

The City Record

Official Publication of the Council of the City of Cleveland



November the Second, Two Thousand and Eleven

Frank G. Jackson
Mayor

Martin J. Sweeney
President of Council

Patricia J. Britt
City Clerk, Clerk of Council

Ward Name

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

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www.clevelandcitycouncil.org

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DIRECTORY OF CITY OFFICIALS

CITY COUNCIL – LEGISLATIVE

President of Council – Martin J. Sweeney

Ward Name Residence

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

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

MAYOR – Frank G. Jackson

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

OFFICE OF CAPITAL PROJECTS – Jomarie Wasik, Director

DIVISIONS:

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

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

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

Frank Badalamenti, Manager, Internal Audit

DIVISIONS:

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

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

DIVISIONS:

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

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

DIVISIONS:

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

DEPT. OF PUBLIC WORKS – Michael Cox, Director

OFFICES:

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

DIVISIONS:

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

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

Erievue Plaza

DIVISIONS:

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

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

DIVISIONS:

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

DEPT. OF COMMUNITY DEVELOPMENT – Daryl Rush, Director

DIVISIONS:

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

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

DIVISIONS:

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

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

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

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

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

G. Jackson, Chairman Ex-Officio; Rev. Dr. Charles P. Lucas, Jr., Vice-Chairman, Council Member Brian Cummins, Council Member Eugene R. Miller, Jeff Marks. (Board Lawyer), Roosevelt E. Coats, Jenice Contreras, Kathryn Hall, Yasir Hamdallah, Evangelina 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 Flückinger.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

CLEVELAND MUNICIPAL COURT

JUSTICE CENTER – 1200 ONTARIO STREET

JUDGE COURTROOM ASSIGNMENTS

Judge Courtroom

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

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

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WEDNESDAY, NOVEMBER 2, 2011

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CITY COUNCIL

MONDAY, OCTOBER 31, 2011

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PATRICIA J. BRITT
City Clerk, Clerk of Council
216 City Hall

PERMANENT SCHEDULE STANDING COMMITTEES OF THE COUNCIL 2010-2013

MONDAY — Alternating

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

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

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

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

MONDAY

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

TUESDAY

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

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

WEDNESDAY — Alternating

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

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

WEDNESDAY — Alternating

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

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

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

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

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

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

OFFICIAL PROCEEDINGS CITY COUNCIL

Cleveland, Ohio

Monday, October 31, 2011

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

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

Also present were Mayor Frank G. Jackson, Ken Silliman, Chief of Staff, Darnell Brown, Chief Operating Officer, Valarie J. McCall, Chief of Government Affairs, Chris Warren, Chief of Regional Development, Monyka S. Price, Chief of Education, Andrea V. Taylor, Natoya J. Walker Minor, Chief of Public Affairs - Interim Director of Equal Opportunity, Press Secretary, and Interim Law Director Langhenry, Directors Withers, Smith, Wasik, Flask, Cox, Southerington, Rybka, Nichols, Griffin, Fumich and Mundy Workman.

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

MOTION

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

COMMUNICATIONS

File No. 1558-11.
From Director of Public Safety Department — Acceptance of \$5,000.00 grant from the National Center for Victims of Crime on behalf of Cleveland Division of Police, for Community team partici-

pation in the National Training Conference Responding to Crime Victims with Disabilities. Received.

File No. 1568-11.

From Cleveland City Records Commission — Notice of Public Meeting — November 17, 2011. Received.

FROM THE DEPARTMENT OF LIQUOR CONTROL

File No. 1559-11.

Re: #2621019 — C2, C2X, D6 Stock Transfer Application, Fairfield Market, Inc., d.b.a. Fairfield Market, 1027 Fairfield Avenue. (Ward 3). Received.

File No. 1560-11.

Re: #2848948 — C2, C2X, Transfer of Ownership Application, 4700 Bridge, Ltd., d.b.a. Franklin Beverage and Deli, 4719 Franklin Boulevard, 1st fl. Front. (Ward 15). Received.

File No. 1561-11.

Re: #8916683 — C1 Stock Transfer Application, 3585 LLC, d.b.a. QS Gas and Go, 3585 West 117th Street. (Ward 17). Received.

CONDOLENCE RESOLUTIONS

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

Res. No. 1562-11—Leonard E. Curry.

Res. No. 1563-11—John Joseph Ryniak.

Res. No. 1564-11—Novella B. Brown.

CONGRATULATION RESOLUTIONS

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

Res. No. 1565-11—Linda Garson.

Res. No. 1566-11—Geraldine Burns.

APPRECIATION RESOLUTIONS

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

Res. No. 1567-11—Miceli Dairy Products.

FIRST READING EMERGENCY ORDINANCES REFERRED

Ord. No. 1549-11.

By Council Members Pruitt and Sweeney (by departmental request).
An emergency ordinance authorizing the Director of the Office of Equal Opportunity to enter into one or more contracts with AskReply, Inc., dba

B2Gnow for the acquisition of one or more licenses for a contract compliance and certification monitoring system, including designing, installing, integrating, training, and maintenance for a period of one year.

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

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

Section 1. That the Director of the Office of Equal Opportunity is authorized to enter into one or more contracts with AskReply, Inc., dba B2Gnow for professional services necessary for the acquisition of one or more licenses for a contract compliance and certification monitoring system, including designing, installing, integrating, training, and maintenance for a period of one year, on the basis of its proposal dated August 25, 2011, and to pay a licensing and support fee for 2012, for the Office of Equal Opportunity.

Section 2. That the contract or contracts, including the City's obligation to pay a licensing and support fee in 2012, shall be paid from Fund No. 10 SF 082 and shall not exceed \$75,800. Request No. RQS 0113, RL 2011-180.

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 Office of Equal Opportunity, Finance, Law; Committees on Employment, Affirmative Action, and Training, Finance.

Ord. No. 1550-11.

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

An emergency ordinance authorizing the Director of Capital Projects to execute a deed of easement granting to Ronald McDonald House of Cleveland, Inc. certain non-exclusive easement rights in property located in the vicinity of 1942 East 105th Street for ingress and egress purposes onto East 105th Street and declaring said easement rights no longer needed for public use; and authorizing the acquisition of certain non-exclusive easements from Ronald McDonald House of Cleveland, Inc. for ingress and egress purposes onto East 105th Street.

Whereas, the City currently owns an alleyway running mid-block, west to east, and providing vehicular access from the rear of Fire Station No. 10 on Chester Avenue to East 105th Street; and

Whereas, Ronald McDonald House of Cleveland, Inc. ("RMH") is about to undertake an expansion of its facilities on land that abuts the City's alleyway on the south; and

Whereas, it is in the best interests of RMH and the City to adjust the boundaries of the alleyway by granting nonexclusive cross-easements over land owned by RMH and the City, respectively, to enhance the City's access route and RMH's parking availability, all at no cost to the City; and

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

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

Section 1. That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, it is found and determined that an easement interest in the following described property is no longer needed for public use:

LEGAL DESCRIPTION OF EASEMENT OVER CITY OF CLEVELAND P.P.N. 119-10-018

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of the Original Hundred Acre Lot No. 401, and further bounded and described as follows:

Beginning at the intersection of the southerly line of Chester Avenue (86 feet wide) and the westerly line of East 105th Street (width varies);

Thence South 01° 04' 48" East along the westerly line of East 105th Street, 160.03 feet to the southeasterly corner of land conveyed to 1942 East 105th Street, LLC by the deed dated December 23, 2008 and recorded in Auditor's File Number 200812231025 of Cuyahoga County Deed Records and being the PRINCIPAL PLACE OF BEGINNING of the easement herein described;

Thence South 01° 04' 48" East continuing along the westerly line of East 105th Street and a westerly line of land conveyed to the City of Cleveland by the deed dated March 21, 1985 and recorded in Volume 85-1262, Page 37 of Cuyahoga County Deed Records, 26.73 feet to the northeasterly corner of land conveyed to Ronald McDonald House of Cleveland, Inc. (formerly Children's Oncology Services of NE Ohio, Inc.) by the deed dated July 31, 1992 and recorded in Volume 92-26663, Page 47 of Cuyahoga County Deed Records;

Thence South 88° 55' 12" West along the northerly line of land so conveyed to the Ronald McDonald House of Cleveland, Inc., 241.00 feet to a point;

Thence North 27° 52' 18" East, 35.12 feet to a point;

Thence North 88° 55' 12" East, 24.00 feet to a westerly line of land so conveyed to said 1942 East 105th Street, LLC;

Thence South 01° 04' 48" East along a westerly line of land so conveyed to 1942 East 105th Street, LLC, 4.00 feet to the southwesterly corner thereof;

Thence North 88° 55' 12" East along the southerly line of land so conveyed to 1942 East 105th Street, LLC, 200.00 feet to the westerly line of East 105th Street and the Principal Place of Beginning and containing 0.1456 acres of land.

Section 2. That by and at the direction of the Board of Control, the Commissioner of Purchases and Supplies is authorized to convey the above described easement interest to Ronald McDonald House of Cleveland, Inc. ("RMH"), subject to any conditions stated herein, at no cost to RMH, in exchange for the easement rights granted to the City in Section 6 of this ordinance.

Section 3. That the easement shall be non-exclusive and the purpose of the easement shall be to provide ingress and egress onto East 105th Street.

Section 4. That the duration of the easement shall be perpetual; that the

easement may include reasonable right-of-entry right to the City; that the easement shall not be assignable without the consent of the Director of Capital Projects; that the easement shall require the RMH to indemnify the City, provide reasonable insurance, maintain any RMH improvements located within the easement, and pay any applicable taxes and assessments.

Section 5. That the conveyance referred to above shall be made by official deed of easement prepared by the Director of Law and executed by the Director of Capital Projects on behalf of the City. The deed of easement shall contain any additional terms and conditions as are required to protect the interests of the city. The Directors of Capital Projects and Law are authorized to execute other documents, including without limitations, contracts for rights-of-entry, as may be necessary for ingress and egress purposes onto East 105th Street as described in this ordinance.

Section 6. That, notwithstanding and as an exception to the provisions of Chapters 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to acquire certain easements rights from RMH in and to the premises described for the purposes of ingress and egress onto East 105th Street:

LEGAL DESCRIPTION OF EASEMENT OVER RONALD McDONALD HOUSE OF CLEVELAND, INC. P.P.N. 119-10-015

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being part of the Original Hundred Acre Lot No. 401, and further bounded and described as follows:

Beginning at the intersection of the southerly line of Chester Avenue (86 feet wide) and the westerly line of East 105th Street (width varies);

Thence South 01° 04' 48" East along the westerly line of East 105th Street, 186.76 feet to a southeasterly corner of land conveyed to the City of Cleveland by the deed dated March 21, 1985 and recorded in Volume 85-1262, Page 37 of Cuyahoga County Deed Records and being the PRINCIPAL PLACE OF BEGINNING of the easement herein described;

Thence South 01° 04' 48" East continuing along the westerly line of East 105th Street, 15.00 feet to a point;

Thence South 88° 55' 12" West, 241.00 feet to a point;

Thence North 01° 04' 48" West, 15.00 feet to the southerly line of land conveyed to said City of Cleveland;

Thence North 88° 55' 12" East along the southerly line of land so conveyed to the City of Cleveland, 241.00 feet to the westerly line of East 105th Street and the Principal Place of Beginning and containing 0.0829 acres of land.

Section 7. That the Director of Capital Projects is authorized to execute on behalf of the City all documents necessary to acquire certain rights in and to the property.

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

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

Ord. No. 1551-11.

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

An emergency ordinance authorizing the Director of Public Utilities to enter into one or more requirement contracts without competitive bidding with RFL Electronics for components manufactured by RFL Electronics that are needed for maintenance and repair of the supervisory control and data acquisition system, including labor and materials, as needed, and maintenance, for the Division of Cleveland Public Power, Department of Public Utilities, for a period up to two years.

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

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

Section 1. That this Council determines that the within commodities are non-competitive and cannot be secured from any source other than RFL Electronics. Therefore, the Director of Public Utilities is authorized to make one or more written requirement contracts with RFL Electronics, for the requirements for a period up to two years of the necessary components manufactured by RFL Electronics that are needed for maintenance and repair of the supervisory control and data acquisition system ("SCADA"), including labor and materials, as needed, and maintenance, to be purchased by the Commissioner of Purchases and Supplies on a unit basis, for the Division of Cleveland Public Power, Department of Public Utilities, for a period up to two years.

Section 2. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a delivery order against the contract or contracts certified by the Director of Finance. (RQN 2004, RL 2011-49)

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. 1552-11.

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

An emergency ordinance authorizing the Director of Public Works to employ one or more professional consultants to provide services necessary to manage the Gateway East Garage, for a period up to three 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 Works is authorized to employ by contract or contracts one or more consultants or one or more firms of consultants for the purpose of supplementing the regularly employed staff of the several departments of the City of Cleveland in order to provide professional services necessary to manage the Gateway East Garage for a period not to exceed three years.

