

# The City Record

Official Publication of the Council of the City of Cleveland



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September the Fourteenth, Two Thousand and Eleven

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**Frank G. Jackson**  
Mayor

**Martin J. Sweeney**  
President of Council

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

**Ward Name**

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

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[www.clevelandcitycouncil.org](http://www.clevelandcitycouncil.org)

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# DIRECTORY OF CITY OFFICIALS

## CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

Ward Name Residence

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

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

First Assistant Clerk – Sandra Franklin

**MAYOR** – Frank G. Jackson

Ken Silliman, Secretary to the Mayor, Chief of Staff

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

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

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

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

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

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

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

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

**OFFICE OF CAPITAL PROJECTS** – Jonmarie Wasik, Director

**DIVISIONS:**

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

Engineering and Construction – \_\_\_\_\_, Manager

Real Estate – \_\_\_\_\_, Commissioner

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

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

Room 106; Michael Ruffing, Law Librarian, Room 100

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

Frank Badalamenti, Manager, Internal Audit

**DIVISIONS:**

Accounts – Richard W. Sensenbrenner, Commissioner, Room 19

Assessments and Licenses – Dedrick Stephens, Commissioner, Room 122

City Treasury – \_\_\_\_\_, Treasurer, Room 115

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

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

Avenue

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

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

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

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

**DIVISIONS:**

Cleveland Public Power – Ivan Henderson, Commissioner

Street Lighting Bureau – \_\_\_\_\_, Acting Chief

Utilities Fiscal Control – Dennis Nichols, Commissioner

Water – Bernardo Garcia, Commissioner

Water Pollution Control – Rachid Zoghaib, Commissioner

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

International Airport, 5300 Riverside Drive

**DIVISIONS:**

Burke Lakefront Airport – Khalid Bahhur, Commissioner

Cleveland Hopkins International Airport – Fred Szabo, Commissioner

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

**OFFICES:**

Administration – John Laird, Manager

Special Events and Marketing – Tangee Johnson, Manager

**DIVISIONS:**

Motor Vehicle Maintenance – Daniel A. Novak, Commissioner

Park Maintenance and Properties – Richard L. Silva, Commissioner

Parking Facilities – Leigh Stevens, Commissioner

Property Management – Tom Nagle, Commissioner

Recreation – Kim Johnson, Commissioner

Streets – \_\_\_\_\_, Commissioner

Traffic Engineering – Robert Mavec, Commissioner

Waste Collection and Disposal – Ron Owens, Commissioner

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

Erievue Plaza

**DIVISIONS:**

Air Quality – Richard L. Nemeth, Commissioner

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

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

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

**DIVISIONS:**

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

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

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

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

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

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

**DIVISIONS:**

Administrative Services – Jesus Rodriguez, Commissioner

Fair Housing and Consumer Affairs Office – \_\_\_\_\_, Manager

Neighborhood Development – \_\_\_\_\_, Commissioner

Neighborhood Services – Louise V. Jackson, Commissioner

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

**DIVISIONS:**

Code Enforcement – Tyrone L. Johnson, Commissioner

Construction Permitting – Timothy R. Wolosz, Commissioner

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

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

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

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

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

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

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

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

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

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

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

Michael Fluckinger.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Render, Genesis O. Brown.

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

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

David Perkowski, Joan Shaver Washington, Keith Sutton.

**CLEVELAND BOXING AND WRESTLING COMMISSION** – Robert Jones, Chairman;

Clint Martin, Mark Rivera.

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

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

Kelley.

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

Whalen, Nancy Cronin, Elvin Vauss.

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

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

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

Keiser, Secretary.

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

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

J. Triozzi.

## CLEVELAND MUNICIPAL COURT

JUSTICE CENTER – 1200 ONTARIO STREET

JUDGE COURTROOM ASSIGNMENTS

Judge Courtroom

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

Judge Marilyn B. Cassidy – Courtroom 12B

Judge Michelle Denise Earley – Courtroom 12C

Judge Emanuella Groves – Courtroom 14B

Judge Anita Laster Mays – Courtroom 14C

Judge Lynn McLaughlin-Murray – Courtroom 12A

Judge Lauren C. Moore – Courtroom 14A

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

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

Judge Michael John Ryan – Courtroom 13A

Judge Angela R. Stokes – Courtroom 15C

Judge Pauline H. Tarver – Courtroom 13C

Judge Joseph J. Zone – Courtroom 14D

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

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

Magistrate, Victor Perez – City Prosecutor

# The City Record



71 OFFICIAL PUBLICATION OF THE COUNCIL OF THE CITY OF CLEVELAND

Vol. 98

WEDNESDAY, SEPTEMBER 14, 2011

No. 5101

## CITY COUNCIL

MONDAY, SEPTEMBER 12, 2011

The City Record  
Published weekly by the City Clerk,  
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City of Cleveland  
The City Record is available  
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[www.clevelandcitycouncil.org](http://www.clevelandcitycouncil.org)  
Address all communications to  
**PATRICIA J. BRITT**  
City Clerk, Clerk of Council  
216 City Hall

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

#### MONDAY — Alternating

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

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

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

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

#### MONDAY

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

#### TUESDAY

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

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

#### WEDNESDAY — Alternating

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

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

#### WEDNESDAY — Alternating

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

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

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

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

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

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

### OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio  
Monday, September 12, 2011  
The meeting of the Council was called to order, The President, Martin J. Sweeney in the Chair.

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

Also present were Mayor Frank G. Jackson, Ken Silliman, Chief of Staff, Darnell Brown, Chief Operating Officer, Valarie J. McCall, Chief of Government Affairs, Chris Warren, Chief of Regional Development, Monyka S. Price, Chief of Education, Maureen Harper, Chief of Communications, Andrea V. Taylor, Press Secretary, Natoya J. Walker-Minor, Chief of Public Affairs - Interim Director of Office of Equal Opportunity, and Directors Wasik, Triozzi, Dumas, Withers, Cox, Butler, Rush, Rybka, Southerington, Nichols, Griffin, Brown, Fumich, Lucille Ambroz, Secretary, Civil Service Commission.

Pursuant to Ordinance No. 2926-76, the opening prayer was offered by Pastor Myron Edmonds of Glenville S.D.A. Church, 737 East 105th Street located in Ward 8. Pledge of Allegiance.

#### MOTION

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

#### FROM THE DEPARTMENT OF LIQUOR CONTROL

**File No. 1250-11.**  
Re: #8001459 — D5, D6 Transfer of Ownership Application — 17th

Street Bar and Grill, LLC, 1740 East 17th Street, 1st Floor and Basement. (Ward 3) Received.

#### File No. 1251-11.

Re: #7196684 — C1 Transfer of Ownership Application — Ranchhod Kurpa, LLC, d.b.a. W14 BP, 3100 West 14th Street. (Ward 3) Received.

#### File No. 1252-11.

Re: #44288770001 — C1, C2 Transfer of Location Application — K B S Oil, Inc., d.b.a. Uncle Sams Beverage and Deli, 5616 Woodland Avenue. (Ward 5) Received.

#### File No. 1253-11.

Re: #40739630003 — C2, C2X Transfer of Location Application — Curtis Hunt, d.b.a. right On Time Food and Beverage, 6002 Woodland Avenue. (Ward 5) Received.

#### File No. 1254-11.

Re: #9087740 — D5A, D6 Stock Transfer Application — Tudor Arms Master Subtenant, LLC, 10660 Carnegie Avenue. (Ward 9) Received.

#### File No. 1255-11.

Re: #11643550010 — C2, C2X Transfer of Location Application — C E A M Investment Corp., d.b.a. Constantionos Market at Uptown, 11451 Euclid Avenue. (Ward 9) Received.

#### File No. 1256-11.

Re: #2805847- C1 New Application — Food Xpress and Gas, Inc., d.b.a. Gas USA, 12307 St. Clair Avenue. (Ward 10) Received.

#### File No. 1257-11.

Re: #22348150915 — C1 New Application — Dolgen Midwest, LLC., d.b.a. Dollar General Store, 11392, 6815 Broadway Avenue. (Ward 12) Received.

#### File No. 1258-11.

Re: #03701920001 — C1, C2 Stock Transfer Application — Badah Enterprise, Inc., d.b.a. Gasway, #2, 4702 Memphis Avenue. (Ward 13) Received.

#### File No. 1259-11.

Re: #15255190005 — C2 New Application — Clark Petroleum, LLC., 5110 Clark Avenue and Drive Up Window. (Ward 15) Received.

#### File No. 1260-11.

Re: #03701920005 — C1, C2, D6 Stock Transfer Application — Badah Enterprise, Inc., d.b.a. Marathon, 10606 Bellaire Road. (Ward 17) Received.

**File No. 1261-11.**

Re: #2317423 — D1, D2, D3, D3A, D6 Stock Transfer Application — Drumslide Corp, d.b.a. Pride of Erin, 12226-28 Lorain Avenue, 1st Floor and Basement. (Ward 17) Received.

**File No. 1262-11.**

Re: #98714520005 — C2, C2X Transfer of Ownership Application — ZKS 130 Inc., 1935 West 130th Street. (Ward 17) Received.

**File No. 1263-11.**

Re: #4104270 — D3A New Application — I X Center, Corp, d.b.a. I-X Center, Excl Southeast Portion, 6200 Riverside Drive. (Ward 18) Received.

**CONDOLENCE RESOLUTIONS**

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

**Res. No. 1264-11**—Jane Scott.

**Res. No. 1265-11**—Fred Henry Irvon.

**Res. No. 1266-11**—Ernestine Perry.

**Res. No. 1267-11**—Helen Jackson.

**Res. No. 1268-11**—Rev. Nathan N. Nance.

**Res. No. 1269-11**—Samuel David Moss, Jr.

**CONGRATULATION RESOLUTIONS**

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

**Res. No. 1270-11**—John James Morley, Sr.

**Res. No. 1271-11**—Beatrice Mtetwa.

**Res. No. 1272-11**—Patricia J. Britt.

**Res. No. 1273-11**—Rev. Richard Tray Parker.

**Res. No. 1274-11**—St. George Antiochian Orthodox Christian Church — 100th Anniversary.

**Res. No. 1275-11**—Raymond J. Marvar, Esq.

**Res. No. 1276-11**—Edward V. & Irene M. Morrow — 60th Anniversary.

**Res. No. 1277-11**—Joe Cimperman & Nora Romanoff.

**Res. No. 1278-11**—Stella L. Murphy.

**RECOGNITION RESOLUTIONS**

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

**Res. No. 1279-11**—National Hispanic Heritage Month.

**Res. No. 1280-11**—Cleveland Culinary Celebration Week / "Fabulous Food Show".

**Res. No. 1281-11**—Center for International Affairs.

**Res. No. 1282-11**—Terrence Spivey.

**Res. No. 1283-11**—Rev. Bill Merriman.

**APPRECIATION RESOLUTIONS**

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

**Res. No. 1284-11**—Robert J. Triozzi.

**Res. No. 1285-11**—Le Nguyen.

**Res. No. 1286-11**—Robert Frischauf.

**Res. No. 1287-11**—Pamela L. George-Merrill.

**WELCOME RESOLUTION**

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

**Res. No. 1288-11**—Sharon K. Cassler, Clerk of Council, Cambridge, Ohio.

**FIRST READING EMERGENCY ORDINANCES REFERRED****Ord. No. 1204-11.**

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

**An emergency ordinance authorizing the Director of Capital Projects to employ one or more professional consultants to conduct a remote bridge operation feasibility study for up to six moveable bridges and to recommend improvements; determining the method of making the public improvement of constructing the accepted improvements regarding bridge operation; authorizing the Director of Capital Projects to enter into one or more public improvement contracts for the making of the improvement; authorizing the Commissioner of Purchases and Supplies to acquire for right-of-way purposes such real property as is necessary to make the public improvement; to apply for and accept grants from public and private entities; authorizing the director to enter into one or more contracts with the railroad company and/or the GCRTA to obtain services and enter into agreements; authorizing the director to enter into a Local Project Administration agreement with the Ohio Department of Transportation to make the improvement; and authorizing an agreement with the United States Coast Guard.**

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

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

**Section 1.** That the Director of Capital Projects is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to conduct a remote bridge operation feasibility study for the following six moveable bridges and to recommend improvements: West 3rd, Carter, Columbus, Eagle, Center, and Willow bridges.

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 authorized 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 of constructing the accepted improvements on the bridges, as recommended under the

feasibility study (the "Improvement"), for the office of Capital Projects, by one or more contracts duly let to the lowest responsible bidder or bidders after competitive bidding on a unit basis for the Improvement.

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

**Section 4.** That the Director of Capital Projects is authorized to 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 Director of Capital Projects is authorized to apply for and accept grants from any public or private entities for the purpose of the feasibility study and/or the Improvement. The Director is further authorized to file all papers and execute all documents necessary to receive the funds accepted under this ordinance and, upon acceptance of the funds by the Director, they shall be appropriated for the purposes set forth in this ordinance.

**Section 6.** That the Director of Capital Projects is authorized to enter into a Local Project Administration agreement with the Ohio Department of Transportation to partially finance and construct the Improvement.

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

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

**Section 9.** That the Director of Capital Projects is authorized to enter into one or more contracts with the railroads, GCRTA, and other entities, to obtain services or to acquire property rights such as easements and licenses, necessary for the Improvement.

**Section 10.** That the Director of Capital Projects is authorized to enter into one or more agreements with the United States Coast Guard to effectuate this ordinance.

