 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 5. That the Director of Port Control is authorized to enter into any third-party software license agreements necessary to effectuate the purposes of this ordinance.

Section 6. That the cost of the professional services shall be paid from Fund Nos. 60 SF 001, 60 SF 104, 60 SF 106, 60 SF 114, 60 SF 126, 60 SF 128, 60 SF 141, 60 SF 160, and from the fund or funds to which are credited the proceeds of any future Airport Revenue bonds issued for this purpose, RQS 3001, RL 2012-7.

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

Passed April 9, 2012.

Effective April 13, 2012.

Ord. No. 74-12.

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

An emergency ordinance authorizing the Director of Public Works to execute a deed of easement granting to the Greater Cleveland Regional Transit Authority certain easement rights on portions of Market Square Park adjoining both West 25th Street and Lorain Avenue and declaring the easement rights not needed for public use.

Whereas, the Greater Cleveland Regional Transit Authority ("RTA") has requested the Department of Public Works to convey certain easement rights on portions of Market Square Park adjoining both West 25th Street and Lorain Avenue; and

Whereas, RTA requires the easement to install bus shelters and electrical conduits; and

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

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

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

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

GCRTA EASEMENT AT MARKET SQUARE

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of land known as "Market Square" property in James Webster's Allotment of Original Brooklyn Township Lot Number 69 as shown by the recorded plat in Volume 10 of Maps, Page 14 of the Cuyahoga County Records and described as follows:

Beginning at an iron pin in a monument box in the centerline of W. 25th Street (82.50 feet wide), said pin also being along the south right-of-way line of Lorain Avenue (66 feet wide);

Thence, N 33°57'04" W along the centerline of W. 25th Street, a distance of 33.00 feet to a point, said

point being at the intersection of the centerlines of W. 25th Street and Lorain Avenue;

Thence, S 56°18'16" W along the centerline of Lorain Avenue, a distance of 41.40 feet to a point;

Thence, N 33°41'44" W a distance of 33.00 feet to a point at the intersection of the northerly right-of-way line of Lorain Avenue and the westerly right-of-way line of West 25th Street, said point also being the true point of beginning for the easement herein described;

Course 1.

Thence, S 56°18'16" W along the said northerly right-of-way line of Lorain Avenue and parallel to the centerline, a distance of 90.00 feet to a point;

Course 2.

Thence, N 33°41'44" W along a line perpendicular to the northerly right-of-way line of Lorain Avenue, a distance of 24.00 feet to a point;

Course 3.

Thence, N 56°18'16" E along a line parallel with the centerline of Lorain Avenue, a distance of 69.89 feet to a point;

Course 4.

Thence, N 33°57'04" W along a line parallel with the centerline of West 25th Street, a distance of 41.91 feet to a point;

Course 5.

Thence, N 56°02'56" E along a line perpendicular to the westerly right-of-way line of West 25th Street, a distance of 20.00 feet to a point;

Course 6.

Thence, S 33°57'04" E along said westerly right-of-way line of West 25th Street, a distance of 66.00 feet to the true point of beginning, containing 0.069 acres (2,997.74 square feet) of land, more or less, subject to all legal right of ways and easements of records, as previously recorded. Bearings are to an assumed meridian and used to depict angles only.

Section 2. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the above-described non-exclusive easement to RTA, subject to any conditions stated in this ordinance, at a price determined by the Board of Control to be fair market value.

Section 3. That the easement shall be non-exclusive and the purpose of the easement shall be to install bus shelters and electrical conduits.

Section 4. That the duration of the easement shall be perpetual; that the easement may include reasonable right of entry rights to the City; that the easement shall not be assignable without the consent of the Director of Public Works; that the easement may require that RTA indemnify the City and provide reasonable insurance, and shall require RTA to maintain any RTA improvements located within the easement and pay any applicable taxes and assessments.

Section 5. That the conveyance referred to above shall be made by official deed of easement prepared by the Director of Law and executed by the Director of Public Works on behalf of the City of Cleveland. The deed of easement shall contain any additional terms and conditions as

are required to protect the interest of the City. The Directors of Public Works and Law are authorized to execute any other documents, including without limitation, contracts for right of entry, as may be necessary to effect the installation of bus shelters and electrical conduits in Market Square Park on portions on both West 25th Street and Lorain Avenue within the property described in this ordinance.

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

Passed April 9, 2012.
Effective April 13, 2012.

Ord. No. 77-12.
By Council Members Brancatelli and Sweeney (by departmental request).

An emergency ordinance authorizing the Directors of Community Development and Economic Development to enter into an amendment to Contract No. 57841 with Fries & Schuele, Ltd. to change the loan maturity date from June 1, 2012 to June 1, 2014.

Whereas, under Ordinance No. 219-01, passed March 19, 2001, this Council authorized the Directors of Economic Development and Community Development to enter into a Neighborhood Development Investment Fund Contract with Fries & Schuele, Ltd. and Carrol Development, Ltd. to provide economic development assistance to partially finance the rehabilitation of the Fries & Schuele Building and the construction of a mixed-use condominium and parking structure adjacent to the Fries & Schuele Building, located in Cleveland, Ohio ("Borrower"); and

Whereas, under Ordinance No. 605-10, passed June 7, 2010, this Council authorized an amendment to the Fries & Schuele, Contract No. 57841; and

Whereas, an additional amendment is necessary; and

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

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

Section 1. That the Directors of Community Development and Economic Development are authorized to enter into an amendment to Contract No. 57841 and any collateral documents with Fries & Schuele, Ltd to extend the loan term from 11 to 13 years and to extend the loan maturity date from June 1, 2012 to June 1, 2014.

Section 2. That the amendment and all related documents will 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.

Passed April 9, 2012.
Effective April 13, 2012.

Ord. No. 114-12.

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

An emergency ordinance authorizing the Director of Capital Projects to execute deeds of easement granting to the Northeast Ohio Regional Sewer District certain easement rights in property located near East 55th Street and the I-90 Cleveland Memorial Shoreway in order to facilitate their East 55th Floatables Project and for access to the project site; and declaring that the easement rights granted are not needed for public use.

Whereas, the Northeast Ohio Regional Sewer District ("NEORS") has requested the Director of Capital Projects to convey certain easement rights in properties located near East 55th Street and the I-90 Cleveland Memorial Shoreway to (1) allow NEORS to establish an upland property interest with a non-exclusive easement as required by the Ohio Department of Natural Resources before NEORS can obtain a submerged land lease for its East 55th Floatables Project, and to (2) grant a permanent, non-exclusive easement to NEORS for access to the East 55th Floatables Project site; and

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

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

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

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

Upland Easement
City of Cleveland to
Northeast Ohio Regional
Sewer District
0.1251 Acres

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being part of Original 10-acre Lot No. 166 and part of Original 100-acre Lot No. 346. Also being part of the land conveyed to the City of Cleveland as recorded in Volume 7653, Page 48, Volume 7653, Page 50, Certificate of Title No. 43902 and Certificate of Title No. 65762 of the Cuyahoga County Records and part of East 55th Street, being more definitely described as follows.