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

Section 2. That the cost of contract or contracts authorized shall be paid from the fund or funds to which are credited the fees collected from the operation of the Gateway East Garage.

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

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

Ord. No. 1553-11.

By Council Member Brancatelli.

An emergency ordinance authorizing the sale of real property as part of the Land Reutilization Program and located at 6610 Fullerton Ave. to Gordon and Katherine Hatfield.

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 Gordon and Katherine Hatfield.

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

P. P. 132-14-047

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Sublot No. 155 in Stone and Others Allotment of part of Original One Hundred Lot Nos. 313 and 314, as shown by the recorded plat of said Allotment in Volume 5 of Maps, Page 61 of Cuyahoga County Records. Said Sublot No. 155 has a frontage of 40 feet on the Southerly side of Fullerton Ave S.E. (formerly Fourth Avenue) and extends back between parallel lines 130 feet, as appears by said plat.

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

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

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

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

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

Ord. No. 1554-11.

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

An emergency ordinance authorizing the Director of Economic Development to enter into an amendment to Contract No. 54137 with Shorebank Enterprise Group, Cleveland dba Cleveland Enterprise Group to change the terms of the loan.

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

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

Section 1. That the Director of Economic Development is authorized to enter into an amendment to Contract No. 54137 with Shorebank Enterprise Group, Cleveland dba Cleveland Enterprise Group to allow for a shared pari passu second position mortgage with the Gund Foundation in the amount of \$240,000. All other existing collateral remains the same.

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

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

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

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

Ord. No. 1555-11.

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

An emergency ordinance supporting the City's participation in "Strong Cities, Strong Communities (SC2)," and authorizing the Director of Community Development to enter into a Memorandum of Understanding with the various federal agencies of the United States participating in SC2 describing the scope of the program and authorizing the City's participation in the SC2 Fellowship Program.

Whereas, the City of Cleveland has been selected by the White House as one of six (6) cities to participate in a pilot program titled "Strong Cities, Strong Communities (SC2)", which is a collaborative partnership designed to have direct contact between the Federal Government and local governments to establish a collaborative partnership to carry out the goals of the program; and

Whereas, under the program, federal personnel are tasked to work with City personnel on issues that are central to the City's comprehensive economic strategy as related to federal programs, resources or strategies; and

Whereas, this collaborative effort is intended to assist the City in identifying, navigating and harmonizing existing federal programs and resources that are relevant to the City's comprehensive economic strategy, utilizing federal investments strategically and efficiently in support of the City's comprehensive economic strategy, and identifying and alleviating barriers to successful implementation of the City's comprehensive economic strategy; and

Whereas, one important aspect of the program is the City's ability to benefit from the assignment of a Fellow funded by the federal government as part of the SC2 Fellowship Program to provide assistance to the City and take on responsibilities that are relevant to the City's comprehensive economic strategy; and

Whereas, there is no cost to the City to participate in this collaborative effort with the federal government; and

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

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

Section 1. That this Council supports the City's participation in "Strong Cities, Strong Communities (SC2)," and authorizes the Director

of Community Development to enter into a Memorandum of Understanding with the various federal agencies of the United States participating in SC2 describing the scope of the program and authorizing the City's participation in the SC2 Fellowship Program to benefit from the services of a Fellow designated to work with the City as part of SC2. The Director shall confer with the Chairman of the Community and Economic Development Committee prior to entering into a Memorandum of Understanding under the authority of this section.

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

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

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

Res. No. 1556-11.

By Council Member Dow

An emergency resolution objecting to the transfer of liquor license of D2, D2X, D3, and D3A Liquor Permit to 6735 St. Clair Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of liquor license of a D2, D2X, D3 and D3A Liquor Permit from Triple Threat, Inc., DBA Club Odyssey, 7901 St. Clair Avenue, Entire Building, Cleveland, Ohio 44103, Permanent Number 9053079 to Triple Threat, Inc., DBA Club Odyssey, 6735 St. Clair Avenue, Cleveland, Ohio 44103, Permanent Number 90530790001; 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 provid-

ing 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 D2, D2X, D3 and D3A Liquor Permit from Triple Threat, Inc., DBA Club Odyssey, 7901 St. Clair Avenue, Entire Building, Cleveland, Ohio 44103, Permanent Number 9053079 to Triple Threat, Inc., DBA Club Odyssey, 6735 St. Clair Avenue, Cleveland, Ohio 44103, Permanent Number 90530790001; 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 16. Nays 0. Read second time. Read third time in full. Adopted. Yeas 16. Nays 0.

Res. No. 1557-11.

By Council Member K. Johnson.

An emergency resolution objecting to a New C1 Liquor Permit at 11201 Forest Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Craig Goines, DBA Bailey's Corner, 11201 Forest Avenue, Cleveland, Ohio 44104, Permanent Number 3242965; 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 Craig Goines, DBA Bailey's Corner, 11201 Forest Avenue, Cleveland, Ohio 44104, Permanent Number 3242965; 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 16. Nays 0. Read second time. Read third time in full. Adopted. Yeas 16. Nays 0.

SECOND READING EMERGENCY ORDINANCE PASSED

Ord. No. 1112-11.

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

An emergency ordinance to change the name of Detour Avenue to Shoreway Commerce Park Avenue.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

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.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

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.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

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.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

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.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

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.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

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.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Ord. No. 1341-11.

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

An emergency ordinance to amend the title and Sections 2 and 4 of Ordinance No. 1171-08, passed September 22, 2008, relating to a Global Positioning System / Geographic Information System Airfield Management System for the various divisions of the Department of Port Control; to repeal Section 1; and to supplement the ordinance by adding new Sections 1 and 1a.

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

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Passed. Yeas 16. Nays 0.

Ord. No. 1435-11.

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

An emergency ordinance to amend the title, and Sections 1, 2, 3, and 7 of Ordinance No. 499-10, passed June 7, 2010, as amended by Ordinance No. 1624-10, passed December 6, 2010, relating to contracts with professional consultants, computer software developers, or vendors to acquire licenses for mandatory environmental compliance at Cleveland Hopkins International Airport, Burke Lakefront Airport, and the Division of Harbors, and other services necessary for the compliance, and authorizing various written standard purchase and requirement contracts.

Approved by Directors of Port Control, Finance, Law; Passage recommended by Committees on Aviation and Transportation, Finance, when amended, as follows:

1. In Section 1, in the amended title, line 8; in amended Section 1, line 2; in amended Section 2, line 9; and in amended Section 3, line 7, strike "three" in all places, and insert "two".

2. In Section 1, at amended Section 7, line 2, strike "2016" and insert "2015".

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

SECOND READING EMERGENCY RESOLUTION ADOPTED

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).

Approved by Directors of Capital Projects, City Planning Commission, Finance, Law; Adoption recommended by Committees on Public Service, City Planning, Finance.

The rules were suspended. Yeas 16. Nays 0. Read second time. Read third time in full. Adopted. Yeas 16. Nays 0.

MOTION

By Council Member Brady, seconded by Council Member Dow and unanimously carried that the absence of Council Members Joe Cimperman, Zachary Reed and Matthew Zone be and is hereby authorized.

MOTION

The Council Meeting adjourned at 7:40 p.m. to meet on Monday, November 14, 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

October 26, 2011

The regular meeting of the Board of Control convened in the Mayor's office on Wednesday, October 26, 2011, at 10:43 a.m. with Interim Director Langhenry presiding.

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

Absent: Mayor Jackson. Others: Natoya Walker-Minor, Interim Director, Office of Equal Opportunity.

Jim Hardy, Commissioner, Purchases & Supplies.

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

Resolution No. 505-11.

By Director Withers. Be it resolved by the Board of Control of the City of Cleveland that the employment of the following subcontractor by Monte Construction Co., Inc. under Contract No. PI2010*53 for the public improvement of Suburban Water Main Improvements for East 252nd Street from Treadwell Avenue to Babbitt Road and East 276th Street from Mills Avenue to Euclid Avenue in the City of Euclid, Ohio, for the Division of Water, Department of Public Utilities, is approved:

<u>Subcontractor</u>	<u>Work Percentage</u>
Midtown Trucking Company (CSB/MBE)	\$1,560.00 0.204%

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

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

Resolution No. 506-11.

By Director Cox. Be it resolved by the Board of Control of the City of Cleveland, that Board of Control Resolution No. 50-11, adopted February 9, 2011, affirming and approving the bid of Great Lakes Petroleum Company, items 3, 5, 6 and 7, as lowest and best for an estimated quantity of diesel fuel, is rescinded.

Be it further resolved, that all bids received on December 9, 2010 for an estimated quantity of diesel fuel, items 3, 5, 6, and 7, for the Division of Motor Vehicle Maintenance, Department of Public Works, under the authority of Section 131.65 of the Codified Ordinances of Cleveland, Ohio, 1976, are rejected.

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

Nays: None. Absent: Mayor Jackson.

Resolution No. 507-11.

By Director Rush. Whereas, under the authority of Ordinance No. 2076-76, passed by the Cleveland City Council October 25, 1976, the City is conducting a Land Reutilization Program according to the provisions of Chapter 5722 of the Ohio Revised Code; and

Whereas, under the Land Reutilization Program, the City has acquired Permanent Parcel No. 020-05-009, located at Kirton Avenue under the Land Reutilization Program; and

Whereas, Ordinance No. 927-11 passed August 17, 2011, authorized the sale of the Parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Kevin T. Binder has proposed to the City to purchase and develop the Parcel for Yard Expansion; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 927-11, passed by the Cleveland City Council August 17, 2011, the Mayor is authorized to execute an official deed for and on behalf of the City of Cleveland to Kevin T. Binder for the sale and development of Permanent Parcel No. 020-05-009, as described in the Ordinance according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

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

Nays: None. Absent: Mayor Jackson.

Resolution No. 508-11.

By Director Rush. Whereas, under the authority of Ordinance No. 2076-76, passed by the Cleveland City Council October 25, 1976, the City is conducting a Land Reutilization Program according to the provisions of Chapter 5722 of the Ohio Revised Code; and

Whereas, under the Land Reutilization Program, the City has acquired Permanent Parcel No. 128-27-012, located at 11501 Parkview Avenue under the Land Reutilization Program; and

Whereas, Ordinance No. 924-11 passed August 17, 2011, authorized the sale of the Parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, John R. Black has proposed to the City to purchase and develop the Parcel for Yard Expansion; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 924-11, passed by the Cleveland City Council August 17, 2011, the Mayor is authorized to execute an official deed for and on behalf of the City of Cleveland to John R. Black for the sale and development of Permanent Parcel No. 128-27-012, as described in the Ordinance according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

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

Nays: None. Absent: Mayor Jackson.

Resolution No. 509-11.

By Director Rush.

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

Whereas, under the Land Reutilization Program, the City has acquired Permanent Parcel No. 143-01-046, located at 16321 Tarkington Avenue under the Land Reutilization Program; and

Whereas, Ordinance No. 1109-11 passed September 26, 2011, authorized the sale of the parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, John Graham Jr. has proposed to the City to purchase and develop the parcel for Yard Expansion; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 1109-11, passed by the Cleveland City Council September 26, 2011, the Mayor is authorized to execute an official deed for and on behalf of the City of Cleveland to John Graham Jr. for the sale and development of Permanent Parcel No. 143-01-046, as described in the Ordinance according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

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

Nays: None.

Absent: Mayor Jackson.

Resolution No. 510-11.

By Director Rush.

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

Whereas, under the Land Reutilization Program, the City has acquired Permanent Parcel No. 125-19-024, located at 3003 East 77th Street under the Land Reutilization Program; and

Whereas, Ordinance No. 922-11 passed August 17, 2011, authorized the sale of the Parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, James and Brenda Lee Lightfoot have proposed to the City to purchase and develop the Parcel for Yard Expansion; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 922-11, passed by the Cleveland City Council August 17, 2011, the Mayor is authorized to execute an official deed for and on behalf of the City of Cleveland to James and Brenda Lee Lightfoot for the sale and development of Permanent Parcel No. 125-19-024, as described in the Ordinance

according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

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

Nays: None.

Absent: Mayor Jackson.

Resolution No. 511-11.

By Director Rush.