**Section 11.** That the cost of the contracts, property acquisition, or other expenditure authorized in this ordinance 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 which are credited the proceeds of the Local Project Administration agreement or any grants accepted under this ordinance. (RQS 4004, RL 2011-172)

**Section 12.** That this ordinance is declared to be an emergency measure and, provided it receives the affirma-

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

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

**Ord. No. 1205-11.**

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

**An emergency ordinance determining the method of making the public improvement of repairing Old Hogsback Road, Phase II, from the intersection of Old Hogsback Road and Riverside Road to approximately 1,000 feet south, and making site improvements; authorizing the Director of Capital Projects to enter into one or more public improvement contracts to construct the improvement; authorizing the director to employ one or more professional consultants necessary to prepare final design plans; authorizing the Commissioner of Purchases and Supplies to acquire for right-of-way purposes any real property and easements necessary to make the improvement; authorizing one or more agreements with the Cleveland Metropolitan Park Board to implement Phase I of the improvement; and causing payment to the Park Board for the City's Phase I cost 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 repairing Old Hogsback Road, Phase II, from the intersection of Old Hogsback Road and Riverside Road to approximately 1,000 feet south, and making site improvements (the "Improvement"), for the Department 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 2.** That the Director of Capital Projects is authorized to enter into one or more contracts for the making of the 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 3.** That the Director of Capital Projects 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 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 services necessary to pre-

pare final design plans for 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 authorized shall be prepared by the Director of Law, approved by the Director of Capital Projects, and certified by the Director of Finance.

**Section 5.** 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 any real property and easements as is necessary to make the Improvement described in this ordinance. The consideration to be paid for the property and easements shall not exceed fair market value.

**Section 6.** That the Director of Capital Projects is authorized to execute on behalf of the City all documents necessary to acquire the property and easements and to employ and pay all fees for title companies, surveys, escrows, appraisers, and all other costs necessary for the acquisition of the property and easements.

**Section 7.** That the Director of Capital Projects is authorized to enter into one or more agreements with the Cleveland Metropolitan Park Board to implement Phase I of the Improvement, which consists of clearing the site, and performing the slope reconstruction.

**Section 8.** That this Council authorizes payment to the Cleveland Metropolitan Park Board of the City's share of the Phase I improvement.

**Section 9.** That the cost of the Phase I payment to the Cleveland Metropolitan Park Board, and Phase II contracts, property acquisition, and other expenditures authorized in this ordinance shall be paid from Fund No. 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, and 20 SF 540, Request No. RQS 4004, RL 2011-178.

**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. 1206-11.**

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

**An emergency ordinance giving consent of the City of Cleveland to the Director of Transportation of the State of Ohio for upgrading the signs, signals, and pavement markings on Broadway Avenue at the Ackley Road and Union Street intersection; authorizing the Director of Capital Projects to enter into any relative agreements; and causing payment of the City's share to the State for the cost 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 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: upgrading the signs, signals, and pavement markings on Broadway Avenue at the Ackley Road and Union Street intersection (the "Improvement").

**Section 2.** That the City proposes to cooperate with the State in the cost of the Improvement by assuming and contributing the entire cost and expense of the Improvement, less the amount of federal funds allocated by the Federal Highway Administration, United States Department of Transportation. 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.** That on completion of the Improvement, the City will:

(a) Maintain the Improvement according to the provisions of the statutes relating thereto and make ample financial and other provisions for the maintenance;

(b) Maintain the right-of-way and keep it free of obstruction in a manner satisfactory to the State and hold the right-of-way inviolate for public highway purposes;

**Section 5.** (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 arrangements have been or will be made with and agreements obtained from all utility companies whose lines or structures will be affected by the Improvement. That the companies have agreed to make any and all necessary rearrangements in such manner as to be clear of any construction called for by the plans for the Improvement. That the companies have agreed to make necessary rearrangements immediately after notification by the City or the State.

(d) That the City, at its own expense, shall make all rearrangements of water mains, service lines, fire hydrants, valve boxes, sanitary sewers, or other City-owned utilities and appurtenances which do not comply with the reimbursement provisions of ODOT Utilities Manual. Publicly-owned facilities which do com-

ply with the reimbursement provisions of the ODOT Utilities Manual will be removed and/or relocated at project expense, exclusive of betterments.

(e) That the installation of all utility facilities, relocation, and reimbursement on the right-of-way shall conform with the requirements of Title 23 CFR 645 and the ODOT Utilities Manual.

**Section 6.** That the Director of Capital Projects is authorized to enter into contracts with ODOT pre-qualified consultants for the preliminary engineering phase of the Improvement and to enter into contracts with the Director of Transportation necessary to complete the above described project. Upon the request of ODOT, the Director of Capital Projects is also authorized to assign all rights, title, and interests of the City to ODOT arising from any agreement with its consultant in order to allow ODOT to direct additional or corrective work, recover damages due to errors or omissions, and to exercise all other contractual rights and remedies afforded by law or equity.

**Section 7.** That the City agrees that if Federal Funds are used to pay the cost of any consultant contract, the City shall comply with 23 CFR 172 in the selection of its consultant and the administration of the consultant contract. Further, the City agrees to incorporate ODOT's "Specifications for Consulting Services" as a contract document in all of its consultant contracts. The City agrees to require, as a scope of services clause, that all plans prepared by the consultant must conform to ODOT's current design standards and that the consultant shall be responsible for ongoing consultant involvement during the construction phase of the Improvement. The City agrees to include a completion schedule acceptable to ODOT and to assist ODOT in rating the consultant's performance through ODOT's Consultant Evaluation System.

**Section 8.** That this Council requests the State to proceed with the Improvement.

**Section 9.** That this Council authorizes payment to the State of the City's share of the Improvement 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, and 20 SF 540, Request No. RQS 4004, RL 2011-173.

**Section 10.** That the Clerk of Council is authorized and directed to transmit to the State three (3) certified copies of this ordinance immediately upon its taking effect, and it shall become the basis for proceeding with the Improvement.

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

**Ord. No. 1207-11.**

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

**An emergency ordinance authorizing the Director of Capital Projects to issue a permit to Northeast Shores Development Corporation to encroach**

**into the public right-of-way at 15605 Waterloo Road by installing, using, and maintaining two concrete walls covered by tile art.**

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 Northeast Shores Development Corporation, 317 East 156th Street, Cleveland, Ohio 44110 ("Permittee"), to encroach into the public right-of-way at 15605 Waterloo Road by installing, using, and maintaining two 56" long x 16" wide x 34" high concrete wall covered by tile art, at the following location:

Within the sidewalk area in front of 15605 Waterloo Road, 31.5 feet east and 36.5 feet east of easterly right of way of East 156th Street and 7 feet south of northerly right of way of Waterloo Road.

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.

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

**Ord. No. 1208-11.**

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

**An emergency ordinance authorizing the Director of Capital Projects to issue a permit to Apocalypse Development, LLC to encroach into the public right-of-way of West 25th Street by installing, using, and maintaining a ramp to meet ADA standards for accessibility.**

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 Apocalypse Development, LLC, 2168 West 25th Street, Cleveland, Ohio 44113 ("Permittee"), to encroach into the public right-of-way of West 25th Street by installing, using, and maintaining a ramp to meet ADA standards for accessibility, at the following described location:

**Ramp encroachment**

Situated in the City of Cleveland, County of Cuyahoga, State of Ohio and being a part of Original Brooklyn Township Lot No. 69, and being further bounded and described as follows:

Beginning at a drill hole found in a stone monument in a monument box at the intersection of the centerlines of Chatham Avenue (66 feet wide) and West 26th Street (50 feet wide);

Thence South 31° 04' 55" East, a distance of 33.00 feet along the centerline of said West 26th Street to a point thereon;

Thence North 58° 42' 15" East, passing through a point at a distance of 25.00, being the Northwesterly corner of Sublot No. 98 of the Barber and Lords Subdivision as recorded in Plat Volume 11, Page 26 of Cuyahoga County Map Records, being the intersection of the Southeasterly line of said Chatham Avenue and the Northwesterly line of said West 26th Street, a total distance of 144.91 feet along the Southeasterly line of said Chatham Avenue to a mag nail found thereon, being the centerline of West 25th Place as vacated by Ordinance No. 2478-85 and recorded in Vacation Plat of West 25th Place in Plat Volume 247, Page 21 of Cuyahoga County Map Records;

Thence South 31° 04' 55" East, a distance of 128.82 feet along the centerline of said West 25th Place (now vacated) to a mag nail found thereon, being a point on the Southeasterly line of Sublot No. 99 of said Barber and Lords Subdivision and being the Southwesterly corner of a parcel of land conveyed to United Twenty-Fifth Building, LLC by deed recorded in AFN 200810141064 of Cuyahoga County Recorder's Records on October 14, 2008;

Thence North 58° 42' 15" East, a distance of 119.98 feet along the Southeasterly line of said Sublot No. 99 of the Barber and Lords Subdivision to a drill hole found at the Southeasterly corner thereof; being a point on the Southwesterly line of West 25th Street (82.50 feet wide);

Thence South 31° 04' 32" East, a distance of 102.00 feet along the Southwesterly line of said West 25th Street, to a point and the PRINCIPAL PLACE of BEGINNING;

Thence South 31° 04' 32" East, continuing along the Southwesterly line of said West 25th Street (82.50 feet wide), a distance of 20.00 feet to a point;

Thence North 58° 55' 28" East, a distance of 6.50 feet to a point;

Thence North 31° 04' 32" West, a distance of 20.00 feet to a point;

Thence South 58° 55' 28" West, a distance of 6.50 feet to a point on the Southwesterly line of said West 25th Street and the PRINCIPAL PLACE of BEGINNING and containing 0.0030 acres of land as surveyed by Howard

R. Selee, Registered Surveyor No. 5471 of HOWARD R. SELEE and ASSOCIATES, INC., Professional Land Surveyors, dated July 22, 2011, be the same more or less, but subject to all legal highways. Basis of bearings is the centerline of Chatham Avenue (North 58° 42' 15" East).

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.

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

**Ord. No. 1209-11.**

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

**An emergency ordinance giving consent of the City of Cleveland to the Ohio Department of Transportation to upgrade the signs, signals, and pavement markings along Kinsman Avenue from Martin Luther King Jr. Boulevard to East 154th Street in the City of Cleveland.**

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 consent of the City of Cleveland is given to the Director of Transportation of the State of Ohio (the "Director of Transportation") to make the following improvements under the plans, specifications and estimates approved by the Director of Transportation to upgrade the signs, signals, and pavement markings along Kinsman Avenue from Martin Luther King Jr. Boulevard to East 154th Street in the City of Cleveland (the "Improvement").

**Section 2.** That the City proposes to cooperate with the State in the cost of the Improvement by assuming and

contributing the entire cost and expense of the Improvement, less the amount of federal funds allocated by the Federal-aid funds set aside by the State for the financing of this improvement from funds allocated by the Federal Highway Administration, U.S. Department of Transportation. 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 agreements with the Director of Transportation necessary to complete the planning and construction of the Improvement.

**Section 4.** That on completion of the Improvement, the City will maintain the rights-of-way and keep them free of obstructions in a manner satisfactory to the Director of Transportation and hold the rights-of-way inviolate for public high way -purposes and permit no signs, posters, billboards, roadside stands or other private installations within the limits of the rights-of-way.

**Section 5.** (a) That all existing streets and public rights-of-way within the City necessary for the Improvement shall be made available for the Improvement.

(b) That the City agrees that all rights-of-way required for the Improvement 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 rights-of-way shall conform with the requirements of Title 23 CFR 645 and the ODOT Utilities Manual.

**Section 6.** That this Council requests the State to proceed with the Improvement.

**Section 7.** That the Director of Capital Projects is authorized to enter into agreements with the State for the Improvement.

**Section 8.** That the Clerk of Council is authorized to transmit to the Director of Transportation three (3) certified copies of this ordinance immediately on taking effect, and it shall become the basis for proceeding with the Improvement.

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

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

**Ord. No. 1210-11.**

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

**An emergency ordinance authorizing the Director of Capital Projects to enter into an agreement or agreements with the City of Garfield Heights for the City of Garfield Heights to make the public improvement of reconstructing McCracken Road from Broadway Avenue to Lee Road.**

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 on behalf of the City of Cleveland ("Cleveland") to enter into an agreement or agreements with the City of Garfield Heights ("Garfield Heights") regarding the Garfield Heights' reconstruction project, to allow Garfield Heights to make the public improvement of reconstructing McCracken Road from Broadway Avenue to Lee Road which is located in the City of Cleveland (the "Improvement"). The Improvement shall be constructed under plans, specifications, and estimates approved by Garfield Heights. The design, construction, and supervision of the Improvement will be arranged by Garfield Heights.

**Section 2.** That Cleveland agrees to participate with Garfield Heights in the cost of the reconstruction project by contributing 5.4% of the total design, construction, and construction administration costs, estimated to be \$116,100 for the City of Cleveland's portion of the Improvement, payable from the proceeds of the sale of 2012 bonds, if the City sells such bonds.

**Section 3.** That Cleveland gives consent to Garfield Heights to apply for and accept Ohio Public Works Commission Issue 1 funds to partially finance the Improvement.