Commencing at the intersection of the southerly right of way of South Marginal Road and the easterly right of way of East 55th Street, said point also being the southwesterly corner of land conveyed to the City of Cleveland as recorded in Volume 7653, Page 48 and Volume 7653, Page 50 of the Cuyahoga County Records;

Thence, along the westerly line of said land conveyed to the City of Cleveland, North 00° 52' 14" West, 152.36 feet to the True Point of Beginning for the easement herein described;

Thence, leaving the westerly line of said land conveyed to the City of Cleveland, South 48° 48' 14" West, 92.19 feet;

Thence South 50° 32' 39" West, 109.25 feet;

Thence South 43° 16' 48" West, 10.42 feet;

Thence North 46° 43' 12" West, 10.00 feet to the Original 1876 shoreline of Lake Erie as shown on "Survey of N. & N.W. Lakes" prepared by Major C.B. Comstock, Corps of Engineers, dated 1876;

Thence, along the Original 1876 shoreline of Lake Erie, the following three courses;

North 43° 16' 48" East, 11.05 feet;

Thence North 50° 32' 39" East, 109.73 feet;

Thence North 48° 48' 14" East, 424.70 feet;

Thence, leaving the Original 1876 shoreline of Lake Erie, South 41° 11' 46" East, 10.00 feet;

Thence South 48° 48' 14" West, 332.66 feet to the point of beginning.

Containing within said bounds 0.1251 acres (5,450 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 in June, 2011.

Bearings are based on Ohio State Plane, North Zone NAD83 (1995) Grid North.

Access Easement
City of Cleveland to
Northeast Ohio Regional
Sewer District
0.7183 Acres

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio, and known as being submerged land within Original 10-acre Lot No. 166 extended northerly from the original shoreline of Lake Erie. Also being part of the land conveyed to the City of Cleveland as recorded in Volume 7653, Page 48, Volume 7653, Page 50 and Certificate of Title No. 86737 of the Cuyahoga County Records and part of East 55th Street vacated pursuant to City of Cleveland Ordinance No. 1239-91, being more definitely described as follows.

Commencing at the intersection of the southerly right of way of South Marginal Road and the easterly right of way of East 55th Street, said point also being the southwesterly corner of land conveyed to the City of Cleveland as recorded in Volume 7653, Page 48 and Volume 7653, Page 50 of the Cuyahoga County Records;

Thence, along the westerly line of said land conveyed to the City of Cleveland, the following two courses;

North 00° 52' 14" West, 258.72 feet;

Thence North 37° 36' 54" West, 387.57 feet to the True Point of Beginning for the parcel herein described;

Thence, leaving the westerly line of said land conveyed to the City of Cleveland, South 38° 27' 20" West, 118.38 feet;

Thence South 35° 41' 57" West, 142.86 feet;

Thence South 23° 59' 31" West, 45.79 feet;

Thence South 48° 10' 03" West, 45.57 feet;

Thence North 41° 52' 57" West, 12.42 feet;

Thence North 23° 59' 31" East, 85.37 feet;

Thence North 35° 41' 57" East, 146.66 feet;

Thence North 38° 27' 20" East, 131.71 feet;

Thence North 37° 36' 54" West, 144.81 feet;

Thence North 53° 56' 46" East, 130.00 feet;

Thence South 66° 49' 08" East, 17.14 feet;

Thence South 02° 02' 33" East, 32.15 feet;

Thence South 25° 05' 00" East, 29.17 feet;

Thence South 71° 58' 43" East, 26.79 feet;

Thence North 73° 19' 25" East, 25.94 feet;

Thence South 36° 03' 14" East, 33.59 feet;

Thence South 38° 27' 20" West, 161.48 feet to the point of beginning.

Containing within said bounds 0.7183 acres (31,287 square feet) of land as surveyed by KS Associates, Inc. under the supervision of Trevor A. Bixler, Professional Surveyor, No. 7730 June 2011.

Bearings are based on Ohio State Plane, North Zone NAD83 (1995) Grid North.

Section 2. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the above-described easement interests to NEORS D subject to any conditions stated in this ordinance, at a price of \$1.00, and other valuable considerations, which is determined to be fair market value.

Section 3. That the purpose of the first non-exclusive easement shall be to allow NEORS D to establish an upland property interest as required by the Ohio Department of Natural Resources before it can obtain a submerged land lease for its East 55th Floatables Project, and the purpose of the second non-exclusive easement shall be to grant NEORS D access to the East 55th Floatables Project site.

Section 4. That the duration of the easements shall be perpetual; that the easements shall not be assignable without the consent of the Director of Capital Projects; that the easements shall require that NEORS D indemnify the City, provide reasonable insurance, maintain any NEORS D improvements located within the easements; and pay any applicable taxes and assessments.

Section 5. That the conveyances referenced above shall be made by official deeds of easement prepared by the Director of Law and executed by the Director of Capital Projects on behalf of the City of Cleveland. The Directors of Capital Projects and Law are authorized to execute any other documents, including without limitation, contracts for rights of entry, as may be necessary to effectuate this ordinance.

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

Passed April 9, 2012.

Effective April 13, 2012.

Ord. No. 117-12.
By Council Member J. Johnson.
An emergency ordinance designat-
ing the Kate L. and George W. Howe
House as a Cleveland Landmark.

Whereas, under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, the Cleveland Landmarks Commission (the "Commission"), has proposed to designate the Kate L. and George W. Howe House as a landmark; and

Whereas, a public hearing under division (b) (2) of Section 161.04 was held on December 8, 2011 to discuss the proposed designation of the Kate L. and George W. Howe House as a landmark; and

Whereas, the Commission has recommended designation of the Kate L. and George W. Howe House as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health, and safety in that the immediate protection of the historic landmark is necessary to safeguard the special historical, community, or aesthetic interest or value in the landmark; now, therefore

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

Section 1. That the Kate L. and George W. Howe House, whose street address in the City of Cleveland is 2258 Euclid Avenue, S. E., Cuyahoga County Auditor's Permanent Parcel Number is 103-04-012, and is also known as the following described property:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being part of Original Ten Acre Lots Numbers 56 and 57 and bounded and described as follows:

Beginning in the Southerly line of Euclid Avenue at a point which is distant 24 feet Westerly, measured along said Southerly line from its intersection with the Easterly line of said Original Lot Number 56, which point is also the Northeasterly corner of land conveyed to the Studios Realty Company by deed dated September 4, 1923 and recorded in Volume 2882, Page 152 of Cuyahoga County Records; thence Southerly along the Easterly line of land so conveyed to the Studio Realty Company about 200 feet to the Northerly line of land conveyed to William Slade, Jr. by deed dated March 3, 1851 and recorded in Volume 50, Page 73 of Cuyahoga County Records; thence Easterly along the Northerly line of land so conveyed to William Slade, Jr. and along the Northerly line of land conveyed to Mrs. Anna Y. Root by deed dated January 22, 1889 and recorded in Volume 443, Page 502 of Cuyahoga County Records and along the northerly line of land conveyed to Mrs. Anna Eliza Otis by deed dated October 24, 1865 and recorded in Volume 136, Page 468 of Cuyahoga County Records, about 123 feet to the Easterly line of land conveyed to John T. Avery by deed dated October 24, 1865 and recorded in Volume 31, Page 426 of Cuyahoga County Records; thence Northerly along the Easterly line of land so conveyed to John T. Avery, about 200 feet to the Southerly line of Euclid Avenue; thence Westerly along said Southerly line of Euclid Avenue, about 123 feet to the place of beginning, be the same more or less, but subject to all legal highways.