Whereas, under Ordinance No. 2076-76 passed October 25, 1976, the City is conducting a Land Reutilization Program in accordance with the provision of Chapter 5722 of the Ohio Revised Code; and

Whereas, City has acquired Permanent Parcel Nos. 126-20-004, 126-20-005, 126-20-007, 126-20-008, 126-20-016, 126-20-017, 126-20-018, 126-20-019, 126-20-020, 126-20-029, 126-20-030, 126-20-034, 126-20-035, 126-20-038, 126-20-040, 126-22-033, 126-22-034, 126-22-036, 126-22-039, 126-22-049, 126-22-052, 126-22-055, 126-22-056, 126-22-057 located at Lisbon and Tennyson Road; Grand Avenue; East 89th and East 90th Streets under the Land Reutilization Program; and

Whereas, Ordinance No. 1102-11, passed September 26, 2011, authorized the sale of the parcels for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Miceli LoGrasso Development Company III LLC has proposed to the City to purchase and develop the parcels; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authorization of Ordinance No. 1102-11 passed September 26, 2011, passed by the Cleveland City Council, the Mayor is authorized to execute an official deed for and on behalf of the City of Cleveland with Miceli LoGrasso Development Company III LLC for the sale and development of Permanent Parcel Nos. 126-20-004, 126-20-005, 126-20-007, 126-20-008, 126-20-016, 126-20-017, 126-20-018, 126-20-019, 126-20-020, 126-20-029, 126-20-030, 126-20-034, 126-20-035, 126-20-038, 126-20-040, 126-22-033, 126-22-034, 126-22-036, 126-22-039, 126-22-049, 126-22-052, 126-22-055, 126-22-056, 126-22-057 as described in the Ordinance in accordance with the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for the parcels shall be \$21,600.00, which amount is determined to be not less than the fair market value of the parcels for uses in accordance with the Land Reutilization Program.

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

Nays: None.

Absent: Mayor Jackson.

Resolution No. 512-11.

By Director Rush.

Whereas, under the authority of Ordinance No. 2076-76, passed by the

Cleveland City Council October 25, 1976, the City is conducting a Land Reutilization Program according to the provisions of Chapter 5722 of the Ohio Revised Code; and

Whereas, under the Land Reutilization Program, the City has acquired Permanent Parcel No. 116-35-031, located at 19214 Firwood Road under the Land Reutilization Program; and

Whereas, Ordinance No. 926-11 passed August 17, 2011, authorized the sale of the Parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Christopher D. Posante has proposed to the City to purchase and develop the Parcel for Yard Expansion; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 926-11, passed by the Cleveland City Council August 17, 2011, the Mayor is authorized to execute an official deed for and on behalf of the City of Cleveland to Christopher D. Posante for the sale and development of Permanent Parcel No. 116-35-031, as described in the Ordinance according to the Land Reutilization Program in such manner as best carries out the intent of the program.

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

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

Nays: None.

Absent: Mayor Jackson.

Resolution No. 513-11.

By Director Rush.

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

Whereas, under the Land Reutilization Program, the City has acquired Permanent Parcel No. 117-06-033, located at 1692 Wayside Road under the Land Reutilization Program; and

Whereas, Ordinance No. 924-11 passed August 17, 2011, authorized the sale of the Parcel for a consideration established by the Board of Control at not less than the Fair Market Value; and

Whereas, Romona Wentz-Blaine has proposed to the City to purchase and develop the Parcel for Yard Expansion; now, therefore,

Be it resolved by the Board of Control of the City of Cleveland that under the authority of Ordinance No. 924-11, passed by the Cleveland City Council, August 17, 2011, the Mayor is authorized to execute an official deed for and on behalf of the City of Cleveland to Romona Wentz-Blaine for the sale and development of Permanent Parcel No. 117-06-033, as described in the Ordinance according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the con-

sideration for the Parcel shall be \$400.00, which amount is determined to be not less than the fair market value of the Parcel for uses according to the Land Reutilization Program.

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

Nays: None.
Absent: Mayor Jackson.

Resolution No. 514-11.
By Director Rush.

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

Whereas, under the Program, the City has acquired Permanent Parcel No. 104-24-021 located at 1541-1543 East 45th Street in Ward 8; and

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

Whereas, James and Karen Malise, abutting/adjacent landowners, have proposed to the City to purchase and develop the parcel for yard expansion; and

Whereas, the following conditions exist:

1. The member of Council from Ward 8 has consented to the proposed sale;

2. The parcel is either less than 4,800 square feet or less than 40 feet frontage;

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

Be it resolved by the Board of Control of the City of Cleveland that under Section 183.021 of Codified Ordinances of Cleveland, Ohio 1976, the Commissioner of Purchases and Supplies is authorized, when directed by the Director of Community Development, and the Mayor is requested to execute an Official Deed for and on behalf of the City of Cleveland, with James and Karen Malise for the sale and development of Permanent Parcel No. 104-24-021 located at 1541-1543 East 45th Street, according to the Land Reutilization Program in such manner as best carries out the intent of the program.

Be it further resolved that the consideration for said parcel shall be \$1, which amount is determined to be not less than the Fair Market value of said parcel for uses according to the Program.

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

Nays: None.
Absent: Mayor Jackson.

MARK R. MUSSON,
Acting Secretary

CIVIL SERVICE NOTICES

General Information

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

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

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

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

ROBERT BENNETT,
President

SCHEDULE OF THE BOARD OF ZONING APPEALS

MONDAY, NOVEMBER 14, 2011

9:30 A.M.

Calendar No. 11-194: 5340 Brookpark Road (Ward 13)

Sun Properties Ltd., owner, appeals to replace an existing, non-conforming, static Business Identification Freeway Interchange Sign (permitted to advertise on-premises, retail tenants only) with a new digital, animation, electronically-changeable copy sign; contrary to Section 350.09(a), a retail business located in proximity to a freeway interchange shall be permitted one additional free-standing identification sign, provided that the use is within 660 feet (1/8 mile) of the nearest freeway exit ramp, and the premises are approximately 2,000 feet from the nearest freeway exit ramp of I-480 at State Road; and subject to the limitations under Section 350.09(c), the sign face of a Business Identification Freeway Interchange Sign shall not exceed 225 square feet and a sign face of 1,344 square feet is proposed contrary to the Cleveland Codified Ordinances.

Calendar No. 11-196: 3712 East 59th Street (Ward 12)

Ectarina Badea, owner, appeals to change use of an existing one family residence to a monastery and to erect and establish use of an 827 square foot rear building as a church, a place of worship, situated on a 40' x 140' parcel in a B1 Two-Family District; and by the provisions under Sections 337.02(f)(3)

and 337.03, in Two Family Districts, parish houses are permitted, if not located less than 30 feet from an adjoining premises, and are subject to review and approval of the Board of Zoning Appeals to determine if adequate yard spaces and other safeguards to preserve the character of the neighborhood are provided, and if such building and use is appropriately located and designed and will meet a community need without adversely affecting the neighborhood; and by the limitations under Section 337.02(e)(1) and 337.03, a church must be 15 feet from an adjoining premises in a Two Family District and the proposed place of worship is from 3 feet to 11 feet from an adjoining premises. The plan shows 22 seats that require 4 off-street parking spaces, determined at the rate of one space for each 6 seats; with each 20 square feet of 286 square feet of open floor usable for seating considered 1 seat, an equivalent of 20 seats that require 15 spaces, and a total requirement of 19 accessory off-street parking spaces in accordance with Section 349.04(e) in the Cleveland Codified Ordinances.

Calendar No. 11-197: 3232 East 128th Street (Ward 4)

Mt. Pleasant United Methodist Church appeals to construct a parking lot on consolidated parcels located in a B1 Two-Family District; subject to the limitations under Section 359.01(a), the proposed expansion of an existing nonconforming use requires approval from the Board of Zoning Appeals and regulated according to Section 337.02(e)(1), as a One-Family District, requires a church and accessory uses to be permitted, if located not less than 15 feet from any adjoining premises in a residence district; and according to Section 325.03 parking spaces shall be 180 square feet and by limitations under Section 349.07(b) no parking shall be located within 10 feet of any wall of a residential structure with a ground floor opening designed to provide light or ventilation; and subject to Section 349.08 parking spaces that adjoin a building containing dwelling units shall be screened by an opaque wall, uniformly painted fence of fire-resistant material, or a strip of land at least 4 feet wide, densely planted with shrubs that form a year round screen and shall be at least 3 feet but not more than 6 feet in height; and in accordance with Sections 352.05(g) and 352.10-11, all landscaped strips in or abutting parking areas shall be separated on all sides from the parking surface by curbing consisting of concrete, stone, brick or asphalt, and a minimum frontage landscaped strip 6 feet wide is required along East 126th Street and Abell Avenue.

Calendar No. 11-198: 2401 Meyer Avenue (Ward 14)

Bamco Investments LLC and Michael Ferrante, owner, and Leo Espinal, tenant, appeal to establish use as auto and machinery indoor storage in an existing one-story building located on a corner lot in a C2 Semi-Industry District; no parking is proposed and one space is required according to Section 349.04(j) that requires a parking

area equivalent to 10% of the gross floor area; and no landscaping is proposed, contrary to Section 352.08-12 that requires a landscaped transition strip 8 feet wide to provide at least 75% year round opacity at the rear of the property where the lot abuts a Multi-Family District.

Calendar No. 11-199: 1530 St. Clair Avenue (Ward 3)
Care Alliance, owner, appeals to erect two (2) 2'-8" x 8' double faced, non-illuminated vinyl banners on an existing two-story building, located on an 88' x 149.03' parcel in a C3 Semi-Industry District; and the projecting wall signs are prohibited, pursuant to the Schedule of Permitted Types and Tables for Industrial Districts under Section 350.15(b) of the Cleveland Codified Ordinances.

Calendar No. 11-200: 17004 Lorain Avenue (Ward 19)
Kamcor Realty Company, owner, and Dan Lovinger and Sean Mettler, tenant, appeal to establish use as a bar with food service and entertainment in a store space located in a C2 Local Retail Business District; by the limitations under Section 343.01 the proposed use for entertainment is not permitted and first permitted in a General Retail Business District in accordance with Section 343.11(b)(2), subject to the regulations under Section 347.12; and no parking is proposed contrary to Section 349.04(c) and a requirement for 21 off-street parking spaces; and under the restrictions in Section 347.12(a)(1), no such use shall be established within 500 feet of a residential district, a day care center, kindergarten, elementary or secondary school, public library, church, playground, public or non-profit recreation or community center; and no such use (entertainment) shall be established within 500 feet of another such use, according to Section 347.12(a)(2) in the Cleveland Codified Ordinances.

10:30

Calendar No. 11-148: 1222 Prospect Avenue (Ward 3)
RTN Limited Partners, owner, and David Parker, prospective tenant, appeal to establish use as a bar with live entertainment in an existing two-story building on a flag shaped corner parcel in an E5 General Retail Business District, located within 500 feet of the Hanna Theater, and under Cleveland Codified Ordinance 347.12(a)(2), no such use, as described in Section 343.11, shall be established within 500 feet of another amusement use. (Filed 8-5-11; dismissed 10-10-11; reinstated 10-17-11)

Secretary

REPORT OF THE BOARD OF ZONING APPEALS

MONDAY, OCTOBER 31, 2011

At the meeting of the Board of Zoning Appeals on Monday, October 31, 2011, the following appeals were heard by the Board.

The following appeals were **APPROVED:**

Calendar No. 11-180: 15222 Waterloo Road
Smira Abuaun appealed for use and occupancy permit for a gas station in a C2 Local Retail Business District.

Calendar No. 11-185: 2721 East 90th Street
Miceli-LoGrasso Development Company appealed for an addition to an existing food processing plant in a C1 General Retail Business District.

Calendar No. 11-186: 2726 East 90th Street
Miceli-LoGrasso Development Company appealed to construct two (2) buildings proposed to be on acreage in General Retail and General Industry Districts.

Calendar No. 11-187: 2335 Green Road
Gloria Robinson appealed to erect a 16' x 20' one-story detached garage in an A1 One-Family District.

Calendar No. 11-188: 17138 Lorain Avenue
Kathleen McBride Plum, owner, and KeyBank National Association, tenant, appealed to replace an existing parking lot in a C2 Local Retail Business District; subject to conditions.

The following appeals were **DISMISSED:**

None.

The following appeals were **POSTPONED:**

Calendar No. 11-184: 6310 Brookpark Road postponed to November 21, 2011.

Calendar No. 11-32: 932 Jefferson Avenue postponed to November 21, 2011.

Calendar No. 11-190: 4106 Pearl Road postponed from November 7, 2011 to December 5, 2011.

Calendar No. 11-191: 3821 Lorain Avenue postponed from November 7, 2011 to December 5, 2011.

The following appeals heard by the Board on October 24, 2011 were adopted and approved on October 31, 2011.

The following appeals were **APPROVED:**

Calendar No. 11-177: 1460 West 29th Street
The Bidwell Foundation appealed for an addition and to establish use as a museum in an existing building in a C2 Semi-Industry District.

Calendar No. 11-178: 3327 West 32nd Street
Dimitri Salivaras appealed to establish a dance studio business in a two-story building in a B1 General Retail Business District; subject to conditions.

Calendar No. 11-179: 1812 West 57th Street
Dimitri Salivaras appealed to erect a one-story frame garage addi-

tion to an existing dwelling in a B1 Two-Family District.