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

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

**Ord. No. 1212-11.**

**By Council Member Sweeney (by departmental request).**

**An emergency ordinance authorizing the Director of Finance to exercise the second option to renew Contract No. CT 1511 PS 2011-24 with Verizon Wireless to provide telecommunications connections between the Department of Public Safety mobile data computers and the CRIS devices for LEADS.**

Whereas, under the authority of Ordinance No. 515-09, passed May 4, 2009, the Director of Finance entered into Contract No. CT 1511 PS 2011-24 with Verizon Wireless to provide telecommunications connections between the Department of Public Safety mobile data computers and the CRIS devices for LEADS; and

Whereas, Ordinance No. 515-09 requires further legislation before exercising the second option to renew on this contract; and

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

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

**Section 1.** That the Director of Finance is authorized to exercise the second option to renew Contract

No. CT 1511 PS 2011-24 for an additional year in the approximate amount of \$479,904, with Verizon Wireless for the requirements for the additional year. This ordinance constitutes the additional legislative authority required by Ordinance No.

515-09 to exercise this option. (RL RQN 1511, RL 2011-44)

**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 Finance, Law; Committee on Finance.

**Ord. No. 1213-11.**

**By Council Member Sweeney (by departmental request).**

**An emergency ordinance authorizing the Director of Finance to pay as Moral Claims the sums opposite the names of the claimants.**

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 pay as Moral Claims the sums opposite the names of the following claimants and charged against the fund:

<u>Claimant:</u>	<u>Claim No.</u>	<u>Amount</u>	<u>Division</u>	<u>Fund</u>
<b>DEPARTMENT OF PUBLIC SAFETY</b>				
<b>House of Corrections:</b>				
Webb, L.	12285	\$ 450.00	City Jail	01-600701-672000
<b>Police:</b>				
LeSure, Felicia	12311	\$ 394.74	Police	01-600200-672000
Jackson, Chris	12313	1,000.00	Police	01-600200-672000
Williams, Stephanie	12321	250.00	Police	01-600200-672000
By: Howard E. Skolnick, Esq.				
<b>DEPARTMENT OF PUBLIC WORKS</b>				
<b>Park Maintenance:</b>				
Brady, Melissa	12338	\$ 596.19	Park Maintenance	01-701205-672000
<b>Vacant Lots:</b>				
Hall, Marlon	12336	\$ 1,000.00	Vacant Lots	01-701205-672000
<b>Urban Forestry:</b>				
Ospelt, Ellen	12333	\$ 350.00	Urban Forestry	01-701204-672000
Tolbert, Eddie	12334	500.00	Urban Forestry	01-701204-672000
<b>Streets:</b>				
Ashley Geiger, Risk Manager White Castle Management Co.	12284	\$ 200.00	Streets	01-400609-672000
<b>Waste:</b>				
Booker, Clarence.	12328	\$ 45.00	Waste Collection	01-400303-672000
<b>DEPARTMENT OF PUBLIC UTILITIES</b>				
<b>Water Pollution Control:</b>				
Vanessa Reese	5311	\$ 1,000.00	Water Pollution Control	54 SF 001
Marquez Brown	5406	500.00	Water Pollution Control	54 SF 001
June Stallworth	5460	940.00	Water Pollution Control	54 SF 001
Tina Satullo	5409	146.48	Water Pollution Control	54 SF 001
Milorad Prtenjak	5408	2,000.00	Water Pollution Control	54 SF 001

**Section 2.** That the authority of the Director of Finance to pay the amounts in this ordinance is conditioned on a City-approved written acceptance by the claimant of the City's offer to pay this claim within six months from the effective date of this ordinance.

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

Referred to Directors of Finance, Law; Committee on Finance.



**Ord. No. 1214-11.**  
**By Council Member Sweeney (by departmental request).**

**An emergency ordinance authorizing the Director of Finance to exercise the first option to renew Contract No. CT 1511 PS 2010-124 with Oracle America, Inc. to provide for the acquisition and maintenance of software licenses and other Oracle products for the various divisions of City government.**

Whereas, under the authority of Ordinance No. 647-09, passed June 1, 2009, the Director of Finance entered into Contract No. CT 1511 PS 2010-124 with Oracle America, Inc. to provide for the acquisition and maintenance of software licenses and other Oracle products for the various divisions of City government; and

Whereas, Ordinance No. 647-09 requires further legislation before exercising the first option to renew on this contract; and

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

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

**Section 1.** That the Director of Finance is authorized to exercise the first option to renew Contract No. CT 1511 PS 2010-124 for an additional year in the approximate amount of \$1,090,280.66, with Oracle America, Inc. for the requirements for the additional year of the acquisition and maintenance of software licenses and other Oracle products for the various divisions of the City. This ordinance constitutes the additional legislative authority required by Ordinance No. 647-09 to exercise this option. (RL RQN 1511, RL 2011-45)

**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 Finance, Law; Committee on Finance.

**Ord. No. 1215-11.**  
**By Council Members Kelley and Sweeney (by departmental request).**

**An emergency ordinance to amend Sections 1 and 4 of Ordinance No. 558-11, passed July 20, 2011, relating to authorizing the Director of Public Utilities to purchase various wattage-equivalent LED streetlights, including any materials necessary to retrofit or replace existing outdoor streetlights, to be installed on a limited number of poles for a pilot program for up to two years, for the Division of Cleveland Public Power.**

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 Sections 1 and 4 of Ordinance No. 558-11, passed July 20, 2011, are amended to read as follows:

Section 1. That notwithstanding and as an exception to the Charter and Codified Ordinances of Cleveland, Ohio, 1976, the Director of Public Utilities is authorized to make one or more written contracts with not more

than the seven (7) lowest and best bidders for each or all of the following items **eligible for federal funding and not more than the seven (7) lowest and best bidders for each or all of such items not eligible for federal funding:** equal quantities of LED equivalent 150-watt streetlights, LED equivalent 250-watt streetlights, and LED equivalent 400-watt streetlights, including any materials necessary to retrofit or replace existing outdoor streetlights, to implement a pilot program for up to two years on a limited number of poles to evaluate the performance, photometry, aesthetic ambiance, and energy and cost savings of LED streetlights, for the Division of Cleveland Public Power, Department of Public Utilities.

**Section 4.** That the cost of the contract or contracts authorized shall not exceed \$200,000 **for federally funded items which shall be paid from Fund No. 20 SF 670, Request No. RQS 2004, RL 2011-27, and \$300,000 for non-federally funded items which shall be paid from Fund No. 58 SF 001, Request No. RQS 2004, RL 2011-177.**

**Section 2.** That existing Sections 1 and 4 of Ordinance No. 558-11, passed July 20, 2011, are repealed.

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

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

**Ord. No. 1216-11.**  
**By Council Members Kelley and Sweeney (by departmental request).**

**An emergency ordinance authorizing the purchase by one or more requirement contracts of labor and materials necessary to test, inspect, maintain, repair, enhance or replace building protection services, including, but not limited to, heating, ventilation, and air conditioning systems or components, security systems or components, and fire protection system or components, rental of equipment, and installation if necessary, for the Divisions of Water, Water Pollution Control, and Cleveland Public Power, Department of Public Utilities, for a period of two years.**

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

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

**Section 1.** That the Director of Public 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 the period of two years of the necessary items of labor and materials necessary to test, inspect, maintain, repair, enhance or replace building protection services, including, but not limited to heating, ventilation, and air conditioning systems or components, security systems or components, and fire protection system or components, rental of equipment, 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 Divisions of Water, Water Pollution Control, and Cleveland Public Power, Department of Public Utilities. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if deemed desirable by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

**Section 2.** That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of 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 2002, RL 2011-36)

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

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

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

**Ord. No. 1217-11.**  
**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 design, develop, and implement an intranet system, including maintenance and support for a period up to two years, for the various divisions of the Department of Port Control.**

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 design, develop, and implement an intranet system, including maintenance and support for a period up to two years, for the various divisions of the Department of Port Control.

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 2011-160.

**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. 1218-11.**

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

**An emergency ordinance to amend the title and Section 1 of Ordinance No. 206-10, passed April 12, 2010, relating to the sale of Land Reutilization Program and located on East 96th Street to Cranston Chriss.**

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 title and Section 1 of Ordinance No. 206-10, passed April 12, 2010, are amended to read as follows:

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located on East 96th Street to **Cranston Chriss.**

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

**Section 2.** That the title and Section 1 of Ordinance No. 206-10, passed April 12, 2010, are repealed.

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

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

**Ord. No. 1219-11.**

**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 Optima 777, LLC, as the designee of Sage Hospitality, or its designee, to provide for**

**the acquisition, some demolition, and complete renovation of the former Crowne Plaza Hotel located at 777 St. Clair Avenue; to provide for payments to the Cleveland City School District; and to declare certain improvements to real property to be a public purpose.**

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

Whereas, under the authority of Ordinance No. 458-11, passed May 9, 2011, and prior to the adoption of this ordinance, the City approved both the acquisition and conveyance of fee title to certain real property, which is more particularly described in the documents set forth in the file described in this ordinance (the "Real Property"); and

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

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

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

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

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

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

**Section 1.** That the improvements to be constructed by Optima 777, LLC, as the designee of Sage Hospitality, or its designee ("Redeveloper"), as more fully described in File No. 1219-11-A ("Improvements") on the Real Property, are declared to be a public purpose for purposes of Section 5709.41 of the Revised Code.

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

**Section 3.** That, under Section 5709.41 of the Revised Code, Redeveloper (or the owners of the Improvements) shall make service payments for a period of 30 years in lieu of the exempt taxes to the Cuyahoga County Treasurer; the payments shall be charged and collected in the same manner, and shall be in an amount not less than the taxes that would have been paid had the Improvements not been exempt from taxation.

**Section 4.** That a portion of the service payments collected under Section 3 of this ordinance shall be distrib-

uted by the Cuyahoga County Treasurer to the Treasurer of the District in the amount of the taxes that would have been payable to the District had the Improvement not been exempt from taxation.

**Section 5.** That the Director of Economic Development is authorized to enter into an agreement or agreements with Redeveloper to provide for the exemption and service payments described in this ordinance, including agreements securing the payments described in Section 3 of this ordinance, which agreement or agreements shall contain those terms contained the file mentioned above.

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

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

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

**Ord. No. 1220-11.**

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

**An emergency ordinance authorizing the Director of Economic Development to enter into a Tax Increment Financing Agreement with Green City Growers, or its designee, to redevelop an approximately 10-acre brownfield site near I-490 & East 55th Street into a cooperatively-owned greenhouse facility; to provide for payments to the Cleveland City School District; and to declare certain improvements to real property to be a public purpose.**

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

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

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

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

Whereas, the District has been notified of the intent to enter into the agreement authorized by this ordi-

nance in compliance with Sections 5709.41(C)(4) and 5709.83 of the Revised Code; and

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

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

**Section 1.** That the improvements to be constructed by Green City Growers, or its designee ("Redeveloper"), as more fully described in File No. 1220-11-A ("Improvements") on the Real Property, are declared to be a public purpose for purposes of Section 5709.41 of the Revised Code.

**Section 2.** That one hundred percent (100%) of the Improvements are declared exempt from real property taxation for a period of 20 years; and that in no event shall the exemption period extend beyond 20 years.

**Section 3.** That, under Section 5709.41 of the Revised Code, Redeveloper (or the owners of the Improvements) shall make service payments for a period of 20 years in lieu of the exempt taxes to the Cuyahoga County Treasurer; the payments shall be charged and collected in the same manner, and shall be in an amount not less than the taxes that would have been paid had the Improvements not been exempt from taxation.

**Section 4.** That a portion of the service payments collected under Section 3 of this ordinance shall be distributed by the Cuyahoga County Treasurer to the Treasurer of the District in the amount of the taxes that would have been payable to the District had the Improvement not been exempt from taxation.

**Section 5.** That the Director of Economic Development is authorized to enter into an agreement or agreements with Redeveloper to provide for the exemption and service payments described in this ordinance, including agreements securing the payments described in Section 3 of this ordinance, which agreement or agreements shall contain those terms contained the file mentioned above.

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

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

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

**Ord. No. 1221-11.**

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

**An emergency ordinance to amend Ordinance No. 709-10, passed June 7, 2010, as amended, Ordinance No. 13-11, passed March 21, 2011, Ordinance No. 17-11, passed March 21, 2011, and Ordinance No. 700-11, passed June 6, 2011, to add Clean Ohio grant funds to the**

**Warney-Swasey Building, John Hartness Brown Building, Key Gas Components Facility, and the Miceli's Dairy development 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 the title and Section 1 of Ordinance No. 709-10, passed June 7, 2010, as amended by Ordinance No. 1567-10, passed December 6, 2010, are amended to read as follows:

An emergency ordinance authorizing the Director of Economic Development to apply for and accept **one or more grants** from the State of Ohio Department of Development **or Clean Ohio Council** for the remediation and redevelopment of the former Warney-Swasey Building at 5701 Carnegie Avenue; authorizing the Director of Economic Development to enter into a development agreement with Hemingway Development, LLC, or its designee, for the redevelopment of a portion of the property; authorizing the employment of one or more professional consultants to conduct services relating to the project; and authorizing the Commissioner of Purchases and Supplies to enter into an option to Purchase Agreement with Hemingway Development, LLC, or its designee, for the portion of the property which is the subject of the development agreement.

Section 1. That the Director of Economic Development is authorized to apply for and accept a Clean Ohio grant in an amount up to \$3,000,000, from the State of Ohio Department of Development **or Clean Ohio Council**, a grant in the amount up to \$2,000,000, from the United States Department of Housing and Urban Development, two grants in the aggregate amount up to \$2,000,000 from Cuyahoga County, a grant in the amount up to \$1,000,000 from the Ohio Department of Development, a grant in the amount up to \$500,000 from the United States Environmental Protection Agency, a grant in the amount up to \$750,000 from the State of Ohio Clean Ohio Assistance Fund, **and one or more grants from any public or private entity** for the remediation and redevelopment of the former Warner-Swasey Building at 5701 Carnegie Avenue, to be used to implement the project as described in the executive summaries below; 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 executive summaries for the grants contained in the file described below.