Excepting from the above described parcel the westerly six feet thereof from front to back, such that the westerly, northerly, and southerly lines of such excluded parcel are the westerly, and part of the northerly and southerly lines of the above described parcel, and the easterly line of such excluded parcel is parallel to and six feet easterly, by perpendicular

lar measurement, from said westerly line.

Description approved by Greg Esber, Section Chief Plats, Surveys and House Number Section Division of Engineering & Construction which in its entirety is a property having special character or special historical or aesthetic value as part of the development, heritage, or cultural characteristics of the City, State, or the United States, is designated a landmark under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

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

Passed April 9, 2012.

Effective April 13, 2012.

Ord. No. 138-12.

By Council Members Keane and Sweeney (by departmental request). An emergency ordinance authorizing the Director of Port Control to exercise the first option to renew Contract No. NF 2010-12 with Flight Services & Systems, Inc. for the use and occupancy of office space in the passenger terminal building at Cleveland Hopkins International Airport for skycap services.

Whereas, under the authority of Ordinance No. 1544-09, passed November 23, 2009, the Director of Port Control entered into Contract No. NF 2010-12 with Flight Services & Systems, Inc. ("FSS") for the use and occupancy of approximately 160 square feet of office space located on the ramp level of Concourse "A" in the passenger terminal building at Cleveland Hopkins International Airport for activities necessary for its sky cap services; and

Whereas, Ordinance No. 1544-09 requires further legislation before exercising the first option to renew on this contract; and

Whereas, for the use of the Leased premises, FSS shall pay the City an annual fee as specified in the contract; and

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

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

Section 1. That the Director of Port Control is authorized to exercise the first option to renew Contract No. NF 2010-12 with FSS for an additional year for the use and occupancy of approximately 160 square feet of office space located on the ramp level of Concourse "A" in the passenger terminal building at Cleveland Hopkins International Airport for activities necessary for its sky cap services. This ordinance constitutes the additional legislative authority required by Ordinance No. 1544-09 to exercise this option.

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

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

Passed April 9, 2012.

Effective April 13, 2012.

Ord. No. 139-12.

By Council Members Keane and Sweeney (by departmental request). An emergency ordinance authorizing the Director of Port Control to exercise the first option to renew Contract No. 69924 with the United Services Organization, Inc. for the use and occupancy of space in the passenger terminal building at Cleveland Hopkins International Airport for a military lounge commonly known as the Bob Hope USO Lounge.

Whereas, under the authority of Ordinance No. 1544-09, passed November 23, 2009, the Director of Port Control entered into Contract No. 69924 with the United Services Organization, Inc. ("USO") for the use and occupancy of approximately 1,129 square feet of space located on the baggage claim level of the passenger terminal building at Cleveland Hopkins International Airport for a military lounge commonly known as the Bob Hope USO Lounge; and

Whereas, Ordinance No. 1544-09 requires further legislation before exercising the first option to renew on this contract; and

Whereas, for the use of the Leased premises, the USO shall pay the City an annual fee as specified in the contract; and

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

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

Section 1. That the Director of Port Control is authorized to exercise the first option to renew Contract No. 69924 for an additional year with the USO for the use and occupancy of approximately 1,129 square feet of space located on the baggage claim level of the passenger terminal building at Cleveland Hopkins International Airport for a military lounge commonly known as the Bob Hope Lounge. This ordinance constitutes the additional legislative authority required by Ordinance No. 1544-09 to exercise this option.

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

Passed April 9, 2012.

Effective April 13, 2012.

Ord. No. 140-12.

By Council Members Miller and Sweeney (by departmental request). An emergency ordinance authorizing the purchase by one or more requirement contracts for the trans-

fer and disposal of tires, for the Division of Waste Collection and Disposal, Department 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 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 term of one year or two years for the necessary items of the transfer and disposal of tires in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Waste Collection and Disposal, Department of Public Works. Bids shall be taken in a manner that permits an award to be made for all items of services as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Public Works is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Public Works by comparing the bids received for both terms.

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

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

Section 3. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies under a delivery order against the contract or contracts certified by the Director of Finance. (RQN 7013, 2012-2)

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

BID GUARANTY AND CONTRACT BOND

KNOW ALL MEN BY THESE PRESENTS, that we the _____

(Name and Address)

as Principal and _____

(Name of Surety)

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

The penal sum referred to herein shall be _____

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

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

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

IF THE SAID Principal shall well and faithfully perform each and every condition of such contract;

and indemnify the Obligee against all damage suffered by failure to perform such contract according to the provisions thereof and in accordance with the plans, details, specifications, and bills of material therefor; and shall pay all lawful claims of subcontractors, materialmen, and laborers for labor performed and materials furnished in the carrying forward, performing, or completing said contract; we agreeing and assenting that this undertaking shall be for the benefit of any materialman or laborer having a just claim as well as for the Obligee herein; then this obligation shall be void; otherwise the same shall remain in full force and effect; it being expressly understood and agreed that the liability of the Surety for any and all claims hereunder shall in no event exceed the penal amount of this obligation as herein stated.

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

SIGNED AND SEALED this day of _____, 20____

PRINCIPAL: _____ SURETY: _____

BY: _____ BY: _____
Attorney-in-Fact

TITLE: _____

SURETY COMPANY ADDRESS: _____

Street _____

City State ZIP _____

SURETY AGENT'S ADDRESS: _____

Agency Name _____

Street _____

City State ZIP _____

"Exhibit A"

Passed April 9, 2012.
Effective April 13, 2012.

Ord. No. 144-12.
By Council Member J. Johnson.
An emergency ordinance designating the Stager-Beckwith House (University Club) as a Cleveland Landmark.