Calendar No. 11-182: 14501 Rainbow Drive
Carol Brown appealed to erect a 20' x 20' one-story frame garage on an irregular shaped corner lot in a B1 Two-Family District.

Calendar No. 11-155: 4919 Storer Avenue
Gerardo Sanchez, owner, and Siomar Pietri, tenant appealed to establish use for piercing and tattooing in a two-story building on a corner lot in a B1 General Retail Business District; subject to conditions.

The following appeal heard by the Board on October 17, 2011 was adopted and approved on October 31, 2011.

Calendar No. 11-141: 3829 Lorain Avenue
Ellen Mueller, owner, and Alfonso Lugo, tenant, appealed to establish use for piercing and tattooing in a D3 Local Retail Business District.

Secretary

REPORT OF THE BOARD OF BUILDING STANDARDS AND BUILDING APPEALS

Re: Report of the Meeting of October 26, 2011

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

* * *

Docket A-65-11.

RE: Appeal of Sterling Holdings, Owner of the VL Vacant Lot Property located on the premises known as 4421 West 150th Street from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated February 7, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant two (2) weeks in which to complete abatement of the violations, the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action, noting that the conditions of the violations have been satisfied. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

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

* * *

Docket A-106-11.

RE: Appeal of Blessed Assistance Services, Owner of the One Dwelling Unit Single-Family Residence One & One/half Story Frame Property

located on the premises known as 3375 East 126th Street from a CONDEMNATION ORDER — MAIN STRUCTURE & GARAGE, dated March 29, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant two (2) weeks in which to clean up the debris and secure the property, and three (3) additional months in which to complete abatement of all violations; and thirty (30) days from today to obtain the required permits; failure to meet any of those dates will immediately REMAND the property to the Department of Building and Housing for supervision and any required further action. The property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Gallagher.

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

* * *

Docket A-109-11.

RE: Appeal of Sheila Alridge, Owner of the Three Dwelling Units Two & One/half Story Residence Two & One/half Story Frame Property located on the premises known as 3289 West 48th Street from a NOTICE OF VIOLATION — INTERIOR/EXTERIOR MAINTENANCE, dated March 25, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

Docket A-109-11 have been POSTPONED; to be rescheduled for November 09, 2011.

* * *

Docket A-110-11.

RE: Appeal of October Ross, Owner of the One Dwelling Unit Single-Family Residence Two & One/half Story Frame, and One & One/half Story Garage — Detached; Wood Frame Property located on the premises known as 11901 Castlewood Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE & GARAGE, dated May 13, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant six (6) months in which to complete abatement of the violations, noting the testimony and satisfactory progress to this date and insinuating circumstances, the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Gallagher.

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

Docket A-111-11.

RE: Appeal of Anthony Gray, Owner of the B Business — Offices, Laboratories, Adult School One Story Frame Property located on the premises known as 2800 East 90th Street from a NOTICE OF VIOLATION — FIRE DAMAGE, dated March 14, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to DENY the appeal and to REMAND the property to the Department of Building and Housing for supervision and any required further action, noting the comments of the City and lack of attendance by the Appellant. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saab.

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

* * *

Docket A-112-11.

RE: Appeal of Jerry L. Ward, Owner of the Two Dwelling Units Two-Family Residence Two & One/half Story Frame Property located on the premises known as 7113 Clark Avenue from a 30 DAY CONDEMNATION ORDER — MAIN STRUCTURE, dated April 30, 2007 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to find that the 30 Day Condemnation Order was properly issued based upon the testimony and evidence presented, and to REMAND the property to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saab.

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

* * *

Docket A-113-11.

RE: Appeal of Aaron Philbin, Owner of the Two Dwelling Units Two-Family residence Two Story Frame Property located on the premises known as 3120 Marvin Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated April 7, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant one (1) year in which to complete abatement of the violations, the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saab.

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

Docket A-114-11.

RE: Appeal of Terry Fields, Owner of the One Dwelling Unit Single-Family Residence Two & One/half Story Frame Property located on the premises known as 3299 Regent Road from a CONDEMNATION ORDER — MAIN STRUCTURE, dated April 23, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to REMAND the property to the Department of Building and Housing for supervision and any required further action, noting the condition of the property and the testimony of the interested parties and delinquent bills in other areas. Motion so in order. Motioned by Mr. Saab and seconded by Mr. Bradley.

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

* * *

Docket A-115-11.

RE: Appeal of Estate of Robert J. Lewis, Owner of the R-2 Residential - Non-transient; Apartments (Shared Egress) Two & One/half Story Masonry Walls/Wood Floors Property located on the premises known as 1705 East 85th Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated March 11, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to DENY the appeal and to REMAND the property to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saab.

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

* * *

Docket A-116-11.

RE: Appeal of David Sider, Owner of the Residential Property located on the premises known as 4075 East 74th Street from a LIMITATION ON THE PERMIT, dated April 6, 2011 of the Director of the Department of Public Safety, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to DENY the appeal for an Extension of Time on the permits and to REMAND the property to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

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

* * *

Docket A-117-11.

RE: Appeal of Pope Construction, Owner of the One Dwelling Unit Single-Family Residence One & One/half Story Frame Property located on the premises known as

3982 East 121st Street from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated November 12, 2010 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

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

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

* * *

Docket A-119-11.

RE: Appeal of Antonio Anderson, Owner of the R-2 Residential - Permanent Housing — Shared Egress Property located on the premises known as 267 East 156th Street from a LIMITATION ON THE PERMIT, dated March 15, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant six (6) months in which to complete abatement of the violations with a report in three (3) months regarding the progress and a report within two (2) weeks, from the inspector verifying the conditions that were described at the meeting by the Appellant. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

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

* * *

Docket A-121-11.

RE: Appeal of John R. Bride, Owner of the Property located on the premises known as 6306 Heisley Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated March 1, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to DENY the Appellant's appeal and to REMAND the property to the Department of Building and Housing for supervision and any required further action, based upon the photographic evidence and the testimony of the attendees at the meeting. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

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

* * *

Docket A-122-11.

RE: Appeal of Carol K. Smith, Owner of the Two Dwelling Units Two-Family Residence Two &

One/half Story Frame Property located on the premises known as 4816 Franklin Boulevard from a NOTICE OF VIOLATION — EXTERIOR MAINTENANCE, dated March 17, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant one (1) year as requested in which to complete abatement of all violations, noting that satisfactory progress and improvements to the property, the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Gallagher.

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

* * *

Docket A-123-11.

RE: Appeal of Mon Cheri Davenport, Owner of the M Mercantile - Retail Shops, Carry-out Food Shops One Story Masonry Walls/Wood Floors Property located on the premises known as 13501 St. Clair Avenue from a CONDEMNATION ORDER — MAIN STRUCTURE, dated January 12, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

No action this date, the docket is rescheduled for November 09, 2011.

* * *

Docket A-124-11.

RE: Appeal of Bennie Jackson Jr., Owner of the One Dwelling Unit Single-Family Residence One & One/half Story Frame Property located on the premises known as 3444 East 78th Street from a NOTICE OF VIOLATION — HAZARDOUS CONDITIONS, dated March 29, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to DENY the request for additional time and to REMAND the property to the Department of Building and Housing for supervision and any required further action, noting that the Appellant has had six (6) months to repair it to date. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

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

* * *

Docket A-125-11.

RE: Appeal of Ardine L. Simon, Owner of the One Dwelling Unit Single-Family Residence Two & One/half Story Masonry Property located on the premises known as 4386 Turney Road from a CONDEMNATION ORDER — MAIN STRUC-

TURE, dated September 1, 2009 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the Appellant thirty (30) days in which to obtain permits and six (6) months in which to complete abatement of all violations, the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

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

* * *

Docket A-285-11.

RE: Appeal of Willie & Sarah Davis (Deceased), Owners of the One Dwelling Unit Single-Family Residence Two & One/half Story Frame Property located on the premises known as 3342 East 139th Street from a CONDEMNATION ORDER — MAIN STRUCTURE, dated September 2, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to DENY the appeal and to REMAND the property to the Department of Building and Housing supervision and any required further action, based upon the Board's counsel advice and the indication that the property is not represented by the owners. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Bradley.

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

* * *

Docket A-338-11.

RE: Appeal of Verizon Wireless, Owner of the Property located on the premises known as 1110 West 3rd Street from an ADJUDICATION ORDER, dated October 13, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to permit the tower to be erected as per the principles discussed and maintained on the property until February 1, 2012 with the following conditions: that a flat plate load test must be performed and the varying surfaces adjusted to conform to the results of that test, and periodic load assurance tests are to be made to be sure that the supports are uniformed. Motion so in order. Motioned by Mr. Gallagher and seconded by Mr. Saab.

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

* * *

Docket A-342-11.

RE: Appeal of Jeffrey Ramsey, Owner of the Property located on

the premises known as 6516 Detroit Avenue from an ADJUDICATION ORDER, dated October 18, 2011 of the Director of the Department of Building and Housing, requiring compliance with the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC).

BE IT RESOLVED, a motion is in order at this time to grant the variance requested in order to allow the sign to be erected as proposed. Motion so in order. Motioned by Mr. Maschke and seconded by Mr. Saab.

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

* * *

EXTENSION OF TIME:

Docket A-350-10.

Carleitha Price — 8405 Central Avenue:

A motion is in order at this time to grant the Appellant an additional six (6) months in which to complete abatement of the violations, the property is REMANDED at this time to the Department of Building and Housing for supervision and any required further action. Motion so in order. Motioned by Mr. Bradley and seconded by Mr. Saab.

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

* * *

APPROVAL OF RESOLUTIONS:

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

A-72-11 — Jacqueline Beatrice Parries

A-86-11 — Marietta Allen
A-87-11 — James A. Davis
A-91-11 — Kystyna Beserman
A-93-11 — Adam R. Koriatak
A-94-11 — Keith K. Duffield
A-95-11 — Bolivar Garage LLC
A-97-11 — Lamont Ellis
A-101-11 — 9019-9025 Lorain Avenue LLC

A-102-11 — Catherine Surratt
A-103-11 — Larry Craig
A-104-11 — Larry Craig
A-105-11 — Larry Craig
A-194-11 — Magda Matos
A-211-11 — David M. Dotson
A-219-11 — Brian Decker
A-235-11 — Cleveland Bricks
A-266-11 — Larry Craig
A-267-11 — Larry Craig
A-294-11 — MRN, Limited
A-305-11 — Mike D'Amico
A-321-11 — Garden Valley Housing Partnership

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

* * *

APPROVAL OF MINUTES:

Separate motions were entered by Mr. Maschke and seconded by Mr.

Bradley for Approval and Adoption of the Minutes as presented by the Secretary, subject to the Codified Ordinances of the City of Cleveland and the Ohio Building Code (OBC):

October 12, 2011

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

* * *

JOSEPH F. DENK
Chairman

PUBLIC NOTICE REQUEST FOR PROPOSAL DEPARTMENT OF ECONOMIC DEVELOPMENT

Request for Proposals from qualified firms/entrepreneurs/businesses interested in providing services of a neighborhood grocery store including but not limited to fresh produce & vegetables, meats, cheeses, bread, and prepared foods located at the vacant 1.78 acre City-owned property 10505 St. Clair Avenue, Cleveland, OH 44115. Proposals are due by 5:00 p.m. Eastern Standard Time, Friday, December 16, 2011. For more information and to see the Request for Proposals, go to http://www.city.cleveland.oh.us/CityofCleveland/Home/Government/CityAgencies/Finance/RFP?_piref34_136352_34_121844_121844_ora_navig=action%3Ddetails%26rfpId%3D3617 or call (216) 664-3720.

October 19, 2011, October 26, 2011, November 2, 2011, November 9, 2011, November 16, 2011, November 23, 2011, November 30, 2011, December 7, 2011 and December 14, 2011

PUBLIC NOTICE REQUEST FOR PROPOSAL DEPARTMENT OF ECONOMIC DEVELOPMENT

Request for Proposals from qualified firms/consultants interested in the redevelopment of the Variety Theatre Building located at 10313 Lorain Avenue. The City is seeking a qualified developer to complete a plan for the redevelopment of the Variety Theatre Building. Proposals are due by 5:00 p.m. Eastern Standard Time, Friday, November 11, 2011. For more information and to see the Request for Proposals, go to http://www.city.cleveland.oh.us/CityofCleveland/Home/Government/CityAgencies/Finance/RFP?_piref34_136352_34_121844_121844_ora_navig=action%3Ddetails%26rfpId%3D3639 or call (216) 664-2202.

October 26, 2011, November 2, 2011 and November 9, 2011

NOTICE OF PUBLIC MEETING OF THE CITY OF CLEVELAND RECORDS COMMISSION

Notice is hereby given in accordance with Chapter 149 of the Ohio Revised Code and Chapter 167 of the Codified Ordinances of the City of Cleveland, that the Cleveland City Records Commission will hold a public meeting on Thursday, November 17, 2011 at 2:00 PM in Room 106 of City Hall, 601 Lakeside Avenue, Cleveland, Ohio for the purpose of considering records retention and disposal requests.