**Section 2.** That the existing title and Section 1 of Ordinance No. 709-10, passed June 7, 2010, as amended by Ordinance No. 1567-10, passed December 6, 2010, are repealed.

**Section 3.** That the title and Section 1 of Ordinance No. 13-11, passed March 21, 2011, are amended to read as follows:

An emergency ordinance authorizing the Director of Economic Development to apply for and accept a Clean Ohio grant from the State of Ohio Department of Development **or Clean Ohio Council**, **and one or more grants from any public or private entity** for environmental assistance for proposed redevelopment of the John Hartness Brown Building at

1001-1101 Euclid Avenue; authorizing the director to enter into one or more contracts with JHB Hotel, LLC, or its designee, to implement the project and to incorporate LEED principles in the redevelopment of the site; and authorizing the director to employ one or more professional consultants or one or more firms of consultants who employ an Ohio VAP-Certified professional for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to oversee the redevelopment work and to complete services to issue a "No Further Action Letter."

Section 1. That the Director of Economic Development is authorized to apply for and accept a Clean Ohio grant in an amount up to \$3,000,000, from the State of Ohio Department of Development **or Clean Ohio Council**, **and one or more grants from any public or private entity** for environmental assistance for proposed redevelopment of the John Hartness Brown Building at 1001-1101 Euclid Avenue Street, to be used to implement the project as described in the executive summary below; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the executive summary for the grant contained in the file described below and in any subsequent grant amendments, which amendments will be filed with Council.

**Section 4** That the existing title and Section 1 of Ordinance No. 13-11, passed March 21, 2011, are repealed.

**Section 5.** That the title and Section 1 of Ordinance No. 17-11, passed March 21, 2011, are amended to read as follows:

An emergency ordinance authorizing the Director of Economic Development to apply for and accept a Clean Ohio grant from the State of Ohio Department of Development **or Clean Ohio Council**, **and one or more grants from any public or private entity** for environmental assistance for proposed redevelopment of the Key Gas Components Facility at 1966 East 66th Street; authorizing the Director to enter into one or more contracts with Sixty-Six, LLC, or its designee, to implement the project and to incorporate LEED principles in the redevelopment of the site; and authorizing the director to employ one or more professional consultants or one or more firms of consultants who employ an Ohio VAP-Certified professional for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to oversee the redevelopment work and to complete services to issue a "No Further Action Letter."

Section 1. That the Director of Economic Development is authorized to apply for and accept a Clean Ohio grant in an amount up to \$3,000,000, from the State of Ohio Department of Development **or Clean Ohio Council**, **and one or more grants from any public or private entity** for environmental assistance for proposed redevelopment of the Key Gas Components Facility at 1966 East 66th Street, to be used to implement the project as described in the executive summary

below; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the executive summary for the grant contained in the file described below and in any subsequent grant amendments, which amendments will be filed with Council.

**Section 6.** That the existing title and Section 1 of Ordinance No. 17-11, passed March 21, 2011, are repealed.

**Section 7.** That the title and Section 1 of Ordinance No. 700-11, passed June 6, 2011, are amended to read as follows:

An emergency ordinance authorizing the Director of Economic Development to apply for and accept a Clean Ohio grant from the State of Ohio Department of Development or Clean Ohio Council, and one or more grants from any public or private entity for environmental assessment and remediation regarding the expansion of Miceli's Dairy located at 2721 East 90th Street; and authorizing the Director to enter into one or more contracts with Miceli-Logrosso Development III, LLC, or its designee; and authorizing one or more professional consultants or one or more firms of consultants who employ an Ohio VAP-Certified professional to provide professional services necessary to implement the grant project.

Section 1. That the Director of Economic Development is authorized to apply for and accept a Clean Ohio grant in an amount up to \$3,000,000, from the State of Ohio Department of Development, or its successor or designee, or Clean Ohio Council, and one or more grants from any public or private entity for environmental assessment and remediation regarding the expansion of Miceli's Dairy located at 2721 East 90th Street, including assessment, site clean-up, demolition, and asbestos abatement of on-site buildings and the removal of debris and solid waste piles, to be used to implement the project as described in the executive summary below; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the executive summary for the grant contained in the file described below and in any subsequent grant amendments, which amendments will be filed with Council.

**Section 8.** That the existing title and Section 1 of Ordinance No. 700-11, passed June 6, 2011, are repealed.

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

**Ord. No. 1223-11.**

**By Council Member Sweeney (by departmental request).**

**An emergency ordinance authorizing the Director of Finance to enter into an amendment to Contract No. 61386 with ADP, Inc. to extend the term of the contract, to amend payment terms, and to include an enhancement to automate human resources benefits administration.**

Whereas, under Ordinance No. 1067-01, passed July 18, 2001, and Board of Control Resolution No. 1-02, adopted January 2, 2002, this City, through its Director of Finance, entered into an agreement with Automatic Data Processing, Inc., Contract No. 61386, for one or more licenses for an integrated payroll and human resources information application system, for check processing services, reports, training, implementation, and support for a period of one year, beginning in 2003, with four successive one-year renewal options which would end in 2008, and a first amendment thereto; and

Whereas, under Ordinance No. 1547-06, passed October 23, 2006, amending Ordinance No. 1067-01 by changing the number of authorized one-year renewal options to nine options, which would end in 2013, the City and ADP, Inc. entered into a second amendment to Contract No. 61386 to reflect the increased number of optional renewal terms, to reduce certain charges provided in the contract, provide a major version update without charge, and to eliminate certain update and support charges; and

Whereas, the City desires to amend Contract No. 61386 further by increasing the authorized number of optional renewals to 14 successive one-year terms which would end in 2018, to obtain an enhancement automating human resources benefits administration, and to restructure payments to ADP through 2018; 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 Finance is authorized to enter into a third amendment to the Agreement with ADP, Inc., City Contract No. 61386, as previously amended, to incorporate the above-mentioned increase in number of authorized optional renewal terms, provision of a human resources benefits administration automation enhancement, and restructured schedule of payments, which amendment, in detail, shall include terms and provisions:

1. To add five successive, one-year renewal options to the contract term so it includes a total of 14 optional renewal terms which, if exercised, would end in 2018;

2. To cancel the 2011 3% check processing fee increase and in 2013, increase the check processing fee by 3.5%. From 2014 to 2018, the check processing fee will be adjusted according to the National Consumer Price Index ("CPI"), as agreed by the parties, provided it shall never exceed 3% per option term exercised between 2014 and 2018. As used in this ordinance, CPI means the National Consumer Price Index for all Urban Consumers, U.S. City Average, as compiled by the United States Department of Labor or, if the United States Department of Labor no longer publishes such Consumer Price Index, an agreed comparable index published by any other branch of the Federal government.

3. To provide the Department of Human Resources the necessary licenses, software and services for an enhancement to automate human resources benefits administration.

All other terms and conditions of Contract No. 61386 not amended as provided above shall remain unchanged and effective.

**Section 2.** That the third amendment authorized above shall be prepared by the Director of Law.

**Section 3.** That the cost of amendment to Contract No. 61386 shall be paid from Fund No. 11 SF 006, Request No. RQS 1502, RL 2011-174.

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

Referred to Directors of Human Resources, Finance, Law; Committees on Employment, Affirmative Action and Training, Finance.

**FIRST READING ORDINANCES REFERRED**

**Ord. No. 1224-11.**

**By Council Member Conwell.**

**An ordinance to change the Use and Area Districts of land on the southeast corner of Lakeview Road and Saint Clair Avenue to a Local Retail Business District and a 'C' Area District (Map Change No. 2370, Sheet Number 8).**

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

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

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

Thence northeasterly along said centerline of Saint Clair Avenue to its intersection with a line drawn 175.14 feet from and parallel to the easterly line of Lakeview Road;

Thence southerly along said parallel line to its intersection with the easterly prolongation of the southerly line of a parcel of land conveyed to Richard Bohles by deed dated November 5th, 2002 and recorded in Auditor's File Number 200211050426, said parcel also being known as Cuyahoga County's Permanent Parcel Number 110-01-058;

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

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

and as shaded on the attached map is changed to a Local Retail Business and a 'C' Area District.

**Section 2.** That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2370, Sheet No. 8 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

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



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

**Ord. No. 1225-11.**

**By Council Member Zone.**

**An ordinance to change the Use District of land located on the northwest corner of W. 65th Street and Storer Avenue from Shopping Center to General Industry (Map Change No. 2369, Sheet Number 2).**

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

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

Beginning in the centerline of Storer Avenue at its intersection with the centerline of W. 65th Street;

Thence northerly along said centerline of W. 65th Street to its intersection with the easterly prolongation of the northerly line of a parcel of land conveyed to the City of Cleveland by deed dated May 17, 2006 and recorded in Auditor's File Number 200605170382, said parcel also being known as Cuyahoga County's Permanent Parcel Number 016-03-006;

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

Thence southerly along said westerly line to its intersection with the northerly line of a parcel of land conveyed to Donald E. McMahan by Deed dated June 10, 1999 and recorded in Auditor's File Number 199906101075, said parcel also being known as Cuyahoga County's Permanent Parcel Number 016-03-011;

Thence westerly along said northerly line and along its westerly prolongation to its intersection with the centerline of West 67th Place;

Thence southerly along said centerline and along its southerly prolongation to its intersection with the centerline of Storer Avenue;

Thence easterly along said centerline of Storer Avenue to its intersection with the centerline of W. 65th Street and the principal place of beginning;

and as shaded on the attached map is changed to a General Industry District.

**Section 2.** That the changed designation of lands described in Section 1 shall be identified as Map Change No. 2369, Sheet No. 2 and shall be made upon the Building Zone Maps of the City of Cleveland on file in the office of the Clerk of Council and on file in the office of the City Planning Commission by the appropriate person designated for this purpose by the City Planning Commission.

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



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

**FIRST READING EMERGENCY RESOLUTIONS REFERRED**

**Res. No. 1211-11.**

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

**An emergency resolution declaring the intent to vacate a portion of West 33rd Street (16.0 feet wide).**

Whereas, this Council is satisfied that there is good cause to vacate a portion of West 33rd Street (16.0 feet wide), as described; and

Whereas, this resolution constitutes an emergency measure provid-

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

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

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

Being all that portion of West 33rd Street (16.0 feet wide) extending southerly from the southerly right of way line of Detroit Avenue N.W. (66.0 feet wide) to the northerly right of way line of Wheat Court N.W. (16.0 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.

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

**Res. No. 1222-11.**

**By Council Member Sweeney (by departmental request).**

**An emergency resolution accepting the amounts and rates as determined by the Cuyahoga County Budget Commission and authorizing the necessary tax levies and certifying them to the County Auditor.**

Whereas, this Council, under the provisions of law, has adopted a Tax Budget for the fiscal year commencing January 1, 2012; and

Whereas, the Budget Commission of Cuyahoga County, Ohio, has certified its action on the Tax Budget to this Council together with an estimate by the County Auditor of the rate of each tax necessary to be levied by this Council and what part is within and what part is outside the 10-mill tax limitation; 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 the amounts and rates as determined by the Budget Commission in its certification are accepted.

**Section 2.** That there is levied on the tax duplicate of the City of Cleveland the rate of each tax necessary to be levied within and without the 10-mill tax limitation, as follows:

**SCHEDULE A  
SUMMARY OF AMOUNTS REQUIRED FROM GENERAL PROPERTY  
TAX APPROVED BY BUDGET COMMISSION  
AND COUNTY AUDITOR'S ESTIMATE TAX RATES**

Fund	Amount to be Derived From Levies	Amount Approved By Budget Commission	County Auditor's Estimate of Tax Rate To Be Levied	
	Outside 10-Mill Limitation	Inside 10-Mill Limitation	Inside 10-Mill Limitation	Outside 10-Mill Limitation
	Column II	Column IV	Column V	Column VI
GENERAL FUND			----	7.75
BOND RETIREMENT FUND			4.35	----
POLICE PENSION FUND			----	0.30
FIRE PENSION FUND			0.05	0.25
<b>TOTAL</b>			<b>4.40</b>	<b>8.30</b>

**Section 3.** That the Clerk of Council is directed to certify a copy of this resolution to the County Auditor of Cuyahoga County.

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

Referred to Directors of Finance, Law; Committee on Finance.

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

**Ord. No. 1201-11.**

**By Council Member Sweeney.**  
**An emergency ordinance authorizing the Clerk of Council to enter into an agreement with American Legal Publishing Corporation for the professional services necessary to update, print and bind the Charter and Codified Ordinances of the City of**

**Cleveland, to provide all necessary supplemental or replacement pages to the Charter and the Codified Ordinances, to provide webhosting services and regular on-line updates to the Charter and the Code, to provide an annual review and comparison to Code Parts IV and VI to the Ohio Revised Code, and other services as may be deemed necessary for Code supplementation, and to authorize any amendments to the contract that may be necessary for additional print-**

**ings of the Codified Ordinances during the term.**

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 Clerk of Council ("Clerk") is authorized to enter

into an agreement with American Legal Publishing Corporation ("Consultant") for the professional services necessary to update, print and bind the Charter and the Codified Ordinances of the City of Cleveland (together, the "Code"), to provide all necessary supplemental or replacement pages to the Code, to provide webhosting services and regular on-line updates to the Code, to provide an annual review and comparison of Code Parts IV and VI to the Ohio Revised Code, and any other services as may be necessary for continued and efficient Code supplementation, and to authorize any amendments to the contract that may be necessary during the term in order to provide additional printings of the Charter and/or the Code, and additional binders, inserts and labels

The contract shall begin on the Effective Date and shall continue for one year; the Clerk may exercise four (4) separate options to renew any or all portions of the agreement for additional one year periods, cancelable upon 30 days' written notice by the Clerk. Payment for services completed under the agreement, and any amendments to the agreement during the original term or the term of any exercised renewal shall be from Fund No. 01 SF 001.