Whereas, under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, the Cleveland Landmarks Commission (the "Commission"), has proposed to designate the Stager-Beckwith House (University Club) as a landmark; and

Whereas, a public hearing under division (b) (2) of Section 161.04 was held on December 8, 2011 to discuss the proposed designation of the Stager-Beckwith House (University Club) as a landmark; and

Whereas, the Commission has recommended designation of the Stager-Beckwith House (University Club) as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health, and safety in that the immediate protection of the historic landmark is necessary to safeguard the special historical, community, or aesthetic interest or value in the landmark; now, therefore

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

Section 1. That the Stager-Beckwith House (University Club), whose street address in the City of Cleveland is 3813 Euclid Avenue, N.E., Cuyahoga County Auditor's Permanent Parcel Number is 103-08-004, and is also known as the following described property:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio, and known as being part of Original 10 Acre Lot Number 93 and bounded and described as follows: Beginning on the Northerly line of Euclid Avenue at the Southeasterly corner of land conveyed to the University Club Company by deed dated July 20, 1914 and recorded in Volume 2630, Page 122 of Cuyahoga County Records; thence Westerly along the Northerly line of Euclid Avenue, 238.60 feet to the Southwesterly corner of land conveyed to the University Club Company as aforesaid; thence Northerly along the Westerly line of land so conveyed, 572.94 feet to the Southerly line of Chester Avenue, N.E. (86 feet wide); thence Easterly along the Southerly line of Chester Avenue, N.E., about 238.14 feet to its intersection with the Easterly line of land conveyed to the University Club Company as aforesaid; thence Southerly along the Easterly line of land so conveyed, 588.35 feet to the place of beginning, be the same more or less, but subject to all legal highways;

Description approved by Greg Esber, Section Chief Plats, Surveys and House Number Section Division of Engineering & Construction which in its entirety is a property having special character or special historical or aesthetic value as part of the development, heritage, or cultural characteristics of the City, State, or the United States, is designated a landmark under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

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

Passed April 9, 2012.
Effective April 13, 2012.

Ord. No. 170-12.

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

An emergency ordinance authorizing the Director of Capital Projects to enter into one or more agreements with The Board of Park Commissioners of the Cleveland Metropolitan Park District to complete the Towpath Trail Stage 1 Interim On-Road Route; and authorizing payment to the Park Board for the City's cost of the improvement.

Whereas, under Ordinance No. 829-08, passed July 2, 2008, this Council authorized a Project Development Agreement with the Cuyahoga County Board of County Commissioners, the Board of Park Commissioners of the Cleveland Metropolitan Park District ("Cleveland Metroparks") and North Cuyahoga Valley, Inc. dba Ohio Canal Corridor, to implement the Towpath Trail Project; and

Whereas, sidewalk improvements on the south side of Harvard Avenue, east of Jennings Road, are necessary to complete the Towpath Trail Stage 1 Interim On-Road Route; and

Whereas, the City desires to cooperate with the Cleveland Metroparks in making the sidewalk improvements; 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 Capital Projects is authorized to enter into one or more agreements with Cleveland Metroparks to complete the Towpath Trail Stage 1 Interim On-Road Route, which consists of completing approximately 665 feet of sidewalk improvements on the south side of Harvard Avenue east of Jennings Road, specifically, the south side of Harvard from the west edge of bridge to sidewalk corner at Harvard and Jennings, including relocating utility poles if necessary.

Section 2. That this Council authorizes payment in the estimated amount of \$50,000 to Cleveland Metroparks for the improvement.

Section 3. That the cost of the payment to Cleveland Metroparks shall be paid from Fund No. 20 SF 540, RQS 0103, RL 2012-15.

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

Passed April 9, 2012.

Effective April 13, 2012.

Ord. No. 171-12.

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

An emergency ordinance giving consent of the City of Cleveland to the State of Ohio for the public improvement of cleaning out the storm sewers located between southbound SR 237 and I 480 westbound ramp to southbound SR 237 approximately 0.2 miles south of Brook-

park Road in the City of Cleveland; authorizing the Director of Capital Projects to enter into any relative agreements.

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 it is declared to be in the public interest that the consent of the City of Cleveland is given to the Director of Transportation of the State of Ohio ("the State") to construct the following improvement under plans, specifications, and estimates approved by the State: cleaning out the storm sewers located between southbound SR 237 and I 480 westbound ramp to southbound SR 237 approximately 0.2 miles south of Brookpark Road in the City of Cleveland (the "Improvement").

Section 2. That the City gives its consent to the Improvement and its administration by the State, provided that this ordinance shall not be construed to impose any financial obligation on the City for the Improvement. However, the City agrees to assume and contribute 100% of the cost of any items included in the construction contract at the request of the City, which are determined by the State not eligible or made necessary by the Improvement.

Section 3. That the Director of Capital Projects is authorized to enter into one or more agreements with the State necessary to complete the planning and construction of the Improvement, which agreements shall contain terms and conditions that the Director of Law determines shall best protect the public interest.

Section 4. (a) That all existing streets and public rights-of-way within the City that are necessary for the Improvement shall be made available.

(b) That the City agrees that all right-of-way required for the described project will be acquired and/or made available under current state and federal regulations. The City also understands that right-of-way costs include eligible utility costs.

(c) That the installation of all utility facilities on the right-of-way shall conform with the requirements of Title 23 CFR 645 and the ODOT Utilities Manual.

Section 5. That this Council requests the State to proceed with the Improvement.

Section 6. That the Clerk of Council is authorized and directed to transmit to the State three (3) certified copies of this ordinance immediately on its taking effect, and it shall become the basis for proceeding with the Improvement.

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

Passed April 9, 2012.

Effective April 13, 2012.

Ord. No. 203-12.

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 procure fire and extended real and personal property insurance, including oil testing and other risk management services, for the Division of Cleveland Public Power's major facilities, including 1300 Lakeside Avenue and to assist with procurements in 2013 and later, for a period of two years with a one-year option to renew or for a period of one year with two one-year options to renew, options exercisable by the Director of Public Utilities.

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 procure fire and extended real and personal property insurance, including oil testing and other risk management services, for the Division of Cleveland Public Power's major facilities, including 1300 Lakeside Avenue, for a period of two years with a one-year option to renew exercisable by the Director of Public Utilities, or for a period of one year with two one-year options to renew exercisable by the Director of Public Utilities.

Section 2. 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 assist with insurance procurements in 2013 and later, for a period of two years with a one-year option to renew exercisable by the Director of Public Utilities, or for a period of one year with two one-year options to renew exercisable by the Director of Public Utilities.

Section 3. 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 4. That the cost of the contract or contracts authorized shall be paid from Fund No. 58 SF 001, Request No. RQS 2004, RL 2012-17.

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

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

Passed April 9, 2012.

Effective April 13, 2012.

Ord. No. 204-12.

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

An emergency ordinance authorizing the Director of Public Works to exercise the first option to renew Contract No. 69918 with AVI Food Systems, Inc. to provide for the operation of soft drinks, candy, snacks, and other vending machines throughout various city-owned and City-leased buildings; and to amend Contract No. 69918 to change certain terms of the contract.