November 2, 2011, November 9, 2011 and November 16, 2011

NOTICE OF PUBLIC HEARING

NONE

CITY OF CLEVELAND BIDS

For All Departments

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

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

187.10 Negotiated contracts; Notice required in Advertisement for Bids.

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

THURSDAY, NOVEMBER 17, 2011

File No. 185-11 — Glenville Recreation Center Boiler Replacement, for the Division of Architecture &

Site Development, Department of Public Works, as authorized by Ordinance No. 453-11, passed by the Council of the City of Cleveland, May 16, 2011.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** FRIDAY, NOVEMBER 4, 2011 AT 10:00 A.M. THE CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, DIVISION OF ARCHITECTURE & SITE DEVELOPMENT, CONFERENCE ROOM, ROOM 517A, CLEVELAND, OHIO 44114.

October 26, 2011 and November 2, 2011

FRIDAY, NOVEMBER 18, 2011

File No. 186-11 — 2011 Ball Diamond Improvement (Package B), for the Division of Architecture & Site Development, Department of Public Works, as authorized by Ordinance No. 453-11, passed by the Council of the City of Cleveland, May 16, 2011.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING** THURSDAY, NOVEMBER 3, 2011 AT 2:00 P.M. THE CLEVELAND CITY HALL, 601 LAKESIDE AVENUE, ROOM 517A, CLEVELAND, OHIO 44114.

October 26, 2011 and November 2, 2011

WEDNESDAY, NOVEMBER 30, 2011

File No. 187-11 — West Side Market Phase Two Improvements, for the Division of Architecture & Site Development, Department of Public Works, as authorized by Ordinance Nos. 489-07 and 1874-07, passed by the Council of the City of Cleveland, June 4, 2007 and January 7, 2008, respectively.

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

THERE WILL BE A **NON-MANDATORY PRE-BID MEETING AND A SITE TOUR MEETING** TUESDAY, NOVEMBER 15, 2011 AT 10:00 A.M. THE WEST SIDE MARKET, 1979 WEST 25TH STREET, LOADING DOCK ENTRANCE, CLEVELAND, OHIO 44114.

THERE WILL BE A **NON-MANDATORY SECOND SITE TOUR ON THURSDAY, NOVEMBER 17, 2011 AT THE: WEST SIDE MARKET, 1979 WEST 25TH STREET, LOADING DOCK ENTRANCE, CLEVELAND, OHIO 44114.**

File No. 188-11 — Labor and Materials to Refurbish the Supervisory Control and Data Acquisition System (SCADA) and the Plant Computer Control Systems (PCCS) Part One (Re-Bid), for the Division of Water, Department of Public Utilities, as authorized by Ordinance No. 629-11, passed by the Council of the City of Cleveland, June 6, 2011.

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

November 2, 2011 and November 9, 2011

ADOPTED RESOLUTIONS AND ORDINANCES

Res. No. 1524-11.

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

An emergency resolution declaring opposition to Issue Three.

Whereas, in the General Election of November 8, 2011 voters will be asked to vote 'yes' or 'no' on the so-called Health Care Freedom Amendment on the ballot as Issue Three; and

Whereas, the Amendment to the Ohio Constitution says, "No federal, state, or local law or rule shall compel, directly or indirectly, any person, employer, or health care provider to participate in a health care system"; and

Whereas, the Amendment defines a 'health care system' as "... any public or private entity or program whose function or purpose includes the management of, processing of, enrollment of individuals for, or payment for, in full or in part, health care services, health care data, or health care information for its participants; and

Whereas, the City of Cleveland has responsibility for the public health; and

Whereas, the City of Cleveland's population includes thousands of uninsured people and underinsured people; and

Whereas, the Health Care Freedom Amendment is worded so that it could make it more difficult for the City to carry out its duty to its residents in providing needed vaccines during potential epidemics or sharing data on health issues with government entities; and

Whereas, the Amendment was originally designed to undermine the national health reform act known as the Affordable Care Act which is already providing benefits to the people of Cleveland; and

Whereas, benefits already being provided by the Affordable Care Act include the following: young adults

can gain coverage through their parent's group policies; preventive and primary care procedures must now be given without co-pays or deductibles; the doughnut hole is being closed for our senior citizens; small businesses that provide coverage are receiving tax breaks; and the pre-existing condition insurance plan is covering some Clevelanders; and

Whereas, Cleveland City Council calls upon the voters of Cleveland to "Vote No" on Issue Three in order to protect the gains we have already won and those yet to be under the Affordable Care Act and to protect the City's ability to protect the public health; 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 declares its opposition to Issue Three.

Section 2. That the Clerk of Council is hereby directed to transmit copies of this resolution to UHCAN Ohio, and Mayor Jackson.

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

Adopted October 24, 2011.

Effective October 26, 2011.

Res. No. 1525-11.

By Council Member Cimperman.

An emergency resolution objecting to a New C1 Liquor Permit at 2101 Denison Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for a New C1 Liquor Permit at Mohammed Hmeidan, DBA Johnny's, 2101 Denison Avenue, Cleveland, Ohio 44109, Permanent Number 3877735; 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 Mohammed Hmeidan, DBA Johnny's, 2101 Denison Avenue, Cleveland, Ohio 44109, Permanent Number 3877735, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted October 24, 2011.

Effective October 26, 2011.

Res. No. 1526-11.

By Council Member Cimperman.

An emergency resolution objecting to the transfer of ownership of a D5 and D6 Liquor Permit to 668 Euclid Avenue, unit 8P.

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 RG Caddy, LLC, DBA Caddyshack Lounge & Patio, 668 Euclid Avenue, Unit 8P, Cleveland, Ohio 44115, Permanent Number 7146923 to 627 Prospect, LLC, DBA Caddyshack Lounge & Patio, 668 Euclid Avenue, Unit 8P, Cleveland, Ohio 44115, Permanent Number 8202311; 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 D5 and D6 Liquor Permit from RG Caddy, LLC, DBA Caddyshack Lounge & Patio, 668 Euclid Avenue, Unit 8P, Cleveland, Ohio 44115, Permanent Number 7146923 to 627 Prospect, LLC, DBA Caddyshack Lounge & Patio, 668 Euclid Avenue, Unit 8P, Cleveland, Ohio 44115, Permanent Number 8202311; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted October 24, 2011.

Effective October 26, 2011.

Res. No. 1527-11.

By Council Member Cimperman.

An emergency resolution objecting to the transfer of ownership of a D1, D2, D3, and D3A Liquor Permit to 2102 Freeman Avenue.

Whereas, Council has been notified by the Department of Liquor Control of an application for the transfer of ownership of a D1, D2, D3 and D3A Liquor Permit from Thinema Group, Ltd., DBA Duck Island Club, 2102 Freeman Avenue, 1st floor, Cleveland, Ohio 44113, Permanent Number 8871268 to Cull Long & Michalak, LLC, DBA Duck Island Club, 1st floor, 2102 Freeman Avenue, Cleveland, Ohio 44113, Permanent Number 1845797; 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 D1, D2, D3 and D3A Liquor Permit from Thinema Group, Ltd., DBA Duck Island Club, 2102 Freeman Avenue, 1st floor, Cleveland, Ohio 44113, Permanent Number 8871268 to Cull Long & Michalak, LLC, DBA Duck Island Club, 1st floor, 2102 Freeman Avenue, Cleveland, Ohio 44113, Permanent Number 1845797; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted October 24, 2011.

Effective October 26, 2011.

Res. No. 1528-11.

By Council Member Cimperman.

An emergency resolution objecting to the transfer of ownership of a D5 and D6 Liquor Permit to 828 Huron Road, 1st floor, basement and patio.

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 Alescis Gateway Café, Ltd., 828 Huron Road, 1st floor, basement and patio, Cleveland, Ohio 44115, Permanent Number 0103905 to Burson Restaurant Management, DBA Huron Point Tavern, 828 Huron Road, 1st floor, basement and patio, Cleveland, Ohio 44115, Permanent Number 1128498; 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 D5 and D6 Liquor Permit from Alescis Gateway Café, Ltd., 828 Huron Road, 1st floor, basement and patio, Cleveland, Ohio 44115, Permanent Number 0103905 to Burson Restaurant Management, DBA Huron Point Tavern, 828 Huron Road, 1st floor, basement and patio, Cleveland, Ohio 44115, Permanent Number 1128498; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted October 24, 2011.

Effective October 26, 2011.

Res. No. 1529-11.

By Council Member Cimperman.

An emergency resolution objecting to the transfer of Liquor License of a D5 and D6 Liquor Permit to 1313 West 6th Street.

Whereas, Council has been notified by the Department of Liquor Control of an application for a transfer of Liquor License of a D5 and D6 Liquor Permit from Dujmovic Enterprises, LLC, DBA Mrkis Place, 5379 St. Clair Avenue, 1st floor, Cleveland, Ohio

44103, Permanent Number 2337798 to MGFG, LLC, DBA Enigma, 1313 West 6th Street, Cleveland, Ohio 44113, Permanent Number 5378773; and

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

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

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

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

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

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

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

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

Section 1. That Council does hereby record its objection to a transfer of Liquor License of a D5 and D6 Liquor Permit from Dujmovic Enterprises, LLC, DBA Mrkis Place, 5379 St. Clair Avenue, 1st floor, Cleveland, Ohio 44103, Permanent Number 2337798 to MGFG, LLC, DBA Enigma, 1313 West 6th Street, Cleveland, Ohio 44113, Permanent Number 5378773, and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted October 24, 2011.

Effective October 26, 2011.

Res. No. 1530-11.

By Council Member Cummins.

An emergency resolution objecting to the transfer of ownership of a D5 Liquor Permit to 3194 West 25th 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 Liquor Permit from 2109 Tate, Inc., DA Teri O's Lounge, 3194 West 25th Street, 1st floor and basement, Cleveland, Ohio 44109, Permanent Number 91163200005 to 3194 Tavern, LLC, DBA Stumble Inn, 3194 West 25th Street, 1st floor and basement, Cleveland, Ohio 44109, Permanent Number 8917129; 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 D5 Liquor Permit from 2109 Tate, Inc., DA Teri O's Lounge, 3194 West 25th Street, 1st floor and basement, Cleveland, Ohio 44109, Permanent Number 91163200005 to 3194 Tavern, LLC, DBA Stumble Inn, 3194 West 25th Street, 1st floor and basement, Cleveland, Ohio 44109, Permanent Number 8917129; and requests the Director of Liquor Control to set a hearing for said application in accordance with provisions of Section 4303.26 of the Revised Code of Ohio.

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

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

Adopted October 24, 2011.

Effective October 26, 2011.

Res. No. 1535-11.
By Council Members Keane, Sweeney, Kelley, Zone, Brady, Brancatelli, Miller, Pruitt and Cummins.

An emergency resolution urging the City Planning Commission, the Group Plan Commission, NOACA's Northeast Ohio Sustainable Communities Regional Planning, and other planning efforts to incorporate Chicago-East Coast passenger rail services, rights of way and facilities in their efforts to support Amtrak's ridership growth and future expansion plans; and further urging the Ohio Congressional Delegation to support the President's funding recommendations for Amtrak and high-speed rail in order to support the development of Amtrak's rapidly growing Chicago-East Coast services and future high-speed rail planning through Cleveland and Northeast Ohio.

Whereas, Greater Cleveland has long been one of the nation's largest and most dynamic economies; and

Whereas, Northeast Ohio offers a diverse base of manufacturing, agriculture, academic and government research, and business services that are often too distant from our cities and from one another for effective business development and sharing of intellectual capital; and

Whereas, Greater Cleveland's economic recovery is ahead of the nation's as measured in unemployment rates, but is still below rates experienced during more prosperous times; and

Whereas, fast, convenient and affordable travel is needed to facilitate a stronger and more vibrant economy; and

Whereas, existing Amtrak services through Ohio, linking Chicago to the East Coast, have seen significant ridership increases in recent years, with Amtrak forecasting it to grow from 500,000 riders per year in 2010 to more than 900,000 riders by 2013; and

Whereas, a trunk line of improved Amtrak service between Chicago and the East Coast via Cleveland, operating at 90-110 mph with affordable fares would provide a strong foundation for future high-speed trains of up to 220 mph in the region; and

Whereas, high-speed trains would transform the way we travel and do business by making travel more affordable and better connecting our business, manufacturing, agricultural, and research and development centers; and

Whereas, high-speed trains would strengthen our economy, drive productivity in the Region's existing commercial arenas, encourage job growth, and help foster potential for business investment, entrepreneurship, technology development and advanced manufacturing; and

Whereas, the investment in a high-speed train network would lower our consumption of foreign oil, saving nearly 130 million gallons of gasoline a year; and

Whereas, the construction of a high-speed network would create nearly 300,000 high quality construction, engineering and manufacturing jobs; and

Whereas, The President has proposed an authorization of \$53 billion over the next 6 years for high-speed and inter-city passenger rail development as part of the Administration's surface transportation reauthorization proposal outline in its February budget; and

Whereas, The President has proposed \$8 billion be appropriated in the 2012 budget in order to accelerate the development of a high-speed rail network and its subsequent benefits; and

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

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

Section 1. That this Council urges the City Planning Commission, the Group Plan Commission, NOACA's Northeast Ohio Sustainable Communities Regional Planning, and other planning efforts to incorporate Chicago-East Coast passenger rail services, rights of way and facilities in their efforts to support Amtrak's ridership growth and future expansion plans.