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

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

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

**Ord. No. 1202-11.**

**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 Greater Cleveland Sports Commission to provide financial assistance to finance costs, including costs incurred by the Cleveland Special Events Corporation, associated with marketing and promotion of the Gay Games 2014.**

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 Greater Cleveland Sports Commission to provide financial assistance to finance costs, including costs incurred by the Cleveland Special Events Corporation, associated with marketing and promotion of the Gay Games 2014.

**Section 2.** That the costs of the grant shall not exceed an amount of \$587,752.40 and shall be paid from Fund No. 17 SF 652, RQS 9501, RL 2011-176.

**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.

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. 1203-11.**

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

**An emergency ordinance approving in its entirety the Fact-Finder's report, findings and recommendations in the matter of the City of Cleveland and City and County Waste Paper Drivers Teamsters Local 244.**

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, having duly considered the Fact-Finder's report, findings and recommendations in the matter of the City of Cleveland and the City and County Waste Paper Drivers Teamsters Local 244, which were e-mailed to the City on September 7, 2011, this Council accepts the Fact-Finder's report, findings, and recommendations in their entirety, including the agreements reached between the City and the union, as set forth in the executive summary placed in File No. 1203-11-A, which provide, among other things, for an increase in the salary and wages for members of the bargaining unit under the following schedule:

Increase	Approximate Date of Increase*
0%	April 1, 2010
0%	April 1, 2011
3%	April 1, 2012

\* Wage increases shall be effective as follows:

(a) If April 1st falls in the first week of a pay period, then the wage increase shall be effective commencing at the beginning of that pay period; or

(b) If April 1st falls in the second week of a pay period, then the wage increase shall be effective commencing at the beginning of the next pay period.

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

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. 1227-11.**

**By Council Member Sweeney. An emergency ordinance authorizing the Clerk of Council to extend the Agreement with Erin McIntyre, City Contract No. 0101-PS-2011-034, to December 31, 2011.**

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 Clerk of Council is authorized to extend the Agreement with Erin McIntyre (Consultant), City Contract No. 0101-PS-2011-034, to December 31, 2011. The Consultant shall be paid on an hourly basis in an amount not to exceed 10.00 per hour and shall be certified from fund numbers 632000-01-010100 and/or Fund No. 10 SF 166.

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

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

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

**Ord. No. 1230-11.**

**By Council Member Mitchell. An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 8011 Central Avenue to Fairfax Renaissance Development Corporation.**

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

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

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

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

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

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

Permanent Parcel No. 119-27-070 Situated in the City of Cleveland, County of Cuyahoga and the State of Ohio; as Sublot No. 9 in the Holden and Rowe's Subdivision of part of the Original 100 Acre Lot 407, Plat Book 3, Page 59, Cuyahoga County Records,



50 feet on the northerly side of Central Avenue and extending back of equal width 148 feet, as appears by said plat, be the same more or less, but subject to all legal highways.

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

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

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

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

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. 1231-11.**

**By Council Member Brancatelli.**

**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Slavic Village Development to stretch banners at Broadway Avenue (No. Side 2PW of East 65th and Broadway So. Side 3PW of 65th) for the period from September 23, 2011 to October 22, 2011, inclusive, publicizing the Broadway Farmer's Market.**

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

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

**Section 1.** That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to the Slavic Village Development to install, maintain and remove banners at Broadway Avenue (No. Side 2PW of East 65th and Broadway So. Side 3PW of 65th) for the period from September 23, 2011 to October 22, 2011, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of

affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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

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

**Ord. No. 1232-11.**

**By Council Member Cimperman.**

**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to the Tremont West Development Corporation to stretch banners on West 14th north of Starkweather and south of Fairfield Avenues for the period from October 13, 2011 to October 21, 2011, inclusive, publicizing the Tremont Farmers' Market.**

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

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

**Section 1.** That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to the Tremont West Development Corporation to install, maintain and remove banners on West 14th north of Starkweather and south of Fairfield Avenues for the period from October 13, 2011 to October 21, 2011, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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

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

**Ord. No. 1233-11.**

**By Council Member Mitchell.**

**An emergency ordinance authorizing and directing the Director of Public Service to issue permits to the Cromwell Avenue Block Club to stretch banners on Cromwell Avenue between East 116th & East 120th for the period from September 13, 2011 to October 12, 2011, inclusive, promoting community pride.**

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

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

**Section 1.** That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is hereby authorized and directed to issue a permit to the Cromwell Avenue Block Club to stretch banners on Cromwell Avenue between East 116th & East 120th for the period from September 13, 2011 to October 12, 2011, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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

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

**Ord. No. 1234-11.**

**By Council Member Conwell.**

**An emergency ordinance authorizing and directing the Director of Public Service to issue a permit to Famcos Foundation to stretch banners along Ashbury Avenue between East 105th and East 118th, for the period from September 25, 2011 to October 24, 2011, inclusive, celebrating Ashbury Avenue neighborhood history and pride.**

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

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

**Section 1.** That notwithstanding the provision of Section 623.13 of the Codified Ordinances, of Cleveland, Ohio, 1976, the Director of the Department of Public Service is

hereby authorized and directed to issue a permit to Famicos Foundation to install, maintain and remove banners along Ashbury Avenue between East 105th and East 118th, for a period from September 25, 2011 to October 24, 2011, inclusive. Said banner shall be approved by the Director of Public Service, in consultation with the Director of Public Safety, as to type, method of affixing and location so as not to interfere with any sign erected and maintained under the requirements of law or ordinance. The permission of the owner of any pole from which a banner will be hung must be obtained prior to issuance of the permit. No commercial advertising shall be printed or permitted on said banner and said banner shall be removed promptly upon the expiration of said permit.

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

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

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

**Ord. No. 1235-11.**

**By Council Member Cimperman.**

**An emergency ordinance consenting and approving the issuance of a permit for the 34th Annual "Walk of Hope", on October 8, 2011, sponsored by the Catholic Charities Disability Services and Ministries.**

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 34th Annual "Walk for Hope," sponsored by the Catholic Charities Disability Services and Ministries, on October 8, 2011, leave OLA/St. Joseph Center parking lot on Kenilworth; head east on Kenilworth to W. 11th Street; turn right on W. 11th to Starkweather; turn right on Starkweather to W. 14th Street; turn right on W. 14th to Kenilworth; turn right on Kenilworth to W. 11th; turn left onto W. 11th and walk to University Road; turn right on to University and walk to W. 10th Street; turn right on to W. 10th and walk to stop sign; veer left on to Professor Avenue—staying on the right hand side of the street and walk to Jefferson; turn right on to Jefferson and walk to Starkweather—cross W. 14th to the west side of W. 14th; turn right on to W. 14th Street—cross Kenilworth and return to OLA/St. Joseph Center on the left, 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.

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. 1242-11.**

**By Council Member Cummins.**

**An emergency ordinance repealing Resolution No. 1133-11 adopted August 17, 2011.**

Whereas, this ordinance 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; now, therefore,

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

**Section 1.** That Resolution No. 1133-11 adopted August 17, 2011 is hereby repealed.

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

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

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

**Ord. No. 1244-11.**

**By Council Member Keane.**

**An emergency ordinance repealing Resolution No. 1167-11 adopted August 17, 2011.**

Whereas, this ordinance 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; now, therefore,

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

**Section 1.** That Resolution No. 1167-11 adopted August 17, 2011 is hereby repealed.

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

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

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

**Ord. No. 1246-11.**

**By Council Member Sweeney.**

**An emergency ordinance repealing Resolution No. 1149-11 adopted August 17, 2011.**

Whereas, this ordinance 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; now, therefore,

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

**Section 1.** That Resolution No. 1149-11 adopted August 17, 2011 is hereby repealed.

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

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

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

**Ord. No. 1249-11.**

**By Council Member Zone.**

**An emergency ordinance repealing Resolution No. 1169-11 adopted August 17, 2011.**

Whereas, this ordinance 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; now, therefore,

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

**Section 1.** That Resolution No. 1169-11 adopted August 17, 2011 is hereby repealed.

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

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

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

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

**Res. No. 1226-11.**

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

**An emergency resolution strongly supporting the renewal and reauthorization of the Clean Ohio Fund, and urging the Ohio legislature to reinstate full funding to all four components of the Clean Ohio Program: Clean Ohio Revitalization Fund,**

**Clean Ohio Agricultural Easement Purchase Program, Clean Ohio Green Space Conservation Program, and Clean Ohio Trails Fund.**

Whereas, the Clean Ohio Fund is a \$400 million state bond initiative approved by Ohio voters in 2000 and overwhelmingly renewed in all 88 counties in 2008 with strong bipartisan support from the executive and legislative leadership; and

Whereas, the Governor and Ohio legislature are considering limiting the bond authorization and, in particular, the "Green Field" capital appropriations in the Clean Ohio Program; and

Whereas, the Clean Ohio Fund is a public-private partnership, the program invests in local communities by preserving green space and farmland, improving outdoor recreation, and cleaning up brown fields; and

Whereas, the Clean Ohio Green Space Conservation appropriations have been vital to the City of Cleveland's redevelopment efforts in making the city competitive with other national urban areas with high quality open space and outdoor recreational areas; and

Whereas, all 88 counties have received Clean Ohio funding, resulting in projects that have stimulated local economies while simultaneously attracting private capital investments; and

Whereas, in the City of Cleveland, the Clean Ohio Greenfield projects have supported the development of Canal Basin Park, the Lake Link Trail & Greenway Corridor, the Cuyahoga American Heritage River Habitat Restoration and the Towpath Trail-Harvard Avenue to Steelyard Commons; and

Whereas, many of the Cleveland recreational trail projects are not yet completed and had assumed future funding from the Clean Ohio Program for completion; and

Whereas, the Clean Ohio Fund has been credited with creating close to 15,000 jobs, and leveraged additional investments in the State of Ohio to create a total economic impact of approximately \$2.6 billion in public and private investments to date; and,

Whereas, renewal of the Clean Ohio Fund would help keep Ohio economically viable, environmentally sound, and poised for the future, while maintaining and enhancing the quality of life of all Ohioans; and,

Whereas, for these reasons, we strongly urge the General Assembly to approve a capital appropriation for all of the programs of the Clean Ohio Fund so that this investment can continue to contribute to the state's economy and quality of life of all of its citizens; 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 Cleveland City Council strongly supports the renewal and reauthorization of the Clean Ohio Fund, and urges the Ohio legislature to reinstate full funding to all four components of the Clean Ohio Program: Clean Ohio Revitalization Fund, Clean Ohio Agricultural Easement Purchase Program, Clean Ohio Green Space Conservation Program, and Clean Ohio Trails Fund.

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

**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. 1228-11.**

**By Council Member Sweeney.**  
**An emergency resolution supporting Cuyahoga County Executive Ed FitzGerald's effort to continue the vote by mail program.**

Whereas, since 2006 the Cuyahoga County Board of Elections has regularly mailed ballot applications to about 650,000 voters; and

Whereas, in Cuyahoga County, 47% of people who voted in the 2010 general election cast absentee ballots; and

Whereas, Cuyahoga County Executive Ed FitzGerald defended the vote-by-mail program, saying it has simplified voting for thousands of residents, including senior citizens who have trouble getting to voting sites; it has also helped the county avoid situations outside the polls like long lines and waiting times from voters; and

Whereas, a controversial state law will prevent county boards of election from paying return postage on applications or paying postage for completed ballots unless efforts to trigger a referendum are successful; 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 Cuyahoga County Executive Ed FitzGerald's effort to continue the vote by mail program.

**Section 2.** That the Clerk of Council is directed to transmit a copy of this resolution to County Executive Ed FitzGerald.

**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**

By Council Member J. Johnson to amend Resolution No. 1228-11 by inserting "**Cuyahoga County Council, and**" in the title after "Supporting" and in Section 1 after "supports". Seconded by Council Member Brancatelli. Without objection motion agreed to.

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

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

Those voting nay: Council Member Reed.

Absent: Council Member Dow.