Whereas, under the authority of Ordinance No. 98-09, passed February 2, 2009, the Director of Public Works entered into Contract No. 69918 with AVI Food Systems, Inc. to provide for the operation of soft drinks, candy, snacks, and other vending machines throughout various city-owned and City-leased buildings; and

Whereas, Ordinance No. 98-09 requires further legislation before exercising the first option to renew on this contract; and

Whereas, the Department of Public Works and AVI Food Systems, Inc. have agreed to make changes to Contract No. 69918 concerning mutually beneficial changes; 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 Works is authorized to exercise the first option to renew Contract No. 69918 with AVI Food Systems, Inc. for an additional year to provide for the operation of soft drinks, candy, snacks, and other vending machines throughout various city-owned and city-leased buildings.

Section 2. That the Director of Public Works is authorized to enter into an amendment to Contract No. 69918 with AVI Food Systems, Inc. requiring that, beginning with the option term, vending machines will be stocked with 100% healthy products and deleting the minimum concession fee guaranteed by the concessionaire.

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

Passed April 9, 2012.

Effective April 13, 2012.

Ord. No. 206-12.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Domestic Violence & Child Advocacy Center for the FY 2011 OVW Education 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 Safety is authorized to apply for and accept a grant in the approximate amount of \$60,000.00, and any other funds that may become available during the grant term, from the Domestic Violence & Child Advocacy Center for the FY 2011 OVW Education 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 budget detail worksheet for the grant contained in the file described below.

Section 2. That the budget detail worksheet for the grant, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in File No. 206-12-A, is made a part of this ordinance as if fully rewritten, is approved in all respects, and shall not be changed without additional legislative authority.

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

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

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

Passed April 9, 2012.

Effective April 13, 2012.

Ord. No. 207-12.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Office of Criminal Justice Services for the 2012 Ohio Drug Law Enforcement Fund Grant (FY 2011); and authorizing the Director to enter into one or more contracts with various 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 Safety is authorized to apply for and accept a grant in the approximate amount of \$250,000, and any other funds that may become available during the grant term from the Ohio Office of Criminal Justice Services to conduct the 2012 Ohio Drug Law Enforcement Fund Grant (FY 2011); 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 subgrant application for the grant contained in the file described below.

Section 2. That the subgrant application for the grant, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in File No. 207-12-A, is made a part of this ordinance as if fully rewritten, including the obligation of the City of Cleveland to provide cash matching funds in the amount of \$83,334 from Fund Nos. 10 SF 025, 10 SF 027, and 10 SF 049, is approved in all respects, and shall not be changed without additional legislative authority.

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

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

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

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

Passed April 9, 2012.

Effective April 13, 2012.

Ord. No. 210-12.

By Council Member Cleveland.

An emergency ordinance designating the Murrell-Capers House as a Cleveland Landmark.

Whereas, under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, the Cleveland Landmarks Commission (the "Commission"), has proposed to designate the Murrell-Capers House as a landmark; and

Whereas, the owner of the Murrell-Capers House has been properly notified and has consented in writing to the proposed designation; and

Whereas, the Commission has recommended designation of the Murrell-Capers House as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health, and safety in that the immediate protection of the historic landmark is necessary to safeguard the special historical, community, or aesthetic interest or value in the landmark; now, therefore

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

Section 1. That the Murrell-Capers House, whose street address in the City of Cleveland is 2380 East 40th Street, S. E., Cuyahoga County Auditor's Permanent Parcel Number is 103-31-019, and is also known as the following described property:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being the Southerly 12 and feet from front to rear of Sublot Number 259 and the Northerly 25 feet from front to rear of Sublot Number 258 in Leonard Case's Subdivision of part of Original Ten Acre Lots Numbers 44, 45, 46, and 47, as shown by the recorded plat of said subdivision in Volume 8 of Maps, Page 36 of Cuyahoga County Records, said parts of Sublots Numbers 259 and 258 together forming a parcel of land having a frontage of 37 and feet on the Westerly side of East 40th Street (formerly Case Avenue) and extending back between parallel lines 150 feet, as appears by said plat, be the same more or less but subject to all legal highways;

Description approved by Greg Esber, Section Chief Plats, Surveys and House Number Section Division of Engineering & Construction which in its entirety is a property having special character or special historical or aesthetic value as part of the development, heritage, or cultural characteristics of the City, State, or the United States, is designated a landmark under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

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

Passed April 9, 2012.
Effective April 13, 2012.

Ord. No. 211-12.
By Council Member Zone.
An emergency ordinance designating the Johnny Kilbane House as a Cleveland Landmark.

Whereas, under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976, the Cleveland Landmarks Commission (the "Commission"), has proposed to designate the Johnny Kilbane House as a landmark; and

Whereas, the owner of the Johnny Kilbane House has been properly notified and has consented in writing to the proposed designation; and

Whereas, the Commission has recommended designation of the Johnny Kilbane House as a landmark and has set forth certain findings of fact constituting the basis for its decision; and

Whereas, this ordinance constitutes an emergency measure providing for the immediate preservation of the public peace, property, health, and safety in that the immediate protection of the historic landmark is necessary to safeguard the special historical, community, or aesthetic interest or value in the landmark; now, therefore

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

Section 1. That the Johnny Kilbane House, whose street address in the City of Cleveland is 7413 Herman Avenue, N. W., Cuyahoga County Auditor's Permanent Parcel Num-

ber is 002-05-082, and is also known as the following described property:

Situated in the City of Cleveland, County of Cuyahoga, and State of Ohio and known as being Sublot Number 19 in William P. Taft's Allotment of part of Original Brooklyn Township Lot Number 29, as shown by the recorded plat in Volume 9 of Maps, Page 14 of Cuyahoga County Records and being 40 feet front on the Southerly side of Herman Avenue, N. W., and extending back of equal width 120 feet, as appears by said plat;

Description approved by Greg Esber, Section Chief Plats, Surveys and House Number Section Division of Engineering & Construction which in its entirety is a property having special character or special historical or aesthetic value as part of the development, heritage, or cultural characteristics of the City, State, or the United States, is designated a landmark under Chapter 161 of the Codified Ordinances of Cleveland, Ohio, 1976.

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

Passed April 9, 2012.
Effective April 13, 2012.

Ord. No. 247-12.
By Council Members Cimperman, Brancatelli and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Economic Development to enter into a Tax Increment Financing Agreement with 800 Superior, LLC, a Delaware limited liability company to provide for service payments for the purpose of developing such site; and to declare certain improvements to such site to be a public purpose under Section 5709.41 of the Ohio Revised Code.