Section 2. That this Council further urges the Ohio Congressional Delegation to support the President's funding recommendations for Amtrak and high-speed rail in order to support the development of Amtrak's rapidly growing Chicago-East Coast services and future high-speed rail planning through Cleveland and Northeast Ohio.

Section 3. That the Clerk of Council is directed to transmit copies of this resolution to President Barack Obama, all members of the Ohio congressional delegation, the members of the Group Plan Commission, and the members of NOACA's Northeast Sustainable Communities Regional Planning.

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

Adopted October 24, 2011.

Effective October 26, 2011.

Ord. No. 957-11.

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

An emergency ordinance to amend various sections of Chapter 557, as amended and enacted by various ordinances, relating to the operation of the Cemetery Endowment Fund, to make certain references gender neutral, and to update the department name.

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

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

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

Section 557.03, as amended by Ordinance No. 1659-09, passed November 30, 2009,

Section 557.05, as enacted by Ordinance No. 81865, passed April 2, 1928,

Sections 557.06, 557.07, 557.08, 557.11, and 557.13, as amended by Ordinance No. 1659-09, passed November 30, 2009,

Sections 557.16 and 557.17, as enacted by Ordinance No. 81865, passed April 2, 1928,

Sections 557.18, 557.21, 557.22, 557.23, 557.25, 557.27, and 557.36, as amended by Ordinance No. 1659-09, passed

November 30, 2009,
are amended to read as follows:

Section 557.03 Designation of Burial Areas

The Commissioner of Park Maintenance and Properties shall have power to designate areas within which headstones, monuments and other structures may be erected, and shall have power to control and regulate the erection in or on cemetery lots. No headstone, monument or other structure shall be so erected unless approved by the Commissioner.

Section 557.05 Speed Limit

No motor vehicle shall be driven faster than fifteen miles per hour, within any cemetery owned by the City.

Section 557.06 Plat Required; Contents; Approval

The Commissioner of Park Maintenance and Properties shall prepare a plat of every cemetery owned or established by the City. The plat shall show all drives, walks or other thoroughfares; all sewers, drains or watercourses; all lots reserved for buildings necessary in the administration of the cemetery; all areas reserved as parks or open spaces; all burial lots; all areas reserved for future platting. The Commissioner may, with the approval of the directors of the departments concerned, requisition the services of any office or division which may be needed in the preparation of the plat. In every case the value of services shall be paid from the Cemetery Operating Fund to the General Fund. The plat shall be subject to the approval of the Platting Commissioner as to all drains and sewers shown on the plat, and subject to the approval of the Director Public Works in all respects. When approved it shall be filed as public record in the office of the Commissioner, subject to alterations, amendment, supplement or supersession only by a plat similarly prepared and approved which shall specifically state the plat or particular items of a particular plat intended to be altered, amended, supplemented or superseded. No interment shall be permitted except in a burial lot or site shown as such upon the plat herein required.

Section 557.07 Lot Prices

Prices at which cemetery lots, or parts thereof, may be sold shall be fixed by the Commissioner of Park Maintenance and Properties, at the time of platting any cemetery or part of any cemetery hereinafter acquired by the City, or not previously platted. The prices so fixed for all the lots shown on any plat shall be included in a single schedule, which shall clearly identify each lot shown on the plat, and the price. No schedule or amendment thereto shall be valid until the approval of the Director of Public Works and the Director of Finance are endorsed thereon, and until it is filed as a public record in the office of the Commissioner. Whenever any prices so fixed are to be changed, it shall be done only by amending the schedule, or by adopting a new schedule, which shall supersede all prior schedules applicable to the plat.

Section 557.08 Items Determining Lot Prices

The price of each lot shall be the sum of three items determined as provided in Sections 557.09 to 557.11:

(a) The land cost, in which term is included the cost to the City of the land and general improvements represented by such lot or site;

(b) The endowment cost, being the contribution from the sale price made to the Cleveland City Cemetery Endowment Fund; and

(c) The operation cost, being the amount required for the care and upkeep of the lot, as shall be determined by the Commissioner of Park Maintenance and Properties, and which sum shall be the balance remaining after deductions of divisions (a) and (b) of this section from the selling price of each lot. The Commissioner of Parks Maintenance and Properties may amend this cost as the Commissioner deems necessary. Each item and the total price shall be shown on the schedule required by Section 557.07.

Section 557.11 Endowment Cost

The Director of Finance shall declare the amount of the endowment cost, which amount shall be a contribution to the Cleveland City Cemetery Endowment Fund from the receipts of the sale price. The Director may change this amount as deemed necessary by the Director.

Section 557.13 Purchase of Lots on Deferred Payments

The Commissioner of Park Maintenance and Properties may at his discretion accept an initial payment on the price of the lot in an amount not less than half the total price, nor in any case less than the land cost apportioned to the lot. Payment of the remainder of the price shall be secured by agreement as the Commissioner, with the approval of the Director of Public Works, deems reasonable. The agreement shall be in form prescribed and approved by the Director of Law, and shall require the payment to the City for the benefit of the Cemetery Operating Fund of interest at the rate of six percent per annum on the deferred portion of the price, and for the reduction from time to time of the deferred portion by payments not less frequent than semi-annually, nor shall the payment of any portion be deferred longer than five years. The entire amount unpaid shall become due and payable before any interment is permitted in the lot, but the payment may be waived, and the agreement continued upon terms approved by the Directors named in this section.

Section 557.16 Rights Conveyed in Certificate of Purchase

A certificate of purchase shall not convey to the purchaser any title to the land described therein, but shall secure to him the right of sepulture for the purchaser and for members of the purchaser's family, the right of access at all reasonable times, and the right to erect, maintain and care for monuments or other structures, and to beautify lots or graves, all subject to the provisions of laws, ordinances and rules or regulations applicable in the premises.

Section 557.17 Right of Cancellation

The City shall reserve the right in the case of the opening of a thoroughfare or highway on a course through any cemetery to cancel the certificate of purchase. Upon any cancellation the City shall be obligated to issue a certificate of purchase in lieu of the

one cancelled, describing another lot of equal price, in the same or another City cemetery, and to pay the cost of removing and reintering bodies and of removing or replacing monuments, structures or improvements placed on the original lot by the holder of such certificate or at the certificate holder's option, to issue to the holder a certificate stating the amount paid for or upon the cancelled certificate, which amount so certified shall thereafter be credited as paid upon any lot or crypt purchased by the holder thereof or his successors in interest. No refund shall ever be made of moneys received by reason of the sale or agreement to sell any lot or crypt.

Section 557.18 Cleveland City Cemetery Endowment Fund

That portion of receipts from the sale of any cemetery lot which is designated as the endowment cost shall be paid into the account of a fund of the cemetery established and designated as the Cleveland City Cemetery Endowment Fund, the principal and interest of which shall be used for the purpose of the enlarging, improving, embellishing, operating, maintaining or caring for the cemeteries of the City. The balance shall be invested by the Director of Finance, or by the Director's successor designated for the purpose by ordinance, in securities in which sinking funds or municipal trust funds are authorized by statute or ordinance to be invested. Any unencumbered portions at any time uninvested shall be kept on deposit, at interest, in regular City depositories. The principal and earnings from the Cleveland City Cemetery Endowment Fund shall be used to defray the cost of maintaining and caring for the cemeteries, including any common structures, any structures erected on lots or burial sites, the drives, walks, and general improvements to the cemeteries.

Section 557.21 Trust Funds Deposited in City Cemetery Endowment Fund

Trust funds previously established for the perpetual care of cemetery lots already sold may be turned in whole or in part into the Cleveland City Cemetery Endowment Fund with the concurrence of the Commissioner of Park Maintenance and Properties and of the purchaser of any such lot or his representative or successor in interest having power to assent thereto. Any such funds shall be treated as a permanent part of the Cleveland City Cemetery Endowment Fund under Section 557.22. In case trust funds are not so turned into such fund, the original trust agreement shall continue in force unchanged.

Section 557.22 Funds for Additional Care of Beautification

Purchasers of cemetery lots may create and the City may accept the custody and administration of permanent funds for the purpose of providing the perpetual care or beautification of designated lots in addition to the care provided from the Cemetery Operating Fund. All permanent funds so accepted shall be evidenced by an agreement in form prescribed and approved by the Director of Law, executed by the purchaser in his or her own behalf and by the Commissioner of Park Maintenance and Properties and the Director of Finance on behalf of the City. For the purpose of custody

and investment, but not otherwise, the principal amount of the trust funds, whether created prior to the enactment of this section or under its terms, shall be treated as a permanent part of the Cleveland City Cemetery Endowment Fund. The earnings of the permanent funds shall be applied exclusively to the perpetual care and beautification of the designated lot for which the funds were accepted. The expenditure may be made each year as the earnings accrue, or a reserve may be accumulated of the earnings in such amount as the Commissioner may deem necessary to meet emergencies and unanticipated requirements.

Section 557.23 Cemetery Operating Fund

(a) Except as described in Sections 557.21 and 557.22, the principal and income from the Cleveland City Cemetery Endowment Fund and from deferred payments due thereto, and all earnings attributable to the cemeteries, including those described in division (c) of Section 557.08, may be paid into the Cemetery Operating Fund established. Moneys in the Cemetery Operating Fund shall be available each year for appropriation for the purpose of the enlarging, improving, embellishing, operating, maintaining or caring for the cemeteries of the City, or parts thereof.

(b) No moneys in the Cemetery Operating Fund derived from the Cleveland City Cemetery Endowment Fund or from trust funds or from earnings attributable to the cemeteries shall ever be transferred or diverted to any other fund, or expended for any other purpose than those specified in this section.

(c) The salaries of the employees necessary for the cemeteries and other expenses necessary for the cemeteries, shall be payable from the Cemetery Operating Fund.

Section 557.25 Plan of Mausoleums

The Commissioner of Park Maintenance and Properties shall at all times keep in his office as a public record a plan of every City mausoleum, which plan shall show and clearly identify every crypt and niche intended for use as a repository of human remains. The plan shall not be of any force or effect for the purposes of this chapter until and unless it is approved by the Director of Public Works. The plan may be altered, amended, supplemented or superseded by only a like plan similarly approved, which shall specifically state the plan or particular items of the plan intended to be altered, amended, supplemented or superseded.

Section 557.27 Schedule of Mausoleum Prices

Prices at which crypts and niches of City mausoleums shall be sold shall be fixed by the Commissioner of Park Maintenance and Properties not later than the first offering of any crypt or niche for sale, in the case of mausoleums hereafter erected. The prices so fixed for all of the crypts and niches shown on any plan shall be included in a single schedule, which shall clearly identify each crypt or niche and the price. No schedule or amendment thereto shall be valid until the approval of the Director of Public Works and the Director of Finance are endorsed thereon, and until it is

filed as a public record in the office of the Commissioner. Whenever any prices so fixed are to be changed, it shall be done only by amending the schedule, or by adopting a new schedule which shall supersede all prior schedules applicable to the plan.

Section 557.36 Power to Decrease Prices

Wherever the Commissioner of Park Maintenance and Properties determines that cemetery lots, mausoleum crypts or niches cannot be sold at prices determined as provided in the foregoing sections of this chapter, he shall have power, with the approval of the Director of Public Works, to fix such less price as shall represent the highest price reasonably obtainable, not less than the endowment cost fixed as determined in this chapter, and to diminish the land cost or the land and capital cost in proportion as may be required. No sale shall be made for less than the determined endowment cost, and the full amount of the endowment cost shall in every case be paid into the respective endowment funds as in cases where the price is the full sum required by this chapter.

Section 2. That any amount transferred from the Cleveland City Cemetery Endowment Fund under this ordinance shall not exceed \$2,300,000 without further Council action.

Section 3. That the following existing sections of the Codified Ordinances of Cleveland, Ohio, 1976:

Section 557.03, as amended by Ordinance No. 1659-09, passed November 30, 2009,

Section 557.05, as enacted by Ordinance No. 81865, passed April 2, 1928,

Sections 557.06, 557.07, 557.08, 557.11, and 557.13, as amended by Ordinance No. 1659-09, passed November 30, 2009,

Sections 557.16 and 557.17, as enacted by Ordinance No. 81865, passed April 2, 1928,

Sections 557.18, 557.21, 557.22, 557.23, 557.25, 557.27, and 557.36, as amended by Ordinance No. 1659-09, passed November 30, 2009, are repealed.