**Res. No. 1229-11.**

**By Mayor Jackson, Council Members Cimperman and J. Johnson.**

**An emergency resolution supporting U.S. House of Representatives Bill 2795, Fit for Life Act of 2011, introduced by Congresswoman Marcia L. Fudge to combat childhood obesity especially in underserved communities; and supporting U.S. House of Representatives Resolution 339, designating September 2011 as National Childhood Obesity Awareness Month.**

Whereas, U.S. House of Representatives Bill 2795, Fit for Life Act of 2011, introduced by Congresswoman Marcia L. Fudge on August 5, 2011, and cosponsored by Rep. Donna Christensen (Virgin Islands), Rep. Barbara Lee (California - 9) and Rep. Donald Payne (New Jersey - 10), is a comprehensive approach to addressing the obesity crisis by improving the quality of and access to food, advancing preventative measures, expanding treatment of obesity in children, and encouraging physical activity in underserved communities; and

Whereas, one in three children are obese or overweight, and this bill addresses many of the factors that impact the high rate of obesity specifically in minority communities, such as food deserts and need for safe places to exercise, according to Congresswoman Fudge; and

Whereas, the legislation has support from more than 20 organizations, including the American College of Sports Medicine, American Beverage Association, and America SCORES Cleveland; and

Whereas, citing the fact that our country spends almost \$150 billion per year to treat obesity-related conditions in adults, Congresswoman Fudge says, "this bill addresses excess costs through preventative measures and altering external circumstances to reduce the number of children who will become obese, therefore reducing the likelihood they will become obese adults"; and

Whereas, this legislation tackles the lack of supermarkets in underserved communities by creating a program to award grants to local partnerships to establish or enhance existing supermarkets that sell fresh fruits and produce in low income communities located in food deserts; and

Whereas, it also expands the Fresh Fruit and Vegetable Program, by amending the National School Lunch Act to include secondary schools, child care centers, and family child care homes, while increasing access to the Summer Food Service Programs for Children; and

Whereas, this Council, together with Mayor Jackson, created the Healthy Cleveland Initiative by Resolution No. 257-11, passed February 28, 2011, and supports the efforts of the Fit for Life Act of 2011 to combat childhood obesity especially in under-

served communities through preventive health; and

Whereas, this Council also supports U.S. House of Representatives Resolution 339, also introduced by Congresswoman Fudge, designating September 2011 as National Childhood Obesity Awareness Month; and

Whereas, during National Childhood Obesity Awareness Month this September, parents, schools, and health care providers will promote fitness and nutrition for our kids; 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 U.S. House of Representatives Bill 2795, Fit for Life Act of 2011, introduced by Congresswoman Marcia L. Fudge to combat childhood obesity especially in underserved communities; and supports U.S. House of Representatives Resolution 339, designating September 2011 as National Childhood Obesity Awareness Month.

**Section 2.** That the Clerk of Council is hereby directed to transmit certified copies of this resolution to Congresswoman Marcia L. Fudge and Mayor Frank G. Jackson.

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

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

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

**Res. No. 1236-11.**

**By Council Member Brancatelli.**

**An emergency resolution objecting to a New C1 Liquor Permit at 6815 Broadway Avenue.**

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Dolgen Midwest, LLC, DBA Dollar General Store #11392, 6815 Broadway Avenue, Cleveland, Ohio 44105, Permanent Number 22348150915; and

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

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

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

Whereas, the place for which the permit is sought is so arranged or constructed that law enforcement officers or agents of the Department of

Liquor Control are prevented reasonable access to the establishment; and

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

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

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

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

**Section 1.** That Council does hereby record its objection to a New C1 Liquor Permit at Dolgen Midwest, LLC, DBA Dollar General Store, #11392, 6815 Broadway Avenue, Cleveland, Ohio 44105, Permanent Number 22348150915; 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. 1237-11.**

**By Council Member Cimperman.**

**An emergency resolution objecting to the transfer of ownership of a D5 and D6 Liquor Permit to 1740 East 17th Street, 1st floor and basement.**

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D5 and D6 Liquor Permit from 1740 East Seventeenth Street, LLC, DBA Moe's Bar, 1740 East 17th Street, 1st floor and basement, Cleveland, Ohio 44114, Permanent Number 6548846 to 17th Street Bar & Grill, LLC, 1740 East 17th Street, 1st floor and basement, Cleveland, Ohio 44114, Permanent Number 8001459; 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 ordi-

nances of this state or any other state; and

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a D5 and D6 Liquor Permit from 1740 East Seventeenth Street, LLC, DBA Moe's Bar, 1740 East 17th Street, 1st floor and basement, Cleveland, Ohio 44114, Permanent Number 6548846 to 17th Street Bar & Grill, LLC, 1740 East 17th Street, 1st floor and basement, Cleveland, Ohio 44114, Permanent Number 8001459; 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. 1238-11.**

**By Council Member Cleveland.**

**An emergency resolution objecting to the transfer of ownership of liquor license of C1 and C2 Liquor Permit to 5616 Woodland Avenue.**

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of liquor license of a C1 and C2 Liquor Permit from K B S Oil, Inc., DBA Uncle Sam's Beverage & Deli, 11022 Bellaire Road, 1st floor, Cleveland, Ohio 44111, Permanent Number

4424877 to K B S Oil, Inc., DBA Uncle Sam's Beverage & Deli, 5616 Woodland Avenue, Cleveland, Ohio 44104, Permanent Number 44248770001; 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 liquor license of a C1 and C2 Liquor Permit from K B S Oil, Inc., DBA Uncle Sam's Beverage & Deli, 11022 Bellaire Road, 1st floor, Cleveland, Ohio 44111, Permanent Number 4424877 to K B S Oil, Inc., DBA Uncle Sam's Beverage & Deli, 5616 Woodland Avenue, Cleveland, Ohio 44104, Permanent Number 44248770001; 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. 1239-11.**  
**By Council Member Cimperman.**  
**An emergency resolution objecting to the transfer of ownership of a C1 Liquor Permit to West 14th Street.**

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a C1 Liquor Permit from Lehigh Bas Ohio, LLC, DBA BP AM PM, 3100 West 14th Street, Cleveland, Ohio 44109, Permanent Number 50989840195 to Ranchhod Krupa, LLC, DBA W. 14th BP, 3100 West 14th Street, Cleveland, Ohio 44109, Permanent Number 7196684; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to the transfer of ownership of a C1 Liquor Permit from Lehigh Bas Ohio, LLC, DBA BP AM PM, 3100 West 14th Street, Cleveland, Ohio 44109, Permanent Number 50989840195 to Ranchhod Krupa, LLC, DBA W. 14th BP, 3100 West 14th Street, Cleveland, Ohio 44109, Permanent Number 7196684; 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. 1240-11.**  
**By Council Member Cleveland.**  
**An emergency resolution objecting to the transfer of ownership of liquor license of C2 and C2X Liquor Permit to 6002 Woodland Avenue.**

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of liquor license of a C2 and C2X Liquor Permit from Curtis Hunt, DBA Right On Time Food & Beverage, 3609 Community College Avenue, Cleveland, Ohio 44115, Permanent Number 40739630001 to Curtis Hunt, DBA Right On Time Food & Beverage, 6002 Woodland Avenue, Cleveland, Ohio 44104, Permanent Number 40739630003; 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 liquor license of a C2 and C2X Liquor Permit from Curtis Hunt, DBA Right On Time Food & Beverage, 3609 Community College Avenue, Cleveland, Ohio 44115, Permanent Number 40739630001 to Curtis Hunt, DBA Right On Time Food & Beverage, 6002 Woodland Avenue, Cleveland, Ohio 44104, Permanent Number 40739630003; 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. 1241-11.**

**By Council Member Cummins.**

**An emergency resolution objecting to the renewal of a C1 and C2 Liquor Permit at 3101 Scranton Road.**

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that 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 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

**Section 1.** That Council does hereby record its objection to the renewal of a C1 and C2 Liquor Permit, Permit No. 8917950 owned by 3101 Scranton, Inc., DBA Gas USA, 3101 Scranton Road, Cleveland, Ohio 44109; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 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, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

**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. 1243-11.**

**By Council Member Keane.**

**An emergency resolution objecting to the renewal of a D5 and D6 Liquor Permit at 16700 Lorain Avenue, Units A & B.**

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that 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 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

**Section 1.** That Council does hereby record its objection to the renewal of a D5 and D6 Liquor Permit, Permit No. 8774286 owned by TD Ohio Enterprises, Inc., DBA BJ's Diamond Mine, 16700 Lorain Avenue, Units A & B, Cleveland, Ohio 44111; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 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, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

**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. 1245-11.**

**By Council Member Sweeney.**

**An emergency resolution objecting to the renewal of a C2 and C2X Liquor Permit at 4606 West 130th Street.**

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that 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 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

**Section 1.** That Council does hereby record its objection to the renewal of a C2 and C2X Liquor Permit, Permit No. 6977108 owned by Phnom Penh Restaurant, Inc., DBA Shop Rite Supermarket, 4606 West 130th Street, Cleveland, Ohio 44135; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 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, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

**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. 1247-11.**  
**By Council Member Westbrook.**  
**An emergency resolution objecting to a New C1 Liquor Permit at 10225 Madison Avenue.**

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Rayner Bozak, Inc., DBA North Coast Rent A Wreck, 10225 Madison Avenue, Cleveland, Ohio 44102, Permanent Number 7226576; and

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

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

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

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

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

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

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

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

**Section 1.** That Council does hereby record its objection to a New C1 Liquor Permit at Rayner Bozak, Inc., DBA North Coast Rent A Wreck, 10225 Madison Avenue, Cleveland, Ohio 44102, Permanent Number 7226576; 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. 1248-11.**  
**By Council Member Zone.**  
**An emergency resolution objecting to the renewal of a C1 Liquor Permit at 7310 Lorain Avenue.**

Whereas, the uniform date for renewal of liquor permits in the State of Ohio is October 1st; and

Whereas, pursuant to Section 4303.271 of the Revised Code, the legislative authority of a municipal corporation may object to the renewal of a permit based upon legal grounds as set forth in division (A) of Revised Code Section 4303.292; and

Whereas, the applicant is unfit to continue to engage in the liquor permit business in that he has operated his liquor permit business in a manner that demonstrates a disregard for the laws, regulations or local ordinances of the state, and that 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 4303.271 of the Ohio Revised Code, objections to renewal of liquor permits shall be made no later than thirty days prior to the expiration date of the permit; now, therefore,

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

**Section 1.** That Council does hereby record its objection to the renewal of a C1 Liquor Permit, Permit No. 2012463 owned by Dee See, Inc., DBA West 73rd Shell, 7310 Lorain Avenue, Cleveland, Ohio 44102; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.271 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, and a statement by the Director of Law that, in the Director's opinion, that the objection is based upon substantial legal grounds within the meaning and intent of division (A) of Section 4303.292 of the Revised Code to the Director of Liquor Control.

**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. 1094-11.**  
 By Council Members Cimperman, Miller, Cleveland and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Capital Projects to issue a permit to USA Parking Systems Prospect LLC to encroach into the public right-of-way of Prospect Avenue S.E., East 2nd Street, and Ontario Street by installing, using, and maintaining foundations, street shoring, building overhang, curved canopy, canopy and light, and overhead bridge.

Approved by Directors of Capital Projects, City Planning Commission, Finance, Law; Passage recommended by Committees on Public Service, City Planning, Finance, when amended, as follows:

1. In the title, line 5; and in Section 1, line 4, after "Prospect Avenue S.E." insert ", East 1st Street".

2. In the title, line 7; and in Section 1, line 5, after "street shoring," insert "building and"; and at the end, strike the period and insert: "; and authorizing the director to apply for permits from the State of Ohio to construct the overhead bridge.".

3. In Section 1, strike the first legal description in its entirety and insert:

**"FOUNDATION/STREET SHORING ENCROACHMENT INTO RIGHT-OF-WAY OF ONTARIO STREET AND PROSPECT AVENUE S.E.**

**Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a part of Ontario Street and Original Two Acre Lot Nos. 97 and 98 and further described as follows;**

**Beginning at the intersection of the southerly line of Prospect Avenue S.E. (82.5 feet wide), with the westerly line of East 2nd Street (50 feet wide), said intersection being the principal point of beginning of the premises herein intended to be described;**

**Course No. 1:**

**Thence S 78° 23' 04" W, along said southerly line of Prospect Avenue S.E., a distance of 255.57 feet to its intersection with the easterly line of Ontario Street (99 feet wide);**

**Course No. 2:**

**Thence S 33° 18' 27" E, along said easterly line of Ontario Street, a distance of 78.08 feet to the northwesterly corner of land conveyed to Macron Investment Co. (PPN 101-28-067) by deed recorded in Volume 12147 Page 71 of Cuyahoga County Deed Records;**

**Course No. 3:**

**Thence S 56° 41' 33" W, a distance of 6.00 feet to a point;**

**Course No. 4:**

**Thence N 33° 18' 27" W, parallel to and 6.00 feet by rectangular measurement from said easterly line of Ontario Street, a distance of 86.92 feet to a point;**

**Course No. 5:**

**Thence N 78° 23' 04" E, parallel to and 6.00 feet by rectangular measurement from said southerly line of Prospect Avenue S.E., a distance of 272.44 feet to a point;**

**Course No. 6:**

**Thence S 11° 22' 24" E, parallel to and 8.00 feet by rectangular measurement from said westerly line of**

East 2nd Street, a distance of 180.00 feet to a point;

**Course No. 7:**

Thence N 78° 37' 36" E, a distance of 5.00 feet to a point;

**Course No. 8:**

Thence S 11° 22' 24" E, parallel to and 13.00 feet by rectangular measurement from said westerly line of East 2nd Street, a distance of 47.41 feet to a point on the southerly line of High Avenue S.E. (46.36 feet wide);

**Course No. 9:**

Thence S 78° 25' 48" W, along said southerly line of High Avenue S.E., a distance of 12.84 feet to the southeasterly corner of vacated High Avenue S.E. as shown by the Vacation Plat of Part of High Avenue S.E. and East 1st Street recorded in Volume \_\_\_\_\_, Page \_\_\_\_\_ of Cuyahoga County Map records;

**Course No. 10:**

Thence N 11° 34' 12" W, along the easterly line of said vacated High Avenue S.E., a distance of 46.36 feet to its intersection with said westerly line of East 2nd Street;

**Course No. 11:**

Thence N 11° 22' 24" W, along said westerly line of said East 2nd Street, a distance of 175.06 feet to the principal point of beginning and containing 0.0943 acres (4,108 sq. ft.) of land as calculated and described by Garrett and Associates in August, 2011 be the same more or less but subject to all legal highways and easements of record.