Whereas, the City of Cleveland, Ohio (the "City") has indicated its willingness to provide a tax increment financing under Section 5709.41 of the Ohio Revised Code in order to assist 800 Superior, LLC, a Delaware limited liability company (the "Current Owner"), an affiliate of Amtrust Financial Services, Inc., a Delaware corporation ("Amtrust"), and Integon National Insurance Company, a North Carolina corporation ("Integon"), or another affiliate of Amtrust or Integon to which the Site (as defined below) has been or will be conveyed by the Current Owner (either one, the "Owner"), in the financing of a portion of the costs of the redevelopment of the 800 Superior Building (the "Project") located on the land described on Exhibit A attached hereto (the "Site"), which is in the business district of the City; and

Whereas, pursuant to the authority of Ordinance No. 209-12 passed _____ and in order to create or preserve jobs and improve the economic welfare of the people of the City, the City acquired fee title to the Site from the Owner, prior to adoption of this Ordinance and then conveyed it back to the Owner; and

Whereas, to assist the Owner in financing a portion of the costs of the Project, including relocation

costs, and thereby help Amtrust, Integon and the Owner redevelop the Site, attract jobs to the business district of the City and help reduce the high commercial vacancy rates at the Site, the City desires to declare certain improvements with respect to the Site to be a public purpose and exempt 100% of such improvements from real property taxes for a period of thirty (30) years under Section 5709.41 of the Ohio Revised Code;

Whereas, the City and the Owner will enter into a Tax Increment Financing Agreement (the "TIF Agreement"), pursuant to which the Owner will agree to make service payments in lieu of the exempted real property taxes (the "Service Payments"), and the City will make the Service Payments received by the City available to or at the direction of the Owner to assist the Owner in financing a portion of the costs of the Project;

Whereas, the City has determined that a portion of the Service Payments shall be paid to the Cleveland City School District (the "District") by the Cuyahoga County Auditor in an amount equal to the real property taxes that the District would have been paid if improvements to the Site located in the District had not been exempted from taxation pursuant to this Ordinance; and

Whereas, this Council finds and determines that notice of this proposed Ordinance has been delivered to all affected city, local, exempted village or joint vocational school districts in accordance with Sections 5709.41(C)(4) and 5709.83 of the Ohio Revised Code and hereby ratifies the giving of that notice; 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 hereby finds and declares that 100% of the "Improvements" ("Improvements" has the same meaning herein as defined in Section 5709.41 of the Ohio Revised Code) with respect to the Site, but excluding any and all residential Site located within the Site, to be a public purpose, and 100% of the Improvements are hereby declared to be a public purpose and exempt from real property taxation for a period of thirty (30) years, which exemption period shall commence on the effective date of this Ordinance and extend until the 30th anniversary of such effective date, all in accordance with Ohio Revised Code Sections 5709.41 to 5709.43.

Section 2. That pursuant to Section 5709.42 of the Ohio Revised Code, the Owner or any future owners of the Site shall be required to make annual service payments in lieu of taxes (the "Service Payments") to the Cuyahoga County Treasurer on or before the final dates for payment of real property taxes; and such Service Payments shall be charged and collected in the same manner, and shall be in an amount not less than the taxes that would have been paid, had the Improvement not been exempt from taxation.

Section 3. That pursuant to Section 5709.43 of the Ohio Revised Code there is hereby established the 800 Superior Building Urban Redevelop-

ment Tax Increment Equivalent Fund (the "Fund").

Section 4. That a portion of the Service Payments collected pursuant to Section 2 hereof shall be distributed by the Cuyahoga County Treasurer to the Treasurer of the District in the amount of the taxes that would have been payable to the District had the Improvements not been exempt from taxation.

Section 5. That the balance of the Service Payments collected pursuant to Section 2 hereof shall be distributed by the Cuyahoga County Treasurer to the Treasurer of the City of Cleveland and deposited in the Fund to be applied to financing a portion of the costs of the Project pursuant to the TIF Agreement.

Section 6. That the Director of Economic Development is hereby authorized to enter into the TIF Agreement 800 Superior, LLC, a Delaware limited liability company to provide for the exemption and Service Payments described herein, including agreements securing the Service Payments described in Section 2 of this Ordinance, and the terms and conditions under which the Service Payments deposited in the Fund shall be applied to in financing a portion of the costs of the Project, which agreement or agreements shall contain such other terms and conditions as the Directors of Economic Development and Law deem necessary to protect the public interest.

Section 7. That the Clerk is hereby directed to forward a copy of this Ordinance to the County Auditor of Cuyahoga County and, not later than fifteen (15) days after the passage of this Ordinance, to the Director of the Department of Development of the State of Ohio. On or before March 31 of each year that the exemption set forth herein remains in effect, the Clerk or other authorized officer of the City shall prepare and submit to the Director of the Department of Development of the State of Ohio the status report required under Section 5709.41(E) of the Ohio Revised Code.

Section 8. That it is hereby found and determined that all formal actions of this Council concerning and relating to the passage of this Ordinance were taken in an open meeting of this Council, and that all deliberations of this Council and of any of its committees that resulted in such formal action were taken in meetings open to the public, in compliance with all legal requirements including Section 121.22 of the Ohio Revised Code.

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

Passed April 9, 2012.

Effective April 13, 2012.

and repair water pumps, electric motors, controls, and appurtenances, including but not limited to inspection, supplies, repairing, testing, labor, and installation, if necessary, for the Division of Water, Department of Public Utilities, for a period up to two years.

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

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

Section 1. That the Director of Public Utilities is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period up to two years of the necessary items of materials, equipment, supplies, parts, and services necessary to test, maintain and repair water pumps, electric motors, controls, and appurtenances, including but not limited to inspection, supplies, repairing, testing, labor, and installation, if necessary, in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Water, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies under a delivery order against the contract or contracts certified by the Director of Finance. (RQN 2002, RL 2012-1)

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

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

Passed April 9, 2012.

Effective April 13, 2012.

Program; and authorizing the purchase by one or more requirement contracts of bulletproof vests, for the Division of Police, Department of Public Safety.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept grants in the aggregate amount of amount of \$212,164.24, and any other funds that become available during the grant term, from the U.S. Department of Justice, Bureau of Justice Assistance ("USDOJ") to conduct the FY 2010 and 2011 Bulletproof Vest Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grants; and that the funds are appropriated for the purposes described in the e-mails from the USDOJ and the applications for the grants contained in the file described below.

Section 2. That the e-mails from the USDOJ and the applications for the grants, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in File No. 251-12-A, made a part of this ordinance as if fully rewritten, including the obligation of the City of Cleveland to provide cash matching funds in the sum of \$212,164.24 from Fund Nos. 10 SF 025, 10 SF 027, 10 SF 049, is approved in all respects, and shall not be changed without additional legislative authority.

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

Section 4. That the Director of Public Safety is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements during the grant term of the necessary items of bulletproof vests, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Police, Department of Public Safety. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 5. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a delivery order against the contract or contracts certified by the Director of Finance.

Section 6. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Public Safety may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Ord. No. 248-12.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of materials, equipment, supplies, parts, and services necessary to test, maintain

Ord. No. 251-12.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept grants from the U.S. Department of Justice, Bureau of Justice Assistance for the FY 2010 and 2011 Bulletproof Vest

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

Passed April 9, 2012.