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

Passed October 24, 2011.

Effective October 26, 2011.

Ord. No. 1118-11.

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

An emergency ordinance accepting the terms of East Cleveland Ordinance No. 47-11 consenting to the provision of electric service by Cleveland Public Power within the City of East Cleveland and granting CPP a non-exclusive franchise.

Whereas, Cleveland Public Power ("CPP") is a municipal electric utility that is owned by the City of Cleveland and provides electric service to residential and commercial customers; and

Whereas, CPP received a request to provide service to a customer's facility in the City of East Cleveland; and

Whereas, under East Cleveland Ordinance No. 47-11, placed in File No. 1118-11-A, the City of East Cleveland has granted CPP a non-exclusive public utility franchise to provide electric service to customers in East Cleveland and to install aerial and underground wiring, conduits, poles, transformers, utility vaults and related equipment in the public right-of-way as required for the transmission and distribution of electricity subject to the requirement that CPP comply with the National Electric Code and all applicable requirements of East Cleveland's Codified Ordinances, in particular, Part 9 dealing with streets and utility installations; and

Whereas, these conditions are acceptable to the City of Cleveland; and

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

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

Section 1. That the City of Cleveland accepts the terms of East Cleveland Ordinance No. 47-11, consenting to the provision of electric service by Cleveland Public Power within the City of East Cleveland and granting CPP a non-exclusive franchise.

Section 2. That the Director of Public Utilities is authorized to execute such documents as may be appropriate to evidence the City of Cleveland's acceptance of the terms of the East Cleveland ordinance referenced herein.

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

Passed October 24, 2011.

Effective October 26, 2011.

Ord. No. 1294-11.

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

An emergency ordinance authorizing the Director of Economic Development to apply for and accept a Jobs Ready Site grant from the Ohio Department of Development Jobs Ready Sites Program for the clean up and redevelopment of property known as Building 42 located at 3615 Superior Avenue; and authorizing the Director to enter into one or more contracts with consultants or one or more firms of consultants to implement the grant project.

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

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

Section 1. That the Director of Economic Development is authorized to apply for and accept a Clean Ohio grant in an amount up to \$3,000,000, from the State of Ohio Department of Development Jobs Ready Sites Program for the clean up and redevelopment of property known as Building 42 located at 3615 Superior Avenue 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 2. That the executive summary for the grant, File No. 1294-11-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

Section 3. That the Director of Economic Development is authorized to employ by contract or contracts one or more 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 implement the grant project.

The selection of the consultants for the services shall be made by the Board of Control on the nomination of the Director of Economic Development from a list of qualified consultants available for employment as may be determined after a full and complete canvass by the Director of Economic Development for the purpose of compiling a list. The compensation to be paid for the services shall be fixed by the Board of Control.

Section 4. That the cost of the contract or contracts authorized will be paid from the fund or subfunds that are credited the proceeds of the grant accepted under this ordinance.

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

Passed October 24, 2011.

Effective October 24, 2011.

Ord. No. 1431-11.

By Mayor Jackson and Council Members Brady, Brancatelli, Cleveland, J. Johnson, Kelley, Mitchell, Dow, Zone and Sweeney.

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

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

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

Whereas, this Council is considering an ordinance to regulate internet sweepstakes operations including

their classification under the City's zoning code, and possible regulations associated with their activities, including but not limited to spacing requirement, parking requirements and hours of operation; and;

Whereas, this ordinance constitutes an emergency measure for the immediate preservation of the public peace, property, health, safety, or welfare in that an extension of the moratorium on such internet sweepstakes operations for another six month period will allow Council to continue to consider reasonable regulations of internet sweepstakes operations; now, therefore

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

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

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

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

Passed October 24, 2011.

Effective October 26, 2011.

Ord. No. 1432-11.
By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Finance to exercise the fourth option to renew Contract Nos. 61149, 61150, 61151, and 61152 with AT & T for Centrex support, maintenance, installation, design, and repair of circuits, special circuits, relocation of demarcation sites and to provide for recurring service-related costs, for the various divisions of City government.

Whereas, under the authority of Ordinance No. 1881-07, passed November 26, 2007, as amended by Ordinance No. 403-08, passed April 7, 2008, the Director of Finance entered into Contract Nos. 61149, 61150, 61151, and 61152 with AT & T for Centrex support, maintenance, installation, design, and repair of circuits, special circuits, relocation of demarcation sites and to provide for recurring service-related costs, for the various divisions of City government; and

Whereas, Ordinance No. 1881-07, passed November 26, 2007, as amended by Ordinance No. 403-08, passed April 7, 2008, requires further legislation before exercising the fourth one-year option to renew each of these contracts; 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 fourth option to renew Contract No. 61149 for an additional year with AT & T for Centrex support, maintenance, installation, design, and repair of circuits, special circuits, relocation of demarcation sites and to provide for recurring service-related costs, for the various divisions of City government.

Section 2. That the Director of Finance is authorized to exercise the fourth option to renew Contract No. 61150 for an additional year with AT & T for Centrex support, maintenance, installation, design, and repair of circuits, special circuits, relocation of demarcation sites and to provide for recurring service-related costs, for the various divisions of the Department of Public Safety which are not covered under Section 1 of this ordinance.

Section 3. That the Director of Finance is authorized to exercise the fourth option to renew Contract No. 61151 for an additional year with AT & T for Centrex support, maintenance, installation, design, and repair of circuits, special circuits, relocation of demarcation sites and to provide for recurring service-related costs, for the various divisions of the Department of Port Control.

Section 4. That the Director of Finance is authorized to exercise the fourth option to renew Contract No. 61152 for an additional year with AT & T for Centrex support, maintenance, installation, design, and repair of circuits, special circuits, relocation of demarcation sites and to provide for recurring service-related costs, for the various divisions of the Department of Public Works which are not covered under Section 1 of this ordinance.

Section 5. That the cost of the services to be performed during the fourth optional renewal years of the contracts' terms shall not exceed \$3,500,000.

Section 6. That this ordinance constitutes the additional legislative authority required under Ordinance No. 1881-07, passed November 26, 2007, as amended by Ordinance No. 403-08, passed April 7, 2008, to exercise these options to renew.

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

Passed October 24, 2011.

Effective October 26, 2011.

Ord. No. 1433-11.
By Council Member Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Finance, on behalf of Cleveland Municipal Court, to apply for and accept a grant from the Substance Abuse Mental Health Services Administration for the Adult Treatment Court Collaborative Program; and authorizing the director to enter into one or more contracts with Cuyahoga County and Case Western Reserve University to implement the grant.

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

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

Section 1. That the Director of Finance, on behalf of Cleveland Municipal Court, is authorized to apply for and accept a grant in the approximate amount of \$1,110,340, and any other funds that may become available during the grant term from the Substance Abuse Mental Health Services Administration to conduct the Adult Treatment Court Collaborative Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the application for the grant contained in the file described below.

Section 2. That the application for the grant, File No. 1433-11-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

Section 3. That the Director of Finance, on behalf of the Cleveland Municipal Court, is authorized to enter into one or more contracts with Cuyahoga County and Case Western Reserve University to implement the grant as described in the file.

Section 4. That the costs of the contract or contracts authorized by this ordinance shall be paid from the fund or funds to which are credited the grant proceeds accepted under this ordinance.

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

Passed October 24, 2011.

Effective October 26, 2011.

Ord. No. 1437-11.
By Council Members Conwell and Sweeney (by departmental request).

An emergency ordinance authorizing the Director of Public Safety to accept a grant from the Department of Justice, Office of Community Oriented Policing Services, for the COPS Hiring Program.

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

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

Section 1. That the Director of Public Safety is authorized to accept a grant from the Department of Justice, Office of Community Oriented Policing Services, in the approximate amount of \$5,864,275 and other funds that become available during the grant term, to conduct the COPS Hiring Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the grant proposal contained in the file described below.

Section 2. That the grant proposal for the grant, File No. 1437-11-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

Section 3. That the Director of Public Safety shall have the authority to extend the term of the grant if the extension does not involve an increase in the dollar amount of the grant specified above.

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

Passed October 24, 2011.

Effective October 26, 2011.

Ord. No. 1438-11.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Department of Justice Violence Against Women Act through the County Criminal Justice Services Agency for the 2012 Cleveland Domestic Violence Program; and authorizing the Director to enter into one or more contracts with Cuyahoga County to implement the grant.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$119,098 from the Department of Justice Violence Against Women Act through the County Criminal Justice Services Agency to conduct the 2012 Cleveland Domestic Violence Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the subgrant application for the grant contained in the file described below.

Section 2. That the subgrant application for the grant, File No. 1438-11-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, including the obligation of the City of Cleveland to provide cash matching funds in the sum of \$39,699 from Fund Nos. 10 SF 025, 10 SF 027, and 10 SF 049, is approved in all respects and shall not be changed without additional legislative authority.

Section 3. That the Director of Public Safety shall have the authority to extend the term of the grant if the extension does not involve an increase in the dollar amount of the grant specified above.

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

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

Passed October 24, 2011.

Effective October 26, 2011.

Ord. No. 1439-11.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Attorney General for the FY 2011 Ohio Drug Use Prevention Program.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the amount of \$33,566.58, from the Ohio Attorney General to conduct the FY 2011 Ohio Drug Use Prevention Program; that the Director of Public Safety is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the checklist for the grant contained in the file described below.

Section 2. That the checklist for the grant, File No. 1439-11-A, made a part of this ordinance as if fully rewritten, including the obligation of the City of Cleveland to provide cash matching funds in the amount of \$33,566.58 from Fund Nos. 01-6002-5070, is approved in all respects and shall not be changed without additional legislative authority.

Section 3. That the Director of Public Safety shall have the authority to extend the term of the grant if the extension does not involve an increase in the dollar amount of the grant specified above.

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

Passed October 24, 2011.

Effective October 26, 2011.

Ord. No. 1440-11.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Office of Criminal Justice Services for the FY 2012 Cleveland High Visibility Enforcement Overtime Program.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$69,694.18, and any other funds that may become available during the grant term from the Ohio Office of Criminal Justice Services to conduct the FY 2012 Cleveland High Visibility Enforcement Overtime Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the services agreement for the grant contained in the file described below.

Section 2. That the services agreement for the grant, File No. 140-11-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

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

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

Passed October 24, 2011.

Effective October 26, 2011.

Ord. No. 1441-11.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Office of Criminal Justice Services for the FY 2011 Byrne Memorial Justice Assistance Grant: Local Solicitation; authorizing the purchase by one or more requirement contracts of various types of equipment; and authorizing one or more contracts with Cuyahoga County, the Cities of Euclid, Parma, Lakewood, Garfield Heights, the Police Executive Research Forum, and other agencies and entities needed to implement the grant.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$811,829, and any other funds that may become available during the grant term from the Ohio Office of Criminal Justice Services to conduct the FY 2011 Byrne Memorial Justice Assistance Grant: Local Solicitation; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the grant application for the grant contained in the file described below.

Section 2. That the grant application for the grant, File No. 1441-11-A, made a part of this ordinance as if

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

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

Section 4. That the Director of Public Safety is authorized to make one or more written requirement contracts under the Charter and the Codified Ordinances of Cleveland, Ohio, 1976, for the requirements during the grant term of the necessary items of various types of equipment, to be purchased by the Commissioner of Purchases and Supplies on a unit basis for the Department of Public Safety. Bids shall be taken in a manner that permits an award to be made for all items as a single contract, or by separate contract for each or any combination of the items as the Board of Control determines. Alternate bids for a period less than the specified term may be taken if desired by the Commissioner of Purchases and Supplies until provision is made for the requirements for the entire term.

Section 5. That the costs of the contract or contracts shall be charged against the proper appropriation accounts and the Director of Finance shall certify the amount of the initial purchase, which purchase, together with all later purchases, shall be made on order of the Commissioner of Purchases and Supplies under a requisition against the contract or contracts certified by the Director of Finance.

Section 6. That under Section 108(b) of the Charter, the purchases authorized by this ordinance may be made through cooperative arrangements with other governmental agencies. The Director of Public Safety may sign all documents that are necessary to make the purchases, and may enter into one or more contracts with the vendors selected through that cooperative process.

Section 7. That the Director of Public Safety is authorized to enter into one or more contracts with Cuyahoga County, the Cities of Euclid, Parma, Lakewood, Garfield Heights, the Police Executive Research Forum, and other agencies and entities needed to implement the grant as described in the file.

Section 8. That the costs of the contracts authorized by this ordinance shall be paid from the fund or funds to which are credited the grant proceeds accepted under this ordinance.

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

Passed October 24, 2011.