Bearings cited within the above description are of an assumed meridian and are for the sole purpose of determining angles.

Having a Lower Limit Elevation at 31.00 feet and an Upper Limit Elevation at 98.00 feet per City of Cleveland Datum.

**FOUNDATION/STREET SHORING ENCROACHMENT INTO RIGHT-OF-WAY OF ONTARIO STREET**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a part of Ontario Street and further described as follows;

Beginning at the intersection of the southerly line of Prospect Avenue S.E. (82.5 feet wide), with the easterly line of Ontario Street (99 feet wide);

Thence S 33° 18' 27" E, along said easterly line of Ontario Street, a distance of 138.08 feet to the southwesterly corner of land conveyed to Maeron Investment Co. (PPN 101 28-067) by deed recorded in Volume 12147 Page 71 of Cuyahoga County Deed Records and the principal point of beginning of the premises herein intended to be described;

**Course No. 1:**

Thence continuing S 33° 18' 27" E, along said easterly line of Ontario Street, a distance of 50.16 feet to the northerly line of Vacated High Ave. S.E. as shown by the Vacation Plat of part of High Avenue S.E. and East 1st Street recorded in Volume \_\_\_\_\_, Page \_\_\_\_\_ of Cuyahoga County Map Records;

**Course No. 2:**

Thence S 78° 25' 48" W, a distance of 6.46 feet to a point;

**Course No. 3:**

Thence N 33° 18' 27" W, parallel to and 6.00 feet by rectangular measurement from said easterly line of Ontario Street, a distance of 47.77 feet to a point;

**Course No. 4:**

Thence N 56° 41' 33" E, a distance of 6.00 feet to the principal point of beginning and containing 0.0067 acres (294 sq. ft.) of land as calculated and described by Garrett and Associates in June, 2011 be the same more or less but subject to all legal highways and easements of record.

Bearings cited within the above description are of an assumed meridian and are for the sole purpose of determining angles.

Having a Lower Limit Elevation at 31.00 feet and an Upper Limit Elevation at 98.00 feet per City of Cleveland Datum.

4. In Section 1, on page 5, between the last legal description and the last two lines of that section being "Legal Descriptions approved by Greg Esber, Section Chief, Plats, Surveys and House Numbering Section", insert the following legal description to read as follows:

**"FOUNDATION & BUILDING ENCROACHMENT INTO RIGHT-OF-WAY OF EAST 1ST STREET**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a part of Original Two Acre Lot No. 97 further described as follows;

Beginning at the intersection of the southerly line of Prospect Avenue S.E., (82.5 feet wide), with the westerly line of East 1st Street (10 feet wide) said intersection being the principal point of beginning of the premises herein intended to be described;

**Course No. 1:**

Thence N 78° 23' 04" E, along said southerly line of Prospect Avenue, a distance of 10.00 feet to a point on the easterly line of said East 1st Street;

**Course No. 2:**

Thence S 11° 27' 00" E, along said easterly line of East 1st Street, a distance of 97.49 feet to northerly line of Vacated East 1st Street as shown by the Vacation Plat of Part of East 1st Street recorded in Volume \_\_\_\_\_, Page \_\_\_\_\_ of Cuyahoga county Map Records;

**Course No. 3:**

Thence S 78° 33' 00" W, along said northerly line of Vacated East 1st Street, a distance of 10.00 feet to its intersection with said westerly line of East 1st Street;

**Course No. 4:**

Thence N 11° 27' 00" W, along said westerly line of East 1st Street, a distance of 97.46 feet the principal point of beginning and containing 0.0224 acres (975 sq. ft.) of land according to a survey by Garrett and Associates in May, 2011 be the same more or less but subject to all legal highways and easements of record.

Bearings cited within the above description are of an assumed meridian and are for the sole purpose of determining angles.

Having a Lower Limit Elevation at 7.50 feet and an Upper Limit Elevation at 165.00 feet per City of Cleveland Datum.

5. Insert new Section 5 to read as follows:

"Section 5. That the Director of Capital Projects is authorized to apply for any permits necessary from the State of Ohio to construct the overhead bridge."

6. Renumber existing Section 5 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. 1111-11.**

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

An emergency ordinance to amend Section 2 of Ordinance No. 605-09, passed June 1, 2009, relating to a contract with Schofield Properties LLC to provide economic development assistance to partially finance the removal of the non-historic facade of the commercial building located at 2000 East 9th Street to extend the performance deadline to April 30, 2012.

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

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

**SECOND READING EMERGENCY RESOLUTION ADOPTED**

**Res. No. 1099-11.**

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

An emergency resolution declaring the intent to vacate a portion of East 1st Street and a portion of High Avenue S.E.

Approved by Directors of Capital Projects, City Planning Commission, Finance, Law; Adoption recommended by Committees on Public Service, City Planning, Finance, when amended, as follows:

1. In Section 1, strike the legal description entitled "East 1st Street Vacation" in its entirety and insert the following:

**"LEGAL DESCRIPTION OF EAST 1ST STREET VACATION CITY OF CLEVELAND**

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being a part of Original Two Acre Lot No. 97 further described as follows;

Beginning at the intersection of the northerly line of High Avenue S.E., (46.36 feet wide), with the northeasterly line of Ontario Street (99 feet wide); thence N 78° 25' 48" E, along said northerly line of High Avenue S.E., a distance of 61.42 feet to its intersection with said westerly line of East 1st Street, said intersection being the principal point of beginning of the vacation premises herein intended to be described;

**Course No. 1:**

Thence N 11° 27' 00" W, along said westerly line of East 1st Street,



a distance of 77.50 feet to the northerly line of the vacation being described herein;

**Course No. 2:**

Thence N 78° 33' 00" E, along said northerly line of the vacation being described herein, a distance of 10.00 feet to the easterly line of said East 1st Street;

**Course No. 3:**

Thence S 11° 27' 00" E, along said easterly of East 1st Street, a distance of 77.48 feet to the northerly line of High Avenue S.E.;

**Course No. 4:**

Thence S 78° 25' 48" W, along said northerly line of High Avenue, S.E. a distance of 10.00 feet to its intersection with said westerly line of East 1st Street and the principal point of beginning and containing 0.0178 acres (775 sq. ft.) of land according to a survey by Garrett & Associates in August, 2011, be the same more or less, but subject to all legal highways and easements of record.

Bearings cited within the above description are of an assumed meridian and are for the sole purpose of determining angles."

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

"Section 2. That the portion of East 1st Street extending south from Prospect Avenue to the vacation be restricted to pedestrian use only. This restriction shall be considered a regulation under Section 403.03 of the Codified Ordinances of Cleveland, Ohio, 1976, and the appropriate signs shall be erected. The requirements for the adoption of regulations under Section 403.03 are considered fulfilled by the adoption and publication of this ordinance and no further notice or publication is required."

3. Re-number 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. Adopted. 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 adoption.

**MOTION**

By Council Member Pruitt, seconded by Council Member Polensek and unanimously carried that the absence of Council Member TJ Dow, be and is hereby authorized.

**MOTION**

The Council Meeting adjourned at 8:55 p.m. to meet on Monday, September 19, 2011 at 7:00 p.m. in the Council Chambers.



Patricia J. Britt  
City Clerk, Clerk of Council

**THE CALENDAR**

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

NONE

**BOARD OF CONTROL**

September 7, 2011

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, September 7, 2011, at 10:34 a.m. with Director Triozzi presiding.

Present: Directors Triozzi, Dumas, Withers, R. Smith, Cox, Flask, Rush, Southerington, Nichols, Fumich and Rybka.

Absent: Mayor Jackson and Director Butler.

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

Diana Anthony, Acting Director, Office of Equal Opportunity.

Deborah Midgett, Acting Commissioner, Purchases & Supplies.

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

**Resolution No. 437-11.**

By Director Dumas.

Whereas, under the authority of Ordinance No. 1257-04, passed by the Council of the City of Cleveland on August 11, 2004, and Resolution Nos. 549-04 and 658-04, adopted by this Board on September 29, 2004 and November 24, 2004 respectively, the City, through its Director of Finance, entered into City Contract No. 63727 with American Fiber Systems, Inc. ("Consultant" or "AFS") to provide the professional engineering services necessary to achieve redundancy in the City's I-NET by installing fiber optic cable from 205 St. Clair to the 3rd District Police Station at 2001 Payne Avenue; and

Whereas, by letter dated November 30, 2010, the City was notified that Zayo Group had acquired American Fiber Systems and had changed AFS' name to Zayo Fiber Solutions, Inc.; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland, that this Board acknowledges the change of name of the Consultant under City Contract No. 63727 for fiber optic cable engineering services necessary to achieve redundancy in the City's I-NET from American Fiber Systems, Inc. to Zayo Fiber Solutions, Inc., effective December 1, 2010.

Be it further resolved that the Director of Finance is authorized to complete and execute all documents and do all acts necessary to effect the above-acknowledged name change with respect to City Contract No. 63727.

Yeas: Directors Triozzi, Dumas, Withers, R. Smith, Cox, Flask, Rush, Southerington, Fumich and Rybka.

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

**Resolution No. 438-11.**

By Director Withers.

Be it resolved by the Board of Control of the City of Cleveland that the bid of PMI Group Inc. for landscape maintenance at various water works facilities, Baldwin/Fairmount/Kirtland Water Works, Items B1-B39, Nottingham Water Plant, Items N1-N39, and Parma Heights/North Royalton Water Facilities, Items P1-P39, for the Division of Water, Department of Public Utilities, for a period of two years starting upon the later of the exe-

cution of a contract or the day following expiration of the currently effective contract for the goods or services, received on July 7, 2011 under the authority of Ordinance No. 1599-10, passed December 6, 2010, which on the basis of the estimated quantity would amount to \$348,266.40 (1%, 10 Days), is affirmed and approved as the lowest and best bid, and the Director of Public Utilities is requested to enter into a requirement contract for the goods and/or services, which contract shall provide for an initial order, the cost of which shall be certified to the contract in an amount not less than \$150,000.00.

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

Be it further resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractors by PMI Group Inc. for the contract authorized is approved:

<u>SUBCONTRACTOR</u>	<u>WORK PERCENTAGE</u>
Caver Brothers, Inc. (CSB/MBE/LPE)	\$69,510.64 19.959%
Davey Tree	\$8,500.00 2.441%

Yeas: Directors Triozzi, Dumas, Withers, R. Smith, Cox, Flask, Rush, Southerington, Nichols, Fumich and Rybka.

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

**Resolution No. 439-11.**

By Director Withers.

Be it resolved, by the Board of Control of the City of Cleveland that all bids received on July 7, 2011 for landscape maintenance at various public utilities facilities, Crown Water Works, Items C1-C39, Garrett A. Morgan Water Works, Items G1-G39, Harvard Service Center, Items H1-H42, Mindszenty Plaza/Public Utilities Building/ 1825 Lakeside, Items M1-M42, Tower Facilities, Items T1-T22, and Front Street Pump Station/Kirby Avenue Headquarters, Items W1-W42, for the Divisions of Water and Water Pollution Control, Department of Public Utilities, under the authority of Ordinance No. 1599-10, passed December 6, 2010, are rejected.

Yeas: Directors Triozzi, Dumas, Withers, R. Smith, Cox, Flask, Rush, Southerington, Nichols, Fumich and Rybka.

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

**Resolution No. 440-11.**

By Director Smith.

Be it resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Independence Excavating, Inc., under City Contract No. PI2010\*071 for the public improvement of renovating and upgrading the runway safety area

for Runway 10-28, Phase II, at Cleveland Hopkins International Airport, authorized by Ordinance No. 589-09, as amended by Ordinance No. 498-10, passed by the Council of the City of Cleveland on June 1, 2009 and May 10, 2010, respectively, and Board of Control Resolution No. 455-10, as amended by Resolution No. 494-10 and Resolution No. 87-11, adopted November 3, 2010, November 24, 2010 and March 9, 2011, respectively, is approved.

<u>Subcontractor</u>	<u>DBE Percentage</u>	<u>Amount</u>
Riley Contracting, Inc.	1.12% Non DBE	\$213,770.00

Be it further resolved that the amounts attributed to the subcontractors approved in Board of Control Resolution No. 455-10, as amended by Resolution No. 494-10 and Resolution No. 87-11, adopted November 3, 2010, November 24, 2010 and March 9, 2011, respectively, are amended as follows:

<u>Subcontractor</u>	<u>DBE Percentage</u>	<u>Amount</u>
North Electric, Inc.	3.02% DBE	\$ 574,118.73
Hi-Lite Markings, Inc.	1.09% Non DBE	\$ 207,851.30
Safety Grooving & Grinding, LP	0.20% Non DBE	\$ 37,365.20
Zenith Systems, LLC	10.54% Non DBE	\$2,004,870.20

Yeas: Directors Triozzi, Dumas, Withers, R. Smith, Cox, Flask, Rush, Southerington, Nichols, Fumich and Rybka.