Effective April 13, 2012.

Ord. No. 254-12.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to inspect, test, maintain, and repair elevators, for the various divisions of City government, for a period not to exceed five years.

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

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

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a five year period of the necessary items of labor and materials necessary to inspect, test, maintain, and repair elevators, 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 various divisions of City government. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a delivery order against the contract or contracts certified by the Director of Finance. (RQN 1505, RL 2012-15)

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

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

Passed April 9, 2012.

Effective April 13, 2012.

Ord. No. 261-12.

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

An emergency ordinance authorizing the purchase by one or more requirement contracts of the purchase of various types of machines and equipment, and labor and materials to repair and maintain various types of machines and equipment, for the Division of Water, Department of Public Utilities, for a period of up to two years, with a one-year option to renew, exercisable by additional legislative authority.

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

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

Section 1. That the Director of Public Utilities is authorized to 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, with a one-year option to renew, exercisable by additional legislative authority, of the necessary items of various types of machines and equipment, and labor and materials to repair and maintain various types of machines and equipment in the approximate amount as purchased during the preceding term, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Division of Water, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a delivery order against the contract or contracts certified by the Director of Finance. (RQN 2002, RL 2012-8)

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

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

Passed April 9, 2012.

Effective April 13, 2012.

Ord. No. 265-12.

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

An emergency ordinance authorizing the Director of Public Works to employ one or more professional consultants to provide armed security services at various indoor and outdoor recreation facilities, including but not limited to, outdoor pools, recreation centers, and various surrounding play areas, for a period not to exceed 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 employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to provide armed security services at various indoor and outdoor recreation facilities, including but not limited to, outdoor pools, recreation centers, and various surrounding play areas, for a period not to exceed one year.

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

Section 2. That the cost of the contract or contracts authorized shall be paid from Fund No. 01-7004-6380, Request No. RQS 7004, RL 2012-28.

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

Passed April 9, 2012.

Effective April 13, 2012.

Ord. No. 267-12.

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

An emergency ordinance authorizing the Director of Economic Development to enter into a grant agreement with The Cuyahoga County Community Improvement Corporation to provide economic development assistance to partially finance the Grow Cuyahoga County Fund 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 a grant agreement with The Cuyahoga County Community Improvement Corporation to provide economic development assistance to partially finance the Grow Cuyahoga County Fund Program which assists small businesses within Cuyahoga County to obtain the financing required to grow their businesses.

Section 2. That the costs of the grant shall not exceed an amount of \$200,000 and shall be paid from Fund No. 17 SF 652, Request No. RQS 9501, RL 2012-34.

Section 3. That the agreement and other appropriate documents needed to complete the transaction authorized by this legislation 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.

Passed April 9, 2012.
Effective April 13, 2012.

Ord. No. 445-12.
By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of building materials and used paving bricks, for the various divisions of City government, for the period of one year, with one option to renew exercisable by the Director of Finance.

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

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

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period of one year, with one option to renew exercisable by the Director of Finance, of the necessary items of building materials and used paving bricks, 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 various divisions of City government, Department of Finance. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies under a delivery order against the contract or contracts certified by the Director of Finance. (RQN 1505, RL-2012-22)

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

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

Passed April 9, 2012.
Effective April 13, 2012.

Ord. No. 446-12.
By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of janitorial supplies and equipment, for the various divisions of City government, for a period of two years, with one option to renew for an additional year, exercisable through additional legislative authority.

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

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

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

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies under a delivery order against the contract or contracts certified by the Director of Finance. (RQN 1505, RL 2012-23)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies.

The Director of Finance may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

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

Passed April 9, 2012.
Effective April 13, 2012.

Ord. No. 447-12.
By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of electronic protection services, for the various divisions of City government, for a period of three years with two one-year options to renew, exercisable through additional legislative authority.

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

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

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period of three years, with two one-year options to renew, exercisable through additional legislative authority, for the necessary items of electronic protection services, 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 various divisions of City government. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies under a delivery order against the contract or contracts certified by the Director of Finance. (RQN 1505, RL 2012-16)

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

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

Passed April 9, 2012.

Effective April 13, 2012.

Ord. No. 448-12.

By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the purchase by one or more requirement contracts of industrial paper products, for the various divisions of City government, for a period of two years, with one option to renew for an additional year, exercisable through additional legislative authority.

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

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

Section 1. That the Director of Finance is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements for a period of two years, with one option to renew for an additional year, exercisable through additional legislative authority, for the necessary items of industrial paper products in the approximate amount as purchased during the preceding term, purchased by the Commissioner of Purchases and Supplies on a unit basis for the various divisions of City government. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term. The Director of Finance is authorized to enter into one or more contracts with a term of two years instead of one year when there is a financial advantage to the City. For purposes of this ordinance, a financial advantage shall be determined by the Director of Finance by comparing the bids received for both terms.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of any purchase under the contract, each of which purchases shall be made on order of the Commissioner of Purchases and Supplies under a delivery order against the contract or contracts certified by the Director of Finance. (RQN 1505, RL 2012-21)

Section 3. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Finance may sign all documents that are necessary to

make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

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

Passed April 9, 2012.

Effective April 13, 2012.

Ord. No. 491-12.

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

An emergency ordinance authorizing the Director of Community Development to apply for and accept a grant from the State of Ohio Department of Development for the 2012 Home Weatherization Assistance Program; and to enter into contracts necessary 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 Community Development is authorized to apply for and accept a grant in the approximate amount of \$2,248,743, from the State of Ohio Department of Development to conduct the 2012 Home Weatherization Assistance Program; that the Director of Community Development is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, presented to the Finance Committee of this Council at a public hearing on this legislation and set forth in File No. 491-12-A, is made a part of this ordinance as if fully rewritten, is approved in all respects, and shall not be changed without additional legislative authority.

Section 3. That the Director of Community Development is authorized to enter into one or more contracts with individual landlords, tenants, contractors, and various non-profit organizations, including but not limited to, Cleveland Housing Network, Cudell Improvement, Inc., Community Housing Solutions, Mt. Pleasant NOW Development Corporation, Fairfax Renaissance Development Corporation, and the Detroit Shoreway Community Development Organization, to provide weatherization assistance to low-income City residents through this program.

Section 4. That the costs of these contracts shall be paid from the fund or funds 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.

Passed April 9, 2012.

Effective April 13, 2012.

Ord. No. 501-12.

By Council Member Reed.

An emergency ordinance authorizing the Director of the Department of Public Safety to enter into an agreement with the Slavic Village Development Corporation for the Neighborhood Safety and Security Program for the Warner Road Neighborhood Area through the use of Ward 2 Neighborhood Capital Funds.