Effective October 26, 2011.

Ord. No. 1442-11.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the State of Ohio Office of Criminal Justice Services for the FY 2011 State

Byrne Memorial Assistance Grant for the Northern Ohio Law Enforcement Task Force Program; and authorizing the Director to enter into one or more contracts with various agencies, entities, or individuals to implement the grant.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$165,000, and any other funds that may become available during the grant term from the State of Ohio Office of Criminal Justice Service for the FY 2011 State Byrne Memorial Justice Assistance Grant for the Northern Ohio Law Enforcement Task Force Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the subgrant application title page and application, for the grant contained in the file described below.

Section 2. That the subgrant application title page and application for the grant, File No. 1442-11-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, including the obligation of the City of Cleveland to provide cash matching funds in the amount of \$55,000 from Fund Nos. 10 SF 025, 10 SF 027, and 10 SF 049, is approved in all respects and shall not be changed without additional legislative authority.

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

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

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

Passed October 24, 2011.

Effective October 26, 2011.

Ord. No. 1443-11.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from the Ohio Office of Criminal Justice Services for the FY 2011 State Byrne Memorial Justice Assistance Grant, Northern Ohio Violent Crime Consortium; and authorizing one or more contracts with Akron University and various municipalities to implement the grant.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$80,127.37, and any other funds that may become available during the grant term from the Ohio Office of Criminal Justice Services to conduct the FY 2011 State Byrne Memorial Justice Assistance Grant, Northern Ohio Violent Crime Consortium; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the subgrant application for the grant contained in the file described below.

Section 2. That the subgrant application for the grant, File No. 1443-11-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, including the obligation of the City of Cleveland to provide cash matching funds in the amount of \$26,709.13 from Fund Nos. 10 SF 025, 10 SF 027, and 10 SF 049, is approved in all respects and shall not be changed without additional legislative authority.

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

Section 4. That the Director of Public Safety is authorized to enter into one or more contracts with Akron University and various municipalities to implement the grant as described in the file.

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

Passed October 24, 2011.

Effective October 26, 2011.

Ord. No. 1444-11.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant and to accept gifts of goods and services from the Institution of Fire Engineers for continuation of the Vision 20/20 National Strategies for the Fire Loss Prevention Program.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$14,437.50, and any other funds that may become available during the grant term from the Institution of Fire Engineers for continuation of the Vision 20/20 National Strategies for the Fire Loss Prevention Program, as described in the file mentioned below.

Section 2. That the Director of Public Safety is authorized to accept gifts of goods and services in the approximate amount of \$121,273.00 from the

Institute of Fire Engineers, public, and private entities for the purpose of implementing the grant as described in the file.

Section 3. That the Director is authorized to file all papers and execute all documents necessary to receive the funds, goods, and services under the grant; and that the funds are appropriated for the purposes described in the file.

Section 4. That File No. 1444-11-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

Section 5. That the Director of Public Safety shall have the authority to extend the term of the grant during the grant term.

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

Passed October 24, 2011.
Effective October 26, 2011.

Ord. No. 1445-11.

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

An emergency ordinance authorizing the Director of Economic Development to enter into contract with Tylerville LLC, or its designee, to provide economic development assistance as an incentive to clean up the property known as Building 42 and to redevelop it into office space, located at 3615 Superior Avenue, and other associated costs necessary to redevelop the property.

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 one or more various types of loan agreements and forgivable loan agreements under the Vacant Property Initiative with Tylerville LLC, or its designee, to provide economic development assistance as an incentive to clean up the property known as Building 42 and to redevelop it into office space, located at 3615 Superior Avenue, and other associated costs necessary to redevelop the property.

Section 2. That the terms of the loan shall be according to the terms set forth in the Summary contained in File No. 1445-11-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, and are approved in all respects and shall not be changed without additional legislative authority.

Section 3. That the costs of the loan shall not exceed \$520,000 and the costs of forgivable loan agreements shall not exceed \$180,000, for a total amount of \$700,000, and shall be paid from Fund No. 17 SF 008, RQS 9501, RL 2011-182.

Section 4. That the Director of Economic Development is authorized to accept the collateral as set forth in the file referenced above in order to secure repayment of the loan. Any loan agreement, security instrument, or other document shall be prepared and approved by the Director of Law.

Section 5. That the Director of Economic Development is authorized to accept monies in repayment of the loan and to deposit the monies in Fund Nos. 17 SF 006.

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

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

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

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

Passed October 24, 2011.
Effective October 24, 2011.

Ord. No. 1448-11.

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

An emergency ordinance authorizing the Director of Public Safety to apply for and accept a grant from University Hospitals for the FY 2012 Cuyahoga County OVI Task Force Program.

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

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

Section 1. That the Director of Public Safety is authorized to apply for and accept a grant in the approximate amount of \$30,000, and any other funds that may become available during the grant term from University Hospitals to conduct the FY 2012 Cuyahoga County OVI Task Force Program; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the budget for the grant contained in the file described below.

Section 2. That the budget for the grant, File No. 1448-11-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

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

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

Passed October 24, 2011.
Effective October 26, 2011.

Ord. No. 1449-11.

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

An emergency ordinance authorizing the Director of Finance, on behalf of Cleveland Municipal Court, to apply for and accept a grant from the Ohio Office of Criminal Justice Services for the Veterans Court - Treatment Program; and to enter into one or more contracts with Stella Maris, Inc. to implement the program.

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

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

Section 1. That the Director of Finance, on behalf of Cleveland Municipal Court, is authorized to apply for and accept a grant in the approximate amount of \$50,000, and any other funds that may become available during the grant term, from the Ohio Office of Criminal Justice Services, to conduct the Veterans Court - Treatment Program, for the purposes set forth in the application; that the Director of Finance, on behalf of Cleveland Municipal Court, is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the application for the grant.

Section 2. That the application for the grant, File No. 1449-11-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, including the obligation to provide cash matching funds in the amount of \$16,996.50 from Fund No. 10 SF 087, is approved in all respects.

Section 3. That the Director of Finance, on behalf of Cleveland Municipal Court, is authorized to enter into one or more contracts with Stella Maris, Inc. to implement the program as described in the file.

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

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

Passed October 24, 2011.

Effective October 26, 2011.

Ord. No. 1450-11.

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

An emergency ordinance authorizing the Director of Finance, on behalf of Cleveland Municipal Court, to apply for and accept a grant from the Ohio Office of Criminal Justice Services for the FY 2011 Violence Against Women Act Court Training and Improvement Program; and to enter into one or more contracts with the Domestic Violence Center and the Center for Court Innovation to implement the program.

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

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

Section 1. That the Director of Finance, on behalf of Cleveland Municipal Court, is authorized to apply for and accept a grant in the approximate amount of \$50,000, and any other funds that may become available during the grant term, from the Ohio Office of Criminal Justice Services, to conduct the FY 2011 Violence Against Women Act Court Training and Improvement Program, for the purposes set forth in the application; that the Director of Finance, on behalf of Cleveland Municipal Court, is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes set forth in the application for the grant.

Section 2. That the application for the grant, File No. 1450-11-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation and shall not be changed without additional legislative authority, is approved in all respects.

Section 3. That the Director of Finance, on behalf of Cleveland Municipal Court, is authorized to enter into one or more contracts with the Domestic Violence Center and the Center for Court Innovation to implement the program as described in the file.

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

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

Passed October 24, 2011.

Effective October 26, 2011.

Ord. No. 1482-11.

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

An emergency ordinance authorizing the Director of Economic Development to apply for and accept a grant from the Ohio Department of Development, or its successor or designee, for the rehabilitation of the Victory Building located at 7012 Euclid Avenue; and authorizing a contract with Garson Victory, LLC, or its designee, to implement the project.

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

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

Section 1. That the Director of Economic Development is authorized to apply for and accept a grant in an amount up to \$3,000,000, from the Ohio Department of Development, or its successor or designee, for the rehabilitation of the Victory Building located at 7012 Euclid Avenue; that the Director is authorized to file all papers and execute all documents necessary to receive the funds under the grant; and that the funds are appropriated for the purposes described in the summary for the grant contained in the file described below.

Section 2. That the summary for the grant, File No. 1482-11-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, is approved in all respects and shall not be changed without additional legislative authority.

Section 3. That the Director of Economic Development is authorized to enter into one or more agreements with Garson Victory, LLC, or its designee, to implement the project.

Section 4. That the costs of the contract or contracts authorized by this ordinance shall be paid from the fund or funds to which are credited the grant proceeds accepted under this ordinance.

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

Passed October 24, 2011.

Effective October 24, 2011.

Ord. No. 1514-11.

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

An emergency ordinance authorizing the Commissioner of Purchases and Supplies to acquire and re-convey properties presently owned by Garson Victory, LLC, or its designee, located at 7012 Euclid Avenue for the purpose of entering into the chain-of-title prior to the adoption of tax increment financing legislation authorized under Section 5709.41 of the Revised Code; and authorizing an agreement with Garson Victory, LLC, or its designee.

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

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

Section 1. That notwithstanding and as an exception to the provisions of Chapter 181 and 183 of the Codified Ordinances of Cleveland, Ohio, 1976, the Commissioner of Purchases and Supplies is authorized to acquire from and reconvey to, Garson Victory, LLC, or its designee, for a price of one dollar and other valuable considerations determined as fair market value, the following property for the purpose of entering into the chain-of-title prior to the adoption of tax increment financing legislation authorized under Section 5709.41 of the Revised Code and more fully described as follows:

Permanent Parcel
Nos. 118-14-005 and 006

Situated in the City of Cleveland, County of Cuyahoga and State of Ohio and known as being Parcel A in the Plat of Consolidation of 7012 Euclid Avenue, 2036 East 71st Street of part of Original 100 Acre Lot No. 336 as shown by the recorded plat in Volume 357 of Maps, Page 68 of Cuyahoga County Records, as appears by said plat.

Section 2. That the Director of Economic Development is authorized to execute on behalf of the City of Cleveland all necessary documents to acquire and to convey the properties and to employ and pay all fees for title companies, surveys, escrows, appraisers, environmental audits, and all other costs necessary for the acquisition of the properties.

Section 3. That this Council finds that the conveyances constitute a public purpose.

Section 4. That the conveyance shall be made by official deed prepared by the Director of Law and executed by the Mayor on behalf of the City of Cleveland.

Section 5. That the Director of Economic Development is authorized to enter into an agreement with Garson Victory, LLC, or its designee, which shall include the terms and conditions of the transaction authorized by this ordinance.

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

Passed October 24, 2011.

Effective October 24, 2011.

Ord. No. 1522-11.

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

An emergency ordinance authorizing the Director of Economic Development to enter into contract with Garson Victory LLC, or its designee, to provide economic development assistance as an incentive to redevelop the property known as the victory Building located at 7012 Euclid Avenue, and other associated costs necessary to redevelop the property.

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 one or more various types of loan agreements and forgivable loan agreements under the Vacant Property Initiative with Garson Victory LLC, or its designee, to provide economic development assistance as an incentive to redevelop the property known as the Victory Building located at 7012 Euclid Avenue, and other associated costs necessary to redevelop the property.

Section 2. That the terms of the loan shall be according to the terms set forth in the Summary contained in File No. 1522-11-A, made a part of this ordinance as if fully rewritten, as presented to the Finance Committee of this Council at the public hearing on this legislation, and are approved in all respects and shall not be changed without additional legislative authority.

Section 3. That the costs of the loan shall not exceed \$540,000 and the costs of forgivable loan agreements shall not exceed \$180,000, for a total amount of \$720,000, and shall be paid from Fund No. 17 SF 008, RQS 9501, RL 2011-137.

Section 4. That the Director of Economic Development is authorized to accept the collateral as set forth in the file referenced above in order to secure repayment of the loan. Any loan agreement, security instrument, or other document shall be prepared and approved by the Director of Law.

Section 5. That the Director of Economic Development is authorized to accept monies in repayment of the loan and to deposit the monies in Fund Nos. 17 SF 006.

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

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

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

Section 9. That this ordinance is declared to be an emergency measure and, provided it receives the affirmative vote of two-thirds of all the members elected to Council, it shall take

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

Passed October 24, 2011.
Effective October 24, 2011.

COUNCIL COMMITTEE MEETINGS

**Monday, October 31, 2011
2:00 p.m.**

Finance Committee: Present: Sweeney, Chair; Kelley, Vice Chair; Brady, Brancatelli, Cleveland, Keane, Miller, Mitchell, Pruitt, Westbrook. *Authorized Absence:* Polensek.

**Tuesday, November 1, 2011
9:30 a.m.**

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

**Wednesday, November 2, 2011
10:00 a.m.**

Public Safety Committee: Present: Conwell, Chair; Polensek, Vice Chair; Brady, Cummins, Mitchell, Zone. *Authorized Absence:* Cleveland, Dow, Miller.

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O—Ordinance; R—Resolution; F—File
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