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

#### **Resolution No. 441-11.**

By Director Smith.  
Resolved, by the Board of Control of the City of Cleveland that the bid of B. P. Britches, Inc. d/b/a Christopher's, for the necessary items of required employee uniforms, Items 1 (A), (B), (J), (K), (P), (Q), (R), (S), (U), (W), (BB), (CC), (DD), (EE), 2 (A), (B), (C), (D), (G), 3 (A) through (E), (G), (I), (K) through (O), (Q) through (T) and 4 (A) through (K), for the various divisions of the Department of Port Control, for a period of one year beginning with the date of execution of a contract, with one one-year option to renew, received May 19, 2011, under the authority of Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$87,024.00, is affirmed and approved as the lowest and best bid, and the Director of Port Control is requested to enter into a requirement contract for the goods and services necessary, which contract in an amount not less than \$5,000.00.

The requirement contract shall further provide that the Contractor shall furnish the remainder of the City's requirements for such goods and/or services, whether more or

less than the estimated quantity, as may be ordered under delivery orders separately certified to the contract.

Yeas: Directors Triozzi, Dumas, Withers, R. Smith, Cox, Flask, Rush, Southerington, Nichols, Fumich and Rybka.

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

#### **Resolution No. 442-11.**

By Director Smith.  
Resolved, by the Board of Control of the City of Cleveland that the bid of Cleveland Uniform, Inc., for the necessary items of required employee uniforms, Items 1 (T), (V), (HH), through (LL), through (QQ), 3 (F) (H) and 5, for the various divisions of the Department of Port Control, for a period of one year beginning with the date of execution of a contract, with one one-year option to renew, received May 19, 2011, under the authority of Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$20,476.00, is affirmed and approved as the lowest and best bid, and the Director of Port Control is requested to enter into a requirement contract for the goods and services necessary, which contract in an amount not less than \$5,000.00.

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

Yeas: Directors Triozzi, Dumas, Withers, R. Smith, Cox, Flask, Rush, Southerington, Nichols, Fumich and Rybka.

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

#### **Resolution No. 443-11.**

By Director Smith.  
Resolved, by the Board of Control of the City of Cleveland that the bid of Schwarz Uniform Corporation, for the necessary items of required employee uniforms, Items 1 (C) through (I), (L) through (O), (X) through (AA), (FF), (GG), (MM), 2 (E), (F), (H), (I), 3 (D), (J) and (P), for the various divisions of the Department of Port Control, for a period of one year beginning with the date of execution of a contract, with one one-year option to renew, received May 19, 2011, under the authority of Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$30,775.00, is affirmed and approved as the lowest and best bid, and the Director of Port Control is requested to enter into a requirement contract for the goods and services necessary, which contract in an amount not less than \$5,000.00.

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

Yeas: Directors Triozzi, Dumas, Withers, R. Smith, Cox, Flask, Rush,

Southerington, Nichols, Fumich and Rybka.

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

#### **Resolution No. 444-11.**

By Director Flask.  
Resolved by the Board of Control of the City of Cleveland that the bid of Atwell's Police and Fire Equipment, for an estimated quantity of various Ballistic Vests and Carriers, all items, for the Division of Police, Department of Public Safety, for the period of one (1) year beginning with the date of execution of a contract, received on July 14, 2011, under the authority of Section No. 135.06 of the Codified Ordinances of Cleveland, Ohio, 1976, which on the basis of the estimated quantity would amount to \$432,000.00, is hereby affirmed and approved as the lowest and best bid, and the Director of Public Safety is hereby requested to enter into a requirement contract for the goods and/or services, which contract shall provide for an initial order, the cost of which shall be certified to the contract in an amount not less than \$70,000.00.

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

Yeas: Directors Triozzi, Dumas, Withers, R. 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

**SCHEDULE OF THE BOARD OF ZONING APPEALS**

**MONDAY, SEPTEMBER 26, 2011**

**9:30 A.M.**

**Calendar No. 11-155:** 4919 Storer Avenue (Ward 14)  
Gerardo Sanchez, owner, and Siomar Pietri, tenant, appeal to establish use for piercing and tattooing in an existing two-story building on a 31' x 110.50' corner lot in a B1 General Retail Business District that abuts a residential district and under the limitations in Section 347.12(b)(1) the proposed use must be at least 1,000 feet from a residence district; and accessory parking spaces and vehicle maneuvering areas must be paved with asphalt, concrete or material approved by the City of Cleveland Building Commissioner in accordance with Section 349.07(a) of the Cleveland Codified Ordinances.

**Calendar No. 11-158:** 2105 Ontario Street (Ward 3)  
USA Parking Systems, owner, and Ellsworth Grimsley appeal to erect a 53,600 square foot, casino visitor parking, Welcome Center on acreage located in an E5 General Retail Business District and proposing a driveway on Ontario Street that is less than 15 feet to the side property line, contrary to the regulations under Cleveland Codified Ordinance 343.18(c) and that any driveway in a General Retail District, providing access to a property, shall be located so that there is not less than 15 feet between the point of tangency of the driveway apron radius and a prolongation of the property line to the curb line measured at the curb line.

**Calendar No. 11-162:** 1103 Starkweather Avenue (Ward 3)  
Stephen Harrison, owner, appeals to erect a 14' x 18.4' carport and alteration to a 14' x 27.10' side porch of a one family dwelling on a 57' x 103' corner parcel in a B1 Two-Family District; and under the provisions in Section 337.14 no parking space may located within 10 feet of a wall which contains ground floor openings that provide light or ventilation and according to Section 337.23(a) all accessory parking shall be placed on the rear half of a residential lot; and an interior side yard of 1 foot is provided contrary to 3 feet that's required under Section 357.09(2)B; with a rear yard depth of 16 feet provided where 33 is required according to Section 357.08(b)(1), and the expansion of an existing nonconforming use requires the Board of Zoning Appeals approval in accordance with Cleveland Codified Ordinances 359.01.

Secretary

**REPORT OF THE BOARD OF ZONING APPEALS**

**MONDAY, SEPTEMBER 12, 2011**

At the meeting of the Board of Zoning Appeals on Monday, September 12, 2011, the following appeals were heard by the Board.

The following appeals were **APPROVED:**

**Calendar No. 11-150:** 12702 Bellaire Road  
ASMAR Properties LLC and Raed Albanna appealed for a change of use from a service station to a motor vehicle service garage in a C1 General Retail Business District; with conditions.

**Calendar No. 11-152:** 8411 Broadway Avenue  
Community Assessment and Treatment Services appealed to expand the occupancy of an existing Correctional Halfway House by adding 8 residents for a total of 56 residents in a General Retail Business District.

**Calendar No. 11-129:** 4029-33 St. Clair Avenue  
Wai Hung Ltd., owner, and Raseem Parker, prospective tenant, appealed for a change of use from a store to a restaurant in a B3 Residence Industry District.

**Calendar No. 11-82:** 3801 St. Clair Avenue  
Van Kim Enterprises LLC, owner, and William Ronny, tenant, appealed for use as private club meeting and live entertainment with food and beverage service in an existing building in a General Industry District.

The following appeals were **WITHDRAWN:**

None.

The following appeals were **DISMISSED:**

None.

The following appeals were **POSTPONED:**

**Calendar No. 11-141:** 3829 Lorain Avenue postponed to October 17, 2011.

**Calendar No. 11-148:** 1222 Prospect Avenue postponed to October 10, 2011.

The following appeals heard by the Board on September 6, 2011 were adopted and approved on September 12, 2011.

The following appeal was **APPROVED:**

**Calendar No. 11-146:** 13600 Deise Avenue  
Northeast Ohio Sewer District appealed for substitution of a non-conforming use for open, outside storage of materials, equipment and construction trailers on acreage in a B3 Residence Industry District.

The following appeal was **DENIED:**

**Calendar No. 11-147:** 9815 Westchester Avenue  
Abdul Ali, owner, and Nasima Akhler, tenant, appealed to establish a Type A day care in a single family dwelling in an AA1 One-Family District.

Secretary

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

NO MEETING

**PUBLIC NOTICE**

NONE

**NOTICE OF PUBLIC HEARING**

**Notice of Public Hearing By the Council Committee On City Planning**

**Mercedes Cotner  
Committee Room 217  
City Hall, Cleveland, Ohio  
On Wednesday, September 28, 2011  
1:00 p.m.**

Notice is hereby given to all interested property owners that the Council Committee on City Planning will hold a public hearing in the Mercedes Cotner Committee Room 217, City Hall, Cleveland, Ohio, on September 28, 2011, at 1:00 p.m., to consider the following ordinances now pending in the Council:

**Ord. No. 838-11.**

By Council Member Brancatelli.  
An ordinance establishing a Planned Unit Development Overlay District and changing the Use, Area and Height Districts of a lands located on the north side of Aetna Road at E. 71st Street and E. 72nd Street to a One Family Residential District, an 'A' Area District and a '1' Height District (Map Change No. 2365, Sheet No. 6)

**Ord. No. 930-11.**

By Council Member Zone.  
An ordinance to change the Use District of land located on the south sides of Fenwick Avenue west of W. 44th Street to Two Family Residential District (Map Change No. 2367, Sheet Number 1).

**Ord. No. 961-11.**

By Council Member Miller.  
An ordinance to change the Use, Area and Height Districts of land located on the north side of Euclid Avenue between Burgess Road and Cliffview Road to Two Family Residential, a 'B' Area District and a '1' Height District (Map Change No. 2368, Sheet Number 7).

All interested persons are urged to be present or to be represented at the above time and place.

Phyllis E. Cleveland  
Chair  
Committee on City Planning

September 14, 2011 and September 21, 2011

CITY OF CLEVELAND BIDS

For All Departments

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

THURSDAY, OCTOBER 6, 2011

File No. 155-11 — Various Meyer Snow Plow Spreader Equipment, Parts and Labor, for the Division of Motor Vehicle Maintenance, Department of Public Works, as authorized by Ordinance No. 1330-A-10, passed by the Council of the City of Cleveland, December 6, 2010. THERE WILL BE A NON-MANDATORY PRE-BID MEETING FRIDAY, SEPTEMBER 23, 2011 AT 10:30 A.M. THE MOTOR VEHICLE MAINTENANCE, 4150 EAST

49TH STREET, CLEVELAND, OHIO 44105.

File No. 156-11 — Various Harley-Davidson Parts and Labor, for the Division of Motor Vehicle Maintenance, Department of Public Works, as authorized by Ordinance No. 1330-A-10, passed by the Council of the City of Cleveland, December 6, 2010.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING FRIDAY, SEPTEMBER 23, 2011 AT 10:00 A.M. THE MOTOR VEHICLE MAINTENANCE, 4150 EAST 49TH STREET, CLEVELAND, OHIO 44105.

September 14, 2011 and September 21, 2011

FRIDAY, OCTOBER 14, 2011

File No. 152-11 — The Purchase of Electrical Motors, Pumps and Ancillary Equipment, Including Labor and Materials for Repair, for the Various Divisions of Port Control, Department of Port Control, as authorized by Section 181.101 of the Codified Ordinances of Cleveland, Ohio, 1976.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING FRIDAY, SEPTEMBER 30, 2011 AT 10:00 A.M. THE DEPARTMENT OF PORT CONTROL, CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S CENTRAL RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135-3193.

File No. 153-11 — Purchase of Necessary Items of Fencing and Gates, Including Labor and Materials for Repair and Installation, for the Various Divisions of Port Control, Department of Port Control, as authorized by Ordinance No. 808-11, passed by the Council of the City of Cleveland, July 20, 2011.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING MONDAY, SEPTEMBER 26, 2011 AT 10:00 A.M. THE DEPARTMENT OF PORT CONTROL, CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S CENTRAL RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135-3193.

File No. 154-11 — The Rental of Large Capacity Trucks with Operators and Other Equipment with Operators, for the Various Divisions of Port Control, Department of Port Control, as authorized

by Ordinance No. 598-11, passed by the Council of the City of Cleveland, July 20, 2011.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING FRIDAY, SEPTEMBER 23, 2011 AT 10:00 A.M. THE DEPARTMENT OF PORT CONTROL, CLEVELAND HOPKINS INTERNATIONAL AIRPORT'S CENTRAL RECEIVING BUILDING, 19451 FIVE POINTS ROAD, CLEVELAND, OHIO 44135-3193.

File No. 157-11 — Ice Rescue Equipment, for the Division of Fire, Department of Public Safety, as authorized by Ordinance No. 813-10, passed by the Council of the City of Cleveland, September 27, 2010.

THERE WILL BE A NON-MANDATORY PRE-BID MEETING TUESDAY, SEPTEMBER 27, 2011 AT 10:00 A.M. THE CLEVELAND FIRE DEPARTMENT, 1645 SUPERIOR AVENUE, CLEVELAND, OHIO 44105.

September 14, 2011 and September 21, 2011

ADOPTED RESOLUTIONS AND ORDINANCES

NONE

COUNCIL COMMITTEE MEETINGS

Monday, September 12, 2011 2:00 p.m.

Public Service Committee, City Planning Committee, & Finance Committee: Present in Service: Miller, Chair; Cleveland, Keane, Polensek, Pruitt, Sweeney. Authorized Absence: Cummins, Vice Chair; Dow, K. Johnson. Pro tempore: Brady, Brancatelli, Mitchell. Present in Planning: Cleveland, Chair; Westbrook, Vice Chair; Brady, Conwell, Keane, Zone. Authorized Absence: Dow. Pro tempore: Brancatelli. Present in Finance: Sweeney, Chair; Kelley, Vice Chair; Brady, Brancatelli, Cleveland, Keane, Miller, Mitchell, Polensek, Pruitt, Westbrook.

2:00 p.m. Finance Committee: Present: Sweeney, Chair; Kelley, Vice Chair; Brady, Brancatelli, Cleveland, Keane, Miller, Mitchell, 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;
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