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

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

Section 1. That the Director of the Department of Public Safety be authorized to enter into an agreement with the Slavic Village Development Corporation for the Neighborhood Safety and Security Program for the public purpose of joint collaboration with the Fourth District Police Station on safety activities and the coordination of the use of security cameras along the commercial area in the Warner Road neighborhood area that is in the city of Cleveland through the use of Ward 2 Neighborhood Capital 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 177.

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.

Passed April 9, 2012.

Effective April 13, 2012.

Ord. No. 502-12.

By Council Member Brancatelli.

An emergency ordinance consenting and approving the issuance of a permit for the Morgana Run, on June 10, 2012, sponsored by Hermes Sports & Events, Inc.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Morgana Run, sponsored by Hermes Sports & Events, Inc. on June 10, 2012, with the Run beginning at East 75th &

Aetna, East 75th to Fleet; Fleet to East 49th; East 49th to Morgan Run Trail to East 75th; East 75th to Aetna and Finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed April 9, 2012.
Effective April 13, 2012.

Ord. No. 503-12.

By Council Member Cimperman.
An emergency ordinance consenting and approving the issuance of a permit for the Annual Diversity Center of Northeast Ohio Walk/Run, on May 5, 2012.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Annual Diversity Center of Northeast Ohio Walk/Run, on May 5, 2012, start: Erieside and Rock Hall, Erieside to East 9th, East 9th to North Marginal, North Marginal to Burke Airport Loop Drive, Loop Drive to North Marginal, North Marginal to East 9th, East 9th to Lakeside, Lakeside to West 3rd, West 3rd to St. Clair, St. Clair to West 9th, West 9th to West Lakeside, West Lakeside to West 3rd, West 3rd to Erieside to finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed April 9, 2012.
Effective April 13, 2012.

Ord. No. 504-12.

By Council Member Cimperman.
An emergency ordinance consenting and approving the issuance of a permit for the Providence House Annual City to City Run, on April 29, 2012, sponsored by Hermes Sports & Events Inc.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Providence House Annual City to City Run on April 29, 2012 with the Run beginning at Huron and West 2nd, Huron to Superior, Superior across Veterans Memorial Bridge to Detroit, Detroit to West 28th, West 28th to Fulton, Fulton to West 32nd, West 32nd to Lorain, cross Lorain (turn around) return same route to finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed April 9, 2012.
Effective April 13, 2012.

Ord. No. 505-12.

By Council Member Cimperman.
An emergency ordinance consenting and approving the issuance of a permit for the Urban Community Schools Run, sponsored by Hermes Sports & Events, on May 5, 2012.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Urban Community Schools Run, on May 5, 2012, start: West 48th and Lorain; West 48th to Franklin; Franklin to West 29th; West 29th to Circle Dr.; Circle Dr. to Fulton; Fulton to Bridge; Bridge to West 36th; West 36th to Fulton; return same route to finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976.

Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed April 9, 2012.
Effective April 13, 2012.

Ord. No. 506-12.

By Council Member Cimperman.
An emergency ordinance consenting and approving the issuance of a permit for the Westside Catholic Center Run, on June 2, 2012, sponsored by Hermes Sports & Events.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Westside Catholic Center Run, on June 2, 2012, start: Westside Catholic Center, West 32nd and Lorain, West 32nd to Fulton, Fulton to Franklin Blvd.; Franklin Blvd. to West 65th; turn around; Franklin Blvd. to West 38th, West 38th to Lorain and finish at the Westside Catholic Center, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed April 9, 2012.
Effective April 13, 2012.

Ord. No. 507-12.

By Council Members Westbrook and Zone.

An emergency ordinance consenting and approving the issuance of a permit for the Hermes Cleveland 10 Miler, on April 28, 2012, sponsored by Hermes Sports & Events Inc.

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

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

Section 1. That pursuant to Section 411.06 of the Codified Ordinances of Cleveland, Ohio 1976, this Council consents to and approves the holding of the Hermes Cleveland 10 Miler, sponsored by Hermes Sports & Events, Inc. on April 28, 2012, Start: Edgewater Park, exit park west up bike path to West Blvd., south on West Blvd. to Lake, Lake west to West 117th then into the City of Lakewood, returning from Lakewood east on Lake to Detroit, east on Detroit to West 76th, north on West 76th to Father Caruso Drive, east on Father Caruso to tunnel to Edgewater park and finish, provided that the applicant sponsor shall meet all the requirements of Section 411.05 of the Codified Ordinances of Cleveland, Ohio, 1976. Streets may be closed as determined by the Chief of Police and safety forces as may be necessary in order to protect the participants in the event. Said permit shall further provide that the City of Cleveland shall be fully indemnified from any and all liability resulting from the issuance of the same, to the extent and in form satisfactory to the Director of Law.

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

Passed April 9, 2012. Effective April 13, 2012.

Ord. No. 514-12. By Council Member K. Johnson. An emergency ordinance authorizing and directing the Director of Capital Projects to issue a permit to Peace in the Hood Discovery Center to stretch banners at 9922 Kinsman Road, on the east side and west side of Kinsman; and 9918 Kinsman on the east side and west side of Kinsman, for the period from April 10, 2012 to May 9, 2012, inclusive, publicizing the 3rd Annual International Walk and Run for Peace, Justice and Empowerment.

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

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

Section 1. That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Capital Projects is hereby authorized and directed to issue a permit to the Peace in the Hood Discovery Center to stretch banners at 9922 Kinsman Road, on the east side and west side of Kinsman; and 9918 Kinsman on the east side and west side of Kinsman, for the period from April 10, 2012 to May 9, 2012, publicizing the 3rd Annual International Walk and Run for Peace, Justice and Empowerment, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

Passed April 9, 2012. Effective April 13, 2012.

COUNCIL COMMITTEE MEETINGS

Monday, April 16, 2012 9:30 a.m.

Public Service Committee: Present: Miller, Chair; Cummins, Vice Chair; Keane, Sweeney. Authorized Absence: Cleveland, Dow, K. Johnson, Polensek, Pruitt.

2:00 p.m.

Finance Committee: Present: Sweeney, Chair; Kelley, Vice Chair; Brady, Brancatelli, Cleveland, Keane, Miller, Mitchell, Polensek, Pruitt, Westbrook. Pro tempore: Cimperman, Reed.

Wednesday, April 18, 2012 10:00 a.m.

Public Safety Committee: Present: Conwell, Chair; Polensek, Vice Chair; Brady, Cleveland, Cummins, Dow, Miller, Mitchell. Authorized Absence: Zone. Pro tempore: Reed.

1:30 p.m.

Public Utilities Committee: Present: Kelley, Chair; Brady, Vice Chair; Conwell, Cummins, Dow, Miller, Polensek, Pruitt, Westbrook.

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O—Ordinance; R—Resolution; F—File Bold figures—Final Publication; D—Defeated; R—Reprint; T—Tabled; V—Vetoed; Bold type in sections indicates amendments

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